

CHAPTER 247

HEALTH CARE POLICY AND FINANCING

SENATE BILL 10-061

BY SENATOR(S) Tochtrop and Williams, Newell, Boyd, Foster, Hodge, Hudak, Kester, Penry, Schwartz, Shaffer B., Steadman, Tapia, Heath;
also REPRESENTATIVE(S) Soper and Riesberg, Roberts, Tyler, Apuan, Fischer, Kefalas, Labuda, Schafer S., Solano, Summers, Todd, Vigil.

AN ACT

CONCERNING MEDICAID PAYMENTS FOR INPATIENT CARE FOR HOSPICE RECIPIENTS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 25.5-5-304, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25.5-5-304. Hospice care. (3) (a) SUBJECT TO THE RECEIPT OF ANY NECESSARY FEDERAL AUTHORIZATION, FOR A PERSON WHO HAS EXECUTED THE WAIVER DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION AND WHO IS A RESIDENT IN A CLASS I FACILITY, AS DEFINED IN SECTION 25.5-6-201 (13), THE CLASS I FACILITY SHALL BILL THE STATE DEPARTMENT AND THE STATE DEPARTMENT SHALL PAY THE CLASS I FACILITY FOR THE ROOM AND BOARD COSTS OF THE PERSON.

(b) SUBJECT TO THE RECEIPT OF ANY NECESSARY FEDERAL AUTHORIZATION, THE HOSPICE CARE PROVIDED PURSUANT TO THIS SECTION MAY INCLUDE ROOM AND BOARD IN A HOSPICE INPATIENT FACILITY LICENSED PURSUANT TO SECTION 25-3-101, C.R.S. THE STATE DEPARTMENT IS AUTHORIZED TO ESTABLISH THE REIMBURSEMENT RATE FOR THE COSTS FOR ROOM AND BOARD AT A LICENSED HOSPICE INPATIENT FACILITY FOR PATIENTS ELIGIBLE FOR THE ROUTINE LEVEL OF HOSPICE CARE.

(c) (I) IF REQUIRED, THE STATE DEPARTMENT SHALL SEEK THE APPROPRIATE FEDERAL AUTHORIZATION, CONDITIONED ON THE RECEIPT OF GIFTS, GRANTS, OR DONATIONS SUFFICIENT TO PROVIDE FOR THE STATE'S ADMINISTRATIVE COSTS OF PREPARING AND SUBMITTING THE REQUEST, TO MAKE THE PAYMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) AND TO INCLUDE ROOM AND BOARD AT A

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

LICENSED HOSPICE INPATIENT FACILITY AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3). ON OR BEFORE JANUARY 15, 2011, THE STATE DEPARTMENT SHALL SUBMIT A BRIEF REPORT TO THE MEMBERS OF THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON THE STATUS OF ANY REQUEST FOR AUTHORIZATION PURSUANT TO THIS SUBPARAGRAPH (I). IF FEDERAL AUTHORIZATION TO IMPLEMENT THE CHANGES DESCRIBED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3) IS OBTAINED, THE STATE DEPARTMENT SHALL REQUEST, THROUGH THE STATE BUDGET PROCESS, THAT THE CHANGES BE IMPLEMENTED DURING THE FISCAL YEAR FOLLOWING THE YEAR IN WHICH THE APPROVAL IS OBTAINED.

(II) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSE OF PROVIDING FOR THE ADMINISTRATIVE COSTS OF PREPARING AND SUBMITTING THE REQUEST FOR FEDERAL APPROVAL FOR THE PAYMENTS DESCRIBED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3). ALL SUCH PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE HOSPICE CARE ACCOUNT IN THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CASH FUND CREATED PURSUANT TO SECTION 25.5-1-109, WHICH ACCOUNT IS HEREBY CREATED. MONEYS IN THE ACCOUNT SHALL BE SUBJECT TO APPROPRIATION AND SHALL ONLY BE USED FOR THE PURPOSES DESCRIBED IN THIS SUBPARAGRAPH (II).

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for allocation to the executive director's office, for general professional services and special projects, for the fiscal year beginning July 1, 2010, the sum of one hundred two thousand five hundred seventy dollars (\$102,570), or so much thereof as may be necessary, for the implementation of this act. Of said sum, fifty-one thousand two hundred eighty-five dollars (\$51,285) shall be from the department of health care policy and financing cash fund created in section 25.5-1-109, Colorado Revised Statutes, and fifty-one thousand two hundred eighty-five dollars (\$51,285) shall be from federal funds.

SECTION 3. Act subject to petition - 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 (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 21, 2010