

## CHAPTER 272

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**HEALTH CARE POLICY AND FINANCING**

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**SENATE BILL 02-197**

BY SENATOR(S) Hanna and Takis;  
also REPRESENTATIVE(S) Witwer, Borodkin, Boyd, Coleman, Groff, Jahn, Jameson, Lawrence, Mace, Marshall, Plant,  
Romanoff, Sanchez, Tapia, Tochtrop, and Williams S.

**AN ACT****CONCERNING HOME- AND COMMUNITY-BASED SERVICES FOR PERSONS WITH MAJOR MENTAL ILLNESSES.**

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

**SECTION 1. Repeal.** 26-4-673 (1) (d), Colorado Revised Statutes, is repealed as follows:

**26-4-673. Definitions.** As used in this subpart 5, unless the context otherwise requires:

(1) "Eligible person" means a person:

(d) ~~For whom the cost of services necessary to prevent nursing facility placement would not exceed the average cost of nursing home care.~~

**SECTION 2.** Part 6 of article 4 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**26-4-673.5. Cost of services.** HOME- AND COMMUNITY-BASED SERVICES FOR PERSONS WITH MAJOR MENTAL ILLNESSES SHALL MEET AGGREGATE FEDERAL WAIVER BUDGET NEUTRALITY REQUIREMENTS.

**SECTION 3. Repeal.** 26-4-676 (3), Colorado Revised Statutes, is repealed as follows:

**26-4-676. Implementation of subpart contingent upon receipt of federal waiver - repeal of subpart.** (3) ~~This subpart 5 is repealed, effective July 1, 2002,~~

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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.*

~~unless otherwise repealed prior to said date in accordance with subsection (2) of this section.~~

**SECTION 4. 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: June 1, 2002