

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
10.8.09

BILL 8

LLS NO. 10-0251.01 Jerry Barry

INTERIM COMMITTEE BILL

Hospice and Palliative Care in Colorado

SHORT TITLE: "Medicaid Hospice Room And Board Charges"

A BILL FOR AN ACT

101 **CONCERNING MEDICAID PAYMENTS FOR INPATIENT CARE FOR HOSPICE**
102 **RECIPIENTS.**

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. Subject to the receipt of any necessary federal authorization, the act requires the department of health care policy and financing (department) to pay a nursing facility directly for inpatient services provided to a medicaid recipient who elects to receive hospice care rather than paying the hospice provider who then pays the nursing facility.

The act directs the department, subject to the receipt of sufficient

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

gifts, grants, or donations, to pay the state's costs of preparing the request to seek federal authorization to pay the nursing facility directly. The act specifies that such gifts, grants, or donations shall be deposited into the hospice care account in the department of health care policy and financing cash fund and may be used only for the state's costs of preparing the request.

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

2 **SECTION 1.** 25.5-5-304, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **25.5-5-304. Hospice care.** (3) (a) SUBJECT TO THE RECEIPT OF
5 ANY NECESSARY FEDERAL AUTHORIZATION, FOR A PERSON WHO HAS
6 EXECUTED THE WAIVER DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (1)
7 OF THIS SECTION AND WHO IS A RESIDENT IN A CLASS I FACILITY, AS
8 DEFINED IN SECTION 25.5-6-201 (13), THE CLASS I FACILITY SHALL BILL
9 THE STATE DEPARTMENT AND THE STATE DEPARTMENT SHALL PAY THE
10 CLASS I FACILITY FOR THE ROOM AND BOARD COSTS OF THE PERSON.

11 (b) (I) IF REQUIRED, THE STATE DEPARTMENT SHALL SEEK THE
12 APPROPRIATE FEDERAL AUTHORIZATION, CONDITIONED ON THE RECEIPT OF
13 GIFTS, GRANTS, OR DONATIONS SUFFICIENT TO PROVIDE FOR THE STATE'S
14 ADMINISTRATIVE COSTS OF PREPARING AND SUBMITTING THE REQUEST, TO
15 MAKE THE PAYMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION
16 (3).

17 (II) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT
18 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR
19 THE PURPOSE OF PROVIDING FOR THE ADMINISTRATIVE COSTS OF
20 PREPARING AND SUBMITTING THE REQUEST FOR FEDERAL APPROVAL FOR
21 THE PAYMENTS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3).
22 ALL SUCH PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS,

1 GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE
2 TREASURER, WHO SHALL CREDIT THE SAME TO THE HOSPICE CARE
3 ACCOUNT IN THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
4 CASH FUND CREATED PURSUANT TO SECTION 25.5-1-109, WHICH ACCOUNT
5 IS HEREBY CREATED. MONEYS IN THE ACCOUNT SHALL BE SUBJECT TO
6 APPROPRIATION AND SHALL ONLY BE USED FOR THE PURPOSES DESCRIBED
7 IN THIS SUBPARAGRAPH (II).

8 **SECTION 2. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety. <{Does the
11 committee prefer a safety clause or the 90-day conditional effective date
12 clause?}>