

## CHAPTER 274

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**HEALTH CARE POLICY AND FINANCING**


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**HOUSE BILL 10-1027**

BY REPRESENTATIVE(S) Roberts and Tyler, Soper, Acree, Apuan, Curry, Fischer, Gerou, Kefalas, Kerr J., King S., Looper, Massey, Schafer S., Summers, Todd;  
also SENATOR(S) Williams, Newell, Boyd, Hudak, Romer, Tochtrop.

**AN ACT**

**CONCERNING THE REQUIREMENT FOR A CERTAIN LIFE EXPECTANCY PROGNOSIS FOR PERSONS RECEIVING HOSPICE CARE THROUGH MEDICAID, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** The introductory portion to 25.5-5-304 (1) and 25.5-5-304 (1) (a), Colorado Revised Statutes, are amended, and the said 25.5-5-304 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**25.5-5-304. Hospice care - repeal.** (1) The medical assistance program in this state shall include hospice care. Except as otherwise provided in subsection (2) of this section, hospice care shall be provided for a period of up to two hundred ten days in accordance with rules adopted by the state board, which rules shall comply with ~~section 1905 of the social security act~~, 42 U.S.C. sec. 1396d, and shall include at least the following requirements:

(a) That a person shall obtain a certified medical prognosis indicating a life expectancy of ~~six~~ NINE months or less, which certification shall comply with rules adopted by the state board;

(4) (a) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, UNTIL THE STATE DEPARTMENT RECEIVES FEDERAL AUTHORIZATION TO INCREASE THE CERTIFIED MEDICAL PROGNOSIS FOR LIFE EXPECTANCY TO NINE MONTHS OR LESS, A CERTIFIED MEDICAL PROGNOSIS INDICATING A LIFE EXPECTANCY OF SIX MONTHS OR LESS SHALL BE REQUIRED.

(b) WITHIN SIXTY DAYS AFTER THE STATE DEPARTMENT RECEIVES AUTHORIZATION TO INCREASE THE CERTIFIED MEDICAL PROGNOSIS FOR LIFE

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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.*

EXPECTANCY TO NINE MONTHS OR LESS, THE EXECUTIVE DIRECTOR SHALL SEND WRITTEN NOTICE TO THE REVISOR OF STATUTES INFORMING HIM OR HER OF THE AUTHORIZATION. THIS SUBSECTION (4) IS REPEALED, EFFECTIVE THE JULY 1 FOLLOWING THE RECEIPT OF THE NOTICE BY THE REVISOR OF STATUTES.

(c) 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 CHANGE FROM SIX MONTHS TO NINE MONTHS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION. ALL SUCH PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CASH FUND CREATED PURSUANT TO SECTION 25.5-1-109.

**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 twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, for the implementation of this act. Of said sum, twelve thousand five hundred dollars (\$12,500) shall be from the department of health care policy and financing cash fund created pursuant to section 25.5-1-109, Colorado Revised Statutes, and twelve thousand five hundred dollars (\$12,500) 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 26, 2010