

## CHAPTER 74

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**HEALTH AND ENVIRONMENT**


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**HOUSE BILL 18-1091**

BY REPRESENTATIVE(S) Beckman and Ginal, Bridges, Buckner, Exum, Hansen, Herod, Kennedy, Lebsack, Lontine, McLachlan, Michaelson Jenet, Reyher, Roberts, Rosenthal, Van Winkle, Wilson, Duran;  
 also SENATOR(S) Smallwood and Todd, Aguilar, Court, Donovan, Fields, Garcia, Gardner, Hill, Jahn, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Moreno, Neville T., Priola, Scott, Tate, Williams A.

**AN ACT**

**CONCERNING DEMENTIA DISEASES, AND, IN CONNECTION THEREWITH, UPDATING STATUTORY REFERENCES TO DEMENTIA DISEASES AND RELATED DISABILITIES.**

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

**SECTION 1.** In Colorado Revised Statutes, 25-1-502, **add** (2.5) as follows:

**25-1-502. Definitions.** As used in this part 5, unless the context otherwise requires:

(2.5) "DEMENTIA DISEASES AND RELATED DISABILITIES" IS A CONDITION WHERE MENTAL ABILITY DECLINES AND IS SEVERE ENOUGH TO INTERFERE WITH AN INDIVIDUAL'S ABILITY TO PERFORM EVERYDAY TASKS. DEMENTIA DISEASES AND RELATED DISABILITIES INCLUDES ALZHEIMER'S DISEASE, MIXED DEMENTIA, LEWY BODIES DEMENTIA, VASCULAR DEMENTIA, FRONTOTEMPORAL DEMENTIA, AND OTHER TYPES OF DEMENTIA.

**SECTION 2.** In Colorado Revised Statutes, 25.5-4-103, **add** (5.5) as follows:

**25.5-4-103. Definitions.** As used in this article 4 and articles 5 and 6 of this title 25.5, unless the context otherwise requires:

(5.5) "DEMENTIA DISEASES AND RELATED DISABILITIES" HAS THE SAME MEANING SET FORTH IN SECTION 25-1-502 (2.5).

**SECTION 3.** In Colorado Revised Statutes, 25.5-5-207, **amend** (1)(a)(II) as follows:

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

**25.5-5-207. Adult dental benefit - adult dental fund - creation - legislative declaration.** (1) (a) The general assembly finds that:

(II) Research has shown that untreated oral health conditions negatively affect a person's overall health and that gum disease has been linked to diabetes, heart disease, strokes, kidney disease, ~~Alzheimer's disease~~ DEMENTIA DISEASES AND RELATED DISABILITIES, and even behavioral or mental health disorders;

**SECTION 4.** In Colorado Revised Statutes, 25.5-6-104, **amend** (3)(d) introductory portion and (3)(d)(IV) as follows:

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

(3) (d) The state department, through rules, shall develop and implement no later than July 1, 1991, a uniform long-term care client needs assessment instrument for all individuals needing long-term care. The instrument shall be used as part of the comprehensive and uniform client assessment process to be established in accordance with ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION and shall serve the following functions:

(IV) To disclose the need for more intensive needs assessments in areas such as nutrition, adult protection, dementia DISEASES AND RELATED DISABILITIES, and mental health;

**SECTION 5.** In Colorado Revised Statutes, 25.5-6-202, **amend** (6) introductory portion, (6)(b), and (9)(b.3)(II) as follows:

**25.5-6-202. Providers - nursing facility provider reimbursement - rules.**

(6) Subject to available ~~moneys~~ MONEY and the priority of the uses of the provider fees as established in section 25.5-6-203 (2)(b), in addition to the reimbursement rate components pursuant to subsections (1) to (5) of this section, the state department shall make a supplemental medicaid payment to nursing facility providers who have residents who have moderately to very severe mental health conditions, ~~cognitive~~ dementia DISEASES AND RELATED DISABILITIES, or acquired brain injury as follows:

(b) A supplemental medicaid payment shall be made to nursing facility providers who serve residents with severe ~~cognitive~~ dementia DISEASES AND RELATED DISABILITIES or acquired brain injury. The state department shall calculate the payment based upon the resident's cognitive assessment established in rules adopted by the state board. The state department shall compute this payment annually as of July 1, 2009, and each July 1 thereafter, and it shall be not less than one percent of the statewide average per diem rate for the combined rate components determined under subsections (1) to (4) of this section.

(9) (b.3) (II) If it is determined by the state department that the case-mix reimbursement includes a factor for nursing facility providers who serve residents with severe ~~cognitive~~ dementia DISEASES AND RELATED DISABILITIES or acquired brain injury, the state department may eliminate the supplemental medicaid payment to those providers who serve residents with severe ~~cognitive~~ dementia DISEASES

AND RELATED DISABILITIES or acquired brain injury.

**SECTION 6.** In Colorado Revised Statutes, 25.5-6-203, **amend** (2)(b)(IV) as follows:

**25.5-6-203. Nursing facilities - provider fees - federal waiver - fund created - rules.** (2) (b) (IV) Following the payment of the amounts described in ~~subparagraphs (I) to (III) of this paragraph (b)~~ SUBSECTIONS (2)(b)(I) TO (2)(b)(III) OF THIS SECTION, the ~~moneys~~ MONEY remaining in the fund shall be subject to federal matching as authorized under federal law and subject to annual appropriation by the general assembly for the purpose of paying the supplemental medicaid payments ESTABLISHED UNDER SECTION 25.5-6-202 (6) for residents who have moderately to very severe mental health conditions, ~~cognitive dementia~~ DISEASES AND RELATED DISABILITIES, or acquired brain injury. ~~established under section 25.5-6-202 (6).~~

**SECTION 7.** In Colorado Revised Statutes, 25.5-6-603, **amend** (1)(a) as follows:

**25.5-6-603. Definitions.** As used in this part 6, unless the context otherwise requires:

(1) "Eligible person" means a person:

(a) Who has a primary diagnosis of a major mental health disorder, as such term is defined in the diagnostic and statistical manual of mental disorders used by the mental health profession, and includes schizophrenic, paranoid, major affective, and schizoaffective disorders, and atypical psychosis, but does not include dementia ~~including Alzheimer's disease or related disorders~~ DISEASES AND RELATED DISABILITIES;

**SECTION 8.** In Colorado Revised Statutes, 10-16-102, **add** (16.5) as follows:

**10-16-102. Definitions.** As used in this article 16, unless the context otherwise requires:

(16.5) "DEMENTIA DISEASES AND RELATED DISABILITIES" IS A CONDITION WHERE MENTAL ABILITY DECLINES AND IS SEVERE ENOUGH TO INTERFERE WITH AN INDIVIDUAL'S ABILITY TO PERFORM EVERYDAY TASKS. DEMENTIA DISEASES AND RELATED DISABILITIES INCLUDES ALZHEIMER'S DISEASE, MIXED DEMENTIA, LEWY BODIES DEMENTIA, VASCULAR DEMENTIA, FRONTOTEMPORAL DEMENTIA, AND OTHER TYPES OF DEMENTIA.

**SECTION 9.** In Colorado Revised Statutes, 10-16-413.5, **amend** (1)(a) as follows:

**10-16-413.5. Return to home - legislative declaration.** (1) The general assembly hereby finds that:

(a) As individuals "age-in-place" in their own homes or other settings, they frequently contract with continuing care retirement communities, ~~or~~ assisted living

FACILITIES, nursing FACILITIES, or ~~Alzheimer~~ facilities FOR PERSONS WITH DEMENTIA DISEASES AND RELATED DISABILITIES to receive the services they need in order to maximize their independence;

**SECTION 10.** In Colorado Revised Statutes, 10-19-103, **amend** the introductory portion; and **add** (3.5) as follows:

**10-19-103. Definitions.** As used in this ~~article~~ ARTICLE 19, unless the context otherwise requires:

(3.5) "DEMENTIA DISEASES AND RELATED DISABILITIES" HAS THE SAME MEANING SET FORTH IN SECTION 10-16-102 (16.5).

**SECTION 11.** In Colorado Revised Statutes, 10-19-107, **amend** (1)(d) as follows:

**10-19-107. Performance standards.** (1) A long-term care insurance policy may not:

(d) Exclude coverage for ~~Alzheimer's disease, senile dementia, other organic brain syndromes, or other types of senility diseases~~ DEMENTIA DISEASES AND RELATED DISABILITIES.

**SECTION 12.** In Colorado Revised Statutes, 12-43-201, **add** (1.6) as follows:

**12-43-201. Definitions.** As used in this article 43, unless the context otherwise requires:

(1.6) "DEMENTIA DISEASES AND RELATED DISABILITIES" HAS THE SAME MEANING SET FORTH IN SECTION 25-1-502 (2.5).

**SECTION 13.** In Colorado Revised Statutes, 12-43-228, **amend** (1) introductory portion, (1)(c) introductory portion, and (1)(c)(I) as follows:

**12-43-228. Minimum standards for testing.** (1) Every person licensed, registered, or certified under this ~~article~~ ARTICLE 43 must meet the minimum professional preparation standards set forth in this section to engage in the administration, scoring, or interpretation of the following levels of psychometric or electrodiagnostic testing:

(c) **Advanced use.** A licensee, registrant, or certificate holder must meet all the requirements of ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION and, in addition, completion, at a regionally accredited university or college certified by the accrediting agency or body to award graduate degrees, of at least one graduate-level course in six of the following areas: Cognition, emotion, attention, sensory-perceptual function, psychopathology, learning, encephalopathy, neuropsychology, psychophysiology, personality, growth and development, projective testing, and neuropsychological testing and completion of one year of experience in advanced use practice under the supervision of a person fully qualified under this ~~paragraph (c)~~ SUBSECTION (1)(c) in order to practice projective testing, neuropsychological testing, or use of a battery of three or more tests to:

(I) Determine the presence, nature, causation, or extent of psychosis, dementia DISEASES AND RELATED DISABILITIES, amnesia, cognitive impairment, influence of deficits on competence, and ability to function adaptively;

**SECTION 14.** In Colorado Revised Statutes, 24-32-3404, **amend** (2)(a)(II)(E) as follows:

**24-32-3404. Strategic action planning group on aging.** (2) (a) The planning group consists of twenty-three voting members appointed by the governor on or before August 1, 2015, as follows:

(II) Five members who represent private, public, and community-based health care and long-term care, service, or support providers for older adults such as representatives of:

(E) Geriatric health care, including ~~Alzheimer~~ care OF PERSONS WITH DEMENTIA DISEASES AND RELATED DISABILITIES, AS DEFINED IN SECTION 25-1-502 (2.5);

**SECTION 15.** In Colorado Revised Statutes, 24-33.5-415.8, **amend** (1), (2)(a), (3)(b)(I), (3)(c), (3)(e), (3)(f), (4) introductory portion, and (4)(a); and **add** (2)(a.5) as follows:

**24-33.5-415.8. Missing persons alert program - definitions - rules.** (1) The general assembly hereby finds that, in the case of a missing senior citizen, ~~or~~ missing person with developmental disabilities, OR MISSING PERSON WITH A DEMENTIA DISEASE AND RELATED DISABILITY, the first few hours are critical in finding the ~~senior citizen or person.~~ ~~with developmental disabilities.~~ To aid in the identification and location of missing ~~senior citizens and missing~~ persons, ~~with developmental disabilities,~~ there is hereby created the missing senior citizen, ~~and~~ missing person with developmental disabilities, AND MISSING PERSON WITH A DEMENTIA DISEASE AND RELATED DISABILITY alert program, referred to in this section as the "program", to be implemented by the bureau. The program shall be a coordinated effort among the bureau, local law enforcement agencies, and the state's public and commercial television and radio broadcasters.

(2) For the purposes of this section:

(a) ~~"Missing person with developmental disabilities" means a person:~~

~~(f) Whose whereabouts are unknown;~~

~~(ff) Whose domicile at the time he or she is reported missing is Colorado;~~

~~(fff) Who has a verified developmental disability; and~~

~~(iv) Whose disappearance poses a credible threat to the safety and health of himself or herself, as determined by a local law enforcement agency. "MISSING PERSON WITH A DEMENTIA DISEASE AND RELATED DISABILITY" MEANS A PERSON:~~

(I) WHOSE WHEREABOUTS ARE UNKNOWN;

(II) WHOSE DOMICILE AT THE TIME HE OR SHE IS REPORTED MISSING IS COLORADO;

(III) WHO HAS A DEMENTIA DISEASE OR RELATED DISABILITY, AS DEFINED IN SECTION 25-1-502 (2.5); AND

(IV) WHOSE DISAPPEARANCE POSES A CREDIBLE THREAT TO THE SAFETY AND HEALTH OF THE PERSON, AS DETERMINED BY A LOCAL LAW ENFORCEMENT AGENCY.

(a.5) "MISSING PERSON WITH DEVELOPMENTAL DISABILITIES" MEANS A PERSON:

(I) WHOSE WHEREABOUTS ARE UNKNOWN;

(II) WHOSE DOMICILE AT THE TIME HE OR SHE IS REPORTED MISSING IS COLORADO;

(III) WHO HAS A VERIFIED DEVELOPMENTAL DISABILITY; AND

(IV) WHOSE DISAPPEARANCE POSES A CREDIBLE THREAT TO THE SAFETY AND HEALTH OF HIMSELF OR HERSELF, AS DETERMINED BY A LOCAL LAW ENFORCEMENT AGENCY.

(3) (b) (I) When a local law enforcement agency receives notice that a senior citizen OR PERSON WITH A DEMENTIA DISEASE AND RELATED DISABILITY is missing, the agency shall require the ~~senior citizen's~~ PERSON'S family or legal guardian to provide documentation of the ~~senior citizen's~~ PERSON'S impaired mental condition. The agency may follow a procedure established by rule to verify the ~~senior citizen~~ PERSON is missing and has an impaired mental condition. Once the local law enforcement agency verifies the ~~senior citizen~~ PERSON is missing and has a verified impaired mental condition, the local law enforcement agency may notify the bureau.

(c) When notified by a local law enforcement agency that a senior citizen OR PERSON WITH A DEMENTIA DISEASE AND RELATED DISABILITY is missing and has a verified impaired mental condition, or a person with DOCUMENTED developmental disabilities is missing, the bureau shall confirm the accuracy of the information and then issue an alert.

(e) The alert shall include all appropriate information from the local law enforcement agency that may assist in the safe recovery of the missing ~~senior citizen~~ or missing person with developmental disabilities and a statement instructing anyone with information related to the missing ~~senior citizen~~ or missing person with developmental disabilities to contact his or her local law enforcement agency.

(f) The alert shall be cancelled upon bureau notification that the missing ~~senior citizen~~ or missing person with developmental disabilities has been found or at the end of the notification period, whichever occurs first. A local law enforcement agency that locates a missing ~~senior citizen~~ or missing person with developmental disabilities who is the subject of an alert shall notify the bureau as soon as possible that the missing ~~senior citizen~~ or missing person with developmental disabilities has been located.

(4) The executive director of the department of public safety shall promulgate rules in accordance with the "State Administrative Procedure Act", article 4 of this ~~title~~ TITLE 24, for the implementation of the program. The rules shall include, but need not be limited to:

(a) Procedures for a local law enforcement agency to use to verify whether a senior citizen, ~~or person with developmental disabilities, OR PERSON WITH A DEMENTIA DISEASE AND RELATED DISABILITY~~ is missing and to verify whether a senior citizen OR PERSON WITH A DEMENTIA DISEASE AND RELATED DISABILITY has an impaired mental condition or WHETHER a person has a developmental disability and the circumstances under which the agency shall report the missing ~~senior citizen or missing person with developmental disabilities~~ to the bureau;

**SECTION 16.** In Colorado Revised Statutes, **amend** 23-21-701 as follows:

**23-21-701. Legislative declaration.** To foster the health, welfare, and safety of the people of this state and to facilitate the research and treatment of ~~Alzheimer's and related diseases~~ DEMENTIA DISEASES AND RELATED DISABILITIES, it is declared to be the policy of this state to achieve the maximum practical degree of care and treatment for persons suffering from ~~Alzheimer's and related diseases~~ DEMENTIA DISEASES AND RELATED DISABILITIES.

**SECTION 17.** In Colorado Revised Statutes, 23-21-702, **amend** (1) as follows:

**23-21-702. Definitions.** As used in this part 7, unless the context otherwise requires:

(1) ~~"Alzheimer's disease" means the neurological disorder in which the death of brain cells causes memory loss and cognitive decline~~ "DEMENTIA DISEASES AND RELATED DISABILITIES" HAS THE SAME MEANING SET FORTH IN SECTION 25-1-502 (2.5).

**SECTION 18.** In Colorado Revised Statutes, **amend** 23-21-703 as follows:

**23-21-703. Center created.** There is established the ~~Alzheimer's disease~~ DEMENTIA DISEASES AND RELATED DISABILITIES treatment and research center within the university of Colorado school of medicine. The treatment center must use existing facilities and staff of the university of Colorado school of medicine and may establish programs for the care and treatment of persons suffering from ~~Alzheimer's disease~~ DEMENTIA DISEASES AND RELATED DISABILITIES as programs are needed. The treatment center may assist on a continuing basis those persons who require continuing treatment for ~~Alzheimer's disease~~ DEMENTIA DISEASES AND RELATED DISABILITIES but who are unable to pay for the entire cost of the services despite the existence of various types of hospital and medical insurance, medicare, medicaid, and other government assistance programs, and private charitable assistance.

**SECTION 19.** In Colorado Revised Statutes, 23-21-704, **amend** (1)(b), (1)(c), (1)(d), (1)(e), and (1)(f) as follows:

**23-21-704. Duties of the school of medicine.** (1) The school of medicine shall:

(b) Assist in the development and expansion of programs for the care and treatment of persons suffering from ~~Alzheimer's disease~~ DEMENTIA DISEASES AND RELATED DISABILITIES, including home care and medical procedures designed to provide maximum control over the ~~disease~~ DISEASES AND DISABILITIES;

(c) Extend financial assistance to persons suffering from ~~Alzheimer's disease~~ DEMENTIA DISEASES AND RELATED DISABILITIES to obtain efficacious agents of control for use in hospital and medical facilities and in the home;

(d) Institute and carry on educational programs for the detection of ~~Alzheimer's disease~~ DEMENTIA DISEASES AND RELATED DISABILITIES in the community and for the counseling of individuals and families;

(e) Conduct educational programs for physicians, hospitals, county and district public health agencies, and the public concerning the methods of care and treatment for persons suffering from ~~the disease~~ DEMENTIA DISEASES AND RELATED DISABILITIES; and

(f) Establish research programs to promote scientific inquiry into the causes and the possible cure or alleviation of the suffering of ~~victims of Alzheimer's disease~~ PERSONS WITH DEMENTIA DISEASES AND RELATED DISABILITIES.

**SECTION 20. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 29, 2018