

## CHAPTER 94

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**HEALTH CARE POLICY AND FINANCING**


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**SENATE BILL 12-023**

BY SENATOR(S) Boyd, Aguilar, Bacon, Foster, Giron, Guzman, Hodge, Hudak, Jahn, Johnston, Newell, Nicholson, Roberts, Steadman, Tochtrop, White, Williams S.;  
also REPRESENTATIVE(S) Summers and Kerr A., Fields, Fischer, Hullinghorst, Kefalas, Labuda, Pace, Schafer S., Singer, Todd, Vigil, Wilson, Young.

**AN ACT**

**CONCERNING THE PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY, AND, IN CONNECTION THEREWITH, ADDRESSING ENROLLMENT OF PERSONS WHO ARE ELIGIBLE FOR THE PACE PROGRAM AND ADDRESSING HOW THE PACE PROGRAM WORKS WITH INTEGRATIVE INITIATIVES INVOLVING THE MEDICAID POPULATION IN COLORADO.**

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

**SECTION 1.** In Colorado Revised Statutes, 25.5-5-412, **amend** (6) and (7); and **add** (6.5) as follows:

**25.5-5-412. Program of all-inclusive care for the elderly - legislative declaration - services - eligibility - rules.** (6) The state department, in cooperation with the single entry point agencies established in section 25.5-6-106, shall develop and implement a coordinated plan to provide education about PACE program site operations under this section. The state board shall adopt rules:

(a) To ensure that case managers and any other appropriate state department staff discuss the option and potential benefits of participating in the PACE program with all eligible long-term care clients. These rules shall require additional and on-going training of the single entry point agency case managers in counties where a PACE program is operating. This training shall be provided by a federally approved PACE provider. In addition, each single entry point agency may designate case managers who have knowledge about the PACE program; AND

(b) TO ALLOW PACE PROVIDERS TO CONTRACT WITH AN ENROLLMENT BROKER TO INCLUDE THE PACE PROGRAM IN ITS MARKETING MATERIALS TO ELIGIBLE LONG-TERM CLIENTS.

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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.*

(6.5) AN ELIGIBLE PERSON WHO IS ENROLLED IN A MANAGED CARE ORGANIZATION, AN ORGANIZATION CONTRACTED WITH THE STATE DEPARTMENT PURSUANT TO PART 4 OF ARTICLE 5 OF THIS TITLE, OR OTHER RISK-BEARING ENTITY MAY ELECT TO WITHDRAW FROM OR TERMINATE SUCH ENROLLMENT AND ENROLL IN AND RECEIVE SERVICES THROUGH A PACE PROGRAM. THE STATE BOARD'S RULES SHALL DEFINE HOW SUCH ELECTION IS MADE. THE EFFECTIVE DATE OF AN ELIGIBLE PERSON'S ELECTION SHALL NOT BE MORE THAN THIRTY DAYS AFTER THE ELIGIBLE PERSON'S DATE OF ELECTION.

(7) For purposes of this section:

(a) "DUALY ELIGIBLE PERSON" MEANS A PERSON WHO IS ELIGIBLE FOR ASSISTANCE OR BENEFITS UNDER BOTH MEDICAID AND MEDICARE.

(b) "Eligible person" means a frail elderly individual who voluntarily enrolls in the PACE program and whose gross income does not exceed three hundred percent of the current federal supplemental security income benefit level, whose resources do not exceed the limit established by the state department of human services for individuals receiving a mandatory minimum state supplementation of SSI benefits pursuant to section 26-2-204, C.R.S., or in the case of a person who is married, do not exceed the amount authorized in section 25.5-6-101, and for whom a physician licensed pursuant to article 36 of title 12, C.R.S., certifies that such a program provides an appropriate alternative to institutionalized care. "ELIGIBLE PERSON" MAY ALSO INCLUDE A DUALY ELIGIBLE PERSON.

(c) ~~The term~~ "Frail elderly" means an individual who meets functional eligibility requirements, as established by the state department, for nursing home care and who is fifty-five years of age or older.

**SECTION 2.** In Colorado Revised Statutes, 25.5-6-106, **amend** (2) (b) (IV); and **add** (2) (c) (IX.5) as follows:

**25.5-6-106. Single entry point system - authorization - phases for implementation - services provided. (2) Single entry point agencies - service programs - functions.** (b) The agency may serve private paying clients on a fee-for-service basis and shall serve clients of publicly funded long-term care programs, including, but not limited to, the following:

(IV) Long-term home health care, INCLUDING SERVICES PROVIDED BY A PACE ORGANIZATION PROVIDING A PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY PURSUANT TO SECTION 25.5-5-412.

(c) The major functions of a single entry point shall include, but need not be limited to, the following:

(IX.5) INFORMING ELIGIBLE PERSONS ABOUT THE BENEFITS OF PARTICIPATING IN THE PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY PROVIDED BY A PACE ORGANIZATION PURSUANT TO SECTION 25.5-5-412 AS AN ALTERNATIVE TO ENROLLMENT IN A MANAGED CARE ORGANIZATION, AN ORGANIZATION CONTRACTED WITH THE STATE DEPARTMENT PURSUANT TO PART 4 OF ARTICLE 5 OF THIS TITLE, OR

OTHER RISK-BEARING ENTITY.

**SECTION 3. 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: April 12, 2012