

HB1233_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.

HB15-1233 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. Legislative declaration. (1) The general
4 assembly determines and declares that:

5 (a) The current extent of demand for respite care in Colorado is
6 unknown, although it is apparent that there is a lack of adequate respite
7 care facilities and respite training programs in Colorado;

8 (b) Caregivers work twenty-four hours per day, seven days per
9 week to ensure their loved ones have the support and tools they need to
10 live their best lives;

11 (c) It is critical that caregivers in our communities have access to
12 respite care so that they have time to rejuvenate and spend time with their
13 families and friends;

14 (d) It is important that caregivers are able to trust and depend on
15 the individuals providing respite care to their loved ones; and

16 (e) Reliable access to affordable respite care will be beneficial to
17 caregivers and to their families and loved ones.

18 (2) Therefore, it is the intent of the general assembly to create a
19 respite care task force and to:

20 (a) Authorize a study to determine the current state of respite care
21 in Colorado, including access to care and funding of respite care services;

22 (b) Determine the availability and level of culturally competent
23 and patient-centered respite care; and

24 (c) Increase the availability of affordable respite care throughout
25 Colorado.

26 SECTION 2. In Colorado Revised Statutes, **add** part 6 to article
27 1 of title 26 as follows:

28 PART 6

29 RESPITE CARE TASK FORCE

30 **26-1-601. Task force - creation.** (1) THERE IS CREATED, WITHIN
31 THE DEPARTMENT OF HUMAN SERVICES, THE RESPITE CARE TASK FORCE TO
32 STUDY THE DYNAMICS OF SUPPLY AND DEMAND WITH REGARD TO RESPITE
33 CARE SERVICES IN COLORADO. THE TASK FORCE CONSISTS OF THE
34 MEMBERS APPOINTED IN ACCORDANCE WITH SUBSECTION (2) OF THIS
35 SECTION.

36 (2) NO LATER THAN JULY 1, 2015:

37 (a) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL



1 APPOINT:
2 (I) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES; AND
3 (II) ONE HOSPICE CAREGIVER;
4 (b) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES
5 SHALL APPOINT:
6 (I) ONE PERSON FROM AN ORGANIZATION THAT REPRESENTS
7 PERSONS WITH DEVELOPMENTAL DISABILITIES; AND
8 (II) ONE OWNER OR OPERATOR OF A RESPITE CARE FACILITY;
9 (c) THE PRESIDENT OF THE SENATE SHALL APPOINT:
10 (I) ONE MEMBER OF THE SENATE; AND
11 (II) ONE MEMBER OF AN ORGANIZATION THAT PROVIDES SERVICES,
12 EDUCATION, AND OUTREACH TO SENIORS;
13 (d) THE MINORITY LEADER OF THE SENATE SHALL APPOINT:
14 (I) ONE MEMBER OF AN ORGANIZATION THAT ADVANCES
15 RESEARCH TO END ALZHEIMER'S DISEASE; AND
16 (II) ONE PERSON WHO REPRESENTS PERSONS WITH BRAIN INJURIES;
17 (e) THE GOVERNOR SHALL APPOINT:
18 (I) ONE REPRESENTATIVE FROM THE DEPARTMENT OF HUMAN
19 SERVICES;
20 (II) ONE PERSON FROM A RURAL AREA WHO UTILIZES RESPITE
21 CARE;
22 (III) ONE MEMBER OF AN ORGANIZATION THAT PROVIDES
23 SERVICES, EDUCATION, AND OUTREACH IN THE AREA OF MENTAL HEALTH;
24 (IV) ONE PERSON WHO PROVIDES SERVICES, EDUCATION, AND
25 OUTREACH FOR PERSONS WITH A CHRONIC CONDITION;
26 (V) ONE PERSON WHO REPRESENTS A LICENSED HOME HEALTH
27 CARE AGENCY;
28 (VI) ONE PERSON WHO REPRESENTS A NONPROFIT ENTITY THAT
29 PROVIDES SERVICES, EDUCATION, OUTREACH, AND ADVOCACY TO PERSONS
30 WITH DISABILITIES;
31 (VII) ONE REPRESENTATIVE OF THE DEPARTMENT OF HEALTH CARE
32 POLICY AND FINANCING; AND
33 (VIII) ONE REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC
34 HEALTH AND ENVIRONMENT, WHO SHALL BE THE SOLE NONVOTING
35 MEMBER OF THE TASK FORCE.
36 (f) THE APPOINTING AUTHORITIES SHALL STRIVE TO ENSURE THAT
37 THE APPOINTEES, AS A WHOLE, WILL REPRESENT THE INTERESTS AND
38 CONCERNS OF ALL PERSONS WHO CAN BE PREDICTED TO NEED RESPITE
39 CARE, INCLUDING THE YOUNG AND PERSONS FROM DIVERSE SOCIAL AND
40 CULTURAL BACKGROUNDS.
41 (3) (a) THE SPEAKER SHALL CONVENE THE FIRST MEETING OF THE



1 TASK FORCE NO LATER THAN JULY 15, 2015, AT WHICH MEETING THE TASK
2 FORCE MEMBERS SHALL SELECT FROM AMONG THE MEMBERSHIP A PERSON
3 TO SERVE AS CHAIR OF THE TASK FORCE. THE TASK FORCE SHALL MEET
4 UPON THE CALL OF THE CHAIR AS OFTEN AS NECESSARY TO COMPLETE THE
5 STUDY SPECIFIED IN THIS PART 6. THE TASK FORCE MAY MEET WITHIN THE
6 COMMITTEE HEARING ROOMS OF THE STATE CAPITOL, SUBJECT TO
7 AVAILABILITY.

8 (b) NOTWITHSTANDING SECTION 2-2-236, C.R.S., THE TASK FORCE
9 MEMBERS SHALL SERVE WITHOUT COMPENSATION AND WITHOUT
10 REIMBURSEMENT FOR EXPENSES.

11 (c) IF A VACANCY OCCURS ON THE TASK FORCE FOR ANY REASON,
12 THE ORIGINAL APPOINTING AUTHORITY SHALL APPOINT A PERSON WHO
13 MEETS THE REQUIREMENTS OF THE VACANT POSITION TO FILL THE
14 VACANCY AS SOON AS POSSIBLE AFTER THE VACANCY OCCURS.

15 **26-1-602. Respite care study - report.** (1) THE RESPITE CARE
16 TASK FORCE CREATED IN SECTION 26-1-601 SHALL STUDY, THROUGH DATA
17 COLLECTION, THE DYNAMICS OF THE SUPPLY OF, AND DEMAND FOR,
18 RESPITE CARE SERVICES IN THIS STATE. THE STUDY MAY INCLUDE THE
19 FOLLOWING ISSUES:

20 (a) ACCESS TO RESPITE CARE SERVICES;

21 (b) THE TYPES OF SERVICES THAT ARE MOST IN DEMAND AND THE
22 SERVICES THAT ARE CURRENTLY AVAILABLE;

23 (c) THE AVAILABILITY AND LEVEL OF CULTURALLY COMPETENT
24 CARE AND PATIENT-CENTERED CARE;

25 (d) THE NUMBER OF RESPITE CAREGIVERS IN THE STATE AND THEIR
26 LOCATIONS;

27 (e) SOLUTIONS TO INCREASE THE NUMBER OF RESPITE CAREGIVERS;

28 (f) THE FUNDING OF RESPITE CARE SERVICES, INCLUDING ACCESS
29 TO THAT FUNDING; AND

30 (g) OTHER RESPITE CARE ISSUES AS DETERMINED APPROPRIATE BY
31 THE TASK FORCE.

32 (2) THE RESPITE CARE TASK FORCE MAY DISCUSS POLICIES THAT
33 INCLUDE, BUT ARE NOT LIMITED TO:

34 (a) REQUIRING THE DEPARTMENT OF HUMAN SERVICES, THE
35 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND THE
36 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO CREATE A
37 STRUCTURE TO GIVE ONE DEPARTMENT THE RESPONSIBILITY TO LICENSE
38 RESPITE CAREGIVERS AND ADDRESS THE PAYMENT FOR SERVICES;

39 (b) THE CREATION OF PILOT PROGRAMS BY COMMUNITY COLLEGES,
40 TECHNICAL SCHOOLS, AND EDUCATIONAL INSTITUTIONS OFFERING
41 FOUR-YEAR DEGREES TO TRAIN RESPITE CAREGIVERS; AND



1 (c) THE DEVELOPMENT OF DATA COLLECTION, RECOMMENDATIONS
2 FOR RESPITE CARE UTILIZATION, ACCESS, AND AVAILABILITY OF SERVICES.

3 (3) THE DEPARTMENT OF HUMAN SERVICES IS AUTHORIZED TO
4 CONTRACT FOR AN EXTERNAL STUDY CONCERNING RESPITE CARE. THE
5 DEPARTMENT SHALL DEVELOP CRITERIA AND COMPONENTS FOR THE
6 STUDY. THE FINAL STUDY RESULTS MUST BE PROVIDED TO THE RESPITE
7 CARE TASK FORCE.

8 (4) ON OR BEFORE JANUARY 31, 2016, THE RESPITE CARE TASK
9 FORCE, WITH ASSISTANCE FROM THE DEPARTMENT OF HUMAN SERVICES,
10 SHALL SUBMIT A REPORT THAT INCLUDES ITS FINDINGS AND
11 RECOMMENDATIONS TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES
12 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND
13 HUMAN SERVICES COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR
14 COMMITTEES.

15 **26-1-603. Notice of funding through gifts, grants, and**
16 **donations - respite care task force fund - repeal.** (1) (a) THE RESPITE
17 CARE TASK FORCE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR
18 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS
19 PART 6; EXCEPT THAT THE TASK FORCE MAY NOT ACCEPT A GIFT, GRANT,
20 OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT
21 WITH THIS PART 6 OR ANY OTHER LAW OF THE STATE. THE RESPITE CARE
22 TASK FORCE SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS
23 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
24 TREASURER, WHO SHALL CREDIT THEM TO THE RESPITE CARE TASK FORCE
25 FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS PART
26 6 AS THE "FUND". THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL
27 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF
28 HUMAN SERVICES FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH
29 IMPLEMENTING THIS PART 6.

30 (b) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION,
31 THE DEPARTMENT OF HUMAN SERVICES SHALL NOTIFY THE LEGISLATIVE
32 COUNCIL STAFF WHEN IT HAS RECEIVED ADEQUATE FUNDING THROUGH
33 GIFTS, GRANTS, OR DONATIONS FOR THE RESPITE CARE TASK FORCE AND
34 SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN
35 SECTION 24-75-1303 (3), C.R.S.

36 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2016.

37 **26-1-604. Repeal.** THIS PART 6 IS REPEALED, EFFECTIVE JULY 1,
38 2016.

39 **SECTION 3. Safety clause.** The general assembly hereby finds,
40 determines, and declares that this act is necessary for the immediate
41 preservation of the public peace, health, and safety."