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HOUSE BILL 25-1003

BY REPRESENTATIVE(S) Stewart R. and Brooks, Bacon, Barron, Bird, Boesenecker, Bradfield, Bradley, Brown, Caldwell, Camacho, Duran, English, Espenosa, Feret, Froelich, Garcia Sander, Gilchrist, Gonzalez R., Hamrick, Jackson, Lieder, Lindsay, Mabrey, Marshall, Rutinel, Rydin, Stewart K., Suckla, Titone, Valdez, Zokaie, McCluskie;
also SENATOR(S) Cutter, Amabile, Frizell, Jodeh, Kipp, Kolker, Michaelson Jenet, Mullica, Coleman.

CONCERNING A MEDICAID WAIVER PROGRAM FOR CHILDREN WITH COMPLEX HEALTH NEEDS.

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

SECTION 1. In Colorado Revised Statutes, **add 25.5-6-904** as follows:

25.5-6-904. Children with complex health needs waiver program - federal authorization - rules - legislative declaration - definitions.

(1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) DUE TO CHANGES IN THE STATE'S MEDICAL ASSISTANCE PROGRAM, IT IS NECESSARY TO MERGE THE CURRENT DISABLED CHILDREN

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.

CARE PROGRAM ESTABLISHED PURSUANT TO SECTION 25.5-6-901 AND THE PEDIATRIC HOSPICE CARE PROGRAM ESTABLISHED PURSUANT TO SECTION 25.5-5-305 INTO A CHILDREN WITH COMPLEX HEALTH NEEDS WAIVER PROGRAM; AND

(b) COMBINING THE PROGRAMS WILL ALLOW THE STATE DEPARTMENT TO STREAMLINE HOME- AND COMMUNITY-BASED SERVICES FOR CHILDREN, EXPAND ACCESS TO SERVICES, AND ENSURE ELIGIBLE CHILDREN CONTINUED ACCESS TO NECESSARY SERVICES.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BEREAVEMENT SERVICES" MEANS COUNSELING PROVIDED TO ELIGIBLE CHILDREN OR THEIR FAMILY MEMBERS TO GUIDE AND HELP CHILDREN AND FAMILIES COPE WITH AN ELIGIBLE CHILD'S COMPLEX HEALTH NEEDS AND THE STRESS THAT ACCOMPANIES THE CONTINUOUS CARE FOR A CHILD WITH COMPLEX HEALTH NEEDS.

(b) "PALLIATIVE CARE" MEANS A SPECIFIC PROGRAM OF SPECIALIZED MEDICAL CARE, INCLUDING CARE COORDINATION AND PAIN AND SYMPTOM MANAGEMENT, FOR ELIGIBLE CHILDREN THAT IS OFFERED BY A LICENSED HEALTH-CARE FACILITY OR PROVIDER AND THAT IS SPECIFICALLY FOCUSED ON THE PROVISION OF SERVICES IN ORDER TO:

(I) PROVIDE ELIGIBLE CHILDREN WITH RELIEF FROM THE SYMPTOMS, PAIN, AND STRESS OF COMPLEX HEALTH NEEDS, WHATEVER THE DIAGNOSIS; AND

(II) IMPROVE THE QUALITY OF LIFE FOR BOTH THE ELIGIBLE CHILD AND THE CHILD'S FAMILY.

(c) "RESPITE CARE SERVICES" MEANS SHORT-TERM SERVICES PROVIDED TO AN ELIGIBLE CHILD IN THE CHILD'S HOME OR IN A FACILITY APPROVED BY THE STATE DEPARTMENT IN ORDER TO TEMPORARILY RELIEVE THE CHILD'S FAMILY OR OTHER HOME CARE PROVIDERS FROM THE CARE AND MAINTENANCE OF THE ELIGIBLE CHILD, INCLUDING ROOM AND BOARD, PERSONAL CARE, AND OTHER RELATED SERVICES.

(3) (a) THE STATE DEPARTMENT SHALL SEEK ANY FEDERAL

AUTHORIZATION NECESSARY TO IMPLEMENT A WAIVER PROGRAM FOR CHILDREN WITH COMPLEX HEALTH NEEDS. THE STATE BOARD SHALL ESTABLISH, BY RULE, TO THE EXTENT AUTHORIZED OR REQUIRED BY THE FEDERAL WAIVER, THE TYPES OF SERVICES PROVIDED BY THE WAIVER PROGRAM, WHICH MUST INCLUDE RESPITE CARE SERVICES, PALLIATIVE CARE, AND BEREAVEMENT SERVICES.

(b) A CHILD IS ELIGIBLE FOR THE WAIVER PROGRAM IF THE CHILD IS UNDER NINETEEN YEARS OF AGE, IS ELIGIBLE FOR THE STATE MEDICAL ASSISTANCE PROGRAM PURSUANT TO THIS ARTICLE 6 AND ARTICLES 4 AND 5 OF THIS TITLE 25.5, AND HAS A LIFE-LIMITING ILLNESS OR QUALIFIES FOR NURSING FACILITY OR HOSPITAL LEVEL OF CARE.

(4) THE CHILDREN WITH COMPLEX HEALTH NEEDS WAIVER PROGRAM, AS AUTHORIZED PURSUANT TO THIS SECTION, MUST MEET AGGREGATE FEDERAL WAIVER BUDGET NEUTRALITY REQUIREMENTS.

SECTION 2. In Colorado Revised Statutes, 25.5-5-304, **add** (3)(d) as follows:

25.5-5-304. Hospice care. (3) (d) FOR THE PROVISION OF PEDIATRIC HOSPICE CARE, THE STATE DEPARTMENT SHALL SEEK AN EXEMPTION FROM THE FOLLOWING FEDERAL MEDICAID REQUIREMENTS FOR THE ELIGIBILITY OF AND ELECTION FOR HOSPICE CARE:

(I) THE MANDATORY DO-NOT-RESUSCITATE ORDER;

(II) A PHYSICIAN'S CERTIFICATION THAT A PATIENT IS EXPECTED TO LIVE LESS THAN SIX MONTHS; AND

(III) THE NONALLOWANCE OF CURATIVE CARE THERAPIES CONCURRENT WITH PALLIATIVE AND HOSPICE CARE.

SECTION 3. In Colorado Revised Statutes, 24-22-117, **amend** (2) introductory portion, (2)(a)(II) introductory portion, and (2)(a)(II)(C) as follows:

24-22-117. Tobacco tax cash fund - accounts - creation - legislative declaration. (2) There are ~~hereby~~ created in the state treasury the following funds:

(a) (II) Except as provided in ~~subparagraph (III) of this paragraph~~ ~~(a) SUBSECTION (2)(a)(III) OF THIS SECTION~~, for fiscal year 2005-06 and each fiscal year thereafter, ~~moneys~~ MONEY in the health care expansion fund shall be annually appropriated by the general assembly to the department of health care policy and financing for the following purposes:

(C) To expand the number of children ~~that~~ WHO can be enrolled in the ~~children's home- and community-based service waiver~~ CHILDREN WITH COMPLEX HEALTH NEEDS program, ~~section 25.5-6-901, C.R.S.~~ SECTION 25.5-6-904, and the children's extensive support waiver program;

SECTION 4. In Colorado Revised Statutes, 25.5-5-203, **repeal** (1)(i); and **add** (1)(p) as follows:

25.5-5-203. Optional programs with special state provisions - repeal. (1) Subject to the provisions of subsection (2) of this section, this section specifies programs developed by Colorado to increase federal financial participation through selecting optional services or optional eligible groups. These programs include but are not limited to:

(i) ~~The disabled children care program, as specified in section 25.5-6-901;~~

(p) THE CHILDREN WITH COMPLEX NEEDS WAIVER PROGRAM, AS SPECIFIED IN SECTION 25.5-6-904.

SECTION 5. In Colorado Revised Statutes, 39-22-566, **amend** (2)(i) as follows:

39-22-566. Qualified care worker tax credit - tax preference performance statement - legislative declaration - definitions - repeal. (2) As used in this section, unless the context otherwise requires:

(i) "Home- and community-based services" means any services provided in this state pursuant to parts 3 to 13 or part 19 of article 6 of title 25.5. ~~or section 25.5-5-305.~~

SECTION 6. In Colorado Revised Statutes, **repeal** 25.5-5-305 and 25.5-6-901.

SECTION 7. Effective date. This act takes effect July 1, 2025; except that section 6 of this act takes effect July 1, 2026.

SECTION 8. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO