

NOTE: The governor signed this measure on 6/5/2014.

An Act

SENATE BILL 14-130

BY SENATOR(S) Tochtrop, Aguilar, Crowder, Guzman, Heath, Hodge, Johnston, Jones, Kefalas, Kerr, Newell, Nicholson, Roberts, Schwartz, Steadman, Todd, Ulibarri, Zenzinger;
also REPRESENTATIVE(S) Primavera, Becker, Fields, Fischer, Ginal, Kraft-Tharp, Labuda, Lebsock, Moreno, Pettersen, Rosenthal, Ryden, Schafer, Singer, Tyler, Williams, Young.

CONCERNING AN INCREASE TO THE PERSONAL NEEDS ALLOWANCE FOR PERSONS IN NURSING CARE FACILITIES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, 25.5-6-206, **amend** (2) (a) as follows:

25.5-6-206. Personal needs benefits - amount - patient personal needs trust fund required - funeral and burial expenses - penalty for illegal retention and use. (2) (a) The basic minimum amount payable pursuant to subsection (1) of this section for personal needs to any recipient admitted to a nursing facility or intermediate care facility for individuals with intellectual disabilities is ~~fifty~~ SEVENTY-FIVE dollars monthly; EXCEPT THAT, COMMENCING JANUARY 1, 2015, AND EACH JANUARY 1 THEREAFTER,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THE BASIC MINIMUM AMOUNT SHALL INCREASE ANNUALLY BY THE SAME PERCENTAGE APPLIED TO THE GENERAL FUND SHARE OF THE AGGREGATE STATEWIDE AVERAGE OF THE PER DIEM NET OF PATIENT PAYMENT PURSUANT TO SECTION 25.5-6-202 (9) (b) (I). COMMENCING WITH THE FISCAL YEAR BEGINNING JULY 1, 2014, AND EACH FISCAL YEAR THEREAFTER, THE REDUCTION TO PATIENT PAYMENTS RECEIVED BY NURSING FACILITIES RESULTING FROM AN INCREASE IN THE BASIC MINIMUM AMOUNT SHALL BE FUNDED IN FULL BY GENERAL FUND AND APPLICABLE FEDERAL FUNDS.

SECTION 2. Appropriation - adjustments to 2014 long bill.

(1) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$532,412.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2014, the sum of \$1,057,300, or so much thereof as may be necessary, for allocation to Medical Services Premiums, for a reduction in patient payments received by nursing facilities and intermediate care facilities for individuals with intellectual disabilities resulting from an increase in the personal needs benefit related to the implementation of this act. Of said sum, \$517,971 is from the general fund and \$539,329 is from federal funds.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2014, the sum of \$2,289, or so much thereof as may be necessary, for allocation to department of human services medicaid-funded programs, office of information technology services-medicaid funding, Colorado benefits management system, for system modifications related to the implementation of this act. Of said sum, \$1,138 is from the general fund, \$7 is from the old age pension health and medical care fund pursuant to section 7 (c) of article XXIV of the state constitution, \$2 is from the children's basic health plan trust fund created in section 25.5-8-105 (1), Colorado Revised Statutes, and \$1,142 is from federal funds.

(4) In addition to any other appropriation, there is hereby

appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2014, the sum of \$22,345, or so much thereof as may be necessary, for allocation to department of human services medicaid-funded programs, services for people with disabilities – medicaid funding, regional centers, for a reduction in patient payments received by nursing facilities and intermediate care facilities for individuals with intellectual disabilities resulting from an increase in the personal needs benefit related to the implementation of this act. Of said sum, \$10,947 is from the general fund and \$11,398 is from federal funds.

(5) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for the fiscal year beginning July 1, 2014, the sum of \$6,203, or so much thereof as may be necessary, for allocation to the office of information technology services, Colorado benefits management system, for modifications to the Colorado benefits management system related to the implementation of this act. Of said sum, \$2,356 is from the general fund, \$215 is from the old age pension fund created in section 1 of article XXIV of the state constitution, \$2,289 is from reappropriated funds received from the department of health care policy and financing out of the appropriation made in subsection (3) of this section, and \$1,343 is from federal funds.

(6) For the implementation of this act, the appropriations made in the annual general appropriation act to the department of human services for services for people with disabilities for regional centers for people with developmental disabilities, for the fiscal year beginning July 1, 2014, are adjusted as follows:

(a) The appropriation for Wheat Ridge regional center personal services is decreased by \$9,216 from cash funds from client cash revenues and is increased by \$9,216 from reappropriated funds received from the department of health care policy and financing;

(b) The appropriation for Grand Junction regional center personal services is decreased by \$7,111 from cash funds from client cash revenues and is increased by \$7,111 from reappropriated funds received from the department of health care policy and financing; and

(c) The appropriation for Pueblo regional center personal services is decreased by \$6,018 from cash funds from client cash revenues and is

increased by \$6,018 from reappropriated funds received from the department of health care policy and financing.

(7) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2014, the sum of \$6,203, or so much thereof as may be necessary, for allocation to the office of information technology for the provision of services to the department of human services related to the implementation of this act. Said sum is from reappropriated funds received from the department of human services out of the appropriation made in subsection (5) of this section.

SECTION 3. Effective date. This act takes effect July 1, 2014.

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

Morgan Carroll
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO