

## CHAPTER 94

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**SOCIAL SERVICES**

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**SENATE BILL 93-84**

BY SENATORS Ruddick, Hopper, Bishop, Casey, Cassidy, Gallagher, Groff, Mares, Martinez, Pastore, Peterson, and Weissmann; also REPRESENTATIVES Anderson, Acquafresca, Armstrong, Blue, Greenwood, Hagedorn, Knox, Lawrence, Morrison, Pierson, and Reeser.

**AN ACT****CONCERNING THE HOME CARE ALLOWANCE PROGRAM.**

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

**SECTION 1.** 26-1-111 (2) (o) (II), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is repealed as follows:

**26-1-111. Activities of the state department.** (2) The state department shall:

(o) (I) Promulgate rules and regulations concerning the state home care allowance program. Said program provides payments, subject to available appropriations, to functionally impaired persons who are, or who would be but for their income, eligible to receive old age pension pursuant to section 26-2-114, aid to the needy disabled pursuant to section 26-2-119, or aid to the blind pursuant to section 26-2-120. To be eligible for a home care allowance, a person's monthly gross income shall be less than the applicable monthly grant standard for the old age pension, aid to the needy disabled, or aid to the blind programs, plus the person's authorized monthly home care allowance grant as determined in accordance with rules promulgated pursuant to this paragraph (o). The payments allow recipients who are in need of long-term care to purchase community-based services as defined in section 26-4-507 (2) (c). Such services may include, but need not be limited to, the supervision of self-administered medications, assistance with activities of daily living as defined in section 26-4-507 (2) (a), and assistance with instrumental activities of daily living as defined in section 26-4-507 (2) (g). The rules adopted by the state department shall specify, in accordance with the provisions of this section, the services available under the program and shall address eligibility criteria for the home care allowance program which shall be in addition to the eligibility criteria for the old age pension, aid to the

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

needy disabled, or aid to the blind programs. In addition, the rules shall specifically provide for a determination as to the person's functional impairment, the person's unmet need for paid care, and shall address amounts awarded to persons eligible for home care allowance. The rules shall require that eligibility be determined through the use of a comprehensive and uniform client assessment instrument as defined in section 26-4-507. The state board may adjust income eligibility criteria, the functional impairment standard, or the amounts awarded to eligible persons or may limit or suspend enrollments as necessary to manage the home care allowance program within the funds appropriated by the general assembly. In addition, the board may adjust which services are available under the program; except that such adjustment shall be consistent with the provision of this paragraph (o).

~~(II) This paragraph (o) is repealed, effective July 1, 1993. Prior to December 1, 1992, the department of social services shall report to the general assembly on how many persons were denied access to the home care allowance program, how many persons denied such access were placed in other long-term care programs, and the client characteristics of the home care allowance program and the home and community-based services program.~~

**SECTION 2.** 26-2-114 (2) (a) (II) (B), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is repealed as follows:

**26-2-114. Amount of assistance payments - old age pension.**  
~~(2) (a) (II) (B) This subparagraph (II) is repealed, effective July 1, 1993. Prior to December 1, 1992, the department of social services shall report to the general assembly in accordance with section 26-1-111 (2) (o) (II).~~

**SECTION 3.** 26-2-119 (1.5) (a) (II) (B), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is repealed as follows:

**26-2-119. Amount of assistance payments - aid to the needy disabled.**  
~~(1.5) (a) (II) (B) This subparagraph (II) is repealed, effective July 1, 1993. Prior to December 1, 1992, the department of social services shall report to the general assembly in accordance with section 26-1-111 (2) (o) (II).~~

**SECTION 4.** 26-2-120 (1.5) (a) (II) (B), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is repealed as follows:

**26-2-120. Amount of assistance payments - aid to the blind.**  
~~(1.5) (a) (II) (B) This subparagraph (II) is repealed, effective July 1, 1993. Prior to December 1, 1992, the department of social services shall report to the general assembly in accordance with section 26-1-111 (2) (o) (II).~~

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 12, 1993