

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0251.01 Jerry Barry

SENATE BILL 10-061

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SENATE SPONSORSHIP

Tochtrop, Newell, Williams

HOUSE SPONSORSHIP

Soper, Riesberg, Roberts, Tyler

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Senate Committees

Health and Human Services

House Committees

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A BILL FOR AN ACT

101 CONCERNING MEDICAID PAYMENTS FOR INPATIENT CARE FOR HOSPICE  
102 RECIPIENTS.

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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>.)*

**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.*

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) (I) IF REQUIRED, THE STATE DEPARTMENT SHALL SEEK THE  
12 APPROPRIATE FEDERAL AUTHORIZATION, CONDITIONED ON THE RECEIPT OF  
13 GIFTS, GRANTS, OR DONATIONS SUFFICIENT TO PROVIDE FOR THE STATE'S  
14 ADMINISTRATIVE COSTS OF PREPARING AND SUBMITTING THE REQUEST, TO  
15 MAKE THE PAYMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION  
16 (3).

17 (II) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT  
18 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR  
19 THE PURPOSE OF PROVIDING FOR THE ADMINISTRATIVE COSTS OF  
20 PREPARING AND SUBMITTING THE REQUEST FOR FEDERAL APPROVAL FOR  
21 THE PAYMENTS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3).

1 ALL SUCH PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS,  
2 GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE  
3 TREASURER, WHO SHALL CREDIT THE SAME TO THE HOSPICE CARE  
4 ACCOUNT IN THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING  
5 CASH FUND CREATED PURSUANT TO SECTION 25.5-1-109, WHICH ACCOUNT  
6 IS HEREBY CREATED. MONEYS IN THE ACCOUNT SHALL BE SUBJECT TO  
7 APPROPRIATION AND SHALL ONLY BE USED FOR THE PURPOSES DESCRIBED  
8 IN THIS SUBPARAGRAPH (II).

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