

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0159.01 Kristen Forrestal

HOUSE BILL 10-1005

HOUSE SPONSORSHIP

Massey, Frangas, Kerr J., McCann

SENATE SPONSORSHIP

Foster, Boyd, Lundberg, Schwartz

House Committees
Health and Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING HOME HEALTH CARE THROUGH TELEMEDICINE
102 PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT".

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/billssummaries>.)

Health Care Task Force. This bill makes telemedicine eligible for reimbursement under the state's medical assistance program (program) in order to comply with direction from the federal centers for medicare and medicaid services.

Eliminates incorrect references to the way reimbursement payments are made under the program.

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.

Deletes the requirement that reimbursement rates from telemedicine be budget neutral or result in cost savings to the program. Requires that any cost savings identified be considered for use in paying for home health care or home- and community-based services instead of requiring the savings be applied to payment for the services.

Deletes the requirement that the state medical services board consider reductions in travel costs by home health care or home- and community-based service providers and other factors when setting reimbursement rates for services.

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

2 **SECTION 1.** 25.5-5-321 (1), (2), and (3), Colorado Revised
3 Statutes, are amended to read:

4 **25.5-5-321. Telemedicine - home health care - rules.** (1) On or
5 after January 1, 2008, ~~in-person contact between a home health care or a~~
6 ~~home- and community-based services provider and a patient shall not be~~
7 ~~required under the state's medical assistance program for home health~~
8 ~~care services or home- and community-based services delivered through~~
9 ~~telemedicine that are otherwise eligible for reimbursement under the~~
10 ~~program. This program shall include health care professional oversight~~
11 ~~and intervention as appropriate~~ THE EFFECTIVE DATE OF THIS SUBSECTION

12 (1), AS AMENDED, AT-HOME TELEMEDICINE SHALL BE ELIGIBLE FOR
13 REIMBURSEMENT UNDER THE STATE'S MEDICAL ASSISTANCE PROGRAM.

14 The services delivered through telemedicine shall be subject to
15 reimbursement policies promulgated by rule of the state board after
16 consultation with home health care and home- and community-based
17 services providers. This section also applies to managed care
18 organizations that contract with the state department pursuant to the
19 statewide managed care system, but only to the extent that:

20 (a) Home health care or home- and community-based services

1 delivered through telemedicine are covered by and reimbursed under the
2 medicaid ~~per diem payment~~ program; and

3 (b) Managed care contracts with managed care organizations are
4 amended to add coverage of home health care or home- and
5 community-based services delivered through telemedicine. ~~and any~~
6 ~~appropriate per diem rate adjustments are incorporated.~~

7 (2) (a) The reimbursement rate for home health care or home- and
8 community-based services delivered through telemedicine that are
9 otherwise eligible for reimbursement under the medical assistance
10 program shall be set by rule of the state board and shall be:

11 (I) In the form of a flat fee ~~per month~~ in one or more levels,
12 depending on acuity. ~~and~~

13 (II) ~~Budget-neutral or result in cost savings to the program.~~

14 (b) Any cost savings identified pursuant to this section shall be
15 ~~made available~~ CONSIDERED for use in paying for home- and
16 community-based services under part 6 of this article, community-based
17 long-term care, and home health services.

18 (3) ~~When setting the reimbursement rate for services under~~
19 ~~subsection (2) of this section, the state board shall consider, to the extent~~
20 ~~applicable, reductions in travel costs by home health care or home- and~~
21 ~~community-based services providers to deliver the services and such other~~
22 ~~factors as the state department deems relevant.~~ Reimbursement shall not
23 be provided for purchase or lease of telemedicine equipment.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 shall take effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part shall not take effect
4 unless approved by the people at the general election to be held in
5 November 2010 and shall take effect on the date of the official
6 declaration of the vote thereon by the governor.