

## CHAPTER 57

---

**HUMAN SERVICES - SOCIAL SERVICES**

---

**HOUSE BILL 01-1152**

BY REPRESENTATIVE(S) Vigil, Alexander, Borodkin, Boyd, Daniel, Jahn, Mace, Madden, Ragsdale, Romanoff, Sanchez, Tochtrop, and Williams S.;  
also SENATOR(S) Hagedorn, Dyer (Arapahoe), Epps, Fitz-Gerald, Hanna, Hernandez, Linkhart, Musgrave, Nichol, Pascoe, Tate, Taylor, Tupa, and Windels.

**AN ACT**

CONCERNING ALTERNATIVES TO NURSING FACILITY CARE, AND, IN CONNECTION THEREWITH,  
ENCOURAGING RELATIVE PERSONAL CARE.

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

**SECTION 1.** 26-2-122.3 (1) (b), Colorado Revised Statutes, is amended to read:

**26-2-122.3. Adult foster care and home care allowance as services under certain public assistance programs - administered by department of health care policy and financing.** (1) (b) In addition to the amount of assistance available pursuant to paragraph (a) of this subsection (1), the medical services board in the department of health care policy and financing, with the consent of the general assembly and subject to available funds, may provide a home care allowance for persons eligible to receive old age pension, aid to the needy disabled, or aid to the blind. For the purposes of this paragraph (b), "home care allowance" is a program that 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 (b). THE HOME CARE ALLOWANCE GRANT SHALL NOT EXCEED THE EQUIVALENT OF FOUR HUNDRED TWENTY-NINE SERVICE UNITS PER YEAR FOR A MEMBER OF THE ELIGIBLE PERSON'S FAMILY. 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

---

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

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 medical services board shall specify, in accordance with the provisions of this section, the services available under the program and shall specify 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 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 and the person's unmet need for paid care and shall address amounts awarded to persons eligible for home care allowance. The medical services board shall specify in the rules the methods for determining the unmet need for paid care and the amount of a home care allowance that may be awarded to eligible persons. THE AMOUNT OF THE HOME CARE ALLOWANCE SHALL NOT EXCEED THE EQUIVALENT OF FOUR HUNDRED TWENTY-NINE SERVICE UNITS PER YEAR FOR A MEMBER OF THE ELIGIBLE PERSON'S FAMILY. Such methods may be based on how often a person experiences unmet need for paid care or any other method that the medical services board determines is valid in correlating unmet need for paid care with an amount of a home care allowance award. The medical services board shall require that eligibility and unmet need for paid care be determined through the use of a comprehensive and uniform client assessment instrument as described in section 26-4-507. The medical services board may adjust income eligibility criteria, including any 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 medical services board may adjust which services are available under the program; except that such adjustment shall be consistent with the provisions of this subsection (1).

**SECTION 2.** 26-4-609 (2), Colorado Revised Statutes, is amended to read:

**26-4-609. Special provisions - personal care services provided by a family.**

(2) The maximum reimbursement for the services provided by a member of the person's family per year for each client shall not exceed ~~five thousand dollars per family per year~~ THE EQUIVALENT OF FOUR HUNDRED FORTY-FOUR SERVICE UNITS PER YEAR FOR A MEMBER OF THE ELIGIBLE PERSON'S FAMILY.

**SECTION 3.** 26-4-645.5 (2), Colorado Revised Statutes, is amended to read:

**26-4-645.5. Special provisions - personal care services provided by a family.**

(2) The maximum reimbursement for the services provided by a member of the person's family per year for each client shall not exceed ~~five thousand dollars per family per year~~ THE EQUIVALENT OF FOUR HUNDRED FORTY-FOUR SERVICE UNITS PER YEAR FOR A MEMBER OF THE ELIGIBLE PERSON'S FAMILY.

**SECTION 4.** 26-4-684 (3) (b), Colorado Revised Statutes, is amended to read:

**26-4-684. Implementation of home- and community-based services program for persons with brain injury authorized - federal waiver - duties of the department.** (3) (b) A member of an eligible person's family, other than the person's spouse or a parent of a minor, may be employed to provide personal care services to such person. The maximum reimbursement for the services provided by

a member of the person's family per year for an eligible person shall not exceed ~~five thousand dollars per family per year~~ THE EQUIVALENT OF FOUR HUNDRED FORTY-FOUR SERVICE UNITS PER YEAR FOR A MEMBER OF THE ELIGIBLE PERSON'S FAMILY. Standards that apply to other providers who provide personal care services apply to a family member who provides these services. In addition, a registered nurse shall supervise a family member in providing services to the extent indicated in the eligible person's plan of care.

**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: March 23, 2001