

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0249.01 Brita Darling

HOUSE BILL 10-1027

HOUSE SPONSORSHIP

Roberts and Tyler, Soper

SENATE SPONSORSHIP

Williams, Newell

House Committees

Health and Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REQUIREMENT FOR A CERTAIN LIFE EXPECTANCY**
102 **PROGNOSIS FOR PERSONS RECEIVING HOSPICE CARE THROUGH**
103 **MEDICAID, AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

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

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.

of health care policy and financing (department) receives the necessary federal authorization. The executive director of the department shall 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

1 LIFE EXPECTANCY TO NINE MONTHS OR LESS, THE EXECUTIVE DIRECTOR
2 SHALL SEND WRITTEN NOTICE TO THE REVISOR OF STATUTES INFORMING
3 HIM OR HER OF THE AUTHORIZATION. THIS SUBSECTION (3) IS REPEALED,
4 EFFECTIVE THE JULY 1 FOLLOWING THE RECEIPT OF THE NOTICE BY THE
5 REVISOR OF STATUTES.

6 (c) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT
7 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR
8 THE PURPOSE OF PROVIDING FOR THE ADMINISTRATIVE COSTS OF
9 PREPARING AND SUBMITTING THE REQUEST FOR FEDERAL APPROVAL FOR
10 THE CHANGE FROM SIX MONTHS TO NINE MONTHS DESCRIBED IN
11 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION. ALL SUCH PRIVATE
12 AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS
13 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT
14 THE SAME TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
15 CASH FUND CREATED PURSUANT TO SECTION 25.5-1-109.

16 **SECTION 2. Appropriation.** In addition to any other
17 appropriation, there is hereby appropriated, to the department of health
18 care policy and financing, for allocation to the executive director's office,
19 for general professional services and special projects, for the fiscal year
20 beginning July 1, 2010, the sum of twenty-five thousand dollars
21 (\$25,000), or so much thereof as may be necessary, for the
22 implementation of this act. Of said sum, twelve thousand five hundred
23 dollars (\$12,500) shall be from the department of health care policy and
24 financing cash fund created pursuant to section 25.5-1-109, Colorado
25 Revised Statutes and twelve thousand five hundred dollars (\$12,500)
26 shall be from federal funds.

27 **SECTION 3. Act subject to petition - effective date.** This act

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