

CHAPTER 79

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 02-1282

BY REPRESENTATIVE(S) Berry, Smith, Borodkin, Chavez, Coleman, Crane, Groff, Hodge, Hoppe, Jahn, Lawrence, Mace, Rippy, Romanoff, Sanchez, Tapia, Tochtrop, Vigil, Williams S., and Young;
also SENATOR(S) Teck, Hanna, Hernandez, Linkhart, and Nichol.

AN ACT**CONCERNING MODIFICATIONS TO THE HOME- AND COMMUNITY-BASED SERVICES PROGRAM FOR PERSONS WITH BRAIN INJURY.**

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

SECTION 1. 26-4-683 (4) and (8), Colorado Revised Statutes, are amended, and the said 26-4-683 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

26-4-683. Definitions. As used in this subpart 6, unless the context otherwise requires:

(4) "Eligible person" means a person:

(a) Who has a diagnosis of brain injury, as such term is defined in subsection (3) of this section;

(b) Who is in need of the level of care available in a hospital, rehabilitation hospital, ~~or~~ hospital in lieu of a nursing facility, OR IS IN NEED OF SPECIALIZED CARE PROVIDED IN A NURSING FACILITY IN LIEU OF A HOSPITAL;

(c) Who is categorically eligible for medical assistance, or has a gross income that does not exceed three hundred percent of the current federal supplemental security income benefit level and resources that do not exceed the limit established for individuals receiving a mandatory minimum state supplementation of supplemental security income benefits or, in the case of a person who is married, do not exceed the amount authorized in section 26-4-506; and

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

(d) For whom the cost of services would not exceed the average cost of hospital care.

(8) "Supported living" means assistance or support designed to maximize or maintain independence and self-direction ~~at different intervals of time~~ ON A SUPPORTIVE CARE CAMPUS. SUPPORTED LIVING SERVICES CONSIST OF STRUCTURED INTERVENTIONS DESIGNED TO PROVIDE:

(a) PROTECTIVE OVERSIGHT AND SUPERVISION;

(b) BEHAVIORAL MANAGEMENT AND COGNITIVE SUPPORTS;

(c) INTERPERSONAL AND SOCIAL SKILLS DEVELOPMENT;

(d) IMPROVED HOUSEHOLD MANAGEMENT SKILLS TO SUPPORT INDEPENDENCE AND COMMUNITY INTEGRATION; AND

(e) MEDICAL MANAGEMENT.

(8.5) "SUPPORTIVE CARE CAMPUS" MEANS A RESIDENTIAL CAMPUS THAT PROVIDES SUPPORTED LIVING SERVICES.

SECTION 2. 26-4-684 (1), 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. (1) (a) The STATE department is hereby authorized to seek any necessary waiver from the federal government to develop and implement a home- and community-based services program for persons with brain injury. The STATE department shall design the program to provide home- and community-based services to eligible persons. Eligibility shall be limited to persons who meet the level of services provided in a hospital, rehabilitation hospital, ~~or~~ hospital in lieu of nursing facility care, OR WHO ARE IN NEED OF SPECIALIZED CARE PROVIDED IN A NURSING FACILITY IN LIEU OF A HOSPITAL.

(b) THE STATE DEPARTMENT SHALL SEEK ANY NECESSARY AMENDMENTS TO THE CURRENT FEDERAL WAIVER FOR THE HOME- AND COMMUNITY-BASED SERVICES PROGRAM FOR PERSONS WITH BRAIN INJURY TO ALLOW SUPPORTED LIVING, AS DEFINED IN SECTION 26-4-683 (8), TO BE PROVIDED TO ELIGIBLE PERSONS ON A SUPPORTIVE CARE CAMPUS.

SECTION 3. 26-4-685 (1), Colorado Revised Statutes, is amended to read:

26-4-685. Implementation of subpart contingent upon receipt of federal waiver. (1) (a) The implementation of this subpart 6 is conditioned upon the issuance of necessary waivers by the federal government and available appropriations. The provisions of this subpart 6 shall be implemented to the extent authorized by federal waiver. The state department shall propose legislation that conforms with the waiver provisions no later than the next regular legislative session following the issuance of the waiver.

(b) THE IMPLEMENTATION OF THE PROVISIONS OF THIS SUBPART 6 RELATING TO SERVICES PROVIDED ON A SUPPORTIVE CARE CAMPUS ARE CONDITIONED UPON THE APPROVAL OF NECESSARY WAIVER AMENDMENTS BY THE FEDERAL GOVERNMENT. THE PROVISIONS OF THIS SUBPART 6 RELATING TO SUPPORTED LIVING SHALL BE IMPLEMENTED TO THE EXTENT AUTHORIZED BY FEDERAL WAIVER AND IN ACCORDANCE WITH APPLICABLE FEDERAL REQUIREMENTS.

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

26-4-686. Rate structure - rules - quality assurance. (1) (a) THE MEDICAL SERVICES BOARD, BY RULE, SHALL SET TIERED PER DIEM RATES FOR SERVICES PROVIDED ON A SUPPORTIVE CARE CAMPUS UNDER THIS SUBPART 6. WHEN STRUCTURING THE TIERED PER DIEM RATES, THE MEDICAL SERVICES BOARD SHALL CONSIDER THE MEDICAL AND COGNITIVE NEEDS OF ELIGIBLE PERSONS BEING SERVED ON THE SUPPORTIVE CARE CAMPUS.

(b) THE MAXIMUM PER DIEM RATE FOR THE SERVICES PROVIDED ON A SUPPORTIVE CARE CAMPUS SHALL NOT EXCEED THE TOTAL PER DIEM COST OF COMPARABLE POPULATIONS EITHER IN INSTITUTIONS OR IN OTHER COMMUNITY-BASED SETTINGS.

(2) THE MEDICAL SERVICES BOARD SHALL ADOPT RULES NECESSARY FOR QUALITY ASSURANCE, WHICH SHALL INCLUDE CERTIFICATION OF SUPPORTIVE CARE CAMPUSES.

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 3, 2002