

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 15-0774.01 Brita Darling x2241

HOUSE BILL 15-1186

HOUSE SPONSORSHIP

Young, Hamner, Rankin

SENATE SPONSORSHIP

Steadman, Grantham, Lambert

House Committee

Health, Insurance, & Environment
Appropriations

Senate Committees

Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING HOME- AND COMMUNITY-BASED SERVICES FOR**
102 **CHILDREN WITH AUTISM, AND, IN CONNECTION THEREWITH,**
103 **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/bills summaries>.)

Joint Budget Committee. The bill increases the age limit for children receiving services under the autism waiver program from 6 years of age to 8 years of age. The current cap on the annual dollar amount of services that may be provided to a child in the program of \$25,000 is removed and will, instead, be set annually by the medical services board

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
2nd Reading Unamended
April 23, 2015

HOUSE
3rd Reading Unamended
March 31, 2015

HOUSE
2nd Reading Unamended
March 30, 2015

based upon the general assembly's appropriations.

The bill states that it is the intent of the general assembly that there will be no waiting list for services for eligible children who apply for the waiver program, so the bill removes language about prioritizing placement in the waiver program.

Finally, the bill increases the frequency of program evaluation to an annual evaluation of the effectiveness of the services provided to children pursuant to the waiver program in meeting the goals of the waiver program.

The bill appropriates general fund moneys and moneys from the Colorado autism treatment fund for administration, medical services premiums, and behavioral health capitation payments. In addition, federal funds are expected to be available for the same purposes.

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

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

4 **25.5-6-802. Definitions.** As used in this part 8, unless the context
5 otherwise requires:

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

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

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

13 **25.5-6-803. Federal authorization - budget neutrality.**

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

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

1 **25.5-6-804. Services - duties of the state department - rules.**

2 ~~(2) No eligible child may receive services in an amount in excess of~~
3 ~~twenty-five thousand dollars annually~~ WITHIN THE LIMITS OF THE
4 GENERAL ASSEMBLY'S ANNUAL APPROPRIATIONS, THE MEDICAL SERVICES
5 BOARD SHALL SET AN ANNUAL DOLLAR LIMIT ON THE AMOUNT OF
6 SERVICES THAT AN ELIGIBLE CHILD MAY RECEIVE PURSUANT TO THIS PART
7 8.

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

13 ~~(10) So long as children who are determined eligible for the~~
14 ~~autism waiver program are on a wait list to receive services, the state~~
15 ~~department's priority shall be to move off of the wait list and into the~~
16 ~~autism waiver program those children who are determined to have an~~
17 ~~imminent need for services as determined through an objective~~
18 ~~assessment process. The state department's objective assessment process~~
19 ~~for determining imminent need for services under the autism waiver~~
20 ~~program shall incorporate norm-referenced autism assessment findings~~
21 ~~and prioritize children based on the severity of the child's assessed~~
22 ~~condition. This subsection (10) shall apply only upon the approval by the~~
23 ~~centers for medicare and medicaid services that it is consistent with~~
24 ~~federal law~~ SUBJECT TO AVAILABLE APPROPRIATIONS, IT IS THE INTENT OF
25 THE GENERAL ASSEMBLY TO PROVIDE SERVICES TO EVERY ELIGIBLE CHILD
26 WHO APPLIES FOR THE WAIVER PROGRAM AND THAT NO ELIGIBLE CHILD IS
27 PLACED ON A WAITING LIST FOR SERVICES.

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

3 **25.5-6-806. Autism waiver - program evaluation.** (2) (c) (I) On
4 or before June 1, 2015, AND EVERY JUNE 1 THEREAFTER, the state
5 department's evaluation shall include an evaluation of eligible children's
6 care plans and evaluations conducted at the beginning and ending of
7 services, as well as ongoing evaluations during the course of services, to
8 determine whether home- and community-based services provided
9 pursuant to this part 8 are effective in meeting the goals of the waiver
10 program, which goals include, but are not limited to:

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

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

21 (b) \$5,005,049, which consists of \$164,846 general fund and
22 \$4,840,203 from the Colorado autism treatment fund created in section
23 25.5-6-805 (1), C.R.S., for medical services premiums; and

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

26 (2) For the 2015-16 state fiscal year, the general assembly
27 anticipates that the department of health care policy and financing will

1 receive \$5,408,801 in federal funds for the children with autism waiver.

2 The appropriation in subsection (1) of this section is based on the

3 assumption that the department will receive this amount of federal funds

4 to be used as follows:

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

6 (b) \$5,200,111 for medical services premiums; and

7 (c) \$150,822 for behavioral health capitation payments related to

8 behavioral health community programs.

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

10 **SECTION 7. Safety clause.** The general assembly hereby finds,

11 determines, and declares that this act is necessary for the immediate

12 preservation of the public peace, health, and safety.