

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 10, 2018  
Date

Committee on Public Health Care & Human Services.

After consideration on the merits, the Committee recommends the following:

HB18-1288 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 6, line 23, strike "**- definitions.**" and substitute  
2 "**- rules - definition.**".

3 Page 7, after line 14 insert:

4 "(3) (a) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT  
5 OTHERWISE REQUIRES, "RURAL SINGLE ENTRY POINT" MEANS A SINGLE  
6 ENTRY POINT COMPRISED PRIMARILY OF COUNTIES DESIGNATED BY THE  
7 STATE OFFICE OF RURAL HEALTH AS A RURAL OR FRONTIER COUNTY.

8 (b) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK A FEDERAL  
9 EXCEPTION FROM CONFLICT-FREE CASE MANAGEMENT REQUIREMENTS FOR  
10 GEOGRAPHIC AREAS WITHIN THE STATE WHERE THE ONLY WILLING AND  
11 QUALIFIED ENTITY TO PROVIDE CASE MANAGEMENT SERVICES IS ALSO THE  
12 ONLY WILLING AND QUALIFIED ENTITY TO PROVIDE HOME- AND  
13 COMMUNITY-BASED SERVICES IN THAT GEOGRAPHIC AREA.

14 (c) A RURAL SINGLE ENTRY POINT MUST INITIALLY NOTIFY THE  
15 STATE DEPARTMENT IN WRITING, NO LATER THAN JULY 1, 2018, TO  
16 REQUEST THAT THE STATE DEPARTMENT SEEK A FEDERAL EXCEPTION FOR  
17 ITS DESIGNATED SERVICE AREA. UPON RECEIPT OF THE NOTICE, THE STATE  
18 DEPARTMENT SHALL EVALUATE CASE MANAGEMENT AND SERVICE  
19 PROVIDER CAPACITY, AND, IF THE STATE DEPARTMENT DETERMINES THAT  
20 IT IS SUPPORTED, THE STATE DEPARTMENT SHALL SEEK A FEDERAL  
21 EXCEPTION FOR ITS DESIGNATED SERVICE AREA WITHIN A REASONABLE  
22 PERIOD OF TIME.

1 (d) UPON NOTIFICATION OF FEDERAL APPROVAL OR DENIAL OF A  
2 FEDERAL EXCEPTION FROM CONFLICT-FREE CASE MANAGEMENT  
3 REQUIREMENTS, THE RURAL SINGLE ENTRY POINT SHALL SUBMIT A  
4 BUSINESS CONTINUITY PLAN AND COMMENCE ANY NECESSARY CHANGES  
5 TO ITS BUSINESS OPERATION.

6 (e) THE STATE BOARD SHALL PROMULGATE RULES FOR THE  
7 PROVISION OF SERVICES AND SUPPORTS, INCLUDING SERVICES AND  
8 SUPPORTS COORDINATION, WHEN THERE ARE MULTIPLE AGENCIES  
9 OPERATING IN A SPECIFIED GEOGRAPHIC AREA."

10 Page 7, strike lines 15 through 24 and substitute:

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12 "(f) IF THE STATE DEPARTMENT HAS NOT RECEIVED NOTIFICATION  
13 BY JULY 1, 2019, REGARDING APPROVAL OR DENIAL FOR A FEDERAL  
14 EXCEPTION FROM CONFLICT-FREE CASE MANAGEMENT REQUIREMENTS,  
15 THE STATE BOARD SHALL PROMULGATE RULES FOR THE PROVISION OF  
16 SERVICES AND SUPPORTS, INCLUDING SERVICES AND SUPPORTS  
17 COORDINATION, FOR DESIGNATED SERVICE AREAS WHERE A FEDERAL  
18 EXCEPTION FROM CONFLICT-FREE CASE MANAGEMENT IS PENDING.

19 (g) IN ORDER TO ENSURE STABILITY, CLIENT CHOICE, AND ACCESS  
20 TO SERVICES IN RURAL COMMUNITIES, THE STATE BOARD SHALL  
21 PROMULGATE RULES, AS PERMITTED UNDER FEDERAL LAW, THAT ALLOW  
22 A QUALIFIED ENTITY TO PROVIDE BOTH CASE MANAGEMENT SERVICES AND  
23 HOME- AND COMMUNITY-BASED SERVICES TO THE SAME INDIVIDUAL IF  
24 THERE IS INSUFFICIENT CHOICE OR CAPACITY AMONG EXISTING SERVICE  
25 AGENCIES OR CASE MANAGEMENT AGENCIES SERVING A DESIGNATED  
26 SERVICE AREA OF A RURAL SINGLE ENTRY POINT.

27 **SECTION 6. Safety clause.** The general assembly hereby finds,  
28 determines, and declares that this act is necessary for the immediate  
29 preservation of the public peace, health, and safety."

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