

CHAPTER 240

HEALTH AND ENVIRONMENT

HOUSE BILL 15-1233

BY REPRESENTATIVE(S) Landgraf, Priola, Roupe, Dore, Wilson, Navarro, Coram, Brown, Garnett, Ginal, McCann, Mitsch Bush, Singer, Windholz, Fields, Kraft-Tharp, Lontine, Melton, Pettersen, Primavera, Rosenthal, Ryden, Vigil, Williams, Winter, Young, Hullinghorst, Moreno, Pabon, Salazar;
also SENATOR(S) Aguilar, Carroll, Guzman, Heath, Hodge, Jones, Kefalas, Kerr, Merrifield, Newell, Steadman, Todd, Ulibarri.

AN ACT**CONCERNING THE CREATION OF THE RESPITE CARE TASK FORCE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

SECTION 1. Legislative declaration. (1) The general assembly determines and declares that:

(a) The current extent of demand for respite care in Colorado is unknown, although it is apparent that there is a lack of adequate respite care facilities and respite training programs in Colorado;

(b) Caregivers work twenty-four hours per day, seven days per week to ensure their loved ones have the support and tools they need to live their best lives;

(c) It is critical that caregivers in our communities have access to respite care so that they have time to rejuvenate and spend time with their families and friends;

(d) It is important that caregivers are able to trust and depend on the individuals providing respite care to their loved ones; and

(e) Reliable access to affordable respite care will be beneficial to caregivers and to their families and loved ones.

(2) Therefore, it is the intent of the general assembly to create a respite care task force and to:

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

(a) Authorize a study to determine the current state of respite care in Colorado, including access to care and funding of respite care services;

(b) Determine the availability and level of culturally competent and patient-centered respite care; and

(c) Increase the availability of affordable respite care throughout Colorado.

SECTION 2. In Colorado Revised Statutes, **add** part 6 to article 1 of title 26 as follows:

PART 6
RESPITE CARE TASK FORCE

26-1-601. Task force - creation. (1) THERE IS CREATED, WITHIN THE DEPARTMENT OF HUMAN SERVICES, THE RESPITE CARE TASK FORCE TO STUDY THE DYNAMICS OF SUPPLY AND DEMAND WITH REGARD TO RESPITE CARE SERVICES IN COLORADO. THE TASK FORCE CONSISTS OF THE MEMBERS APPOINTED IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(2) NO LATER THAN JULY 1, 2015:

(a) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT ONE PERSON WHO REPRESENTS A LICENSED HOSPICE ORGANIZATION;

(b) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT:

(I) ONE PERSON FROM AN ORGANIZATION THAT REPRESENTS PERSONS WITH DEVELOPMENTAL DISABILITIES; AND

(II) ONE OWNER OR OPERATOR OF A RESPITE CARE FACILITY;

(c) THE PRESIDENT OF THE SENATE SHALL APPOINT ONE MEMBER OF AN ORGANIZATION THAT PROVIDES SERVICES, EDUCATION, AND OUTREACH TO SENIORS;

(d) THE MINORITY LEADER OF THE SENATE SHALL APPOINT:

(I) ONE MEMBER OF AN ORGANIZATION THAT ADVANCES RESEARCH TO END ALZHEIMER'S DISEASE; AND

(II) ONE PERSON WHO REPRESENTS PERSONS WITH BRAIN INJURIES;

(e) THE GOVERNOR SHALL APPOINT:

(I) ONE REPRESENTATIVE FROM THE DEPARTMENT OF HUMAN SERVICES;

(II) ONE PERSON FROM A RURAL AREA WHO UTILIZES RESPITE CARE;

(III) ONE MEMBER OF AN ORGANIZATION THAT PROVIDES SERVICES, EDUCATION, AND OUTREACH IN THE AREA OF MENTAL HEALTH;

(IV) ONE PERSON WHO PROVIDES SERVICES, EDUCATION, AND OUTREACH FOR PERSONS WITH CHRONIC CONDITIONS, LONG-TERM CONDITIONS, AND DISABLING CONDITIONS ACROSS A LIFE SPAN;

(V) ONE PERSON WHO REPRESENTS A LICENSED HOME HEALTH CARE AGENCY;

(VI) ONE PERSON WHO REPRESENTS A NONPROFIT ENTITY THAT PROVIDES SERVICES, EDUCATION, OUTREACH, AND ADVOCACY TO PERSONS WITH DISABILITIES;

(VII) ONE REPRESENTATIVE OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING; AND

(VIII) ONE REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, WHO SHALL BE THE SOLE NONVOTING MEMBER OF THE TASK FORCE.

(f) THE APPOINTING AUTHORITIES SHALL STRIVE TO ENSURE THAT THE APPOINTEES, AS A WHOLE, WILL REPRESENT THE INTERESTS AND CONCERNS OF ALL PERSONS WHO CAN BE PREDICTED TO NEED RESPITE CARE, INCLUDING THE YOUNG AND PERSONS FROM DIVERSE SOCIAL AND CULTURAL BACKGROUNDS.

(3)(a) THE DEPARTMENT SHALL RETAIN A FACILITATOR FOR THE TASK FORCE WHO SHALL CONVENE THE FIRST MEETING OF THE TASK FORCE NO LATER THAN JULY 15, 2015, AT WHICH MEETING THE TASK FORCE MEMBERS SHALL SELECT FROM AMONG THE MEMBERSHIP A PERSON TO SERVE AS CHAIR OF THE TASK FORCE. THE TASK FORCE SHALL MEET UPON THE CALL OF THE CHAIR AS OFTEN AS NECESSARY TO COMPLETE THE STUDY SPECIFIED IN THIS PART 6. THE TASK FORCE MAY MEET WITHIN THE COMMITTEE HEARING ROOMS OF THE STATE CAPITOL, SUBJECT TO AVAILABILITY.

(b) THE TASK FORCE MEMBERS SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(c) IF A VACANCY OCCURS ON THE TASK FORCE FOR ANY REASON, THE ORIGINAL APPOINTING AUTHORITY SHALL APPOINT A PERSON WHO MEETS THE REQUIREMENTS OF THE VACANT POSITION TO FILL THE VACANCY AS SOON AS POSSIBLE AFTER THE VACANCY OCCURS.

26-1-602. Respite care study - report. (1) THE RESPITE CARE TASK FORCE CREATED IN SECTION 26-1-601 SHALL STUDY, THROUGH DATA COLLECTION, THE DYNAMICS OF THE SUPPLY OF, AND DEMAND FOR, RESPITE CARE SERVICES IN THIS STATE. THE STUDY MAY INCLUDE THE FOLLOWING ISSUES:

(a) ACCESS TO RESPITE CARE SERVICES;

(b) THE TYPES OF SERVICES THAT ARE MOST IN DEMAND AND THE SERVICES THAT ARE CURRENTLY AVAILABLE;

(c) THE AVAILABILITY AND LEVEL OF CULTURALLY COMPETENT CARE AND PATIENT-CENTERED CARE;

(d) THE NUMBER OF RESPITE CAREGIVERS IN THE STATE AND THEIR LOCATIONS;

(e) SOLUTIONS TO INCREASE THE NUMBER OF RESPITE CAREGIVERS;

(f) THE FUNDING OF RESPITE CARE SERVICES, INCLUDING ACCESS TO THAT FUNDING; AND

(g) OTHER RESPITE CARE ISSUES AS DETERMINED APPROPRIATE BY THE TASK FORCE.

(2) THE RESPITE CARE TASK FORCE MAY DISCUSS POLICIES THAT INCLUDE, BUT ARE NOT LIMITED TO:

(a) REQUIRING THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO CREATE A STRUCTURE TO GIVE ONE DEPARTMENT THE RESPONSIBILITY TO LICENSE RESPITE CAREGIVERS AND ADDRESS THE PAYMENT FOR SERVICES;

(b) THE CREATION OF PILOT PROGRAMS BY COMMUNITY COLLEGES, TECHNICAL SCHOOLS, AND EDUCATIONAL INSTITUTIONS OFFERING FOUR-YEAR DEGREES TO TRAIN RESPITE CAREGIVERS; AND

(c) THE DEVELOPMENT OF DATA COLLECTION, RECOMMENDATIONS FOR RESPITE CARE UTILIZATION, ACCESS, AND AVAILABILITY OF SERVICES.

(3) THE DEPARTMENT OF HUMAN SERVICES IS AUTHORIZED TO CONTRACT FOR AN EXTERNAL STUDY CONCERNING RESPITE CARE. THE DEPARTMENT SHALL DEVELOP CRITERIA AND COMPONENTS FOR THE STUDY. THE FINAL STUDY RESULTS MUST BE PROVIDED TO THE RESPITE CARE TASK FORCE.

(4) ON OR BEFORE JANUARY 31, 2016, THE RESPITE CARE TASK FORCE, WITH ASSISTANCE FROM THE DEPARTMENT OF HUMAN SERVICES, SHALL SUBMIT A REPORT THAT INCLUDES ITS FINDINGS AND RECOMMENDATIONS TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES.

26-1-603. Notice of funding through gifts, grants, and donations - respite care task force fund - repeal. (1) (a) THE RESPITE CARE TASK FORCE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 6; EXCEPT THAT THE TASK FORCE MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS PART 6 OR ANY OTHER LAW OF THE STATE. THE RESPITE CARE TASK FORCE SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE RESPITE CARE TASK FORCE FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS PART 6 AS THE "FUND". THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF HUMAN SERVICES FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS PART 6.

(b)(I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION, THE DEPARTMENT

OF HUMAN SERVICES SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN IT HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS FOR THE RESPITE CARE TASK FORCE AND SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3), C.R.S.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2016.

26-1-604. Repeal. THIS PART 6 IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 3. 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 29, 2015