

An Act

SENATE BILL 22-203

BY SENATOR(S) Fields and Smallwood, Buckner, Ginal, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Moreno, Rankin, Simpson, Story, Winter, Fenberg;
also REPRESENTATIVE(S) Lontine and Soper, Amabile, Bacon, Benavidez, Bennett, Bird, Boesenecker, Cutter, Exum, Froelich, Herod, Hooton, Jodeh, Lindsay, McCormick, Michaelson Jenet, Ricks, Sullivan, Titone, Valdez A., Young.

CONCERNING THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING'S
OVERSIGHT OF CONTRACTED ENTITIES PROVIDING SERVICES TO THE
PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY.

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

SECTION 1. In Colorado Revised Statutes, 25.5-5-412, **add** (15) as follows:

25.5-5-412. Program of all-inclusive care for the elderly - services - eligibility - rules - legislative declaration - definitions.
(15) (a) NO LATER THAN JUNE 30, 2023, THE STATE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, SHALL DEVELOP A REGULATORY PLAN TO ESTABLISH FORMAL

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OVERSIGHT REQUIREMENTS FOR PACE ENTITIES. IN DEVELOPING THE PLAN, THE DEPARTMENTS SHALL CONSIDER, AT A MINIMUM:

(I) INPUT FROM EXECUTIVE AGENCIES; ANY LOCAL GOVERNMENTS WITHIN A PACE SERVICE AREA, INCLUDING CITIES AND COUNTIES; AGING AND OLDER ADULT ADVOCACY ORGANIZATIONS; PACE PARTICIPANTS; FAMILY MEMBERS OF PACE PARTICIPANTS; DISABILITY ADVOCACY ORGANIZATIONS; URBAN PACE ENTITIES; RURAL PACE ENTITIES; AND PACE TRADE ORGANIZATIONS;

(II) STATE DEPARTMENT DEMOGRAPHIC DATA TO DETERMINE THE FEASIBILITY OF POTENTIAL OR EXISTING PACE ENTITIES TO ESTABLISH OR EXPAND WITHIN A SPECIFIC GEOGRAPHICAL AREA WITH AN ESTABLISHED PACE PROGRAM;

(III) UTILIZATION, QUALITY, AND PERFORMANCE DATA OF EACH PACE ENTITY AND ASSOCIATED PACE ENTITIES;

(IV) BUSINESS CONTINUITY AND SOLVENCY INFORMATION OF EACH PACE ENTITY OR ASSOCIATED PACE ENTITIES;

(V) MEASURABLE INNOVATIVE PRACTICES OF PACE ENTITIES;

(VI) STAFFING PRACTICES OF PACE ENTITIES;

(VII) TRANSPORTATION DATA OF EACH PACE ENTITY, INCLUDING THE NUMBER OF TRIPS, TRAVEL TIME, AND PICK-UP AND DROP-OFF PROCESSES;

(VIII) SATISFACTION AND EXIT SURVEY DATA OF EACH PACE ENTITY;

(IX) AUDITS, COMPLAINTS, AND GRIEVANCES OF EACH PACE ENTITY;

(X) CURRENT PACE OVERSIGHT PROCESSES, INCLUDING HOME HEALTH REGULATORY REQUIREMENTS AND LICENSURE;

(XI) ANY DUPLICATION OF FEDERAL OVERSIGHT PROCESSES;

(XII) DUE PROCESS AND APPEAL RIGHTS OF PACE ENTITIES; AND

(XIII) CITATIONS, FINES, AND SUSPENSION REMEDIES TO ENSURE COMPLIANCE WITH REGULATIONS TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF MEDICAID MEMBERS.

(b) NO LATER THAN MARCH 1, 2024, THE STATE DEPARTMENT SHALL ESTABLISH, ADMINISTER, AND ENFORCE MINIMUM REGULATORY STANDARDS AND RULES FOR THE PACE PROGRAM, INCLUDING FOR CONTRACTED ENTITIES OF THE PACE PROGRAM. THE STANDARDS AND RULES MUST BE SUFFICIENT TO ENSURE THE HEALTH, SAFETY, AND WELFARE OF PACE PARTICIPANTS.

(c) THE STATE DEPARTMENT SHALL CONTINUALLY ANALYZE THE REIMBURSEMENT METHODOLOGY FOR PACE ENTITIES AND PROVIDE AN UPDATE TO THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, AND THE JOINT BUDGET COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, OF ANY NEW METHODOLOGY REQUIREMENTS THAT INCORPORATE ENCOUNTER DATA AND ANY ASSOCIATED COST TO THE STATE DEPARTMENT IN OVERSEEING PACE ENTITIES.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Steve Fenberg
PRESIDENT OF
THE SENATE



Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED June 8, 2022 at 12:15pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO