

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0705.01 Jerry Barry x4341

HOUSE BILL 12-1177

HOUSE SPONSORSHIP

Gerou, Becker, Levy

SENATE SPONSORSHIP

Hodge, Steadman, Lambert

House Committees

Finance
Appropriations

Senate Committees

Health and Human Services

A BILL FOR AN ACT

101 **CONCERNING A GRANT PROGRAM TO PROVIDE HOME CARE**
102 **ALLOWANCE BENEFITS TO CERTAIN ELIGIBLE INDIVIDUALS, AND,**
103 **IN CONNECTION THEREWITH, MAKING AND REDUCING**
104 **APPROPRIATIONS.**

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>.)

Joint Budget Committee. Effective January 1, 2012, persons were prohibited from receiving both home care allowance benefits and benefits

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
3rd Reading Unamended
February 9, 2012

HOUSE
Amended 2nd Reading
February 8, 2012

under a home- and community-based waiver. The bill establishes a new grant program (program) in the department of human services (department) to provide to certain individuals with developmental disabilities receiving benefits under either the home- and community-based supported living services or the children's extensive support waiver a home care allowance benefit consistent with benefits received by persons under the home care allowance program. It authorizes the state board of human services to adopt rules to implement the program.

The bill directs the department to submit a written report to certain committees of the general assembly on the program and to solicit feedback from individuals receiving grants under the program and from their families.

The program is repealed, effective July 1, 2017, unless extended by the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 26-2-122.4 as
3 follows:

4 **26-2-122.4. Home care allowance grant program - rules -**
5 **report - repeal.** (1) THERE IS HEREBY ESTABLISHED IN THE STATE
6 DEPARTMENT THE HOME CARE ALLOWANCE GRANT PROGRAM, REFERRED
7 TO IN THIS SECTION AS THE "PROGRAM", TO PROVIDE ASSISTANCE TO
8 CERTAIN INDIVIDUALS WHO WERE RECEIVING HOME CARE ALLOWANCE BUT
9 ARE NO LONGER ELIGIBLE TO RECEIVE SUCH ASSISTANCE. TO BE ELIGIBLE
10 FOR A GRANT UNDER THE PROGRAM, AN INDIVIDUAL SHALL:

11 (a) HAVE BEEN RECEIVING HOME CARE ALLOWANCE UNDER
12 SECTION 26-2-122.3 AT ANY TIME DURING THE PERIOD BEGINNING
13 SEPTEMBER 1, 2011, AND ENDING DECEMBER 31, 2011;

14 (b) NO LONGER BE ELIGIBLE TO RECEIVE HOME CARE ALLOWANCE
15 BECAUSE THE INDIVIDUAL IS ON EITHER THE HOME- AND
16 COMMUNITY-BASED SUPPORTED LIVING SERVICES WAIVER OR THE
17 CHILDREN'S EXTENSIVE SERVICES WAIVER, OR ANY SUCCESSOR WAIVER;

1 (c) HAVE BEEN WITHIN ONE THOUSAND DOLLARS OF HIS OR HER
2 MAXIMUM BENEFIT UNDER THE APPLICABLE WAIVER AT ANY TIME DURING
3 THE PERIOD BEGINNING SEPTEMBER 1, 2011, AND ENDING DECEMBER 31,
4 2011;

5 (d) MEET ANY OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED BY
6 THE STATE BOARD BY RULE; AND

7 (e) SUBMIT AN APPLICATION TO THE STATE DEPARTMENT.

8 (2) (a) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF
9 THIS SECTION, THE STATE BOARD SHALL ADOPT RULES GOVERNING THE
10 PROGRAM, INCLUDING BUT NOT LIMITED TO INFORMATION REQUIRED IN AN
11 APPLICATION, STANDARDS FOR ELIGIBILITY, REQUIREMENTS FOR
12 ELIGIBILITY REDETERMINATIONS, AND THE AMOUNT OF ANY GRANT.

13 (b) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE
14 DEPARTMENT MAY PROVIDE TO AN INDIVIDUAL ELIGIBLE PURSUANT TO
15 SUBSECTION (1) OF THIS SECTION A GRANT IN AN AMOUNT CONSISTENT
16 WITH THE BENEFITS AVAILABLE FOR AN ELIGIBLE PERSON UNDER THE
17 HOME CARE ALLOWANCE PROGRAM. FOR ELIGIBLE INDIVIDUALS, THE
18 GRANTS MAY BE MADE RETROACTIVE TO JANUARY 1, 2012. THE STATE
19 DEPARTMENT SHALL ADMINISTER THE PROGRAM IN A MANNER THAT WILL
20 FACILITATE RAPID IMPLEMENTATION AND MINIMIZE ADMINISTRATIVE
21 COSTS.

22 (3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT MONEYS
23 FOR THE PROGRAM COME FROM THE MONEYS APPROPRIATED FOR HOME
24 CARE ALLOWANCE BENEFITS AND THAT ANY MONEYS APPROPRIATED FOR
25 THE PROGRAM THAT ARE UNUSED MAY BE USED TO PROVIDE ADDITIONAL
26 BENEFITS UNDER THE HOME CARE ALLOWANCE PROGRAM.

27 (4) (a) ON OR BEFORE OCTOBER 15, 2016, THE STATE DEPARTMENT

1 SHALL SUBMIT A WRITTEN REPORT ON THE PROGRAM TO THE HEALTH AND
2 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR
3 COMMITTEE, THE HEALTH AND ENVIRONMENT COMMITTEE OF THE HOUSE
4 OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEE, AND TO THE JOINT
5 BUDGET COMMITTEE OF THE GENERAL ASSEMBLY. AS PART OF THE
6 REPORT, THE STATE DEPARTMENT SHALL SOLICIT FEEDBACK FROM GRANT
7 RECIPIENTS AND THEIR FAMILIES. THE REPORT SHALL INCLUDE
8 INFORMATION ON THE NUMBER OF GRANT RECIPIENTS, THE COST OF THE
9 PROGRAM, AND THE EFFECT OF REPEAL OF THE PROGRAM ON GRANT
10 RECIPIENTS AND THEIR FAMILIES.

11 (b) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2017, UNLESS
12 EXTENDED BY THE GENERAL ASSEMBLY.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$

1 **SECTION 2. Appropriation to the department of human services for the fiscal year beginning July 1, 2011.** In Session Laws of Colorado 2011, section 2 of chapter 335,
 2 (SB 11-209), **amend** Part VII (10) (C); and **add** Part VII (10) (C) footnote 28a, as follows:

3 **Section 2. Appropriation.**

PART VII

DEPARTMENT OF HUMAN SERVICES

7 **(10) ADULT ASSISTANCE PROGRAMS**

8 **(C) Other Grant Programs**

9 **Administration - Home Care**

10	Allowance SEP Contract	1,063,259	1,063,259				
11	Aid to the Needy Disabled						
12	Programs	17,428,495	11,421,471		6,007,024 ^a		
13	Burial Reimbursements	508,000	402,985		105,015(L) ^b		
14	Home Care Allowance						
15	ALLOWANCE ^{28a}	10,543,757	9,999,736		544,021(L) ^b		

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	10,074,145		9,530,124				
2	HOME CARE ALLOWANCE						
3	GRANT PROGRAM ^{28a} 469,612		469,612				
4	Adult Foster Care 157,469		149,596		7,873(L) ^b		
5	SSI Stabilization Fund						
6	Programs 1,000,000				1,000,000 ^c		
7	<u>30,700,980</u>						

^a Of this amount, it is estimated that \$3,413,687(L) shall be from local funds, \$2,279,944 shall be from federal interim assistance reimbursement payments, and \$313,393 shall be from other refunds and state revenue intercepts.

^b These estimated amounts shall be from local funds.

^c This amount shall be from the State Supplemental Security Income Stabilization Fund, created pursuant to Section 26-2-210, C.R.S. This amount is shown for informational purposes only, as the State Supplemental Security Income Stabilization Fund is continuously appropriated to the Department of Human Services for qualified expenditures.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
TOTALS PART VII						
(HUMAN SERVICES)	<u>\$2,091,045,838</u>	<u>\$618,764,498</u>		<u>\$331,395,230^a</u>	<u>\$450,969,434</u>	<u>\$689,916,676</u>

^a Of this amount, \$117,836,940 contains an (L) notation.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

28a DEPARTMENT OF HUMAN SERVICES, ADULT ASSISTANCE PROGRAMS, OTHER GRANT PROGRAMS, HOME CARE ALLOWANCE; AND HOME CARE ALLOWANCE GRANT PROGRAM -- PURSUANT TO SECTION 26-2-122.4 (3), C.R.S, ANY AMOUNT IN THE HOME CARE ALLOWANCE GRANT PROGRAM LINE ITEM THAT IS NOT REQUIRED TO OPERATE THE GRANT PROGRAM MAY BE TRANSFERRED TO THE HOME CARE ALLOWANCE PROGRAM LINE ITEM AND USED TO PROVIDE ADDITIONAL BENEFITS UNDER THAT PROGRAM.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
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SECTION 3. Appropriation to the department of human services for the fiscal year beginning July 1, 2011. In Session Laws of Colorado 2011, section 2 of chapter 335,

(SB 11-209), **amend** Part VII (10) (C); and **add** Part VII (10) (C) footnote 28a, as Part VII (10) (C) is amended by HB 12-1186, as follows:

Section 2. Appropriation.

PART VII

DEPARTMENT OF HUMAN SERVICES

(10) ADULT ASSISTANCE PROGRAMS

(C) Other Grant Programs

Administration - Home Care

Allowance SEP Contract	1,063,259	1,063,259				
Aid to the Needy Disabled Programs	17,428,495	11,421,471		6,007,024 ^a		
Burial Reimbursements	508,000	402,985		105,015(L) ^b		
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APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
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^a Of this amount, it is estimated that \$3,413,687(L) shall be from local funds, \$2,279,944 shall be from federal interim assistance reimbursement payments, and \$313,393 shall be from other refunds and state revenue intercepts.

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TOTALS PART VII

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
1 (HUMAN SERVICES)	\$2,079,353,036	\$619,875,097		\$332,780,723 ^a	\$452,550,757	\$674,146,459

2

3 ^a Of this amount, \$117,836,940 contains an (L) notation.

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5 **FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.

6

7 28a DEPARTMENT OF HUMAN SERVICES, ADULT ASSISTANCE PROGRAMS, OTHER GRANT PROGRAMS, HOME CARE ALLOWANCE; AND HOME CARE ALLOWANCE
 8 GRANT PROGRAM -- PURSUANT TO SECTION 26-2-122.4 (3), C.R.S, ANY AMOUNT IN THE HOME CARE ALLOWANCE GRANT PROGRAM LINE ITEM THAT IS NOT
 9 REQUIRED TO OPERATE THE GRANT PROGRAM MAY BE TRANSFERRED TO THE HOME CARE ALLOWANCE PROGRAM LINE ITEM AND USED TO PROVIDE ADDITIONAL
 10 BENEFITS UNDER THAT PROGRAM.

1 **SECTION 4. Effective date.** (1) Except as otherwise provided in
2 this section, this act takes effect upon passage.

3 (2) Section 2 of this act takes effect only if House Bill 12-1186
4 does not becomes law.

5 (3) Section 3 of this act takes effect only if House Bill 12-1186
6 becomes law and takes effect either upon the effective date of this act or
7 House Bill 12-1186, whichever is later.

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