

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 09-0276.01 Jerry Barry

HOUSE BILL 09-1047

HOUSE SPONSORSHIP

Todd,

SENATE SPONSORSHIP

Williams,

House Committees

Health and Human Services
Appropriations

Senate Committees

Health and Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING A PROGRAM FOR PROVIDING ADDITIONAL THERAPIES TO**
102 **CERTAIN PERSONS WITH DISABILITIES WHO ARE ELIGIBLE TO**
103 **RECEIVE MEDICAID, AND MAKING AN APPROPRIATION IN**
104 **CONNECTION THEREWITH.**

Bill Summary

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

Establishes a pilot program to provide chiropractic care, massage therapy, and acupuncture to an eligible person with a spinal cord injury (pilot program). Specifies criteria for identifying eligible persons. Directs the medical services board to adopt rules to administer the pilot

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Am ended 2nd Reading
April 30, 2009

HOUSE
3rd Reading Unam ended
April 7, 2009

HOUSE
Am ended 2nd Reading
April 6, 2009

1 LIMITED TO CHIROPRACTIC CARE, MASSAGE THERAPY, AND ACUPUNCTURE
2 PERFORMED BY LICENSED OR CERTIFIED PROVIDERS.

3 (2) "ELIGIBLE PERSON WITH A DISABILITY" MEANS A PERSON WITH
4 A DISABILITY WHO MEETS THE ELIGIBILITY CRITERIA SPECIFIED IN SECTION
5 25.5-6-1303 (2) (b).

6

7 (3) "PILOT PROGRAM" MEANS THE PILOT PROGRAM AUTHORIZED
8 PURSUANT TO SECTION 25.5-6-1303 TO ALLOW AN ELIGIBLE PERSON WITH
9 A DISABILITY TO RECEIVE COMPLEMENTARY AND ALTERNATIVE
10 THERAPIES.

11 **25.5-6-1303. Pilot program - complementary or alternative**
12 **therapies - rules.** (1) THE GENERAL ASSEMBLY AUTHORIZES THE STATE
13 DEPARTMENT TO IMPLEMENT A PILOT PROGRAM THAT WOULD ALLOW AN
14 ELIGIBLE PERSON WITH A DISABILITY TO RECEIVE COMPLEMENTARY OR
15 ALTERNATIVE THERAPIES TO THE EXTENT AUTHORIZED BY FEDERAL
16 WAIVER. THE PILOT PROGRAM SHALL BEGIN NO LATER THAN JANUARY 1,
17 2012. THE STATE DEPARTMENT SHALL DESIGN AND IMPLEMENT THE PILOT
18 PROGRAM WITH INPUT FROM AN ADVISORY COMMITTEE THAT SHALL
19 INCLUDE, BUT NEED NOT BE LIMITED TO, PERSONS WITH SPINAL CORD
20 INJURIES WHO ARE RECEIVING COMPLEMENTARY OR ALTERNATIVE
21 THERAPIES. THE STATE DEPARTMENT IS AUTHORIZED TO SEEK ANY
22 FEDERAL WAIVERS THAT MAY BE NECESSARY TO IMPLEMENT THIS PART 13.

23 (2) (a) THE PURPOSE OF THE PILOT PROGRAM SHALL BE TO EXPAND
24 THE CHOICE OF THERAPIES AVAILABLE TO ELIGIBLE PERSONS WITH
25 DISABILITIES, TO STUDY THE SUCCESS OF COMPLEMENTARY AND
26 ALTERNATIVE THERAPIES, AND TO PRODUCE AN OVERALL COST SAVINGS
27 FOR THE STATE COMPARED TO THE ESTIMATED EXPENDITURES THAT

1 WOULD HAVE OTHERWISE BEEN SPENT FOR THE SAME PERSONS WITH
2 SPINAL CORD INJURIES ABSENT THE PILOT PROGRAM.

3 (b) IN ORDER TO QUALIFY AND TO REMAIN ELIGIBLE FOR THE PILOT
4 PROGRAM AUTHORIZED BY THIS SECTION, A PERSON SHALL:

5 (I) BE DIAGNOSED WITH A SPINAL CORD INJURY;

6 (II) BE WILLING TO PARTICIPATE IN THE PILOT PROGRAM;

7 (III) DEMONSTRATE A CURRENT NEED, AS FURTHER DEFINED IN
8 RULE BY THE STATE BOARD FOR COMPLEMENTARY OR ALTERNATIVE
9 THERAPIES; AND

10 (IV) BE ELIGIBLE FOR MEDICAID, INCLUDING BUT NOT LIMITED TO
11 PERSONS WHOSE GROSS INCOME DOES NOT EXCEED THREE HUNDRED
12 PERCENT OF THE CURRENT FEDERAL SUPPLEMENTAL SECURITY INCOME
13 BENEFIT LEVEL AND WHO ARE ELIGIBLE FOR A HOME- AND
14 COMMUNITY-BASED PROGRAM AUTHORIZED PURSUANT TO THIS TITLE OR
15 THE CONSUMER-DIRECTED ATTENDANT SUPPORT PILOT PROGRAM
16 AUTHORIZED PURSUANT TO PART 10 OF ARTICLE 6 OF THIS TITLE.

17 (3) THE STATE DEPARTMENT SHALL DEVELOP THE
18 ACCOUNTABILITY REQUIREMENTS FOR THE PILOT PROGRAM NECESSARY TO
19 SAFEGUARD THE USE OF PUBLIC MONEYS AND TO PROMOTE EFFECTIVE AND
20 EFFICIENT SERVICE DELIVERY.

21 (4) THE STATE BOARD SHALL ADOPT RULES AS NECESSARY FOR THE
22 IMPLEMENTATION AND ADMINISTRATION OF THE PILOT PROGRAM.

23 (5) THE STATE DEPARTMENT SHALL CAUSE TO BE CONDUCTED AN
24 INDEPENDENT EVALUATION OF THE PILOT PROGRAM TO BE COMPLETED BY
25 THE END OF THE THIRD YEAR OF THE PILOT PROGRAM. THE STATE
26 DEPARTMENT SHALL PROVIDE A REPORT OF THE EVALUATION TO THE
27 HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE

1 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, BY
2 AUGUST 1, 2015. THE REPORT ON THE EVALUATION SHALL INCLUDE THE
3 FOLLOWING:

4 (a) THE NUMBER OF ELIGIBLE PERSONS WITH DISABILITIES
5 PARTICIPATING IN THE PILOT PROGRAM;

6 (b) THE COST-EFFECTIVENESS OF THE PILOT PROGRAM;

7 (c) FEEDBACK FROM CONSUMERS AND THE STATE DEPARTMENT
8 CONCERNING THE PROGRESS AND SUCCESS OF THE PILOT PROGRAM;

9 (d) ANY CHANGES TO THE HEALTH STATUS OR HEALTH OUTCOMES
10 OF THE PERSONS PARTICIPATING IN THE PILOT PROGRAM;

11 (e) OTHER INFORMATION RELEVANT TO THE SUCCESS AND
12 PROBLEMS OF THE PILOT PROGRAM; AND

13 (f) RECOMMENDATIONS CONCERNING THE FEASIBILITY OF
14 CONTINUING THE PILOT PROGRAM BEYOND THE PILOT STAGE AND
15 CHANGES, IF ANY, THAT ARE NEEDED.

16 (6) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT
17 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR
18 THE PURPOSES OF THIS PART 13; EXCEPT THAT THE STATE DEPARTMENT
19 SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO
20 CONDITIONS THAT ARE INCONSISTENT WITH THIS PART 13 OR ANY OTHER
21 LAW OF THE STATE. THE STATE DEPARTMENT SHALL TRANSMIT ALL
22 PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR
23 DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO
24 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CASH FUND
25 CREATED PURSUANT TO SECTION 25.5-1-109.

26 (7) UNLESS THE STATE DEPARTMENT RECEIVES SUFFICIENT
27 MONEYS FROM EITHER THE GENERAL FUND OR FROM GIFTS, GRANTS, AND

1 DONATIONS MADE PURSUANT TO SUBSECTION (6) OF THIS SECTION, THE
2 STATE DEPARTMENT SHALL NOT BE REQUIRED TO SEEK FEDERAL APPROVAL
3 OR IMPLEMENT THE PILOT PROGRAM.

4 **25.5-6-1304. Repeal of part.** THIS PART 13 IS REPEALED,
5 EFFECTIVE SEPTEMBER 1, 2015.

6 **SECTION 2. Appropriation.** In addition to any other
7 appropriation, there is hereby appropriated, to the department of health
8 care policy and financing, executive director's office, for general
9 administration, for the fiscal year beginning July 1, 2009, the sum of
10 fifty-three thousand four hundred eighty dollars (\$53,480) and 0.8 FTE,
11 or so much thereof as may be necessary, for the implementation of this
12 act. Of said sum, twenty-six thousand seven hundred forty dollars
13 (\$26,740) shall be cash funds from the department of health care policy
14 and financing cash fund created in section 25-5-1-109, Colorado Revised
15 Statutes, and twenty-six thousand seven hundred forty dollars (\$26,740)
16 shall be from federal funds.

17 **SECTION 3. Act subject to petition - effective date.** This act
18 shall take effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly that is
20 allowed for submitting a referendum petition pursuant to article V,
21 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
22 sine die is on May 6, 2009); except that, if a referendum petition is filed
23 against this act or an item, section, or part of this act within such period,
24 then the act, item, section, or part, if approved by the people, shall take
25 effect on the date of the official declaration of the vote thereon by
26 proclamation of the governor.