

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

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/bills/summaries>.)

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.*

HOUSE
Am ended 2nd Reading
April 28, 2010

SENATE
3rd Reading Unam ended
March 26, 2010

SENATE
Am ended 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). 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.