

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 **RECIPIENTS, 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.** 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

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  
3rd Reading Unamended  
March 26, 2010

SENATE  
Amended 2nd Reading  
March 25, 2010

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.

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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:

4 **25.5-5-304. Hospice care.** (3) (a) SUBJECT TO THE RECEIPT OF  
5 ANY NECESSARY FEDERAL AUTHORIZATION, FOR A PERSON WHO HAS  
6 EXECUTED THE WAIVER DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (1)  
7 OF THIS SECTION AND WHO IS A RESIDENT IN A CLASS I FACILITY, AS  
8 DEFINED IN SECTION 25.5-6-201 (13), THE CLASS I FACILITY SHALL BILL  
9 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  
20 APPROPRIATE FEDERAL AUTHORIZATION, CONDITIONED ON THE RECEIPT OF  
21 GIFTS, GRANTS, OR DONATIONS SUFFICIENT TO PROVIDE FOR THE STATE'S

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).

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.