

CHAPTER 98

**HUMAN SERVICES - SOCIAL SERVICES**

SENATE BILL 95-065

BY SENATOR Wham;  
also REPRESENTATIVES DeGette, Hernandez, and Kerns.

**AN ACT**

**CONCERNING THE TERMINOLOGY USED TO DESIGNATE PERSONS WHO ARE ELIGIBLE FOR SERVICES UNDER THE "HOME AND COMMUNITY-BASED SERVICES FOR PERSONS WITH HEALTH COMPLEXES RELATED TO ACQUIRED IMMUNE DEFICIENCY SYNDROME ACT".**

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

**SECTION 1.** 26-4-642 (2) and (5), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended, and the said 26-4-642 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**26-4-642. Definitions.** In addition to the definitions in section 26-4-603, as used in this subpart 3, unless the context otherwise requires:

(2) "~~ARC~~" means an ~~AIDS-related complex which is defined by the centers for disease control of the United States public health service.~~

(3.2) "HIV" MEANS THE HUMAN IMMUNODEFICIENCY VIRUS.

(3.5) "HIV/AIDS" MEANS:

(a) A SYMPTOMATIC HIV INFECTION, AS DEFINED BY THE CENTERS FOR DISEASE CONTROL OF THE UNITED STATES PUBLIC HEALTH SERVICE; OR

(b) AIDS.

(5) "Intensive supervision for foster care children with ~~AIDS or ARC~~ HIV/AIDS" means services provided by specially trained providers of care who provide twenty-four-hour care and supervision to foster care children with ~~AIDS or ARC~~

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

HIV/AIDS, as defined in this section, in a child-centered, family-like setting.

**SECTION 2.** 26-4-644 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**26-4-644. Program established - financial eligibility.** (1) In recognition of the social and economic benefits accruing from the maintenance of persons with ~~AIDS or ARC~~ HIV/AIDS in their own homes, the general assembly hereby finds and declares that a program shall be implemented by the state department to provide the services set forth in section 26-4-645 to those persons with ~~AIDS or ARC~~ HIV/AIDS whose gross income does not exceed three hundred percent of the current federal supplemental security income benefit level, whose resources do not exceed the limit established by the state department for individuals receiving a mandatory minimum state supplementation of SSI benefits pursuant to section 26-2-204, and for whom a licensed physician certifies that such program provides an appropriate alternative to institutionalized care.

**SECTION 3.** The introductory portion to 26-4-645 (1) and 26-4-645 (1) (g), (4), and (5), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

**26-4-645. Services for long-term-care eligible persons.** (1) Subject to the provisions of this subpart 3, the home and community-based services program for persons with ~~AIDS or ARC~~ HIV/AIDS shall include the following continuum of long-term care services:

(g) Intensive supervision for foster care children with ~~AIDS or ARC~~ HIV/AIDS, which shall include the provision of medical supplies.

(4) If the state department or the case management agency makes a determination that the cost for the provision of home and community-based services necessary to allow ~~either an AIDS or an ARC~~ HIV/AIDS client to avoid institutionalization exceeds or would exceed either the average individual medicaid payment for like services for hospital care for clients needing a hospital level of care or the average individual medicaid payment for like services for nursing facility care for clients needing a nursing facility level of care, such client shall not be considered eligible for home and community-based services.

(5) The location for the provision of home and community-based services shall be agreed upon by the ~~AIDS or ARC~~ HIV/AIDS client and the case management agency.

**SECTION 4.** 26-4-646 (1) (c), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**26-4-646. Duties of state department.** (1) In addition to the duties set forth in section 26-4-610, the state department shall:

(c) Conduct feasibility studies and pilot programs as the general assembly may from time to time direct to lessen medical costs, including medicaid moneys, associated with persons with ~~AIDS or ARC~~ HIV/AIDS;

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

Approved: April 21, 1995