

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

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

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.

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).

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

23 **SECTION 2. Appropriation.** In addition to any other
24 appropriation, there is hereby appropriated, to the department of health
25 care policy and financing, for allocation to the executive director's office,
26 for general professional services and special projects, for the fiscal year
27 beginning July 1, 2010, the sum of one hundred two thousand five

1 hundred seventy dollars (\$102,570), or so much thereof as may be
2 necessary, for the implementation of this act. Of said sum, fifty-one
3 thousand two hundred eighty-five dollars (\$51,285) shall be from the
4 department of health care policy and financing cash fund created in
5 section 25.5-1-109, Colorado Revised Statutes., and fifty-one thousand
6 two hundred eighty-five dollars (\$51,285) shall be from federal funds.

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