

CHAPTER 45

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 12-1177

BY REPRESENTATIVE(S) Gerou, Becker, Levy, Barker, Brown, Conti, DelGrosso, Fields, Fischer, Hamner, Hullinghorst, Kerr A., Kerr J., Pabon, Pace, Schafer S., Solano, Summers, Todd, Vigil, Wilson, Young, Kefalas, Nikkel, Singer; also SENATOR(S) Hodge, Steadman, Lambert, Aguilar, Boyd, Carroll, Foster, Giron, Heath, Hudak, Jahn, Morse, Newell, Nicholson, Schwartz, Tochtrop, White, Williams S.

AN ACT

CONCERNING A GRANT PROGRAM TO PROVIDE HOME CARE ALLOWANCE BENEFITS TO CERTAIN ELIGIBLE INDIVIDUALS, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, **add** 26-2-122.4 as follows:

26-2-122.4. Home care allowance grant program - rules - report - repeal.

(1) THERE IS HEREBY ESTABLISHED IN THE STATE DEPARTMENT THE HOME CARE ALLOWANCE GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM", TO PROVIDE ASSISTANCE TO CERTAIN INDIVIDUALS WHO WERE RECEIVING HOME CARE ALLOWANCE BUT ARE NO LONGER ELIGIBLE TO RECEIVE SUCH ASSISTANCE. TO BE ELIGIBLE FOR A GRANT UNDER THE PROGRAM, AN INDIVIDUAL SHALL:

(a) HAVE BEEN RECEIVING HOME CARE ALLOWANCE UNDER SECTION 26-2-122.3 AT ANY TIME DURING THE PERIOD BEGINNING SEPTEMBER 1, 2011, AND ENDING DECEMBER 31, 2011;

(b) NO LONGER BE ELIGIBLE TO RECEIVE HOME CARE ALLOWANCE BECAUSE THE INDIVIDUAL IS ON EITHER THE HOME- AND COMMUNITY-BASED SUPPORTED LIVING SERVICES WAIVER OR THE CHILDREN'S EXTENSIVE SERVICES WAIVER, OR ANY SUCCESSOR WAIVER;

(c) HAVE BEEN WITHIN ONE THOUSAND DOLLARS OF HIS OR HER MAXIMUM BENEFIT UNDER THE APPLICABLE WAIVER AT ANY TIME DURING THE PERIOD BEGINNING SEPTEMBER 1, 2011, AND ENDING DECEMBER 31, 2011;

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) MEET ANY OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE STATE BOARD BY RULE; AND

(e) SUBMIT AN APPLICATION TO THE STATE DEPARTMENT.

(2) (a) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION, THE STATE BOARD SHALL ADOPT RULES GOVERNING THE PROGRAM, INCLUDING BUT NOT LIMITED TO INFORMATION REQUIRED IN AN APPLICATION, STANDARDS FOR ELIGIBILITY, REQUIREMENTS FOR ELIGIBILITY REDETERMINATIONS, AND THE AMOUNT OF ANY GRANT.

(b) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE DEPARTMENT MAY PROVIDE TO AN INDIVIDUAL ELIGIBLE PURSUANT TO SUBSECTION (1) OF THIS SECTION A GRANT IN AN AMOUNT CONSISTENT WITH THE BENEFITS AVAILABLE FOR AN ELIGIBLE PERSON UNDER THE HOME CARE ALLOWANCE PROGRAM. FOR ELIGIBLE INDIVIDUALS, THE GRANTS MAY BE MADE RETROACTIVE TO JANUARY 1, 2012. THE STATE DEPARTMENT SHALL ADMINISTER THE PROGRAM IN A MANNER THAT WILL FACILITATE RAPID IMPLEMENTATION AND MINIMIZE ADMINISTRATIVE COSTS.

(3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT MONEYS FOR THE PROGRAM COME FROM THE MONEYS APPROPRIATED FOR HOME CARE ALLOWANCE BENEFITS AND THAT ANY MONEYS APPROPRIATED FOR THE PROGRAM THAT ARE UNUSED MAY BE USED TO PROVIDE ADDITIONAL BENEFITS UNDER THE HOME CARE ALLOWANCE PROGRAM.

(4) (a) ON OR BEFORE OCTOBER 15, 2016, THE STATE DEPARTMENT SHALL SUBMIT A WRITTEN REPORT ON THE PROGRAM TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEE, THE HEALTH AND ENVIRONMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEE, AND TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY. AS PART OF THE REPORT, THE STATE DEPARTMENT SHALL SOLICIT FEEDBACK FROM GRANT RECIPIENTS AND THEIR FAMILIES. THE REPORT SHALL INCLUDE INFORMATION ON THE NUMBER OF GRANT RECIPIENTS, THE COST OF THE PROGRAM, AND THE EFFECT OF REPEAL OF THE PROGRAM ON GRANT RECIPIENTS AND THEIR FAMILIES.

(b) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2017, UNLESS EXTENDED BY THE GENERAL ASSEMBLY.

SECTION 2. Appropriation to the department of human services for the fiscal year beginning July 1, 2011. In Session Laws of Colorado 2011, section 2 of chapter 335, (SB 11-209), amend Part VII (10) (C); and add Part VII (10) (C) footnote 28a, as follows:

Section 2. **Appropriation.**

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART VII
DEPARTMENT OF HUMAN SERVICES**

(10) ADULT ASSISTANCE PROGRAMS

(C) Other Grant Programs

Administration - Home

Care Allowance SEP

Contract 1,063,259

1,063,259

Aid to the Needy

Disabled Programs 17,428,495

11,421,471

6,007,024^a

Burial Reimbursements 508,000

402,985

105,015(L)^b

~~Home Care Allowance~~

ALLOWANCE ^{28a} ~~10,543,757~~

~~9,999,736~~

544,021(L)^b

10,074,145

9,530,124

HOME CARE ALLOWANCE

GRANT PROGRAM ^{28a} 469,612

469,612

Adult Foster Care 157,469

149,596

7,873(L)^b

SSI Stabilization Fund

Programs 1,000,000

1,000,000^c

30,700,980

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^a Of this amount, it is estimated that \$3,413,687(L) shall be from local funds, \$2,279,944 shall be from federal interim assistance reimbursement payments, and \$313,393 shall be from other refunds and state revenue intercepts.

^b These estimated amounts shall be from local funds.

^c This amount shall be from the State Supplemental Security Income Stabilization Fund, created pursuant to Section 26-2-210, C.R.S. This amount is shown for informational purposes only, as the State Supplemental Security Income Stabilization Fund is continuously appropriated to the Department of Human Services for qualified expenditures.

TOTALS PART VII

(HUMAN SERVICES)	<u>\$2,091,045,838</u>	<u>\$618,764,498</u>	<u>\$331,395,230^a</u>	<u>\$450,969,434</u>	<u>\$689,916,676</u>
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^a Of this amount, \$117,836,940 contains an (L) notation.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

28a DEPARTMENT OF HUMAN SERVICES, ADULT ASSISTANCE PROGRAMS, OTHER GRANT PROGRAMS, HOME CARE ALLOWANCE; AND HOME CARE ALLOWANCE GRANT PROGRAM -- PURSUANT TO SECTION 26-2-122.4 (3), C.R.S, ANY AMOUNT IN THE HOME CARE ALLOWANCE GRANT PROGRAM LINE ITEM THAT IS NOT REQUIRED TO OPERATE THE GRANT PROGRAM MAY BE TRANSFERRED TO THE HOME CARE ALLOWANCE PROGRAM LINE ITEM AND USED TO PROVIDE ADDITIONAL BENEFITS UNDER THAT PROGRAM.

SECTION 3. Appropriation to the department of human services for the fiscal year beginning July 1, 2011. In Session Laws of Colorado 2011, section 2 of chapter 335, (SB 11-209), **amend** Part VII (10) (C); and **add** Part VII (10) (C) footnote 28a, as Part VII (10) (C) is amended by HB 12-1186, as follows:

Section 2. **Appropriation.**

**PART VII
DEPARTMENT OF HUMAN SERVICES**

(10) ADULT ASSISTANCE PROGRAMS

(C) Other Grant Programs

Administration - Home			
Care Allowance SEP			
Contract	1,063,259	1,063,259	
Aid to the Needy Disabled			
Programs	17,428,495	11,421,471	6,007,024 ^a
Burial Reimbursements	508,000	402,985	105,015(L) ^b
Home Care Allowance			
ALLOWANCE ^{28a}	10,543,757	9,999,736	544,021(L) ^b
	10,074,145	9,530,124	
HOME CARE ALLOWANCE			
GRANT PROGRAM ^{28a}	469,612	469,612	
Adult Foster Care	157,469	149,596	7,873(L) ^b
SSI Stabilization Fund			
Programs	<u>1,000,000</u>		1,000,000 ^c
	30,700,980		

^a Of this amount, it is estimated that \$3,413,687(L) shall be from local funds, \$2,279,944 shall be from federal interim assistance reimbursement payments, and \$313,393 shall be from other refunds and state revenue intercepts.

^b These estimated amounts shall be from local funds.

SECTION 4. Effective date. (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) Section 2 of this act takes effect only if House Bill 12-1186 does not become law.

(3) Section 3 of this act takes effect only if House Bill 12-1186 becomes law and takes effect either upon the effective date of this act or House Bill 12-1186, whichever is later.

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: March 22, 2012