

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

INTRODUCED

LLS NO. 25-0025.01 Shelby Ross x4510

HOUSE BILL 25-1325

HOUSE SPONSORSHIP

Espenosa and Bradley,

SENATE SPONSORSHIP

Exum,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING UPDATING STATUTORY REFERENCES TO THE AMENDED**
102 **DEFINITION OF "ELIGIBLE PERSON".**

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/>.)

Statutory Revision Committee. In 2023, Senate Bill 23-261 created a new definition of "direct care consumer" and defined the term as "an eligible person, as defined in section 25.5-6-1101 (4)". That same year, Senate Bill 23-289 amended the definition of "eligible person" in section 25.5-6-1101 (4), leaving an incorrect reference to "eligible person" in Senate Bill 23-261. The bill makes technical changes to correct

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.

the incorrect reference.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-7.5-102, **amend**
3 (3)(b), (4)(b), and (6)(b); and **add** (7.5) as follows:

4 **8-7.5-102. Definitions.** As used in this article 7.5, unless the
5 context otherwise requires:

6 (3) "Direct care consumer" means:

7 (b) An eligible person; ~~as defined in section 25.5-6-1101 (4);~~
8 ~~including an eligible person who participates in the consumer-directed~~
9 ~~care service model pursuant to part 11 of article 6 of title 25.5; or~~

10 (4) (b) "Direct care employer" does not include an eligible person
11 ~~as defined in section 25.5-6-1101 (4);~~ who participates in the
12 consumer-directed care service model pursuant to part 11 of article 6 of
13 title 25.5; except that ~~such~~ THE eligible person is a direct care employer
14 for purposes of appointment of direct care employers to the board
15 pursuant to section 8-7.5-103 (2)(a)(I)(B).

16 (6) "Direct care services" means:

17 (b) Any services described in ~~parts 3 to 13~~ PART 3, 4, 6, 7, 9, 11,
18 12, 13, OR 19 of article 6 of title 25.5 that do not require the individual
19 providing the services to be licensed or certified by the state or the federal
20 government in order to perform the services.

21 (7.5) "ELIGIBLE PERSON" MEANS A PERSON WHO IS ELIGIBLE TO
22 RECEIVE SERVICES PURSUANT TO PART 3, 4, 6, 7, 9, 11, 12, 13, OR 19 OF
23 ARTICLE 6 OF TITLE 25.5 OR ANY OTHER HOME- AND COMMUNITY-BASED
24 SERVICE WAIVER FOR WHICH THE DEPARTMENT OF HEALTH CARE POLICY
25 AND FINANCING HAS FEDERAL WAIVER AUTHORITY.

1 **SECTION 2.** In Colorado Revised Statutes, 8-7.5-104, **amend**
2 (4)(c) as follows:

3 **8-7.5-104. Duties of the board - recommendations for**
4 **minimum direct care employment standards - analysis of market**
5 **conditions - public outreach - report.** (4) Nothing in this section:

6 (c) Diminishes the rights of an eligible person ~~as defined in~~
7 ~~section 25.5-6-1101 (4)~~, participating in the consumer-directed care
8 service model pursuant to part 11 of article 6 of title 25.5 to control and
9 manage the eligible person's services, including the right to hire, fire,
10 schedule, and set wages for direct care workers who provide direct care
11 services to the eligible person within parameters set in current state and
12 local law.

13 **SECTION 3.** In Colorado Revised Statutes, 8-7.5-105, **amend**
14 (1)(c)(II) as follows:

15 **8-7.5-105. Notice to direct care workers - duty of direct care**
16 **employers - posting on state websites - board review and**
17 **recommendations - rules.** (1) (c) (II) The board shall provide, in an
18 accessible format, the template or sample notice described in subsection
19 (1)(c)(I) of this section to an eligible person ~~as defined in section~~
20 ~~25.5-6-1101 (4)~~, participating in the consumer-directed care service
21 model pursuant to part 11 of article 6 of title 25.5.

22 **SECTION 4.** In Colorado Revised Statutes, 15-14-310, **amend**
23 (5)(a) introductory portion as follows:

24 **15-14-310. Who may be guardian - priorities - prohibition of**
25 **dual roles.** (5) (a) Unless the court makes specific findings for good
26 cause shown or the person is a family caregiver as defined in section
27 25.5-10-202, ~~C.R.S.~~, or the person is a caregiver to an eligible person,

1 ~~pursuant to section 25.5-6-1101 (4), C.R.S.~~, AS DEFINED IN SECTION
2 8-7.5-102, the same professional may not act as an incapacitated person's
3 or a protected person's:

4 **SECTION 5. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly; except
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V
8 of the state constitution against this act or an item, section, or part of this
9 act within such period, then the act, item, section, or part will not take
10 effect unless approved by the people at the general election to be held in
11 November 2026 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.