

CHAPTER 256

HEALTH CARE POLICY AND FINANCING

SENATE BILL 16-192

BY SENATOR(S) Lambert, Grantham, Steadman, Aguilar, Carroll, Garcia, Heath, Hodge, Jones, Kefalas, Kerr, Merrifield, Newell, Todd;
also REPRESENTATIVE(S) Young, Hamner, Rankin, Becker K., Fields, Ginal, Kraft-Tharp, Lontine, Melton, Mitsch Bush, Pettersen, Rosenthal, Ryden, Vigil.

AN ACT

CONCERNING A NEEDS ASSESSMENT TOOL FOR PERSONS ELIGIBLE FOR LONG-TERM SERVICES AND SUPPORTS, INCLUDING PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 25.5-6-104, **add** (5) as follows:

25.5-6-104. Long-term care placements - comprehensive and uniform client assessment instrument - legislative declaration - definitions - report - repeal.

(5) (a) ON OR BEFORE JULY 1, 2018, PURSUANT TO THE STATE DEPARTMENT'S ONGOING STAKEHOLDER PROCESS RELATING TO ELIGIBILITY DETERMINATION FOR LONG-TERM SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE, THE STATE DEPARTMENT SHALL SELECT A NEEDS ASSESSMENT TOOL FOR PERSONS RECEIVING LONG-TERM SERVICES AND SUPPORTS, INCLUDING PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO ARE ELIGIBLE FOR SERVICES PURSUANT TO SECTION 25.5-6-409. ONCE SELECTED, THE STATE DEPARTMENT SHALL BEGIN ASSESSING CLIENT NEEDS USING THE NEEDS ASSESSMENT TOOL AS SOON AS PRACTICABLE.

(b) PURSUANT TO THE STATE DEPARTMENT'S ONGOING STAKEHOLDER PROCESS RELATING TO ELIGIBILITY DETERMINATION FOR LONG-TERM SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE, THE STATE DEPARTMENT SHALL DEVELOP OR SELECT THE NEEDS ASSESSMENT TOOL IN COLLABORATION WITH PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO RECEIVE SERVICES, LEGAL GUARDIANS, CASE MANAGERS, AND ANY OTHER STAKEHOLDERS AS DETERMINED BY THE STATE DEPARTMENT.

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

(c) THE NEEDS ASSESSMENT TOOL DEVELOPED OR SELECTED BY THE STATE DEPARTMENT MUST INCLUDE A REASONABLE REASSESSMENT PROCESS, SET FORTH IN STATE BOARD RULES, THAT ALLOWS A REASSESSMENT TO BE COMPLETED WITHIN THIRTY DAYS AFTER RECEIPT OF A REQUEST FOR REASSESSMENT MADE BY A PERSON WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES OR HIS OR HER LEGAL GUARDIAN.

(d)(I) ONCE THE STATE DEPARTMENT HAS SELECTED A NEEDS ASSESSMENT TOOL, THE STATE DEPARTMENT SHALL REPORT TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ITS SUCCESSOR COMMITTEE; THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ITS SUCCESSOR COMMITTEE; AND THE JOINT BUDGET COMMITTEE CONCERNING THE NEEDS ASSESSMENT TOOL SELECTED AND THE LEVEL OF STAKEHOLDER INVOLVEMENT IN THE PROCESS OF SELECTING THE TOOL.

(II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2019.

SECTION 2. In Colorado Revised Statutes, 25.5-10-207, **amend** (3) (b) and (3) (c); and **add** (3) (d) as follows:

25.5-10-207. Services and supports - waiting list reduction - cash fund - repeal. (3) The general assembly may annually appropriate moneys in the intellectual and developmental disabilities services cash fund to the state department for:

(b) Administrative expenses for renewal and redesign of medicaid home- and community-based services waivers relating to intellectual and developmental disabilities; ~~and~~

(c) Increasing system capacity for home- and community-based intellectual and developmental disabilities programs, services, and supports; AND

(d) THE DEVELOPMENT OF AN ASSESSMENT TOOL PURSUANT TO SECTION 25.5-6-104 (5).

SECTION 3. Appropriation. (1) For the 2016-17 state fiscal year, \$138,787 is appropriated to the department of health care policy and financing for use by the executive director's office. This appropriation is from the intellectual and developmental disabilities services cash fund created in section 25.5-10-207 (1), C.R.S. To implement this act, the office may use this appropriation as follows:

(a) \$58,134 for personal services, which amount is based on an assumption that the office will require an additional 1.8 FTE;

(b) \$5,653 for operating expenses; and

(c) \$75,000 for general professional services and special projects.

(2) For the 2016-17 state fiscal year, the general assembly anticipates that the department of health care policy and financing will receive \$138,786 in federal

funds to implement this act. The appropriation in subsection (1) of this section is based on the assumption that the department will receive this amount of federal funds to be used as follows:

- (a) \$58,133 for personal services;
- (b) \$5,653 for operating expenses; and
- (c) \$75,000 for general professional services and special projects.

SECTION 4. 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: June 8, 2016