

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0691.01 Jerry Barry x4341

SENATE BILL 12-074

SENATE SPONSORSHIP

Aguilar,

HOUSE SPONSORSHIP

Gardner B.,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING SERVICES PROVIDED BY A PERSON DESIGNATED BY A
102 PERSON ELIGIBLE FOR CONSUMER-DIRECTED CARE SERVICES.

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>.)

A person eligible for consumer-directed care services (eligible person) may designate a family member or authorized representative to be responsible for managing financial matters associated with the eligible person's care or to direct the eligible person's care. The bill authorizes the designee to be a direct service provider for the eligible person.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-6-1102, **amend**
3 (8) as follows:

4 **25.5-6-1102. Service model - consumer-directed care.**
5 (8) Section 25.5-6-310 does not apply to a family member of an eligible
6 person who provides consumer-directed care services to the eligible
7 person pursuant to this part 11. A FAMILY MEMBER OR AUTHORIZED
8 REPRESENTATIVE DESIGNATED PURSUANT TO SUBSECTION (6) OF THIS
9 SECTION MAY ALSO BE EMPLOYED BY THE ELIGIBLE PERSON AS A DIRECT
10 SERVICE PROVIDER FOR THE ELIGIBLE PERSON.

11 **SECTION 2.** In Colorado Revised Statutes, 15-14-310, **amend**
12 (5) as follows:

13 **15-14-310. Who may be guardian - priorities - prohibition of**
14 **dual roles.** (5) (a) Unless the court makes specific findings for good
15 cause shown or the person is a family caregiver as defined in section
16 27-10.5-102 (15.5), C.R.S., OR THE PERSON IS DESIGNATED BY AN
17 ELIGIBLE PERSON PURSUANT TO SECTION 25.5-6-1102(6), C.R.S., the same
18 professional may not act as an incapacitated person's or a protected
19 person's:

- 20 (I) Guardian and conservator; or
21 (II) Guardian and direct service provider; or
22 (III) Conservator and direct service provider.

23 (b) In addition, a guardian or conservator may not employ the
24 same person to act as both care manager and direct service provider for
25 the incapacitated person or protected person unless the person is a family
26 caregiver as defined in section 27-10.5-102 (15.5), C.R.S., OR THE

1 PERSON IS DESIGNATED BY AN ELIGIBLE PERSON PURSUANT TO SECTION
2 25.5-6-1102 (6), C.R.S.

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