

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0051.02 Chelsea Princell x4335

HOUSE BILL 26-1018

HOUSE SPONSORSHIP

Jackson and Joseph,

SENATE SPONSORSHIP

Amabile,

House Committees

Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF LONG-TERM SERVICES AND**
102 **SUPPORTS FOR AN INDIVIDUAL TRANSITIONING OUT OF A**
103 **NURSING FACILITY.**

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>.)

The bill requires an individual being discharged from a nursing facility to be presumptively eligible for long-term services and supports under medicaid.

The bill requires the department of health care policy and financing (state department) to determine presumptive eligibility and

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.*

requires county departments of human or social services (county departments) to set up the long-term services and supports for an individual being discharged from a nursing facility prior to the individual's discharge date.

The state department is required to submit an annual report to the state auditor and post the report on the state department's website detailing information about the individuals discharged from a nursing facility and the associated presumptive eligibility determinations.

The bill establishes remedial measures against a county department if the county department fails to set up long-term services and supports for the individual. The bill establishes remedial measures against a nursing facility that fails to discharge an individual on the discharge date due to a failure within the nursing facility's control or fails to cooperate in good faith with the state department to ensure long-term care services and supports are in place for the individual.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 25.5-6-120** as
3 follows:

4 **25.5-6-120. Transition coordination stakeholder process - data**
5 **collection - report - legislative recommendations - definitions - repeal.**

6 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "ESCALATION" MEANS A DOCUMENTED PROCEDURE USED BY A
9 TRANSITION COORDINATION AGENCY, CASE MANAGEMENT AGENCY,
10 MANAGED CARE ENTITY, COUNTY DEPARTMENT, OR THE STATE
11 DEPARTMENT TO ELEVATE AND RESOLVE DELAYS, BARRIERS, OR
12 COORDINATION FAILURES THAT PREVENT OR RISK PREVENTING TIMELY
13 COMPLETION OF A TRANSITION, FOR THE PURPOSE OF FACILITATING AND
14 EXPEDITING THE PROCESSING AND COMPLETION OF THE TRANSITION.

15 (b) "TRANSITION COORDINATION AGENCY" MEANS AN ENTITY
16 CONTRACTED WITH OR DESIGNATED BY THE STATE DEPARTMENT TO
17 PROVIDE TRANSITION COORDINATION SERVICES TO MEMBERS

1 TRANSITIONING FROM AN INSTITUTIONAL OR FACILITY-BASED SETTING TO
2 A HOME- AND COMMUNITY-BASED SETTING, INCLUDING ASSISTING WITH
3 DISCHARGE PLANNING, SERVICE COORDINATION, PROVIDER
4 IDENTIFICATION, AND FACILITATION OF HOME- AND COMMUNITY-BASED
5 SERVICES NECESSARY TO SUPPORT A SAFE AND TIMELY TRANSITION.

6 (c) "TRANSITION PROCESS" MEANS THE SERIES OF COORDINATED
7 ACTIVITIES CONDUCTED BY THE STATE DEPARTMENT, TRANSITION
8 COORDINATION AGENCIES, CASE MANAGEMENT AGENCIES, MANAGED CARE
9 ENTITIES, COUNTIES, PROVIDERS, AND OTHER INVOLVED ENTITIES TO PLAN,
10 AUTHORIZE, AND IMPLEMENT A MEMBER'S MOVEMENT FROM AN
11 INSTITUTIONAL OR FACILITY-BASED SETTING TO A HOME- AND
12 COMMUNITY-BASED SETTING, INCLUDING ASSESSMENT, SERVICE
13 PLANNING, SERVICE AUTHORIZATION, PROVIDER ARRANGEMENT, AND
14 DISCHARGE COORDINATION.

15 (2) ON OR BEFORE AUGUST 12, 2026, THE STATE DEPARTMENT
16 SHALL ENGAGE A STAKEHOLDER PROCESS TO EVALUATE DATA REGARDING
17 INDIVIDUALS TRANSITIONING OUT OF A NURSING FACILITY AND INTO A
18 HOME- AND COMMUNITY-BASED SETTING AND DEVELOP LEGISLATIVE
19 RECOMMENDATIONS TO ENSURE CONTINUITY OF CARE, THROUGH-CARE
20 COORDINATION, AND SERVICE PLANNING FOR INDIVIDUALS TRANSITIONING
21 OUT OF A NURSING FACILITY AND INTO A HOME- AND COMMUNITY-BASED
22 SETTING.

23 (3) AT A MINIMUM, THE STAKEHOLDER PROCESS MUST INCLUDE
24 REPRESENTATIVES FROM THE FOLLOWING AGENCIES AND ORGANIZATIONS:

- 25 (a) TRANSITION COORDINATION AGENCIES;
- 26 (b) COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES;
- 27 (c) CASE MANAGEMENT AGENCIES, AS DEFINED IN SECTION

- 1 25.5-6-1702;
- 2 (d) MANAGED CARE ENTITIES;
- 3 (e) INDIVIDUALS WHO HAVE TRANSITIONED OUT OF A NURSING
- 4 FACILITY AND INTO THE COMMUNITY AND THE INDIVIDUALS' CAREGIVERS
- 5 OR LEGAL REPRESENTATIVES;
- 6 (f) PROVIDERS WHO PROVIDE SERVICES IN RURAL AREAS;
- 7 (g) REPRESENTATIVES OF THE INTELLECTUAL AND
- 8 DEVELOPMENTAL DISABILITY COMMUNITY; AND
- 9 (h) ANY OTHER AGENCY OR ORGANIZATION THE STATE
- 10 DEPARTMENT DEEMS NECESSARY TO PARTICIPATE IN THE STAKEHOLDER
- 11 PROCESS.
- 12 (4) AT A MINIMUM, THE STAKEHOLDER PROCESS MUST:
- 13 (a) DEVELOP A DETAILED, STEP-BY-STEP DESCRIPTION OF THE
- 14 CURRENT TRANSITION COORDINATION PROCESS, INCLUDING
- 15 IDENTIFICATION OF EACH ENTITY RESPONSIBLE FOR EACH STAGE OF THE
- 16 TRANSITION PROCESS;
- 17 (b) IDENTIFY STATUTORY, REGULATORY, AND CONTRACTUAL
- 18 TIMELINES APPLICABLE TO EACH ENTITY INVOLVED IN THE TRANSITION
- 19 PROCESS AND THE AMOUNT OF TIME EACH ENTITY HAS TO COMPLETE
- 20 REQUIRED ACTIONS;
- 21 (c) TO THE EXTENT POSSIBLE, COLLECT AND ANALYZE DATA
- 22 REGARDING:
- 23 (I) THE AVERAGE TIME REQUIRED TO COMPLETE EACH STAGE OF
- 24 THE TRANSITION PROCESS;
- 25 (II) THE AVERAGE DELAY THAT OCCURS AT EACH STAGE OF THE
- 26 TRANSITION PROCESS, IF ANY;
- 27 (III) THE NUMBER AND FREQUENCY OF ESCALATIONS USED WITHIN

1 THE TRANSITION PROCESS AND THE CIRCUMSTANCES UNDER WHICH
2 ESCALATION OCCURS;

3 (IV) THE NUMBER AND PERCENTAGE OF INDIVIDUALS WHO
4 TRANSITION OUT OF A NURSING FACILITY WITHOUT HOME- AND
5 COMMUNITY-BASED SERVICES IN PLACE AT THE TIME OF DISCHARGE; AND

6 (V) ANY ADDITIONAL DATA NECESSARY TO EVALUATE TRANSITION
7 PROCESS SYSTEM PERFORMANCE, ACCOUNTABILITY, AND OUTCOMES;

8 (d) IDENTIFY SYSTEM GAPS, DUPLICATIONS, BARRIERS, OR
9 MISALIGNED INCENTIVES CONTRIBUTING TO DELAYS OR FAILED
10 TRANSITIONS;

11 (e) EVALUATE, AS THEY RELATE TO THE TRANSITION PROCESS,
12 PAYMENT STRUCTURES, ACCOUNTABILITY MECHANISMS,
13 INFORMATION-SHARING PRACTICES, AND ROLE CLARITY AMONG ENTITIES;
14 AND

15 (f) DEVELOP LEGISLATIVE RECOMMENDATIONS TO IMPROVE
16 TIMELINES, ACCOUNTABILITY, AND OUTCOMES OF TRANSITION
17 COORDINATION.

18 (5) THE STATE DEPARTMENT SHALL USE THE EXISTING TRANSITION
19 STAKEHOLDER ADVISORY COUNCIL ESTABLISHED BY THE STATE
20 DEPARTMENT TO SUPPORT THE REQUIREMENTS OF SECTION 25.5-6-1501,
21 OR A SUCCESSOR ADVISORY BODY, TO FACILITATE THE WORK REQUIRED BY
22 THIS SECTION.

23 (6) THE STATE DEPARTMENT SHALL INCLUDE AS PART OF THE
24 STATE DEPARTMENT'S "SMART ACT" PRESENTATION REQUIRED BY
25 SECTION 2-7-203, A SUMMARY OF THE INFORMATION DETAILED IN
26 SUBSECTION (4) OF THIS SECTION AND LEGISLATIVE RECOMMENDATIONS
27 TO ESTABLISH LONG-TERM SERVICES AND SUPPORTS FOR AN INDIVIDUAL

1 TRANSITIONING OUT OF A NURSING FACILITY FOR CONSIDERATION DURING
2 THE 2027 LEGISLATIVE SESSION.

3 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

4 **SECTION 2. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2026 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.