

CHAPTER 321

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 03-1359

BY REPRESENTATIVE(S) Stafford, Frangas, and Paccione;
also SENATOR(S) Johnson S. and Isgar.

AN ACT

**CONCERNING THE DISCONTINUATION OF IN-HOME SUPPORT SERVICES FOR A MEDICAL ASSISTANCE
RECIPIENT WHEN OTHER CARE HAS NOT BEEN SECURED FOR THAT RECIPIENT.**

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

SECTION 1. 26-4-1403 (4) (b), Colorado Revised Statutes, is amended to read:

26-4-1403. In-home support services - eligibility - licensure exclusion - in-home support service agency responsibilities. (4) (b) ~~An in-home support service agency shall not discontinue a client under this part 14 until either the client or the in-home support service agency has secured other care for the client.~~ The medical services board shall promulgate rules that establish how an in-home support service agency can discontinue a client under this part 14. THE RULES SHALL ESTABLISH THAT A CLIENT CAN ONLY BE INVOLUNTARILY DISCONTINUED WHEN EQUIVALENT CARE IN THE COMMUNITY HAS BEEN SECURED OR THAT A CLIENT CAN BE DISCONTINUED AFTER EXHIBITING DOCUMENTED PROHIBITED BEHAVIOR INVOLVING ATTENDANTS, INCLUDING ABUSE OF ATTENDANTS, AND THAT DISPUTE RESOLUTION HAS FAILED. THE DETERMINATION OF WHETHER AN IN-HOME SUPPORT SERVICE AGENCY HAS MADE ADEQUATE ATTEMPTS AT RESOLUTION SHALL BE MADE BY THE STATE DEPARTMENT.

SECTION 2. 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: May 22, 2003

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