

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 19-0362.01 Brita Darling x2241

SENATE BILL 19-164

SENATE SPONSORSHIP

Todd and Crowder, Coram, Court, Garcia, Ginal, Priola, Rankin, Smallwood, Story, Tate,
Winter

HOUSE SPONSORSHIP

Mullica,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF IN-HOME SUPPORT SERVICES**
102 **WITHIN THE "COLORADO MEDICAL ASSISTANCE ACT", AND, IN**
103 **CONNECTION THEREWITH, IMPLEMENTING THE**
104 **RECOMMENDATIONS CONTAINED IN THE 2018 SUNSET REPORT**
105 **BY THE DEPARTMENT OF REGULATORY AGENCIES.**

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://leg.colorado.gov/>.)

Sunset Process - Senate Health and Human Services Committee. The bill implements the recommendations of the department

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
March 27, 2019

SENATE
Amended 2nd Reading
March 26, 2019

of regulatory agencies' sunset review by extending the repeal date of in-home support services for certain home- and community-based services (HCBS) waivers under the Colorado medical assistance program by 7 years, from 2019 to 2026. Prior to the repeal, the department of regulatory agencies shall conduct a sunset review of the program.

The bill amends the eligibility definition for in-home support services, removing the reference to specific HCBS waivers and including those waivers for which there is state and federal authority for in-home support services.

The bill removes language relating to an obsolete reporting requirement.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 25.5-6-1207
3 as follows:

4 **25.5-6-1207. Repeal of part.** This part 12 is repealed, effective
5 September 1, ~~2019~~ 2028. Prior to such repeal, in-home support services
6 established under this part 12 shall be reviewed as provided for in section
7 24-34-104. ~~C.R.S.~~

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
9 (17)(a)(X); and **add** (29)(a)(V) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for repeal, continuation, or reestablishment - legislative**
12 **declaration - repeal.** (17) (a) The following agencies, functions, or both,
13 are scheduled for repeal on September 1, 2019:

14 (X) ~~In-home support services established in part 12 of article 6 of~~
15 ~~title 25.5, C.R.S.;~~

16 (29) (a) The following agencies, functions, or both, are scheduled
17 for repeal on September 1, 2028:

18 (V) IN-HOME SUPPORT SERVICES ESTABLISHED IN PART 12 OF
19 ARTICLE 6 OF TITLE 25.5.

1 **SECTION 3.** In Colorado Revised Statutes, 25.5-6-1202, **amend**
2 (3)(a) as follows:

3 **25.5-6-1202. Definitions.** As used in this part 12, unless the
4 context otherwise requires:

- 5 (3) "Eligible person" means any person who:
- 6 (a) Is enrolled in A home- and community-based services WAIVER
7 PROGRAM pursuant to ~~part 3 of this article, is enrolled in the spinal cord~~
8 ~~injury waiver pilot program pursuant to part 13 of this article, or is~~
9 ~~enrolled in the disabled children care program pursuant to section~~
10 ~~25.5-6-901~~ THIS ARTICLE 6 FOR WHICH IN-HOME SUPPORT SERVICES ARE
11 AUTHORIZED PURSUANT TO STATE AND FEDERAL LAW;

12 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-1203, **repeal**
13 (1.5) as follows:

14 **25.5-6-1203. In-home support services - eligibility - licensure**
15 **exclusion - in-home support service agency responsibilities - rules.**

16 (1.5) ~~The state department shall develop a plan to expand the provision~~
17 ~~of in-home support services to include clients eligible for home- and~~
18 ~~community-based services pursuant to parts 6 and 7 of this article and~~
19 ~~home- and community-based adult supportive living services and~~
20 ~~children's extensive support services pursuant to part 4 of this article. On~~
21 ~~or before March 1, 2015, the state department shall report to the public~~
22 ~~health and human services committee of the house of representatives and~~
23 ~~to the health and human services committee of the senate, or any~~
24 ~~successor committees, concerning the state department's plan for~~
25 ~~providing in-home support services to these clients, including the timeline~~
26 ~~for implementation of the service.~~

27 **SECTION 5. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2020 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.