

HB1278\_L.002

## HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee\_\_\_\_\_  
DateCommittee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

HB09-1278 be amended as follows:

1 Amend printed bill, page 10, strike lines 11 through 27 and substitute the  
2 following:

3 "SECTION 16. Article 27.5 of title 25, Colorado Revised  
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
5 read:

6 **25-27.5-108.5. Home care placement agencies - legislative**  
7 **declaration - task force - repeal.** (1) THE GENERAL ASSEMBLY HEREBY  
8 FINDS AND DECLARES THAT:

9 (a) IN 2008, THE GENERAL ASSEMBLY RECOGNIZED THE NEED TO  
10 ENSURE THE HEALTH, SAFETY, AND WELFARE OF HOME CARE CONSUMERS  
11 BY LICENSING HOME AGENCIES THROUGH THE ENACTMENT OF THIS  
12 ARTICLE;

13 (b) THE NEED FOR HOME CARE SERVICES IS EXPECTED TO INCREASE  
14 DRAMATICALLY OVER THE NEXT DECADE DUE TO THE AGING OF LARGE  
15 SEGMENTS OF THE POPULATION;

16 (c) IN ORDER TO MEET THE INCREASED DEMAND FOR HOME CARE  
17 SERVICES, IT IS VITAL TO PROTECT THE CONSUMERS' RIGHTS TO CHOOSE  
18 HOW THEY WISH TO RECEIVE HOME CARE SERVICES;

19 (d) HOME CARE SERVICES ARE CURRENTLY PROVIDED:



1 (I) THROUGH A HOME CARE AGENCY THAT HIRES AND OVERSEES  
2 HOME CARE WORKERS AS THE WORKERS' EMPLOYER;

3 (II) THROUGH A HOME CARE PLACEMENT AGENCY THAT, FOR A  
4 FEE, PROVIDES ONLY REFERRALS OF PROVIDERS TO HOME CARE  
5 CONSUMERS; AND

6 (III) BY PLACING THE ENTIRE BURDEN ON THE CONSUMER TO  
7 LOCATE, SCREEN BACKGROUNDS AND CREDENTIALS, NEGOTIATE  
8 COMPENSATION, AND, IF NECESSARY, REPLACE A HOME CARE PROVIDER  
9 AND RISK POSSIBLE GAPS IN HOME CARE COVERAGE;

10 (e) ALTHOUGH, AS ENACTED IN 2008, THIS ARTICLE PROVIDES FOR  
11 CRIMINAL HISTORY RECORD CHECKS FOR HOME CARE WORKERS PLACED BY  
12 A HOME CARE PLACEMENT AGENCY, HOME CARE PLACEMENT AGENCIES  
13 BELIEVE THAT TO PROTECT HOME CARE CONSUMERS ADEQUATELY, MORE  
14 OVERSIGHT OF HOME CARE PLACEMENT AGENCIES IS NECESSARY.

15 (2) THERE IS HEREBY CREATED IN THE DEPARTMENT A TASK FORCE  
16 TO STUDY HOME CARE PLACEMENT AGENCIES AND HOME CARE WORKERS  
17 PLACED THROUGH HOME CARE PLACEMENT AGENCIES, REFERRED TO IN  
18 THIS SECTION AS THE "TASK FORCE", THAT SHALL MEET IN THE INTERIM  
19 AFTER THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL  
20 ASSEMBLY.

21 (3) (a) THE TASK FORCE SHALL CONSIST OF NINE MEMBERS,  
22 SELECTED AS FOLLOWS:

23 (I) ONE MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT OF  
24 THE SENATE AND ONE MEMBER OF THE HOUSE OF REPRESENTATIVES  
25 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, BOTH  
26 OF WHICH APPOINTEES SHALL SERVE AS CO-CHAIRPERSONS OF THE TASK  
27 FORCE;

28 (II) ONE MEMBER OF THE SENATE APPOINTED BY THE MINORITY  
29 LEADER OF THE SENATE AND ONE MEMBER OF THE HOUSE OF  
30 REPRESENTATIVES APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF  
31 REPRESENTATIVES;

32 (III) FIVE MEMBERS OF THE PUBLIC APPOINTED JOINTLY BY THE  
33 CO-CHAIRPERSONS OF THE TASK FORCE, TWO OF WHICH APPOINTEES SHALL

1 HAVE DIRECT KNOWLEDGE AND EXPERIENCE WORKING WITH HOME CARE  
2 PLACEMENT AGENCIES AND THREE OF WHICH APPOINTEES SHALL BE EITHER  
3 HOME CARE WORKERS PLACED THROUGH HOME CARE PLACEMENT  
4 AGENCIES OR CONSUMERS OF HOME CARE WORKERS' SERVICES.

5 (b) ALL APPOINTMENTS TO THE TASK FORCE SHALL BE MADE ON OR  
6 BEFORE JULY 1, 2009.

7 (4) THE TASK FORCE SHALL MEET AT LEAST THREE TIMES BETWEEN  
8 JULY 1, 2009, AND AUGUST 31, 2009, AND SHALL MEET NO MORE THAN SIX  
9 TIMES DURING THE 2009 INTERIM. THE TASK FORCE MAY MAKE  
10 LEGISLATIVE RECOMMENDATIONS TO THE HEALTH CARE TASK FORCE  
11 CREATED IN SECTION 10-16-221, C.R.S.

12 (5) THE TASK FORCE SHALL SOLICIT AND ACCEPT REPORTS AND  
13 PUBLIC TESTIMONY AND SHALL CONSIDER, BUT NEED NOT BE LIMITED TO,  
14 THE FOLLOWING ISSUES:

15 (a) HOW BEST TO PROTECT CONSUMERS OF HOME CARE SERVICES  
16 PROVIDED BY HOME CARE WORKERS WHO ARE REFERRED BY HOME CARE  
17 PLACEMENT AGENCIES, INCLUDING BUT NOT LIMITED TO CONSIDERING  
18 WHETHER TO LICENSE HOME CARE PLACEMENT AGENCIES;

19 (b) HOW BEST TO PROTECT CONSUMERS OF HOME CARE SERVICES  
20 PROVIDED BY HOME CARE WORKERS WHO ARE REFERRED BY HOME CARE  
21 PLACEMENT AGENCIES FROM PROBLEMS WITH THE HOME CARE WORKER,  
22 INCLUDING BUT NOT LIMITED TO WHETHER TO ESTABLISH MINIMUM  
23 STANDARDS AND RULES FOR HOME CARE PLACEMENT AGENCIES; AND

24 (c) HOW BEST TO PROTECT CONSUMERS OF HOME CARE SERVICES  
25 THAT ARE CURRENTLY PROVIDED THROUGH EITHER A HOME CARE AGENCY  
26 OR A REFERRAL BY A HOME CARE PLACEMENT AGENCY, INCLUDING BUT  
27 NOT LIMITED TO CONSIDERING RESEARCH OF NATIONAL TRENDS AND  
28 METHODS AS THEY PERTAIN TO THE INDUSTRY OF LONG-TERM CARE AND  
29 AFFORDABLE ALTERNATIVES.

30 (6) EACH MEETING OF THE TASK FORCE SHALL INCLUDE AN  
31 OPPORTUNITY FOR PUBLIC COMMENT ON ITEMS RELATED TO THE TASK  
32 FORCE'S AGENDA.

33 (7) THE TASK FORCE SHALL SUBMIT A WRITTEN REPORT OF ITS



1 FINDINGS AND RECOMMENDATIONS TO THE HEALTH AND HUMAN SERVICES  
2 COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR  
3 ANY SUCCESSOR COMMITTEES, ON OR BEFORE DECEMBER 15, 2009.

4 (8) NOTWITHSTANDING THE PROVISIONS OF SECTION 2-2-307,  
5 C.R.S., THE MEMBERS OF THE TASK FORCE SHALL NOT BE COMPENSATED  
6 FOR OR REIMBURSED FOR EXPENSES IN RELATION TO THEIR DUTIES ON THE  
7 TASK FORCE.

8 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010."

9 Strike pages 11 through 18.

10 Page 19, strike lines 1 through 21.

11 Renumber succeeding section accordingly.

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