

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
10.9.09

BILL 6

LLS NO. 10-0249.01 Brita Darling

INTERIM COMMITTEE BILL

Hospice and Palliative Care in Colorado

SHORT TITLE: "Medicaid Hospice Life Expectancy"

A BILL FOR AN ACT

101 **CONCERNING THE REQUIREMENT FOR A CERTAIN LIFE EXPECTANCY**
102 **PROGNOSIS FOR PERSONS RECEIVING HOSPICE CARE THROUGH**
103 **MEDICAID.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Hospice and Palliative Care in Colorado. Currently, Colorado law requires a certified medical prognosis of life expectancy of 6 months or less for a patient for hospice care to be provided under medicaid. This bill increases the life expectancy prognosis to 9 months if the department of health care policy and financing (department) receives the necessary federal authorization. The executive director of the department shall

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

notify the revisor of statutes within 60 days after receipt of federal authorization.

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

2 **SECTION 1.** The introductory portion to 25.5-5-304 (1) and
3 25.5-5-304 (1) (a), Colorado Revised Statutes, are amended, and the said
4 25.5-5-304 is further amended BY THE ADDITION OF A NEW
5 SUBSECTION, to read:

6 **25.5-5-304. Hospice care - repeal.** (1) The medical assistance
7 program in this state shall include hospice care. Except as otherwise
8 provided in subsection (2) of this section, hospice care shall be provided
9 for a period of up to two hundred ten days in accordance with rules
10 adopted by the state board, which rules shall comply with ~~section 1905 of~~
11 ~~the social security act,~~ 42 U.S.C. sec. 1396d, and shall include at least the
12 following requirements:

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

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

22 (b) WITHIN SIXTY DAYS AFTER THE STATE DEPARTMENT RECEIVES
23 AUTHORIZATION TO INCREASE THE CERTIFIED MEDICAL PROGNOSIS FOR
24 LIFE EXPECTANCY TO NINE MONTHS OR LESS, THE EXECUTIVE DIRECTOR
25 SHALL SEND WRITTEN NOTICE TO THE REVISOR OF STATUTES INFORMING

1 HIM OR HER OF THE AUTHORIZATION. THIS SUBSECTION (3) IS REPEALED,
2 EFFECTIVE THE JULY 1 FOLLOWING THE RECEIPT OF THE NOTICE BY THE
3 REVISOR OF STATUTES.

4 **SECTION 2. Act subject to petition - effective date.** This act
5 shall take effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part shall not take effect
11 unless approved by the people at the general election to be held in
12 November 2010 and shall take effect on the date of the official
13 declaration of the vote thereon by the governor. <{*safety clause?*}>