

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0451.01 Shelby Ross x4510

HOUSE BILL 23-1197

HOUSE SPONSORSHIP

Young and Weinberg, Bacon, Bird, Brown, deGruy Kennedy, Dickson, Froelich, Garcia, Hamrick, Herod, Jodeh, Lieder, Lindsay, Marshall, McCluskie, Michaelson Jenet, Snyder, Titone, Willford

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House Committees

Health & Insurance
Appropriations

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A BILL FOR AN ACT

101 CONCERNING REQUIRING THE DEPARTMENT OF HEALTH CARE POLICY
102 AND FINANCING TO ENGAGE IN A STAKEHOLDER PROCESS TO
103 ADDRESS THE OVERSIGHT OF HOST HOME PROVIDERS, AND, IN
104 CONNECTION 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://leg.colorado.gov>.)

No later than September 1, 2023, the bill requires the department of health care policy and financing (state department) to engage in a stakeholder process to address concerns and identify viable solutions

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

SENATE
2nd Reading Unamended
May 1, 2023

HOUSE
3rd Reading Unamended
April 15, 2023

HOUSE
Amended 2nd Reading
April 14, 2023

related to individuals who receive long-term services and supports.

No later than January 2025, the bill requires the state department to report on the stakeholder process, including identifying any administrative resources needed to address any concerns identified during the stakeholder process.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 finds and declares that individuals who require 24-hour care 7 days a
4 week deserve a safe environment where agreed-upon services and
5 supports are provided. Therefore, it is imperative that the department of
6 health care policy and financing engage in a stakeholder process with
7 individuals who receive such services to address concerns and identify
8 solutions as it relates to the oversight of host home providers.

9 **SECTION 2.** In Colorado Revised Statutes, **add** 25.5-10-241 as
10 follows:

11 **25.5-10-241. Host home provider stakeholder collaboration -**
12 **report.** (1) NO LATER THAN SEPTEMBER 1, 2023, THE STATE DEPARTMENT
13 SHALL ENGAGE IN A STAKEHOLDER PROCESS, WHICH MUST INCLUDE BUT
14 IS NOT LIMITED TO EQUITABLE REPRESENTATION AMONG
15 PROGRAM-APPROVED SERVICE AGENCIES, CASE MANAGEMENT AGENCIES,
16 HOST HOME PROVIDERS UNDER CONTRACT WITH A PROVIDER AGENCY,
17 INDIVIDUALS WITH LIVED EXPERIENCES, AND ADVOCACY GROUPS THAT
18 REPRESENT THE DISABILITY COMMUNITY, TO ADDRESS CONCERNS AND
19 IDENTIFY VIABLE SOLUTIONS RELATED TO INDIVIDUALS WHO RECEIVE
20 LONG-TERM SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE 10. AT
21 A MINIMUM, THE STAKEHOLDER PROCESS MUST ADDRESS:

22 (a) THE TIMELINE, PROCESS, AND PROCEDURE FOR REPORTING AND
23 RESOLVING A GRIEVANCE OR COMPLAINT BY AN INDIVIDUAL RECEIVING

1 LONG-TERM SERVICES AND SUPPORTS, INCLUDING REGULAR
2 NOTIFICATIONS TO THE INDIVIDUAL ABOUT THE GRIEVANCE AND
3 COMPLAINT PROCEDURE AND PROCESS, THE RIGHT TO AN APPEAL, HOW A
4 INDIVIDUAL CAN EASILY ACCESS INFORMATION RELATED TO THE PROCESS
5 AND PROCEDURE, AND HOW TO REPORT RETALIATION;

6 (b) THE PROCESS BY WHICH A HOST HOME PROVIDER UNDER
7 CONTRACT WITH A PROVIDER AGENCY THAT IS CONVICTED OF ABUSE OR
8 NEGLECT MAY BE DETERMINED INELIGIBLE TO CONTINUE PROVIDING
9 SERVICES AND SUPPORTS; AND

10 (c) CONSISTENCY OF CONTRACT LANGUAGE BETWEEN
11 PROGRAM-APPROVED SERVICE AGENCIES AND HOST HOME PROVIDERS
12 UNDER CONTRACT WITH A PROVIDER AGENCY.

13 (2) NO LATER THAN JANUARY 2025, THE STATE DEPARTMENT
14 SHALL REPORT AS PART OF ITS "SMART ACT" HEARING REQUIRED BY
15 SECTION 2-7-203 ON THE STAKEHOLDER PROCESS DESCRIBED IN
16 SUBSECTION (1) OF THIS SECTION, INCLUDING IDENTIFYING ANY
17 ADMINISTRATIVE RESOURCES NEEDED TO ADDRESS THE CONCERNS AND
18 SOLUTIONS IDENTIFIED DURING THE STAKEHOLDER PROCESS.

19 **SECTION 3. Appropriation.** (1) For the 2023-24 state fiscal
20 year, \$75,000 is appropriated to the department of health care policy and
21 financing for use by the office of community living. This appropriation
22 is from the general fund and is subject to the "(M)" notation as defined in
23 the annual general appropriation act for the same fiscal year. To
24 implement this act, the office may use this appropriation for operating
25 expenses.

26 (2) For the 2023-24 state fiscal year, the general assembly
27 anticipates that the department of health care policy and financing will

1 receive \$75,000 in federal funds to implement this act. The appropriation
2 in subsection (1) of this section is based on the assumption that the
3 department will receive this amount of federal funds.

4 **SECTION 4. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.