

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-1012.01 Shelby Ross x4510

SENATE BILL 22-203

SENATE SPONSORSHIP

Fields and Smallwood,

HOUSE SPONSORSHIP

Lontine and Soper,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE DEPARTMENT OF HEALTH CARE POLICY AND
102 FINANCING'S OVERSIGHT OF CONTRACTED ENTITIES PROVIDING
103 SERVICES TO THE PROGRAM OF ALL-INCLUSIVE CARE FOR THE
104 ELDERLY.

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>.)

No later than June 30, 2023, the bill requires the department of health care policy and financing (state department), in conjunction with the department of public health and environment, to develop a regulatory

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

plan to establish formal oversight requirements for the program of all-inclusive care for the elderly (PACE).

No later than March 1, 2024, the bill requires the state department to establish, administer, and enforce minimum regulatory standards and rules for the PACE program.

The bill requires the state department to continually analyze the reimbursement methodology for PACE entities and provide an update to specified committees of the general assembly of any methodology requirements that incorporate encounter data and any associated costs to the state department in overseeing PACE entities.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-412, **add** (15)
3 as follows:

4 **25.5-5-412. Program of all-inclusive care for the elderly -**
5 **services - eligibility - rules - legislative declaration - definitions.**

6 (15) (a) NO LATER THAN JUNE 30, 2023, THE STATE DEPARTMENT, IN
7 CONJUNCTION WITH THE DEPARTMENT OF PUBLIC HEALTH AND
8 ENVIRONMENT, SHALL DEVELOP A REGULATORY PLAN TO ESTABLISH
9 FORMAL OVERSIGHT REQUIREMENTS FOR PACE ENTITIES. IN DEVELOPING
10 THE PLAN, THE DEPARTMENTS SHALL CONSIDER, AT A MINIMUM:

11 (I) INPUT FROM EXECUTIVE AGENCIES; ANY LOCAL GOVERNMENTS
12 WITHIN A PACE SERVICE AREA, INCLUDING CITIES AND COUNTIES; AGING
13 AND OLDER ADULT ADVOCACY ORGANIZATIONS; PACE PARTICIPANTS;
14 FAMILY MEMBERS OF PACE PARTICIPANTS; DISABILITY ADVOCACY
15 ORGANIZATIONS; URBAN PACE ENTITIES; RURAL PACE ENTITIES; AND
16 PACE TRADE ORGANIZATIONS;

17 (II) STATE DEPARTMENT DEMOGRAPHIC DATA TO DETERMINE THE
18 FEASIBILITY OF POTENTIAL OR EXISTING PACE ENTITIES TO ESTABLISH OR
19 EXPAND WITHIN A SPECIFIC GEOGRAPHICAL AREA WITH AN ESTABLISHED
20 PACE PROGRAM;

1 (III) UTILIZATION, QUALITY, AND PERFORMANCE DATA OF EACH
2 PACE ENTITY AND ASSOCIATED PACE ENTITIES;

3 (IV) BUSINESS CONTINUITY AND SOLVENCY INFORMATION OF EACH
4 PACE ENTITY OR ASSOCIATED PACE ENTITIES;

5 (V) MEASURABLE INNOVATIVE PRACTICES OF PACE ENTITIES;

6 (VI) STAFFING PRACTICES OF PACE ENTITIES;

7 (VII) TRANSPORTATION DATA OF EACH PACE ENTITY, INCLUDING
8 THE NUMBER OF TRIPS, TRAVEL TIME, AND PICK-UP AND DROP-OFF
9 PROCESSES;

10 (VIII) SATISFACTION AND EXIT SURVEY DATA OF EACH PACE
11 ENTITY;

12 (IX) AUDITS, COMPLAINTS, AND GRIEVANCES OF EACH PACE
13 ENTITY;

14 (X) CURRENT PACE OVERSIGHT PROCESSES, INCLUDING HOME
15 HEALTH REGULATORY REQUIREMENTS AND LICENSURE;

16 (XI) ANY DUPLICATION OF FEDERAL OVERSIGHT PROCESSES;

17 (XII) DUE PROCESS AND APPEAL RIGHTS OF PACE ENTITIES; AND

18 (XIII) CITATIONS, FINES, AND SUSPENSION REMEDIES TO ENSURE
19 COMPLIANCE WITH REGULATIONS TO PROTECT THE HEALTH, SAFETY, AND
20 WELFARE OF MEDICAID MEMBERS.

21 (b) NO LATER THAN MARCH 1, 2024, THE STATE DEPARTMENT
22 SHALL ESTABLISH, ADMINISTER, AND ENFORCE MINIMUM REGULATORY
23 STANDARDS AND RULES FOR THE PACE PROGRAM, INCLUDING FOR
24 CONTRACTED ENTITIES OF THE PACE PROGRAM. THE STANDARDS AND
25 RULES MUST BE SUFFICIENT TO ENSURE THE HEALTH, SAFETY, AND
26 WELFARE OF PACE PARTICIPANTS.

27 (c) THE STATE DEPARTMENT SHALL CONTINUALLY ANALYZE THE

1 REIMBURSEMENT METHODOLOGY FOR PACE ENTITIES AND PROVIDE AN
2 UPDATE TO THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL
3 HEALTH AND HUMAN SERVICES COMMITTEE, THE SENATE HEALTH AND
4 HUMAN SERVICES COMMITTEE, AND THE JOINT BUDGET COMMITTEE, OR
5 THEIR SUCCESSOR COMMITTEES, OF ANY NEW METHODOLOGY
6 REQUIREMENTS THAT INCORPORATE ENCOUNTER DATA AND ANY
7 ASSOCIATED COST TO THE STATE DEPARTMENT IN OVERSEEING PACE
8 ENTITIES.

9 **SECTION 2. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.