

**NOTE: The governor signed this measure on 5/29/2015.**

# An Act

HOUSE BILL 15-1186

BY REPRESENTATIVE(S) Young, Hamner, Rankin, Arndt, Becker K., Buckner, Court, Duran, Esgar, Fields, Garnett, Ginal, Kraft-Tharp, Lee, Lontine, Melton, Mitsch Bush, Moreno, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Tate, Vigil, Winter, Hullinghorst;  
also SENATOR(S) Steadman, Grantham, Lambert, Aguilar, Carroll, Crowder, Donovan, Garcia, Guzman, Heath, Hodge, Jahn, Johnston, Jones, Kefalas, Kerr, Martinez Humenik, Merrifield, Newell, Roberts, Todd, Ulibarri.

CONCERNING HOME- AND COMMUNITY-BASED SERVICES FOR CHILDREN WITH AUTISM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, 25.5-6-802, **amend** (1) (b) as follows:

**25.5-6-802. Definitions.** As used in this part 8, unless the context otherwise requires:

(1) "Eligible child" means a child who:

(b) Is age birth to ~~six~~ EIGHT years; EXCEPT THAT, SO LONG AS A CHILD BEGINS RECEIVING SERVICES PRIOR TO HIS OR HER EIGHTH BIRTHDAY, THE CHILD IS ENTITLED TO CONTINUE RECEIVING SERVICES FOR A TOTAL OF THREE FULL YEARS.

**SECTION 2.** In Colorado Revised Statutes, 25.5-6-803, **repeal** (3) (a) as follows:

**25.5-6-803. Federal authorization - budget neutrality.**

~~(3) (a) The provision of services pursuant to this part 8 is subject to available appropriations from the Colorado autism treatment fund established in section 25.5-6-805.~~

**SECTION 3.** In Colorado Revised Statutes, 25.5-6-804, **amend** (2) and (10); and **repeal** (9) as follows:

**25.5-6-804. Services - duties of the state department - rules.**

~~(2) No eligible child may receive services in an amount in excess of twenty-five thousand dollars annually~~ WITHIN THE LIMITS OF THE GENERAL ASSEMBLY'S ANNUAL APPROPRIATIONS, THE MEDICAL SERVICES BOARD SHALL SET AN ANNUAL DOLLAR LIMIT ON THE AMOUNT OF SERVICES THAT AN ELIGIBLE CHILD MAY RECEIVE PURSUANT TO THIS PART 8.

~~(9) The state department shall annually review the available balance in the Colorado autism treatment fund, created pursuant to section 25.5-6-805, to determine whether additional eligible children may be provided services pursuant to this part 8 consistent with existing federal authorization.~~

~~(10) So long as children who are determined eligible for the autism waiver program are on a wait list to receive services, the state department's priority shall be to move off of the wait list and into the autism waiver program those children who are determined to have an imminent need for services as determined through an objective assessment process. The state department's objective assessment process for determining imminent need for services under the autism waiver program shall incorporate norm-referenced autism assessment findings and prioritize children based on the severity of the child's assessed condition. This subsection (10) shall apply only upon the approval by the centers for medicare and medicaid services that it is consistent with federal law~~ SUBJECT TO AVAILABLE

APPROPRIATIONS, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE SERVICES TO EVERY ELIGIBLE CHILD WHO APPLIES FOR THE WAIVER PROGRAM AND THAT NO ELIGIBLE CHILD IS PLACED ON A WAITING LIST FOR SERVICES.

**SECTION 4.** In Colorado Revised Statutes, 25.5-6-806, **amend** (2) (c) (I) introductory portion as follows:

**25.5-6-806. Autism waiver - program evaluation.** (2) (c) (I) On or before June 1, 2015, AND EVERY JUNE 1 THEREAFTER, the state department's evaluation shall include an evaluation of eligible children's care plans and evaluations conducted at the beginning and ending of services, as well as ongoing evaluations during the course of services, to determine whether home- and community-based services provided pursuant to this part 8 are effective in meeting the goals of the waiver program, which goals include, but are not limited to:

**SECTION 5. Appropriation.** (1) For the 2015-16 state fiscal year, \$5,207,767 is appropriated to the department of health care policy and financing. This appropriation consists of \$367,564 from the general fund that is subject to the "(M)" notation as defined in the general appropriation act for the same fiscal year and \$4,840,203 from the Colorado autism treatment fund created in section 25.5-6-805 (1), C.R.S. To implement this act, the department may use this appropriation for the expansion of the children with autism waiver program as follows:

(a) \$57,868 general fund for personal services related to general administration;

(b) \$5,005,049, which consists of \$164,846 general fund and \$4,840,203 from the Colorado autism treatment fund created in section 25.5-6-805 (1), C.R.S., for medical services premiums; and

(c) \$144,850 general fund for behavioral health capitation payments related to behavioral health community programs.

(2) For the 2015-16 state fiscal year, the general assembly anticipates that the department of health care policy and financing will receive \$5,408,801 in federal funds for the children with autism waiver. The appropriation in subsection (1) of this section is based on the

assumption that the department will receive this amount of federal funds to be used as follows:

- (a) \$57,868 for personal services related to general administration;
- (b) \$5,200,111 for medical services premiums; and
- (c) \$150,822 for behavioral health capitation payments related to behavioral health community programs.

**SECTION 6. Effective date.** This act takes effect July 1, 2015.

**SECTION 7. 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.

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO