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. 10-0251.01 Jerry Barry

SENATE BILL 10-061

SENATE SPONSORSHIP

Tochtrop and Williams, Newell

HOUSE SPONSORSHIP

Soper and Riesberg, Roberts, Tyler

Senate Committees Health and Human Services Appropriations House Committees Health and Human Services Appropriations

A BILL FOR AN ACT

101 CONCERNING MEDICAID PAYMENTS FOR INPATIENT CARE FOR HOSPICE

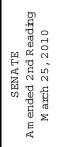
102 <u>RECIPIENTS, AND MAKING AN APPROPRIATION THEREFOR.</u>

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. Subject to the receipt of any necessary federal authorization, the bill 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 bill directs the department, subject to the receipt of sufficient 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 bill 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:
- 25.5-5-304. Hospice care. (3) (a) SUBJECT TO THE RECEIPT OF
 ANY NECESSARY FEDERAL AUTHORIZATION, FOR A PERSON WHO HAS
 EXECUTED THE WAIVER DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (1)
 OF THIS SECTION AND WHO IS A RESIDENT IN A CLASS I FACILITY, AS
 DEFINED IN SECTION 25.5-6-201 (13), THE CLASS I FACILITY SHALL BILL
 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) SUBJECT TO THE RECEIPT OF ANY NECESSARY FEDERAL 12 AUTHORIZATION, THE HOSPICE CARE PROVIDED PURSUANT TO THIS 13 SECTION MAY INCLUDE ROOM AND BOARD IN A HOSPICE INPATIENT 14 FACILITY LICENSED PURSUANT TO SECTION 25-3-101, C.R.S. THE STATE 15 DEPARTMENT IS AUTHORIZED TO ESTABLISH THE REIMBURSEMENT RATE 16 FOR THE COSTS FOR ROOM AND BOARD AT A LICENSED HOSPICE INPATIENT 17 FACILITY FOR PATIENTS ELIGIBLE FOR THE ROUTINE LEVEL OF HOSPICE 18 CARE. 19 (c) (I) IF REQUIRED, THE STATE DEPARTMENT SHALL SEEK THE
- APPROPRIATE FEDERAL AUTHORIZATION, CONDITIONED ON THE RECEIPT OF
 GIFTS, GRANTS, OR DONATIONS SUFFICIENT TO PROVIDE FOR THE STATE'S
 - -2-

1 ADMINISTRATIVE COSTS OF PREPARING AND SUBMITTING THE REQUEST, TO 2 MAKE THE PAYMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION 3 (3) AND TO INCLUDE ROOM AND BOARD AT A LICENSED HOSPICE INPATIENT 4 FACILITY AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3). ON 5 OR BEFORE JANUARY 15, 2011, THE STATE DEPARTMENT SHALL SUBMIT A 6 BRIEF REPORT TO THE MEMBERS OF THE HEALTH AND HUMAN SERVICES 7 COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY 8 SUCCESSOR COMMITTEES, ON THE STATUS OF ANY REQUEST FOR 9 AUTHORIZATION PURSUANT TO THIS SUBPARAGRAPH (I). IF FEDERAL 10 AUTHORIZATION TO IMPLEMENT THE CHANGES DESCRIBED IN PARAGRAPHS 11 (a) AND (b) OF THIS SUBSECTION (3) IS OBTAINED, THE STATE DEPARTMENT 12 SHALL REQUEST, THROUGH THE STATE BUDGET PROCESS, THAT THE 13 CHANGES BE IMPLEMENTED DURING THE FISCAL YEAR FOLLOWING THE 14 YEAR IN WHICH THE APPROVAL IS OBTAINED.

15 (II) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT 16 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR 17 THE PURPOSE OF PROVIDING FOR THE ADMINISTRATIVE COSTS OF 18 PREPARING AND SUBMITTING THE REQUEST FOR FEDERAL APPROVAL FOR 19 THE PAYMENTS DESCRIBED IN PARAGRAPHS (a) AND (b) OF THIS 20 SUBSECTION (3). ALL SUCH PRIVATE AND PUBLIC FUNDS RECEIVED 21 THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE 22 STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE HOSPICE CARE 23 ACCOUNT IN THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING 24 CASH FUND CREATED PURSUANT TO SECTION 25.5-1-109, WHICH ACCOUNT 25 IS HEREBY CREATED. MONEYS IN THE ACCOUNT SHALL BE SUBJECT TO 26 APPROPRIATION AND SHALL ONLY BE USED FOR THE PURPOSES DESCRIBED 27 IN THIS SUBPARAGRAPH (II).

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1	SECTION 2. Appropriation. In addition to any other
2	appropriation, there is hereby appropriated, to the department of health
3	care policy and financing, for allocation to the executive director's office,
4	for general professional services and special projects, for the fiscal year
5	beginning July 1, 2010, the sum of one hundred two thousand five
6	hundred seventy dollars (\$102,570), or so much thereof as may be
7	necessary, for the implementation of this act. Of said sum, fifty-one
8	thousand two hundred eighty-five dollars (\$51,285) shall be from the
9	department of health care policy and financing cash fund created in
10	section 25.5-1-109, Colorado Revised Statutes, and fifty-one thousand
11	two hundred eighty-five dollars (\$51,285) shall be from federal funds.
12	SECTION 3. Act subject to petition - effective date. This act
13	shall take effect at 12:01 a.m. on the day following the expiration of the
14	ninety-day period after final adjournment of the general assembly (August
15	11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
16	referendum petition is filed pursuant to section 1 (3) of article V of the
17	state constitution against this act or an item, section, or part of this act
18	within such period, then the act, item, section, or part shall not take effect
19	unless approved by the people at the general election to be held in
20	November 2010 and shall take effect on the date of the official
21	declaration of the vote thereon by the governor.