

## CHAPTER 265

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**HUMAN SERVICES - SOCIAL SERVICES**

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**HOUSE BILL 99-1166**

BY REPRESENTATIVES Tochtrop, Alexander, Allen, Bacon, Chavez, Clapp, Clarke, Coleman, Dean, Decker, Fairbank, Gagliardi, Hagedorn, Hoppe, Keller, Kester, Lawrence, Lee, Leyba, Mace, Mitchell, Morrison, Plant, Ragsdale, Saliman, Scott, Spence, Spradley, Stengel, Takis, Tapia, Taylor, Tool, Tupa, Veiga, Vigil, Webster, S. Williams, Windels, and Zimmerman; also SENATORS Wham, Anderson, Blickensderfer, Dennis, Epps, Hernandez, Linkhart, Martinez, Nichol, Pascoe, Phillips, Reeves, Rupert, Tanner, and Weddig.

**AN ACT**

CONCERNING PERSONAL NEEDS FUNDING FOR MEDICAID RESIDENTS IN NURSING CARE FACILITIES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

**SECTION 1.** 26-4-504 (2), Colorado Revised Statutes, is amended to read:

**26-4-504. Personal needs benefits - amount - patient personal needs trust fund required - funeral and burial expenses - penalty for illegal retention and use.** (2) (a) The basic minimum amount payable pursuant to subsection (1) of this section for personal needs to any recipient admitted to a nursing facility or intermediate care facility for the mentally retarded shall be ~~thirty-four~~ FIFTY dollars monthly.

(b) (I) On and after October 1, 1992, the basic minimum amount payable pursuant to subsection (1) of this section for personal needs shall be ninety dollars for the following persons:

(A) A medical assistance recipient who receives a non-service connected disability pension from the United States veterans administration, has no spouse or dependent child, and is admitted to or is residing in a nursing facility; ~~other than facilities described in section 26-12-401~~; and

(B) A medical assistance recipient who is a surviving spouse of a person who received a non-service connected disability pension from the United States veterans administration, has no dependent child, and is admitted to or is residing in a nursing

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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.*

facility. ~~other than facilities described in section 26-12-401.~~

(II) Repealed.

**SECTION 2. Appropriation - adjustment in 1999 long bill.** (1) In addition to any other appropriation, there is hereby appropriated to the department of health care policy and financing, executive director's office, for the fiscal year beginning July 1, 1999, the sum of fourteen thousand four hundred dollars (\$14,400), or so much thereof as may be necessary, for the implementation of this act. Of said sum, seven thousand two hundred dollars (\$7,200) shall be from the general fund, and seven thousand two hundred dollars (\$7,200) shall be from federal funds anticipated to be received by the department.

(2) In addition to any other appropriation, there is hereby appropriated to the department of health care policy and financing, medical services premiums, for the fiscal year beginning July 1, 1999, the sum of one million five hundred seventy-five thousand two hundred dollars (\$1,575,200), or so much thereof as may be necessary, for the implementation of this act. Of said sum, seven hundred eighty-six thousand twenty-five dollars (\$786,025) shall be from the general fund and subject to the "(M)" notation as defined in the general appropriation act, and seven hundred eighty-nine thousand one hundred seventy-five dollars (\$789,175) shall be from federal funds anticipated to be received by the department.

(3) In addition to any other appropriation, there is hereby appropriated to the department of human services, office of information technology services, for the fiscal year beginning July 1, 1999, the sum of fourteen thousand four hundred dollars (\$14,400), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds exempt received from the department of health care policy and financing out of the appropriation made in subsection (1) of this section.

(4) In addition to any other appropriation, there is hereby appropriated to the department of human services, self-sufficiency, for the fiscal year beginning July 1, 1999, the sum of one hundred twenty-seven thousand eight hundred forty dollars (\$127,840), or so much thereof as may be necessary, for the implementation of this act. Of said sum, thirty-six thousand six hundred eight dollars (\$36,608) shall be from the general fund, eighty-two thousand eighty dollars (\$82,080) shall be from the old age pension fund, and nine thousand one hundred fifty-two dollars (\$9,152) shall be from local matching funds.

(5) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1999, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by eight hundred twenty-nine thousand eight hundred thirty-three dollars (\$829,833).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by eight hundred twenty-nine thousand eight hundred thirty-three dollars (\$829,833).

**SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 1999