

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1067.01 Brita Darling x2241

HOUSE BILL 16-1380

HOUSE SPONSORSHIP

Young,

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PERMITTING PERSONS RECEIVING HOME- AND
102 COMMUNITY-BASED SERVICES UNDER CERTAIN MEDICAID
103 WAIVERS TO RECEIVE IN-HOME SUPPORT SERVICES.

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/billsummaries>.)

The bill adds in-home support services to allowable services for medicaid clients enrolled in home- and community-based services for major mental illness and persons enrolled in home- and community-based services for persons with brain injury. The addition of in-home support services is contingent upon the department of health care policy and

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.

financing receiving federal authorization for these services.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 25.5-6-1201
3 as follows:

4 **25.5-6-1201. Legislative declaration.** (1) The general assembly
5 finds that there may be a more effective way to deliver home- and
6 community-based services to the elderly, blind, and disabled; to disabled
7 children; and to persons with spinal cord injuries, that allows for more
8 self-direction in their care and a cost savings to the state. The general
9 assembly also finds that every person ~~that~~ WHO is currently receiving
10 home- and community-based services does not need the same level of
11 supervision and care from a licensed health care professional in order to
12 meet his or her care needs and remain living in the community. The
13 general assembly, therefore, declares that it is beneficial to CLIENTS
14 RECEIVING HOME- AND COMMUNITY-BASED SERVICES FOR the elderly,
15 blind, and disabled, clients ~~of~~ RECEIVING home- and community-based
16 services FOR PERSONS WITH MAJOR MENTAL ILLNESS, CLIENTS RECEIVING
17 HOME- AND COMMUNITY-BASED SERVICES FOR PERSONS WITH BRAIN
18 INJURY, ~~to~~ clients of the disabled children care program, and ~~to~~ clients
19 enrolled in the spinal cord injury waiver pilot program, for the state
20 department to develop a service that would allow these people to receive
21 in-home support.

22 (2) The general assembly further finds that allowing clients more
23 self-direction in their care is a more effective way to deliver home- and
24 community-based services to clients ~~with major mental illnesses and brain~~
25 ~~injuries, as well as to clients~~ receiving home- and community-based

1 supportive living services and children's extensive support services.
2 Therefore, the general assembly declares that it is appropriate for the state
3 department to develop a plan for expanding the availability of in-home
4 support services to include these clients.

5 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-1202, **amend**
6 (3) (a) as follows:

7 **25.5-6-1202. Definitions.** As used in this part 12, unless the
8 context otherwise requires:

9 (3) "Eligible person" means any person who:

10 (a) Is enrolled in home- and community-based services pursuant
11 to part 3 of this article, is enrolled in the spinal cord injury waiver pilot
12 program pursuant to part 13 of this article, ~~or~~ is enrolled in the disabled
13 children care program pursuant to section 25.5-6-901, IS ENROLLED IN
14 HOME- AND COMMUNITY-BASED SERVICES PURSUANT TO PART 6 OF THIS
15 ARTICLE, OR IS ENROLLED IN HOME- AND COMMUNITY-BASED SERVICES
16 PURSUANT TO PART 7 OF THIS ARTICLE;

17 **SECTION 3.** In Colorado Revised Statutes, 25.5-6-606, **amend**
18 (1) as follows:

19 **25.5-6-606. Implementation of program for mentally ill**
20 **authorized - federal waiver - duties of the department of health care**
21 **policy and financing and the department of human services.** (1) The
22 state department is hereby authorized to seek any necessary waiver from
23 the federal government to develop and implement a home- and
24 community-based services program for persons with major mental
25 illnesses. The program shall be designed to provide home- and
26 community-based services to eligible persons. Eligibility may be limited
27 to persons who meet the level of services provided in a nursing facility,

1 and services for eligible persons may be established in state board rules
2 to the extent such eligibility criteria and services are authorized or
3 required by federal waiver. The program shall include services provided
4 under the consumer-directed care service model, part 11 of this article,
5 AND IN-HOME SUPPORT SERVICES, PART 12 OF THIS ARTICLE.

6 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-704, **add** (2)
7 (1) as follows:

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

13 (1) IN-HOME SUPPORT SERVICES PURSUANT TO PART 12 OF THIS
14 ARTICLE.

15 **SECTION 5. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2016 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.