

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0407.01 Brita Darling x2241

HOUSE BILL 16-1195

HOUSE SPONSORSHIP

Landgraf and Young,

SENATE SPONSORSHIP

Crowder and Steadman,

House Committees

Health, Insurance, & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HOME MODIFICATION SERVICES IN MEDICAID HOME- AND**
102 **COMMUNITY-BASED SERVICES WAIVERS, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill amends the definition of home modification services to clarify that the services are available for installations and adaptations related to an eligible person's disability as permitted by federal law, and not solely for a physical impairment.

With federal authorization, the bill permits the cap on the amount

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

of home modification services an individual may receive to reset at the time of the renewal of the home- and community-based services (HCBS) for the elderly, blind, and disabled waiver.

The bill aligns the statutory definition for environmental modification services in the HCBS for persons with brain injury waiver by renaming it home modification services, and, with federal authorization, permits the cap on the amount of services an individual may receive to reset at the time of the renewal of the waiver.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-6-303, **amend**
3 (13) as follows:

4 **25.5-6-303. Definitions.** As used in this part 3 and part 5 of this
5 article, unless the context otherwise requires:

6 (13) "Home modification services" means home installations or
7 adaptations that are related to the eligible person's ~~physical impairment~~
8 ~~and~~ DISABILITY THAT enable the person to remain at IN THE home.

9 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-307, **amend**
10 (1) (d) as follows:

11 **25.5-6-307. Services for the elderly, blind, and disabled.**

12 (1) Subject to the provisions of this part 3, home- and community-based
13 services for the elderly, blind, and disabled include only the following
14 services:

15 (d) Home modification services. SUBJECT TO FEDERAL
16 AUTHORIZATION, THE INDIVIDUAL CAP ON THE AMOUNT OF HOME
17 MODIFICATION SERVICES THAT AN ELIGIBLE PERSON MAY RECEIVE RESETS
18 UPON EACH RENEWAL OF THE WAIVER AUTHORIZING THE SERVICES
19 PROVIDED IN THIS PART 3.

20 **SECTION 3.** In Colorado Revised Statutes, 25.5-6-703, **add** (4.5)
21 as follows:

1 **25.5-6-703. Definitions.** As used in this part 7, unless the context
2 otherwise requires:

3 (4.5) "HOME MODIFICATION SERVICES" HAS THE SAME MEANING AS
4 SET FORTH IN SECTION 25.5-6-303.

5 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-704, **amend**
6 (2) (f) as follows:

7 **25.5-6-704. Implementation of home- and community-based**
8 **services program for persons with brain injury authorized - federal**
9 **waiver - duties of the department.** (2) Services for eligible persons may
10 be established in department rules to the extent authorized or required by
11 federal waiver, but shall include at least the following:

12 (f) ~~Environmental~~ HOME modification services. SUBJECT TO
13 FEDERAL AUTHORIZATION, THE INDIVIDUAL CAP ON THE AMOUNT OF HOME
14 MODIFICATION SERVICES THAT AN ELIGIBLE PERSON MAY RECEIVE RESETS
15 UPON EACH RENEWAL OF THE WAIVER AUTHORIZING THE SERVICES
16 PROVIDED IN THIS PART 7.

17 **SECTION 5.** In Colorado Revised Statutes, 25.5-6-603, **add** (2)
18 as follows:

19 **25.5-6-603. Definitions.** As used in this part 6, unless the context
20 otherwise requires:

21 (2) "HOME MODIFICATION SERVICES" HAS THE SAME MEANING AS
22 SET FORTH IN SECTION 25.5-6-303.

23 **SECTION 6.** In Colorado Revised Statutes, 25.5-6-606, **amend**
24 (1) as follows:

25 **25.5-6-606. Implementation of program for mentally ill**
26 **authorized - federal waiver - duties of the department of health care**
27 **policy and financing and the department of human services.** (1) The

1 state department is hereby authorized to seek any necessary waiver from
2 the federal government to develop and implement a home- and
3 community-based services program for persons with major mental
4 illnesses. The program shall be designed to provide home- and
5 community-based services to eligible persons. Eligibility may be limited
6 to persons who meet the level of services provided in a nursing facility,
7 and services for eligible persons may be established in state board rules
8 to the extent such eligibility criteria and services are authorized or
9 required by federal waiver. The program shall include services provided
10 under the consumer-directed care service model, part 11 of this article.
11 THE PROGRAM SHALL ALSO INCLUDE HOME MODIFICATION SERVICES.
12 SUBJECT TO FEDERAL AUTHORIZATION, THE INDIVIDUAL CAP ON THE
13 AMOUNT OF HOME MODIFICATION SERVICES THAT AN ELIGIBLE PERSON
14 MAY RECEIVE RESETS UPON EACH RENEWAL OF THE WAIVER AUTHORIZING
15 THE SERVICES PROVIDED PURSUANT TO THIS PART 6.

16 **SECTION 7.** In Colorado Revised Statutes, 25.5-6-1302, **add**
17 (2.5) as follows:

18 **25.5-6-1302. Definitions.** As used in this part 13, unless the
19 context otherwise requires:

20 (2.5) "HOME MODIFICATION SERVICES" HAS THE SAME MEANING AS
21 SET FORTH IN SECTION 25.5-6-303.

22 **SECTION 8.** In Colorado Revised Statutes, 25.5-6-1303, **add**
23 (6.5) as follows:

24 **25.5-6-1303. Pilot program - complementary or alternative**
25 **medicine - rules.** (6.5) IN ADDITION TO ANY OTHER SERVICES PROVIDED
26 PURSUANT TO THIS PART 13, THE PILOT PROGRAM SHALL ALSO INCLUDE
27 HOME MODIFICATION SERVICES. SUBJECT TO FEDERAL AUTHORIZATION,

1 THE INDIVIDUAL CAP ON THE AMOUNT OF HOME MODIFICATION SERVICES
2 THAT AN ELIGIBLE PERSON WITH A DISABILITY MAY RECEIVE RESETS UPON
3 EACH RENEWAL OF THE WAIVER AUTHORIZING THE SERVICES PURSUANT TO
4 THIS PART 13.

5 **SECTION 9. Appropriation.** (1) For the 2016-17 state fiscal
6 year, \$7,950 is appropriated to the department of health care policy and
7 financing. This appropriation is from the general fund, and is subject to
8 the "(M)" notation as defined in the annual general appropriation act for
9 the same fiscal year. To implement this act, the department may use this
10 appropriation for Medicaid management information system maintenance
11 and projects.

12 (2) For the 2016-17 state fiscal year, the general assembly
13 anticipates that the department of health care policy and financing will
14 receive \$23,850 in federal funds for Medicaid management information
15 system maintenance and projects. The appropriation in subsection (1) of
16 this section is based on the assumption that the department will receive
17 this amount of federal funds.

18 **SECTION 10. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2016 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.