

CHAPTER 225

HEALTH CARE POLICY AND FINANCING

SENATE BILL 03-288

BY SENATOR(S) Owen, Reeves, and Teck;
also REPRESENTATIVE(S) Witwer, Plant, Young, Borodkin, Boyd, Frangas, Hefley, Jahn, Spence, Stengel, and Williams S.

AN ACT

CONCERNING LIMITATIONS ON THE PROVISION OF PRIVATE DUTY NURSING SERVICES UNDER MEDICAL ASSISTANCE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 26-4-517 (3) (b), Colorado Revised Statutes, is amended to read:

26-4-517. Private duty nursing - repeal. (3) (b) (I) Private-duty nursing services shall not be provided as twenty-four-hour care except in special circumstances and for limited time periods as established by the state department pursuant to this section.

(II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), PRIVATE DUTY NURSING SERVICES MAY BE PROVIDED AS TWENTY-FOUR-HOUR CARE UP TO THE LIMIT ESTABLISHED IN PARAGRAPH (c) OF THIS SUBSECTION (3).

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2006.

SECTION 2. 26-4-517 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-4-517. Private-duty nursing - repeal. (3) (c) (I) PRIVATE-DUTY NURSING SERVICES SHALL NOT BE PROVIDED TO ANY RECIPIENT FOR MORE THAN ONE HUNDRED TWELVE HOURS PER WEEK.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2006.

SECTION 3. 26-4-302 (1) (o), Colorado Revised Statutes, is amended to read:

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

26-4-302. Basic services for the categorically needy - optional services.

(1) The following are services for which federal financial participation is available and which Colorado has selected to provide as optional services under the medical assistance program:

- (o) Private duty nursing services, PURSUANT TO SECTION 26-4-517;

SECTION 4. Appropriation - adjustments to the 2003 long bill. (1) For implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2003, to the department of health care policy and financing, medical services premiums, shall be decreased by nine hundred ninety-one thousand one hundred eighty-eight dollars (\$991,188). Of said sum, four hundred ninety-five thousand five hundred ninety-four dollars (\$495,594) shall be from the general fund and four hundred ninety-five thousand five hundred ninety-four dollars (\$495,594) shall be from federal funds.

(2) If Senate Bill 03-107, as enacted at the First Regular Session of the Sixty-fourth General Assembly, becomes law, the additional revenues generated by Senate Bill 03-107 shall first be used to restore the moneys to pay for the expenses associated with private duty nursing services that would have been reduced if sections 1 through 3 of this act became law, and the reductions required by subsection (1) of this section shall not take effect.

SECTION 5. Effective date - applicability. This act shall take effect July 1, 2003, and shall apply to services rendered on or after said date; except that sections 1 through 3 of this act shall not take effect if Senate Bill 03-107, as enacted at the First Regular Session of the Sixty-fourth General Assembly, becomes law.

SECTION 6. 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: May 1, 2003