

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 15-0829.01 Brita Darling x2241

HOUSE BILL 15-1318

HOUSE SPONSORSHIP

Young, Hamner, Rankin

SENATE SPONSORSHIP

Grantham, Lambert, Steadman

House Committees

Health, Insurance, & Environment
Appropriations

Senate Committees

Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REQUIREMENTS FOR ADMINISTERING A SINGLE**
102 **MEDICAID WAIVER FOR HOME- AND COMMUNITY-BASED**
103 **SERVICES FOR ADULTS WITH INTELLECTUAL AND**
104 **DEVELOPMENTAL DISABILITIES, AND, IN CONNECTION**
105 **THEREWITH, MAKING AN APPROPRIATION.**

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. The bill requires the department of health care policy and financing (state department) to administer medicaid

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
3rd Reading Unamended
May 6, 2015

SENATE
2nd Reading Unamended
May 5, 2015

HOUSE
3rd Reading Unamended
April 27, 2015

HOUSE
Amended 2nd Reading
April 23, 2015

home- and community-based services to adults with intellectual and developmental disabilities pursuant to a single waiver, effective July 1, 2016, or as soon as the state department receives federal authorization for a single consolidated waiver. The bill lists the services that must be included in the single consolidated waiver. The state department shall report to the joint budget committee concerning the status of federal approval of the single consolidated waiver.

The bill requires the state department in collaboration with community-centered boards to develop a plan, no later than July 1, 2016, for the delivery of conflict-free case management services and a reasonable timeline for implementation of the plan. The state department will report to the joint budget committee concerning the plan and any necessary statutory changes to implement the plan.

The bill appropriates moneys from the developmental disabilities services cash fund to implement the bill and assumes the receipt of federal funds for the same purpose.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 25.5-6-409.3** as
3 follows:

4 **25.5-6-409.3 Consolidated waiver - intellectual and**
5 **developmental disabilities - conflict-free case management -**
6 **legislative declaration.** (1) (a) THE GENERAL ASSEMBLY DECLARES THAT
7 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT MONEYS
8 APPROPRIATED FOR SERVICES FOR INDIVIDUALS WITH INTELLECTUAL AND
9 DEVELOPMENTAL DISABILITIES BE SPENT IN THE MOST EFFECTIVE MANNER,
10 THEREBY ENABLING THE GREATEST NUMBER OF ELIGIBLE INDIVIDUALS TO
11 RECEIVE THE SERVICES THAT THEY NEED IN THE AMOUNTS NEEDED SO
12 THAT THEY MAY LIVE SUCCESSFULLY IN THE COMMUNITY. THEREFORE,
13 THE GENERAL ASSEMBLY FINDS THAT THE BEST MECHANISM FOR
14 PROVIDING ADEQUATE SERVICES FOR INDIVIDUALS WITH INTELLECTUAL
15 AND DEVELOPMENTAL DISABILITIES IS TO HAVE A SINGLE CONSOLIDATED
16 MEDICAID WAIVER FOR HOME- AND COMMUNITY-BASED INDIVIDUALS WITH

1 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

2 (b) FURTHER, THE GENERAL ASSEMBLY ACKNOWLEDGES THE
3 RIGHTS OF INDIVIDUALS TO MAKE CHOICES REGARDING THEIR CASE
4 MANAGERS AND SERVICE PROVIDERS. THEREFORE, THE GENERAL
5 ASSEMBLY BELIEVES THERE EXISTS THE NEED TO ENSURE CONFLICT-FREE
6 CASE MANAGEMENT SERVICES WITHIN THE MEDICAID WAIVERS FOR
7 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

8 (2) THE STATE DEPARTMENT SHALL ESTABLISH A REDESIGNED
9 MEDICAID WAIVER FOR HOME- AND COMMUNITY-BASED SERVICES FOR
10 ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES,
11 EFFECTIVE JULY 1, 2016, OR AS SOON AS THE CENTERS FOR MEDICARE AND
12 MEDICAID SERVICES APPROVES THE REDESIGNED WAIVER.

13 (3) THE REDESIGNED WAIVER MUST INCLUDE FLEXIBLE SERVICE
14 DEFINITIONS, PROVIDE ACCESS TO SERVICES AND SUPPORTS WHEN AND
15 WHERE THEY ARE NEEDED, OFFER SERVICES AND SUPPORTS BASED ON THE
16 INDIVIDUAL'S NEEDS AND PREFERENCES, AND INCORPORATE THE
17 FOLLOWING PRINCIPLES:

18 (a) FREEDOM OF CHOICE OVER LIVING ARRANGEMENTS AND
19 SOCIAL, COMMUNITY, AND RECREATIONAL OPPORTUNITIES;

20 (b) INDIVIDUAL AUTHORITY OVER SUPPORTS AND SERVICES;

21 (c) SUPPORT TO ORGANIZE RESOURCES IN WAYS THAT ARE
22 MEANINGFUL TO THE INDIVIDUAL RECEIVING SERVICES;

23 (d) HEALTH AND SAFETY ASSURANCES;

24 (e) OPPORTUNITY FOR COMMUNITY CONTRIBUTION; AND

25 (f) RESPONSIBLE USE OF PUBLIC DOLLARS.

26

27 (3.3) (a) THE STATE DEPARTMENT'S ADMINISTRATION OF THE

1 REDESIGNED WAIVER SHALL INCLUDE:

2 (I) A FUNCTIONAL ELIGIBILITY AND NEEDS ASSESSMENT TOOL USED
3 FOR THE REDESIGNED WAIVER THAT ALIGNS WITH THE RECOMMENDATIONS
4 OF THE COMMUNITY LIVING ADVISORY GROUP AND THAT IS FULLY
5 INTEGRATED WITH THE ASSESSMENT PROCESS FOR ALL CLIENTS RECEIVING
6 LONG-TERM SERVICES AND SUPPORTS;

7 (II) AN ASSESSMENT PROCESS THAT IS PERSON-CENTERED,
8 DEMONSTRATES INTER-RATER RELIABILITY, IS NORM REFERENCED FOR
9 PEOPLE WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AND
10 INCLUDES THE FOLLOWING PRINCIPLES AND GOALS:

11 (A) MAXIMUM PERSONAL CONTROL;

12 (B) SYSTEM TRANSPARENCY; AND

13 (C) SUPPORT NEEDED TO ACHIEVE KEY SERVICE OUTCOMES,
14 INCLUDING HEALTH AND WELFARE, IMPROVING QUALITY OF LIFE,
15 INCREASING INDEPENDENCE, SUPPORTING EMPLOYMENT AND COMMUNITY
16 INTEGRATION; AND

17 (III) A SERVICE PAYMENT SYSTEM THAT ENSURES FAIR
18 DISTRIBUTION OF AVAILABLE RESOURCES AND THAT IS EFFICIENT,
19 TRANSPARENT, AND EQUITABLE FOR BOTH PROVIDERS AND CONSUMERS.

20 (b) AS PART OF THE STATE DEPARTMENT'S FISCAL YEAR 2016-17
21 BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE, THE STATE
22 DEPARTMENT SHALL INCLUDE A JUSTIFICATION FOR THE CONTINUED USE
23 OF THE SUPPORTS INTENSITY SCALE ASSESSMENT. IF THE JOINT BUDGET
24 COMMITTEE CONCLUDES THAT THE JUSTIFICATION IS INSUFFICIENT TO
25 CONTINUE THE USE OF THE SUPPORTS INTENSITY SCALE ASSESSMENT, THE
26 STATE DEPARTMENT SHALL PRESENT A PLAN TO THE JOINT BUDGET
27 COMMITTEE FOR THE TRANSITION TO A DIFFERENT ASSESSMENT TOOL THAT

1 MEETS THE PRINCIPLES AND GOALS SET FORTH IN SUBPARAGRAPH (II) OF
2 PARAGRAPH (a) OF THIS SUBSECTION (3.3), AS WELL AS A TIMELINE FOR
3 TRANSITION TO THE NEW ASSESSMENT TOOL THAT COMPORTS WITH THE
4 TIME FRAME SET FORTH IN SUBSECTION (2) OF THIS SECTION FOR THE
5 ADMINISTRATION OF THE SINGLE CONSOLIDATED MEDICAID WAIVER.

6 (3.5) THE REDESIGNED WAIVER MUST ENSURE CONTINUITY OF
7 SUPPORT, INCLUDING RESIDENTIAL SERVICES, FOR ELIGIBLE INDIVIDUALS
8 ENROLLED IN THE HOME- AND COMMUNITY-BASED SERVICES WAIVERS
9 SERVING ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
10 WHO WERE RECEIVING SERVICES AS OF JANUARY 1, 2016, AND WHO HAVE
11 MAINTAINED WAIVER ELIGIBILITY.

12 (4) THE STATE DEPARTMENT SHALL NOTIFY THE JOINT BUDGET
13 COMMITTEE NO LATER THAN JUNE 1, 2016, IF THE CENTERS FOR MEDICARE
14 AND MEDICAID SERVICES HAS NOT APPROVED A SINGLE CONSOLIDATED
15 MEDICAID WAIVER FOR HOME- AND COMMUNITY-BASED SERVICES FOR
16 ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. IF THE
17 STATE DEPARTMENT HAS NOT RECEIVED APPROVAL FROM THE CENTERS
18 FOR MEDICARE AND MEDICAID SERVICES BY JULY 1, 2016, THE JOINT
19 BUDGET COMMITTEE SHALL ESTABLISH A NOTIFICATION AND REVIEW
20 PROCESS RELATING TO THE STATUS OF THE PENDING WAIVER
21 CONSOLIDATION PROCESS.

22 (5) NO LATER THAN JULY 1, 2016, THE STATE DEPARTMENT, WITH
23 INPUT FROM COMMUNITY-CENTERED BOARDS, SINGLE ENTRY POINT
24 AGENCIES, AND OTHER STAKEHOLDERS, SHALL DEVELOP A PLAN FOR THE
25 DELIVERY OF CONFLICT-FREE CASE MANAGEMENT SERVICES THAT
26 COMPLIES WITH THE FEDERAL REGULATIONS RELATING TO
27 PERSON-CENTERED PLANNING. THE PLAN MUST INCLUDE A REASONABLE

1 TIMELINE FOR IMPLEMENTATION OF THE PLAN. THE STATE DEPARTMENT
2 MAY HIRE A CONSULTANT TO ASSIST WITH PLAN DEVELOPMENT. DURING
3 THE BUDGET PROCESS FOR THE 2016-17 LEGISLATIVE SESSION, THE STATE
4 DEPARTMENT SHALL REPORT TO THE JOINT BUDGET COMMITTEE ON THE
5 DEVELOPMENT OF THE PLAN AND ANY STATUTORY CHANGES REQUIRED TO
6 IMPLEMENT THE PLAN.

7 **SECTION 2. Appropriation.** (1) For the 2015-16 state fiscal
8 year, \$788,347 is appropriated to the department of health care policy and
9 financing for use by the division of intellectual and developmental
10 disabilities. This appropriation is from the intellectual and developmental
11 disabilities services cash fund created in section 25.5-10-207, C.R.S., and
12 is based on an assumption that the division will require an additional 2.7
13 FTE. To implement this act, the division may use this appropriation for
14 administrative costs. Any moneys appropriated in this section not
15 expended prior to July 1, 2015, are further appropriated to the department
16 for the 2016-17 state fiscal year for the same purpose.

17 (2) For the 2015-16 state fiscal year, the general assembly
18 anticipates that the department of health care policy and financing will
19 receive \$1,388,348 in federal funds to implement this act. The
20 appropriation in subsection (1) of this section is based on the assumption
21 that the department will receive this amount of federal funds.

22 **SECTION 3. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2016 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.