

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1104.01 Jerry Barry x4341

HOUSE BILL 18-1326

HOUSE SPONSORSHIP

Young, Hamner, Rankin

SENATE SPONSORSHIP

Lambert, Lundberg, Moreno

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING SUPPORT FOR PERSONS INTERESTED IN TRANSITIONING
102 FROM AN INSTITUTIONAL SETTING, AND, IN CONNECTION
103 THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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://leg.colorado.gov/>.)

Joint Budget Committee. The bill directs the department of health care policy and financing (department) to provide community transition services and supports to persons who are in an institutional setting, who are eligible for medicaid, and who desire to transition to a home- or community-based setting (eligible persons). The services and

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

supports must be available to eligible persons who transitioned from an institutional setting for up to one year.

The bill requires the department to submit an annual report to specified committees of the general assembly on the effectiveness of providing the services and supports.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 15 to article
3 6 of title 25.5 as follows:

4 **PART 15**

5 **TRANSITION SERVICES**

6 **25.5-6-1501. Community transition services and supports -**
7 **legislative declaration - rules.** (1) THE GENERAL ASSEMBLY FINDS AND
8 DECLARES THAT:

9 (a) FEDERALLY REQUIRED ASSESSMENTS INDICATE THAT MORE
10 PERSONS LIVING IN INSTITUTIONAL SETTINGS EXPRESSED AN INTEREST IN
11 TRANSITIONING TO HOME- OR COMMUNITY-BASED SETTINGS THAN
12 CURRENTLY HAVE TRANSITIONS AVAILABLE TO THEM;

13 (b) FEDERALLY REQUIRED SURVEYS INDICATE THESE PERSONS
14 REPORT A HIGHER QUALITY OF LIFE AFTER TRANSITIONING TO HOME- AND
15 COMMUNITY-BASED SETTINGS, AND THOSE SUCCESSFUL TRANSITIONS
16 OFTEN RESULT IN COST SAVINGS TO THE STATE;

17 (c) IN ORDER TO ENSURE A SUCCESSFUL TRANSITION, SUCH
18 PERSONS WILL NEED ONGOING SERVICES AND SUPPORTS AFTER THE
19 TRANSITION; AND

20 (d) SOME PERSONS TRANSITIONING OUT OF AN INSTITUTION WILL
21 NEED ASSISTANCE WITH FINDING AND PAYING FOR HOUSING THAT MAY BE
22 PROVIDED BY VOUCHERS FROM THE DEPARTMENT OF LOCAL AFFAIRS.

23 (2) (a) THE STATE DEPARTMENT SHALL IMPLEMENT COMMUNITY

1 TRANSITION SERVICES AND SUPPORTS THAT ALLOW ELIGIBLE PERSONS TO
2 RECEIVE SERVICES TO SUPPORT A SUCCESSFUL TRANSITION FROM AN
3 INSTITUTIONAL SETTING TO A HOME- OR COMMUNITY-BASED SETTING. THE
4 STATE DEPARTMENT MAY SEEK ANY STATE PLAN AMENDMENTS OR
5 FEDERAL WAIVERS OR WAIVER AMENDMENTS THAT MAY BE NECESSARY TO
6 IMPLEMENT THIS PART 15.

7 (b) WITH INPUT FROM CONSUMERS OF HOME- AND
8 COMMUNITY-BASED SERVICES, THE STATE DEPARTMENT SHALL DESIGN
9 AND IMPLEMENT COMMUNITY TRANSITION SERVICES AND SUPPORTS FOR
10 ELIGIBLE PERSONS WHO ARE PREPARING TO TRANSITION OR HAVE
11 RECENTLY TRANSITIONED FROM AN INSTITUTIONAL SETTING.

12 (c) AN ELIGIBLE PERSON IS NOT REQUIRED TO LEAVE AN
13 INSTITUTIONAL SETTING IF, WHILE EXPLORING THE OPTION TO TRANSITION,
14 THE PERSON DECIDES TO REMAIN IN HIS OR HER CURRENT LIVING
15 SITUATION. IF AN ELIGIBLE PERSON DOES TRANSITION, THE PERSON MAY
16 CHOOSE BETWEEN STATE PLAN BENEFITS AND WAIVER SERVICES FOR
17 WHICH HE OR SHE IS ELIGIBLE TO ENSURE A SUCCESSFUL TRANSITION.

18 (3) IN ORDER TO QUALIFY AND TO REMAIN ELIGIBLE FOR THE
19 COMMUNITY TRANSITION SERVICES AND SUPPORTS AUTHORIZED BY THIS
20 PART 15, A PERSON SHALL:

21 (a) BE ELIGIBLE FOR HOME- AND COMMUNITY-BASED SERVICES
22 UNDER PARTS 3 TO 12 OF THIS ARTICLE 6 OR ANY OTHER HOME- AND
23 COMMUNITY-BASED SERVICE WAIVER FOR WHICH THE STATE DEPARTMENT
24 HAS FEDERAL WAIVER AUTHORITY;

25 (b) BE WILLING TO PARTICIPATE AND HAVE EXPRESSED AN
26 INTEREST IN MOVING TO A HOME- OR COMMUNITY-BASED SETTING;

27 (c) RESIDE IN A NURSING HOME OR OTHER INSTITUTIONAL SETTING;

1 (d) OBTAIN MEDICAID ELIGIBILITY PRIOR TO DISCHARGING FROM
2 THE INSTITUTIONAL SETTING AND PRIOR TO ACCESSING COMMUNITY
3 TRANSITION SERVICES NEEDED TO ASSIST THE PERSON WITH PLANNING AND
4 PREPARING FOR THE TRANSITION;

5 (e) WORK WITH A CASE MANAGEMENT AGENCY TO DETERMINE
6 AND ENROLL IN THE ADDITIONAL HOME- AND COMMUNITY-BASED
7 SERVICES NEEDED FOR A SUCCESSFUL TRANSITION;

8 (f) TRANSITION TO A HOME-OR COMMUNITY-BASED SETTING THAT
9 COMPLIES WITH FEDERAL AND STATE RULES; AND

10 (g) MEET ANY OTHER QUALIFICATIONS ESTABLISHED BY THE STATE
11 BOARD BY RULE.

12 (4) THE SERVICES PROVIDED TO THE ELIGIBLE PERSON UNDER THIS
13 PART 15 MUST BE BASED ON THE ELIGIBLE PERSON'S COMMUNITY LIVING
14 GOALS, ASSESSED NEEDS, AND SUPPORT PLAN, OR ANY APPROVED
15 RESOURCE ALLOCATION PROCESS AS DETERMINED BY THE STATE
16 DEPARTMENT FOR THE ELIGIBLE PERSON.

17 (5) THE STATE DEPARTMENT SHALL DEVELOP THE
18 ACCOUNTABILITY REQUIREMENTS NECESSARY TO SAFEGUARD THE USE OF
19 PUBLIC DOLLARS, TO PROMOTE EFFECTIVE AND EFFICIENT DELIVERY OF
20 SERVICES, AND TO MONITOR THE SAFETY AND WELFARE OF PERSONS
21 RECEIVING SERVICES PURSUANT TO THIS PART 15.

22 (6) THE STATE BOARD SHALL ADOPT RULES AS NECESSARY FOR THE
23 IMPLEMENTATION AND ADMINISTRATION OF THE COMMUNITY TRANSITION
24 SERVICES AND SUPPORTS AUTHORIZED BY THIS PART 15, INCLUDING
25 ESTABLISHING LIMITS ON THE UNITS OF SERVICE PER ELIGIBLE PERSON TO
26 FIT WITHIN AVAILABLE APPROPRIATIONS.

27 (7) A PERSON WHO HAS BEEN DESIGNATED AS A LEGAL GUARDIAN

1 OR HAS BEEN IDENTIFIED AS A LEGALLY RECOGNIZED DECISION-MAKER
2 MUST BE INVOLVED IN THE DECISION-MAKING RELATED TO THE
3 FEASIBILITY OF A TRANSITION TO A HOME- OR COMMUNITY-BASED SETTING
4 AND THE CHOICE OF SERVICES AND SUPPORTS THAT MAY BE NEEDED TO
5 SUPPORT A SUCCESSFUL TRANSITION.

6 (8) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
7 (11)(a)(I), ON OR BEFORE NOVEMBER 1, 2019, AND EACH NOVEMBER 1
8 THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT
9 TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, THE
10 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
11 REPRESENTATIVES, AND THE JOINT BUDGET COMMITTEE, OR ANY
12 SUCCESSOR COMMITTEES, ON THE EFFECTIVENESS OF PROVIDING THE
13 SERVICES AND SUPPORTS REQUIRED BY THIS PART 15. THE REPORT MUST
14 INCLUDE:

15 (a) AN EVALUATION OF THE COST-EFFECTIVENESS OF THE
16 SERVICES; AND

17 (b) FOR EACH YEAR OF THE PROGRAM, THE NUMBER OF PERSONS
18 WHO:

19 (I) REQUESTED SERVICES;

20 (II) RECEIVED SERVICES;

21 (III) TRANSITIONED FROM AN INSTITUTIONAL SETTING TO A HOME-
22 OR COMMUNITY-BASED SETTING; AND

23 (IV) TRANSITIONED FROM AN INSTITUTIONAL SETTING BUT LATER
24 RETURNED TO AN INSTITUTIONAL SETTING.

25 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-303, **amend**
26 the introductory portion; and **repeal** (21) as follows:

27 **25.5-6-303. Definitions.** As used in this part 3 and part 5 of this

1 ~~article~~ ARTICLE 6, unless the context otherwise requires:

2 (21) ~~"Transition coordination service agency" means an agency~~
3 ~~that is certified by the state department, as specified in rule by the state~~
4 ~~board, and provides independent living core services as defined in section~~
5 ~~8-85-102 (6), C.R.S., and community transition services.~~

6 **SECTION 3.** In Colorado Revised Statutes, 25.5-6-307, **repeal**
7 (1)(i) as follows:

8 **25.5-6-307. Services for the elderly, blind, and disabled.**

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

12 (i) ~~Community transition services not to exceed two thousand~~
13 ~~dollars per eligible person, unless otherwise authorized by the state~~
14 ~~department, which shall be administered by a transition coordination~~
15 ~~service agency,~~

16 **SECTION 4. Appropriation. - adjustments to 2018 long bill.**

17 (1) To implement this act, the general fund appropriation made in the
18 annual general appropriation act for the 2018-19 state fiscal year to the
19 department of health care policy and financing for medical services
20 premiums is decreased by \$692,248, which amount is subject to the "(M)"
21 notation as defined in the annual general appropriation act for the same
22 fiscal year.

23 (2) The decrease of the appropriations in subsection (1) of this
24 section is based on the assumption that the anticipated amount of federal
25 funds received for the 2018-19 state fiscal year by the department of
26 health care policy and financing for medical services premiums will
27 decrease by \$692,248.

1 (3) For the 2018-19 state fiscal year, \$215,190 is appropriated to
2 the department of health care policy and financing. This appropriation is
3 from the general fund. To implement this act, the department may use this
4 appropriation as follows:

5 (a) \$33,750 for the medicaid management information system
6 maintenance and projects, which amount is subject to the "(M)" notation
7 as defined in the annual general appropriation act for the same fiscal year;
8 and

9 (b) \$181,440 for adult comprehensive services.

10 (4) For the 2018-19 state fiscal year, the general assembly
11 anticipates that the department of health care policy and financing will
12 receive \$485,190 in federal funds to implement this act. The
13 appropriation in subsection (3) of this section is based on the assumption
14 that the department will receive this amount of federal funds to be used
15 as follows:

16 (a) \$303,750 for the medicaid management information system
17 maintenance and projects; and

18 (b) \$181,440 for adult comprehensive services.

19 (5) For the 2018-19 state fiscal year, \$200,256 is appropriated to
20 the department of local affairs for use by the division of housing. This
21 appropriation is from the general fund. To implement this act, the
22 department may use this appropriation for low income rental subsidies.

23 **SECTION 5. Effective date.** This act takes effect July 1, 2018.

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