

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 13, 2018

Date

Committee on Public Health Care & Human Services.

After consideration on the merits, the Committee recommends the following:

HB18-1094 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, line 27, strike "IT IS".
- 2 Page 5, strike line 1 and substitute "THERE IS NO PENDING OR CURRENT
- 3 ACTION IN DEPENDENCY OR".
- 4 Page 5, after line 17 insert:
 - 5 "(8) "FIRST-LEVEL APPEAL" MEANS THE INITIAL PROCESS A
 - 6 MEDICAID MEMBER IS REQUIRED TO ENACT TO CONTEST A BENEFIT,
 - 7 SERVICE, OR ELIGIBILITY DECISION MADE BY MEDICAID OR A MEDICAID
 - 8 MANAGED CARE ENTITY.
 - 9 (9) "MEDICAID CHILD OR YOUTH WHO IS AT RISK OF OUT-OF-HOME
 - 10 PLACEMENT" MEANS A CHILD OR YOUTH WHO IS CATEGORICALLY ELIGIBLE
 - 11 FOR MEDICAID BUT WHO OTHERWISE MEETS THE DEFINITION OF A CHILD OR
 - 12 YOUTH WHO IS AT RISK OF OUT-OF-HOME PLACEMENT AS DEFINED IN
 - 13 SUBSECTION (2) OF THIS SECTION."
- 14 Renumber succeeding subsections accordingly.
- 15 Page 5, strike line 20 and substitute "SERVICES".
- 16 Page 5, line 21, strike "FINANCING".
- 17 Page 6, strike lines 15 through 17 and substitute "~~whether the child is~~

1 ~~categorically eligible for medicaid under the capitated mental health~~
2 ~~system described in section 25.5-5-411, C.R.S., or whether the parent~~
3 ~~believes his or her child is a child~~ IF THE PARENT OR".

4 Page 6, line 21, before "OR" insert "NONPROFIT ADVOCACY
5 ORGANIZATION,".

6 Page 6, line 22, strike "DEPARTMENT." and substitute "DEPARTMENT;
7 HOWEVER, THE STATE DEPARTMENT IS NOT OBLIGATED TO PAY FOR ANY
8 SERVICES PROVIDED BY ENTITIES WITH WHICH THEY DO NOT CONTRACT.".

9 Page 7, line 12, before "OR" insert "NONPROFIT ADVOCACY
10 ORGANIZATION,".

11 Page 7, line 13, strike "DEPARTMENT." and substitute "DEPARTMENT;
12 HOWEVER, THE STATE DEPARTMENT IS NOT OBLIGATED TO PAY FOR ANY
13 SERVICES PROVIDED BY ENTITIES WITH WHICH THEY DO NOT CONTRACT.".

14 Page 8, line 12, before "OR" insert "NONPROFIT ADVOCACY
15 ORGANIZATION,".

16 Page 8, line 13, strike "APPEAL." and substitute "APPEAL; HOWEVER, THE
17 STATE DEPARTMENT IS NOT OBLIGATED TO PAY FOR ANY SERVICES
18 PROVIDED BY ENTITIES WITH WHICH THEY DO NOT CONTRACT.".

19 Page 8, before line 16 insert:

20 "(1.5) (a) THE PARENT OR GUARDIAN OF A MEDICAID CHILD OR
21 YOUTH WHO IS AT RISK OF OUT-OF-HOME PLACEMENT MAY REQUEST,
22 WITHIN FIVE DAYS AFTER ALL FIRST-LEVEL MEDICAID APPEALS PROCESSES
23 ARE EXHAUSTED, AN OBJECTIVE THIRD PARTY AT THE STATE DEPARTMENT
24 WHO IS A PROFESSIONAL PERSON TO REVIEW THE SERVICE REQUEST MADE
25 TO MEDICAID. A FAMILY ADVOCATE, FAMILY SYSTEM NAVIGATOR, OR
26 COUNTY DEPARTMENT MAY ASSIST A FAMILY IN FILING AN APPEAL. THE
27 REVIEW MUST OCCUR WITHIN THREE WORKING DAYS OF THE PARENT'S OR
28 GUARDIAN'S REQUEST.

29 (b) THE ADMINISTRATIVE LAW JUDGE CONSIDERING THE MEDICAID
30 APPEAL FOR THE MEDICAID CHILD OR YOUTH WHO IS AT RISK OF
31 OUT-OF-HOME PLACEMENT SHALL TAKE INTO CONSIDERATION THE
32 OBJECTIVE THIRD-PARTY REVIEW BY THE STATE DEPARTMENT AS PART OF
33 HIS OR HER RECONSIDERATION AND DECISION OF THE MEDICAID SERVICE

1 REQUEST."

2 Page 8, line 19, strike "contact" and substitute "~~contact~~ MAKE A REFERRAL
3 TO THE STATEWIDE CHILD ABUSE HOTLINE ESTABLISHED IN SECTION
4 26-5-111 OR".

5 Page 8, line 20, strike "referral to" and substitute "~~referral to~~ REFERRAL,
6 IF ASSIGNED FOR AN ASSESSMENT BY".

7 Page 8, strike line 27 and substitute "well-being has occurred. ~~warranting~~
8 ~~a dependency or neglect action.~~".

9 Page 9, strike line 1.

10 Page 9, strike lines 17 through 19 and substitute "OUT-OF-HOME
11 PLACEMENT AND FOR WHOM A CHILD ABUSE AND NEGLECT REFERRAL WAS
12 MADE TO THE COUNTY DEPARTMENT;".

13 Page 10, strike lines 10 through 12 and substitute:

14 "(h) THE AGGREGATE NUMBER OF THIRD-PARTY REVIEWS
15 COMPLETED BY THE STATE DEPARTMENT FOR CHILDREN SERVED
16 PURSUANT TO THIS ARTICLE 67, DELINEATED BY CHILDREN WHO ARE AND
17 ARE NOT CATEGORICALLY ELIGIBLE FOR MEDICAID.".

18 Page 10, strike lines 13 through 27.

19 Strike page 11.

20 Page 12, strike lines 1 through 8

21 Renumber succeeding subsection accordingly.

22 Page 12, lines 10 and 11, strike "SUBSECTIONS (1) AND (2)" and substitute
23 "SUBSECTION (1)".

24 Page 13, lines 8 and 9, strike "**standards. THE**" and substitute "**standards**
25 **- advisory board. (1) THE**".

26 Page 13, line 9, strike "SECTION 27-65-131" and substitute "SUBSECTION
27 (2) OF THIS SECTION".

1 Page 13, strike lines 13 through 27.

2 Page 14, strike lines 1 through 23 and substitute:

3 "(2) AN ADVISORY BOARD TO THE STATE DEPARTMENT IS
4 ESTABLISHED FOR THE PURPOSE OF ASSISTING AND ADVISING THE
5 EXECUTIVE DIRECTOR IN ACCORDANCE WITH THIS SECTION IN THE
6 DEVELOPMENT OF SERVICE STANDARDS AND RULES. THE ADVISORY BOARD
7 CONSISTS OF NOT LESS THAN ELEVEN NOR MORE THAN FIFTEEN MEMBERS
8 APPOINTED BY THE STATE DEPARTMENT AS FOLLOWS:

9 (a) ONE REPRESENTATIVE EACH FROM THE OFFICE OF BEHAVIORAL
10 HEALTH; THE OFFICE OF CHILDREN, YOUTH, AND FAMILIES; THE
11 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING; AND A LEADING
12 PROFESSIONAL ASSOCIATION OF PSYCHIATRISTS IN THIS STATE;

13 (b) ONE MEMBER REPRESENTING NONPROFIT HEALTH CARE
14 FACILITIES;

15 (c) ONE MEMBER REPRESENTING CHILDREN OR YOUTH CONSUMERS
16 OF SERVICES FOR PERSONS WITH MENTAL HEALTH DISORDERS;

17 (d) ONE MEMBER REPRESENTING FAMILIES OF PERSONS WITH
18 MENTAL HEALTH DISORDERS;

19 (e) ONE MEMBER REPRESENTING CHILDREN'S HEALTH CARE
20 FACILITIES;

21 (f) ONE MEMBER REPRESENTING A COMMUNITY MENTAL HEALTH
22 CENTER THAT PERFORMS EVALUATIONS PURSUANT TO THIS ARTICLE 67;

23 (g) ONE MEMBER REPRESENTING A COUNTY HUMAN OR SOCIAL
24 SERVICES AGENCY;

25 (h) ONE MEMBER REPRESENTING INDIVIDUALS WITH INTELLECTUAL
26 AND DEVELOPMENTAL DISABILITIES; AND

27 (i) OTHER PERSONS FROM BOTH THE PRIVATE AND THE PUBLIC
28 SECTORS WHO ARE RECOGNIZED OR KNOWN TO BE INTERESTED AND
29 INFORMED IN THE AREA OF THE ADVISORY BOARD'S PURPOSE AND
30 FUNCTION.

31 (3) IN MAKING APPOINTMENTS TO THE ADVISORY BOARD, THE
32 STATE DEPARTMENT MUST INCLUDE REPRESENTATION BY AT LEAST ONE
33 MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION
34 24-45.5-102 (2); A FAMILY MEMBER OF A PERSON WITH A DISABILITY; OR
35 A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES,
36 PROVIDED THAT THE OTHER REQUIREMENTS OF SUBSECTION (2) OF THIS
37 SECTION ARE MET."

38 Renumber succeeding sections accordingly.

1 Page 15, line 7, strike "(8)" and substitute "(10)".

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