

CHAPTER 183

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 18-1326

BY REPRESENTATIVE(S) Young, Hamner, Rankin, Arndt, Becker K., Bridges, Buckner, Esgar, Ginal, Hansen, Jackson, Kennedy, Lontine, Melton, Michaelson Jenet, Pettersen, Reyher, Roberts, Rosenthal, Saine, Salazar, Van Winkle, Weissman, Winkler, Winter, Duran, Coleman, Exum, Hooton, Lee;
also SENATOR(S) Lambert, Lundberg, Moreno, Court, Crowder, Fields, Garcia, Hill, Jahn, Jones, Kagan, Kefalas, Martinez Humenik, Merrifield, Neville T., Tate, Todd, Williams A.

AN ACT

CONCERNING SUPPORT FOR PERSONS INTERESTED IN TRANSITIONING FROM AN INSTITUTIONAL SETTING, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, **add** part 15 to article 6 of title 25.5 as follows:

**PART 15
TRANSITION SERVICES**

25.5-6-1501. Community transition services and supports - legislative declaration - rules. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) FEDERALLY REQUIRED ASSESSMENTS INDICATE THAT MORE PERSONS LIVING IN INSTITUTIONAL SETTINGS EXPRESSED AN INTEREST IN TRANSITIONING TO HOME- OR COMMUNITY-BASED SETTINGS THAN CURRENTLY HAVE TRANSITIONS AVAILABLE TO THEM;

(b) FEDERALLY REQUIRED SURVEYS INDICATE THESE PERSONS REPORT A HIGHER QUALITY OF LIFE AFTER TRANSITIONING TO HOME- AND COMMUNITY-BASED SETTINGS, AND THOSE SUCCESSFUL TRANSITIONS OFTEN RESULT IN COST SAVINGS TO THE STATE;

(c) IN ORDER TO ENSURE A SUCCESSFUL TRANSITION, SUCH PERSONS WILL NEED ONGOING SERVICES AND SUPPORTS AFTER THE TRANSITION; AND

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.

(d) SOME PERSONS TRANSITIONING OUT OF AN INSTITUTION WILL NEED ASSISTANCE WITH FINDING AND PAYING FOR HOUSING THAT MAY BE PROVIDED BY VOUCHERS FROM THE DEPARTMENT OF LOCAL AFFAIRS.

(2) (a) THE STATE DEPARTMENT SHALL IMPLEMENT COMMUNITY TRANSITION SERVICES AND SUPPORTS THAT ALLOW ELIGIBLE PERSONS TO RECEIVE SERVICES TO SUPPORT A SUCCESSFUL TRANSITION FROM AN INSTITUTIONAL SETTING TO A HOME- OR COMMUNITY-BASED SETTING. THE STATE DEPARTMENT MAY SEEK ANY STATE PLAN AMENDMENTS OR FEDERAL WAIVERS OR WAIVER AMENDMENTS THAT MAY BE NECESSARY TO IMPLEMENT THIS PART 15.

(b) WITH INPUT FROM CONSUMERS OF HOME- AND COMMUNITY-BASED SERVICES, THE STATE DEPARTMENT SHALL DESIGN AND IMPLEMENT COMMUNITY TRANSITION SERVICES AND SUPPORTS FOR ELIGIBLE PERSONS WHO ARE PREPARING TO TRANSITION OR HAVE RECENTLY TRANSITIONED FROM AN INSTITUTIONAL SETTING.

(c) AN ELIGIBLE PERSON IS NOT REQUIRED TO LEAVE AN INSTITUTIONAL SETTING IF, WHILE EXPLORING THE OPTION TO TRANSITION, THE PERSON DECIDES TO REMAIN IN HIS OR HER CURRENT LIVING SITUATION. IF AN ELIGIBLE PERSON DOES TRANSITION, THE PERSON MAY CHOOSE BETWEEN STATE PLAN BENEFITS AND WAIVER SERVICES FOR WHICH HE OR SHE IS ELIGIBLE TO ENSURE A SUCCESSFUL TRANSITION.

(3) IN ORDER TO QUALIFY AND TO REMAIN ELIGIBLE FOR THE COMMUNITY TRANSITION SERVICES AND SUPPORTS AUTHORIZED BY THIS PART 15, A PERSON SHALL:

(a) BE ELIGIBLE FOR HOME- AND COMMUNITY-BASED SERVICES UNDER PARTS 3 TO 12 OF THIS ARTICLE 6 OR ANY OTHER HOME- AND COMMUNITY-BASED SERVICE WAIVER FOR WHICH THE STATE DEPARTMENT HAS FEDERAL WAIVER AUTHORITY;

(b) BE WILLING TO PARTICIPATE AND HAVE EXPRESSED AN INTEREST IN MOVING TO A HOME- OR COMMUNITY-BASED SETTING;

(c) RESIDE IN A NURSING HOME OR OTHER INSTITUTIONAL SETTING;

(d) OBTAIN MEDICAID ELIGIBILITY PRIOR TO DISCHARGING FROM THE INSTITUTIONAL SETTING AND PRIOR TO ACCESSING COMMUNITY TRANSITION SERVICES NEEDED TO ASSIST THE PERSON WITH PLANNING AND PREPARING FOR THE TRANSITION;

(e) WORK WITH A CASE MANAGEMENT AGENCY TO DETERMINE AND ENROLL IN THE ADDITIONAL HOME- AND COMMUNITY-BASED SERVICES NEEDED FOR A SUCCESSFUL TRANSITION;

(f) TRANSITION TO A HOME- OR COMMUNITY-BASED SETTING THAT COMPLIES WITH FEDERAL AND STATE RULES; AND

(g) MEET ANY OTHER QUALIFICATIONS ESTABLISHED BY THE STATE BOARD BY RULE.

(4) THE SERVICES PROVIDED TO THE ELIGIBLE PERSON UNDER THIS PART 15 MUST BE BASED ON THE ELIGIBLE PERSON'S COMMUNITY LIVING GOALS, ASSESSED NEEDS, AND SUPPORT PLAN, OR ANY APPROVED RESOURCE ALLOCATION PROCESS AS DETERMINED BY THE STATE DEPARTMENT FOR THE ELIGIBLE PERSON.

(5) THE STATE DEPARTMENT SHALL DEVELOP THE ACCOUNTABILITY REQUIREMENTS NECESSARY TO SAFEGUARD THE USE OF PUBLIC DOLLARS, TO PROMOTE EFFECTIVE AND EFFICIENT DELIVERY OF SERVICES, AND TO MONITOR THE SAFETY AND WELFARE OF PERSONS RECEIVING SERVICES PURSUANT TO THIS PART 15.

(6) THE STATE BOARD SHALL ADOPT RULES AS NECESSARY FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE COMMUNITY TRANSITION SERVICES AND SUPPORTS AUTHORIZED BY THIS PART 15, INCLUDING ESTABLISHING LIMITS ON THE UNITS OF SERVICE PER ELIGIBLE PERSON TO FIT WITHIN AVAILABLE APPROPRIATIONS.

(7) A PERSON WHO HAS BEEN DESIGNATED AS A LEGAL GUARDIAN MUST BE INVOLVED IN THE DECISION-MAKING RELATED TO THE FEASIBILITY OF A TRANSITION TO A HOME- OR COMMUNITY-BASED SETTING AND THE CHOICE OF SERVICES AND SUPPORTS THAT MAY BE NEEDED TO SUPPORT A SUCCESSFUL TRANSITION.

(8) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), ON OR BEFORE NOVEMBER 1, 2019, AND EACH NOVEMBER 1 THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND THE JOINT BUDGET COMMITTEE, OR ANY SUCCESSOR COMMITTEES, ON THE EFFECTIVENESS OF PROVIDING THE SERVICES AND SUPPORTS REQUIRED BY THIS PART 15. THE REPORT MUST INCLUDE:

(a) AN EVALUATION OF THE COST-EFFECTIVENESS OF THE SERVICES; AND

(b) FOR EACH YEAR OF THE PROGRAM, THE NUMBER OF PERSONS WHO:

(I) REQUESTED SERVICES;

(II) RECEIVED SERVICES;

(III) TRANSITIONED FROM AN INSTITUTIONAL SETTING TO A HOME- OR COMMUNITY-BASED SETTING; AND

(IV) TRANSITIONED FROM AN INSTITUTIONAL SETTING BUT LATER RETURNED TO AN INSTITUTIONAL SETTING.

SECTION 2. In Colorado Revised Statutes, 25.5-6-303, **amend** the introductory portion; and **repeal** (21) as follows:

25.5-6-303. Definitions. As used in this part 3 and part 5 of this ~~article~~ ARTICLE 6, unless the context otherwise requires:

(21) "~~Transition coordination service agency~~" means an agency that is certified

~~by the state department, as specified in rule by the state board, and provides independent living core services as defined in section 8-85-102 (6), C.R.S., and community transition services.~~

SECTION 3. In Colorado Revised Statutes, 25.5-6-307, **repeal** (1)(i) as follows:

25.5-6-307. Services for the elderly, blind, and disabled. (1) Subject to the provisions of this part 3, home- and community-based services for the elderly, blind, and disabled include only the following services:

~~(i) Community transition services not to exceed two thousand dollars per eligible person, unless otherwise authorized by the state department, which shall be administered by a transition coordination service agency;~~

SECTION 4. Appropriation. - adjustments to 2018 long bill. (1) To implement this act, the general fund appropriation made in the annual general appropriation act for the 2018-19 state fiscal year to the department of health care policy and financing for medical services premiums is decreased by \$692,248, which amount is subject to the "(M)" notation as defined in the annual general appropriation act for the same fiscal year.

(2) The decrease of the appropriations in subsection (1) of this section is based on the assumption that the anticipated amount of federal funds received for the 2018-19 state fiscal year by the department of health care policy and financing for medical services premiums will decrease by \$692,248.

(3) For the 2018-19 state fiscal year, \$215,190 is appropriated to the department of health care policy and financing. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$33,750 for the medicaid management information system maintenance and projects, which amount is subject to the "(M)" notation as defined in the annual general appropriation act for the same fiscal year; and

(b) \$181,440 for adult comprehensive services.

(4) For the 2018-19 state fiscal year, the general assembly anticipates that the department of health care policy and financing will receive \$485,190 in federal funds to implement this act. The appropriation in subsection (3) of this section is based on the assumption that the department will receive this amount of federal funds to be used as follows:

(a) \$303,750 for the medicaid management information system maintenance and projects; and

(b) \$181,440 for adult comprehensive services.

(5) For the 2018-19 state fiscal year, \$306,000 is appropriated to the department of local affairs for use by the division of housing. This appropriation is from the general fund. To implement this act, the department may use this appropriation for low income rental subsidies.

SECTION 5. Effective date. This act takes effect July 1, 2018.

SECTION 6. 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: April 30, 2018