

CHAPTER 345

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 10-1005

BY REPRESENTATIVE(S) Massey, Frangas, Kerr J., McCann, Acree, Baumgardner, Fischer, Gardner C., Gerou, Kefalas, Labuda, Pommer, Priola, Roberts, Schafer S., Todd, Merrifield, Middleton, Pace, Riesberg, Summers, Vigil; also SENATOR(S) Foster, Boyd, Lundberg, Schwartz, Brophy, Heath, Hodge, Morse, Newell, Penry, Shaffer B., Tochtrop, White, Whitehead, Williams.

AN ACT

CONCERNING HOME HEALTH CARE THROUGH TELEMEDICINE PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT", AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 25.5-5-321 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

25.5-5-321. Telemedicine - home health care - home health telemedicine cash fund - rules. (1) On or after January 1, 2008, ~~in-person contact between a home health care or a home- and community-based services provider and a patient shall not be required under the state's medical assistance program for home health care services or home- and community-based services delivered through telemedicine that are otherwise eligible for reimbursement under the program. This program shall include health care professional oversight and intervention as appropriate~~ THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, AT-HOME TELEMEDICINE SHALL BE ELIGIBLE FOR REIMBURSEMENT UNDER THE STATE'S MEDICAL ASSISTANCE PROGRAM. The services delivered through telemedicine shall be subject to reimbursement policies promulgated by rule of the state board after consultation with home health care and home- and community-based services providers. This section also applies to managed care organizations that contract with the state department pursuant to the statewide managed care system, but only to the extent that:

(a) Home health care or home- and community-based services delivered through telemedicine are covered by and reimbursed under the medicaid ~~per diem payment~~ program; 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.

(b) Managed care contracts with managed care organizations are amended to add coverage of home health care or home- and community-based services delivered through telemedicine. ~~and any appropriate per diem rate adjustments are incorporated.~~

(2) (a) The reimbursement rate for home health care or home- and community-based services delivered through telemedicine that are otherwise eligible for reimbursement under the medical assistance program shall be set by rule of the state board and shall be:

(I) In the form of a flat fee ~~per month~~ in one or more levels, depending on acuity. ~~and~~

(II) ~~Budget-neutral or result in cost savings to the program.~~

(b) Any cost savings identified pursuant to this section shall be ~~made available~~ CONSIDERED for use in paying for home- and community-based services under part 6 of this article, community-based long-term care, and home health services.

(c) FOR THE FIRST TWO YEARS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (c), GIFTS, GRANTS, AND DONATIONS SHALL BE USED TO IMPLEMENT THIS SECTION. GIFTS, GRANTS, AND DONATIONS MADE FOR THIS PURPOSE SHALL BE TRANSFERRED TO THE HOME HEALTH TELEMEDICINE CASH FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY. MONEYS IN THE HOME HEALTH TELEMEDICINE CASH FUND SHALL BE APPROPRIATED TO THE STATE BOARD AND USED TO IMPLEMENT THIS SECTION. MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND NOT BE TRANSFERRED TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR. AFTER TWO YEARS OR IF THE MONEYS IN THE CASH FUND ARE DEPLETED, THE DEPARTMENT IS AUTHORIZED TO GO THROUGH THE NORMAL BUDGET PROCESS TO CONTINUE IMPLEMENTATION OF THIS SECTION.

(3) ~~When setting the reimbursement rate for services under subsection (2) of this section, the state board shall consider, to the extent applicable, reductions in travel costs by home health care or home- and community-based services providers to deliver the services and such other factors as the state department deems relevant. Reimbursement shall not be provided for purchase or lease of telemedicine equipment.~~

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for medical services premiums, for the fiscal year beginning July 1, 2010, the sum of one hundred twenty-three thousand two hundred seventy dollars (\$123,270), or so much thereof as may be necessary, for the implementation of this act. Of said sum, forty-seven thousand three hundred forty-eight dollars (\$47,348) shall be from the home health telemedicine cash fund created in section 25.5-5-321 (1) (c), Colorado Revised Statutes, and seventy-five thousand nine hundred twenty-two dollars (\$75,922) 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: June 7, 2010