

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 29, 2012
Date

Committee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

SB12-023 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 25.5-5-412, **amend**
4 (6) and (7); and **add** (6.5) as follows:

5 **25.5-5-412. Program of all-inclusive care for the elderly -**
6 **legislative declaration - services - eligibility - rules.** (6) The state
7 department, in cooperation with the single entry point agencies
8 established in section 25.5-6-106, shall develop and implement a
9 coordinated plan to provide education about PACE program site
10 operations under this section. The state board shall adopt rules:

11 (a) To ensure that case managers and any other appropriate state
12 department staff discuss the option and potential benefits of participating
13 in the PACE program with all eligible long-term care clients. These rules
14 shall require additional and on-going training of the single entry point
15 agency case managers in counties where a PACE program is operating.
16 This training shall be provided by a federally approved PACE provider.
17 In addition, each single entry point agency may designate case managers
18 who have knowledge about the PACE program; AND

19 (b) TO ALLOW PACE PROVIDERS TO CONTRACT WITH AN
20 ENROLLMENT BROKER TO INCLUDE THE PACE PROGRAM IN ITS
21 MARKETING MATERIALS TO ELIGIBLE LONG-TERM CLIENTS.

22 (6.5) AN ELIGIBLE PERSON WHO IS ENROLLED IN A MANAGED CARE
23 ORGANIZATION, AN ORGANIZATION CONTRACTED WITH THE STATE

1 DEPARTMENT PURSUANT TO PART 4 OF ARTICLE 5 OF THIS TITLE, OR OTHER
2 RISK-BEARING ENTITY MAY ELECT TO WITHDRAW FROM OR TERMINATE
3 SUCH ENROLLMENT AND ENROLL IN AND RECEIVE SERVICES THROUGH A
4 PACE PROGRAM. THE STATE BOARD'S RULES SHALL DEFINE HOW SUCH
5 ELECTION IS MADE. THE EFFECTIVE DATE OF AN ELIGIBLE PERSON'S
6 ELECTION SHALL NOT BE MORE THAN THIRTY DAYS AFTER THE ELIGIBLE
7 PERSON'S DATE OF ELECTION.

8 (7) For purposes of this section:

9 (a) "DUALY ELIGIBLE PERSON" MEANS A PERSON WHO IS ELIGIBLE
10 FOR ASSISTANCE OR BENEFITS UNDER BOTH MEDICAID AND MEDICARE.

11 (b) "Eligible person" means a frail elderly individual who
12 voluntarily enrolls in the PACE program and whose gross income does
13 not exceed three hundred percent of the current federal supplemental
14 security income benefit level, whose resources do not exceed the limit
15 established by the state department of human services for individuals
16 receiving a mandatory minimum state supplementation of SSI benefits
17 pursuant to section 26-2-204, C.R.S., or in the case of a person who is
18 married, do not exceed the amount authorized in section 25.5-6-101, and
19 for whom a physician licensed pursuant to article 36 of title 12, C.R.S.,
20 certifies that such a program provides an appropriate alternative to
21 institutionalized care. "ELIGIBLE PERSON" MAY ALSO INCLUDE A DUALY
22 ELIGIBLE PERSON.

23 (c) ~~The term~~ "Frail elderly" means an individual who meets
24 functional eligibility requirements, as established by the state department,
25 for nursing home care and who is fifty-five years of age or older.

26 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-106, **amend**
27 (2) (b) (IV); and **add** (2) (c) (IX.5) as follows:

28 **25.5-6-106. Single entry point system - authorization - phases**
29 **for implementation - services provided. (2) Single entry point**
30 **agencies - service programs - functions.** (b) The agency may serve
31 private paying clients on a fee-for-service basis and shall serve clients of
32 publicly funded long-term care programs, including, but not limited to,
33 the following:

34 (IV) Long-term home health care, INCLUDING SERVICES PROVIDED
35 BY A PACE ORGANIZATION PROVIDING A PROGRAM OF ALL-INCLUSIVE
36 CARE FOR THE ELDERLY PURSUANT TO SECTION 25.5-5-412.

37 (c) The major functions of a single entry point shall include, but
38 need not be limited to, the following:

39 (IX.5) INFORMING ELIGIBLE PERSONS ABOUT THE BENEFITS OF
40 PARTICIPATING IN THE PROGRAM OF ALL-INCLUSIVE CARE FOR THE
41 ELDERLY PROVIDED BY A PACE ORGANIZATION PURSUANT TO SECTION

1 25.5-4-412 AS AN ALTERNATIVE TO ENROLLMENT IN A MANAGED CARE
2 ORGANIZATION, AN ORGANIZATION CONTRACTED WITH THE STATE
3 DEPARTMENT PURSUANT TO PART 4 OF ARTICLE 5 OF THIS TITLE, OR OTHER
4 RISK-BEARING ENTITY.

5 **SECTION 3. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety."

8 Page 1, strike lines 104 through 108 and substitute "**PROGRAM AND**
9 **ADDRESSING HOW THE PACE PROGRAM WORKS WITH INTEGRATIVE**
10 **INITIATIVES INVOLVING THE MEDICAID POPULATION IN COLORADO.**".

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