

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

ENGROSSED

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

LLS NO. 10-1033.01 Kate Meyer

SENATE BILL 10-194

SENATE SPONSORSHIP

Boyd,

HOUSE SPONSORSHIP

Riesberg,

Senate Committees
Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REQUIREMENT THAT ENTITIES OPERATING**
102 **PURSUANT TO CERTAIN FEDERAL WAIVERS THAT PROVIDE**
103 **CERTAIN SERVICES TO PERSONS WITH DEVELOPMENTAL**
104 **DISABILITIES OBTAIN LICENSURE AS HOME CARE AGENCIES.**

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>.)

Current law requires a home care agency, which is an entity that manages and offers, directly or by contract, skilled home health services

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
2nd Reading Unamended
April 27, 2010

or personal care services to a home care consumer in the home care consumer's temporary or permanent home or place of residence, to be licensed by the department of public health and environment (department).

Section 1 of the bill defines the terms "community centered board", "qualified early intervention service provider", and "service agency".

Section 2 exempts qualified early intervention service providers from the home care agency licensure requirement.

Section 3 requires community centered boards and service agencies that provide skilled home health services or in-home personal care services to persons with developmental disabilities to apply for licensure by March 1, 2011. On and after September 1, 2011, it will be unlawful for a community centered board or service agency to conduct or maintain home care agencies that provide skilled home health services or in-home personal care services unless the community centered board or service agency is licensed as a home care agency.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 25-27.5-102, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF THE FOLLOWING NEW
4 SUBSECTIONS to read:

5 **25-27.5-102. Definitions.** As used in this article, unless the
6 context otherwise requires:

7 (1.5) "COMMUNITY CENTERED BOARD" HAS THE MEANING SET
8 FORTH IN SECTION 27-10.5-102, C.R.S.

9 (6.3) "QUALIFIED EARLY INTERVENTION SERVICE PROVIDER" HAS
10 THE MEANING SET FORTH IN SECTION 27-10.5-702, C.R.S.

11 (6.7) "SERVICE AGENCY" HAS THE MEANING SET FORTH IN SECTION
12 27-10.5-102, C.R.S.

13 **SECTION 2.** 25-27.5-102 (3) (b) (VII) and (3) (b) (VIII),
14 Colorado Revised Statutes, are amended, and the said 25-27.5-102 (3) (b)
15 is further amended BY THE ADDITION OF A NEW
16 SUBPARAGRAPH, to read:

1 **25-27.5-102. Definitions.** As used in this article, unless the
2 context otherwise requires:

3 (3) (b) "Home care agency" does not include:

4 (VII) Subject to the requirements of section 25-27.5-103 (3), a
5 facility otherwise licensed by the department; ~~or~~

6 (VIII) A home care placement agency as defined in subsection (5)
7 of this section; OR

8 (IX) SERVICES PROVIDED BY A QUALIFIED EARLY INTERVENTION
9 SERVICE PROVIDER AND OVERSEEN JOINTLY BY THE DEPARTMENT OF
10 EDUCATION AND THE DEPARTMENT OF HUMAN SERVICES.

11 **SECTION 3.** 25-27.5-103, Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW SUBSECTION to read:

13 **25-27.5-103. License required - civil and criminal penalties.**

14 (1.5) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,
15 BY MARCH 1, 2011, THE FOLLOWING PROVIDERS OF SKILLED HOME HEALTH
16 SERVICES OR IN-HOME PERSONAL CARE SERVICES SHALL APPLY FOR
17 LICENSURE AS A HOME CARE AGENCY TO THE DEPARTMENT:

18 (I) COMMUNITY CENTERED BOARDS DESIGNATED PURSUANT TO
19 SECTION 27-10.5-105, C.R.S.; AND

20 (II) SERVICE AGENCIES THAT HAVE RECEIVED PROGRAM APPROVAL
21 FROM THE DEPARTMENT OF HUMAN SERVICES AS A DEVELOPMENTAL
22 DISABILITIES SERVICE AGENCY UNDER RULES PROMULGATED BY THE
23 DEPARTMENT OF HUMAN SERVICES THAT ARE PROVIDING SERVICES
24 PURSUANT TO THE SUPPORTED LIVING SERVICES WAIVER OR THE
25 CHILDREN'S EXTENSIVE SUPPORT WAIVER OF THE HOME- AND
26 COMMUNITY-BASED SERVICES WAIVERS ADMINISTERED BY THE
27 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE

1 DEPARTMENT OF HUMAN SERVICES UNDER PART 4 OF ARTICLE 6 OF TITLE
2 25.5, C.R.S.

3 (b) ON OR AFTER SEPTEMBER 1, 2011, IT IS UNLAWFUL FOR ANY
4 COMMUNITY CENTERED BOARD THAT IS DIRECTLY PROVIDING HOME CARE
5 SERVICES, OR ANY SERVICE AGENCY AS DESCRIBED IN PARAGRAPH (a) OF
6 THIS SUBSECTION (1.5), TO CONDUCT OR MAINTAIN A HOME CARE AGENCY
7 THAT PROVIDES SKILLED HOME HEALTH SERVICES OR IN-HOME PERSONAL
8 CARE SERVICES WITHOUT HAVING OBTAINED A LICENSE THEREFOR FROM
9 THE DEPARTMENT. ANY PERSON WHO VIOLATES THIS PROVISION IS GUILTY
10 OF A MISDEMEANOR AND IS SUBJECT TO THE CIVIL AND CRIMINAL
11 PENALTIES DESCRIBED IN PARAGRAPHS (a) AND (b) OF SUBSECTION (1) OF
12 THIS SECTION. NOTHING IN THIS SECTION RELIEVES AN ENTITY THAT
13 CONTRACTS OR ARRANGES WITH A COMMUNITY CENTERED BOARD OR
14 SERVICE AGENCY, AND THAT MEETS THE DEFINITION OF A "HOME CARE
15 AGENCY" UNDER SECTION 25-27.5-102, FROM THE ENTITY'S OBLIGATION
16 TO APPLY FOR AND OPERATE UNDER A LICENSE IN ACCORDANCE WITH THIS
17 ARTICLE.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.