

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0641.01 Jerry Barry x4341

HOUSE BILL 25-1003

HOUSE SPONSORSHIP

Stewart R. and Brooks,

SENATE SPONSORSHIP

Cutter,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A MEDICAID WAIVER PROGRAM FOR CHILDREN WITH**
102 **COMPLEX HEALTH NEEDS.**

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>.)

The bill merges 2 existing medicaid waiver programs for children into one children's home- and community-based services waiver program, known as the children with complex health needs waiver program. The bill relocates provisions to the new program due to the repeal of the 2 existing waiver programs.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 25.5-6-904** as
3 follows:

4 **25.5-6-904. Children with complex health needs waiver**
5 **program - federal authorization - rules - legislative declaration -**
6 **definitions.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

7 (a) DUE TO CHANGES IN THE STATE'S MEDICAL ASSISTANCE
8 PROGRAM, IT IS NECESSARY TO MERGE THE CURRENT DISABLED CHILDREN
9 CARE PROGRAM ESTABLISHED PURSUANT TO SECTION 25.5-6-901 AND THE
10 PEDIATRIC HOSPICE CARE PROGRAM ESTABLISHED PURSUANT TO SECTION
11 25.5-5-305 INTO A CHILDREN WITH COMPLEX HEALTH NEEDS WAIVER
12 PROGRAM; AND

13 (b) COMBINING THE PROGRAMS WILL ALLOW THE STATE
14 DEPARTMENT TO STREAMLINE HOME- AND COMMUNITY-BASED SERVICES
15 FOR CHILDREN, EXPAND ACCESS TO SERVICES, AND ENSURE ELIGIBLE
16 CHILDREN CONTINUED ACCESS TO NECESSARY SERVICES.

17 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES:

19 (a) "BEREAVEMENT SERVICES" MEANS COUNSELING PROVIDED TO
20 ELIGIBLE CHILDREN OR THEIR FAMILY MEMBERS TO GUIDE AND HELP
21 CHILDREN AND FAMILIES COPE WITH AN ELIGIBLE CHILD'S LIFE-LIMITING
22 ILLNESS AND THE STRESS THAT ACCOMPANIES THE CONTINUOUS CARE FOR
23 A CHILD WITH A LIFE-LIMITING ILLNESS.

24 (b) "PALLIATIVE CARE" MEANS A SPECIFIC PROGRAM OF
25 SPECIALIZED MEDICAL CARE, INCLUDING CARE COORDINATION AND PAIN
26 AND SYMPTOM MANAGEMENT, FOR ELIGIBLE CHILDREN WITH A

1 LIFE-LIMITING ILLNESS THAT IS OFFERED BY A LICENSED HEALTH-CARE
2 FACILITY OR PROVIDER AND THAT IS SPECIFICALLY FOCUSED ON THE
3 PROVISION OF SERVICES AT ANY STAGE THROUGHOUT A LIFE-LIMITING
4 ILLNESS IN ORDER TO:

5 (I) PROVIDE ELIGIBLE CHILDREN WITH RELIEF FROM THE
6 SYMPTOMS, PAIN, AND STRESS OF A LIFE-LIMITING ILLNESS, WHATEVER THE
7 DIAGNOSIS; AND

8 (II) IMPROVE THE QUALITY OF LIFE FOR BOTH THE ELIGIBLE CHILD
9 AND THE CHILD'S FAMILY.

10 (c) "RESPITE CARE SERVICES" MEANS SHORT-TERM SERVICES
11 PROVIDED TO AN ELIGIBLE CHILD IN THE CHILD'S HOME OR IN A FACILITY
12 APPROVED BY THE STATE DEPARTMENT IN ORDER TO TEMPORARILY
13 RELIEVE THE CHILD'S FAMILY OR OTHER HOME CARE PROVIDERS FROM THE
14 CARE AND MAINTENANCE OF THE ELIGIBLE CHILD, INCLUDING ROOM AND
15 BOARD, PERSONAL CARE, AND OTHER RELATED SERVICES.

16 (3) (a) THE STATE DEPARTMENT SHALL SEEK ANY FEDERAL
17 AUTHORIZATION NECESSARY TO IMPLEMENT A WAIVER PROGRAM FOR
18 CHILDREN WITH COMPLEX HEALTH NEEDS. THE STATE BOARD SHALL
19 ESTABLISH, BY RULE, TO THE EXTENT AUTHORIZED OR REQUIRED BY THE
20 FEDERAL WAIVER, THE TYPES OF SERVICES PROVIDED BY THE WAIVER
21 PROGRAM, WHICH MUST INCLUDE RESPITE CARE SERVICES, PALLIATIVE
22 CARE, AND BEREAVEMENT SERVICES.

23 (b) A CHILD IS ELIGIBLE FOR THE WAIVER PROGRAM IF THE CHILD
24 IS UNDER NINETEEN YEARS OF AGE, IS ELIGIBLE FOR THE STATE MEDICAL
25 ASSISTANCE PROGRAM PURSUANT TO THIS ARTICLE 6 AND ARTICLES 4 AND
26 5 OF THIS TITLE 25.5, AND HAS A LIFE-LIMITING ILLNESS OR QUALIFIES FOR
27 NURSING FACILITY OR HOSPITAL LEVEL OF CARE.

1 (4) THE CHILDREN WITH COMPLEX HEALTH NEEDS WAIVER
2 PROGRAM, AS AUTHORIZED PURSUANT TO THIS SECTION, MUST MEET
3 AGGREGATE FEDERAL WAIVER BUDGET NEUTRALITY REQUIREMENTS.

4 **SECTION 2.** In Colorado Revised Statutes, 25.5-5-304, **add**
5 (3)(d) as follows:

6 **25.5-5-304. Hospice care.** (3) (d) FOR THE PROVISION OF
7 PEDIATRIC HOSPICE CARE, THE STATE DEPARTMENT SHALL SEEK AN
8 EXEMPTION FROM THE FOLLOWING FEDERAL MEDICAID REQUIREMENTS FOR
9 THE ELIGIBILITY OF AND ELECTION FOR HOSPICE CARE:

10 (I) THE MANDATORY DO-NOT-RESUSCITATE ORDER;

11 (II) A PHYSICIAN'S CERTIFICATION THAT A PATIENT IS EXPECTED
12 TO LIVE LESS THAN SIX MONTHS; AND

13 (III) THE NONALLOWANCE OF CURATIVE CARE THERAPIES
14 CONCURRENT WITH PALLIATIVE AND HOSPICE CARE.

15 **SECTION 3.** In Colorado Revised Statutes, 24-22-117, **amend**
16 (2) introductory portion, (2)(a)(II) introductory portion, and (2)(a)(II)(C)
17 as follows:

18 **24-22-117. Tobacco tax cash fund - accounts - creation -**
19 **legislative declaration.** (2) There are hereby created in the state treasury
20 the following funds:

21 (a) (II) Except as provided in ~~subparagraph (III) of this paragraph~~
22 ~~(a)~~ SUBSECTION (2)(a)(III) OF THIS SECTION, for fiscal year 2005-06 and
23 each fiscal year thereafter, ~~moneys~~ MONEY in the health care expansion
24 fund shall be annually appropriated by the general assembly to the
25 department of health care policy and financing for the following
26 purposes:

27 (C) To expand the number of children ~~that~~ WHO can be enrolled

1 in the ~~children's home- and community-based service waiver~~ CHILDREN
2 WITH COMPLEX HEALTH NEEDS program, ~~section 25.5-6-901, C.R.S.~~
3 SECTION 25.5-6-904, and the children's extensive support waiver program;

4 **SECTION 4.** In Colorado Revised Statutes, 25.5-5-203, **repeal**
5 (1)(i); and **add** (1)(p) as follows:

6 **25.5-5-203. Optional programs with special state provisions -**
7 **repeal.** (1) Subject to the provisions of subsection (2) of this section, this
8 section specifies programs developed by Colorado to increase federal
9 financial participation through selecting optional services or optional
10 eligible groups. These programs include but are not limited to:

11 (i) ~~The disabled children care program, as specified in section~~
12 ~~25.5-6-901;~~

13 (p) THE CHILDREN WITH COMPLEX NEEDS WAIVER PROGRAM, AS
14 SPECIFIED IN SECTION 25.5-6-904.

15 **SECTION 5.** In Colorado Revised Statutes, 39-22-566, **amend**
16 (2)(i) as follows:

17 **39-22-566. Qualified care worker tax credit - tax preference**
18 **performance statement - legislative declaration - definitions - repeal.**

19 (2) As used in this section, unless the context otherwise requires:

20 (i) "Home- and community-based services" means any services
21 provided in this state pursuant to parts 3 to 13 or part 19 of article 6 of
22 title 25.5. ~~or section 25.5-5-305.~~

23 **SECTION 6.** In Colorado Revised Statutes, **repeal** 25.5-5-305
24 and 25.5-6-901.

25 **SECTION 7. Effective date.** This act takes effect July 1, 2025;
26 except that section 2 of this act takes effect July 1, 2026.

27 **SECTION 8. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety or for appropriations for
3 the support and maintenance of the departments of the state and state
4 institutions.