

CHAPTER 281

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 23-1197

BY REPRESENTATIVE(S) Young and Weinberg, Bacon, Bird, Brown, deGruy Kennedy, Dickson, Froelich, Garcia, Hamrick, Herod, Jodeh, Lieder, Lindsay, Marshall, Michaelson Jenet, Snyder, Titone, Willford, McCluskie;
also SENATOR(S) Danielson, Bridges, Cutter, Ginal, Gonzales, Marchman, Priola, Sullivan, Winter F.

AN ACT

CONCERNING REQUIRING THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO ENGAGE IN A STAKEHOLDER PROCESS TO ADDRESS THE OVERSIGHT OF HOST HOME PROVIDERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. The general assembly finds and declares that individuals who require 24-hour care 7 days a week deserve a safe environment where agreed-upon services and supports are provided. Therefore, it is imperative that the department of health care policy and financing engage in a stakeholder process with individuals who receive such services to address concerns and identify solutions as it relates to the oversight of host home providers.

SECTION 2. In Colorado Revised Statutes, **add 25.5-10-241** as follows:

25.5-10-241. Host home provider stakeholder collaboration - report. (1) NO LATER THAN SEPTEMBER 1, 2023, THE STATE DEPARTMENT SHALL ENGAGE IN A STAKEHOLDER PROCESS, WHICH MUST INCLUDE BUT IS NOT LIMITED TO EQUITABLE REPRESENTATION AMONG PROGRAM-APPROVED SERVICE AGENCIES, CASE MANAGEMENT AGENCIES, HOST HOME PROVIDERS UNDER CONTRACT WITH A PROVIDER AGENCY, INDIVIDUALS WITH LIVED EXPERIENCES, AND ADVOCACY GROUPS THAT REPRESENT THE DISABILITY COMMUNITY, TO ADDRESS CONCERNS AND IDENTIFY VIABLE SOLUTIONS RELATED TO INDIVIDUALS WHO RECEIVE LONG-TERM SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE 10. AT A MINIMUM, THE STAKEHOLDER PROCESS MUST ADDRESS:

(a) THE TIMELINE, PROCESS, AND PROCEDURE FOR REPORTING AND RESOLVING A GRIEVANCE OR COMPLAINT BY AN INDIVIDUAL RECEIVING LONG-TERM SERVICES AND

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

SUPPORTS, INCLUDING REGULAR NOTIFICATIONS TO THE INDIVIDUAL ABOUT THE GRIEVANCE AND COMPLAINT PROCEDURE AND PROCESS, THE RIGHT TO AN APPEAL, HOW A INDIVIDUAL CAN EASILY ACCESS INFORMATION RELATED TO THE PROCESS AND PROCEDURE, AND HOW TO REPORT RETALIATION;

(b) THE PROCESS BY WHICH A HOST HOME PROVIDER UNDER CONTRACT WITH A PROVIDER AGENCY THAT IS CONVICTED OF ABUSE OR NEGLECT MAY BE DETERMINED INELIGIBLE TO CONTINUE PROVIDING SERVICES AND SUPPORTS; AND

(c) CONSISTENCY OF CONTRACT LANGUAGE BETWEEN PROGRAM-APPROVED SERVICE AGENCIES AND HOST HOME PROVIDERS UNDER CONTRACT WITH A PROVIDER AGENCY.

(2) NO LATER THAN JANUARY 2025, THE STATE DEPARTMENT SHALL REPORT AS PART OF ITS "SMART ACT" HEARING REQUIRED BY SECTION 2-7-203 ON THE STAKEHOLDER PROCESS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, INCLUDING IDENTIFYING ANY ADMINISTRATIVE RESOURCES NEEDED TO ADDRESS THE CONCERNS AND SOLUTIONS IDENTIFIED DURING THE STAKEHOLDER PROCESS.

SECTION 3. Appropriation. (1) For the 2023-24 state fiscal year, \$75,000 is appropriated to the department of health care policy and financing for use by the office of community living. This appropriation is from the general fund and is subject to the "(M)" notation as defined in the annual general appropriation act for the same fiscal year. To implement this act, the office may use this appropriation for operating expenses.

(2) For the 2023-24 state fiscal year, the general assembly anticipates that the department of health care policy and financing will receive \$75,000 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.

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, or safety.

Approved: May 30, 2023