

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 16-0912.01 Brita Darling x2241

SENATE BILL 16-192

SENATE SPONSORSHIP

Lambert, Grantham, Steadman

HOUSE SPONSORSHIP

Young, Hamner, Rankin

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING A NEEDS ASSESSMENT TOOL FOR PERSONS ELIGIBLE FOR**
102 **LONG-TERM SERVICES AND SUPPORTS, INCLUDING PERSONS**
103 **WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AND,**
104 **IN CONNECTION THEREWITH, 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/billsummaries>.)

Joint Budget Committee. By a certain date, the bill requires the department of health care policy and financing (state department), pursuant to the state department's ongoing stakeholder process relating to

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
Amended 2nd Reading
April 25, 2016

eligibility determination for long-term services and supports, to select a needs assessment tool for persons receiving long-term services and supports, including persons with intellectual and developmental disabilities, and, once selected, to begin using the tool as soon as practicable. Once selected, the state department shall report to certain committees of the general assembly the needs assessment tool selected and the level of stakeholder involvement in the process of selecting the tool.

Pursuant to the state department's ongoing stakeholder process relating to eligibility determination for long-term services and supports, the state department shall develop or select the needs assessment tool in collaboration with persons with intellectual and developmental disabilities and stakeholders.

The needs assessment tool must include a reasonable reassessment process that allows a reassessment to be completed within thirty days after a reassessment is requested.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-6-104, **add** (5)
3 as follows:

4 **25.5-6-104. Long-term care placements - comprehensive and**
5 **uniform client assessment instrument - legislative declaration -**
6 **definitions - report - repeal.** (5) (a) ON OR BEFORE JULY 1, 2018,
7 PURSUANT TO THE STATE DEPARTMENT'S ONGOING STAKEHOLDER PROCESS
8 RELATING TO ELIGIBILITY DETERMINATION FOR LONG-TERM SERVICES AND
9 SUPPORTS PURSUANT TO THIS ARTICLE, THE STATE DEPARTMENT SHALL
10 SELECT A NEEDS ASSESSMENT TOOL FOR PERSONS RECEIVING LONG-TERM
11 SERVICES AND SUPPORTS, INCLUDING PERSONS WITH INTELLECTUAL AND
12 DEVELOPMENTAL DISABILITIES WHO ARE ELIGIBLE FOR SERVICES
13 PURSUANT TO SECTION 25.5-6-409. ONCE SELECTED, THE STATE
14 DEPARTMENT SHALL BEGIN ASSESSING CLIENT NEEDS USING THE NEEDS
15 ASSESSMENT TOOL AS SOON AS PRACTICABLE.

16 (b) PURSUANT TO THE STATE DEPARTMENT'S ONGOING

1 STAKEHOLDER PROCESS RELATING TO ELIGIBILITY DETERMINATION FOR
2 LONG-TERM SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE, THE
3 STATE DEPARTMENT SHALL DEVELOP OR SELECT THE NEEDS ASSESSMENT
4 TOOL IN COLLABORATION WITH PERSONS WITH INTELLECTUAL AND
5 DEVELOPMENTAL DISABILITIES WHO RECEIVE SERVICES, LEGAL
6 GUARDIANS, CASE MANAGERS, AND ANY OTHER STAKEHOLDERS AS
7 DETERMINED BY THE STATE DEPARTMENT.

8 (c) THE NEEDS ASSESSMENT TOOL DEVELOPED OR SELECTED BY
9 THE STATE DEPARTMENT MUST INCLUDE A REASONABLE REASSESSMENT
10 PROCESS, SET FORTH IN STATE BOARD RULES, THAT ALLOWS A
11 REASSESSMENT TO BE COMPLETED WITHIN THIRTY DAYS AFTER RECEIPT OF
12 A REQUEST FOR REASSESSMENT MADE BY A PERSON WITH INTELLECTUAL
13 AND DEVELOPMENTAL DISABILITIES OR HIS OR HER LEGAL GUARDIAN.

14 (d) (I) ONCE THE STATE DEPARTMENT HAS SELECTED A NEEDS
15 ASSESSMENT TOOL, THE STATE DEPARTMENT SHALL REPORT TO THE PUBLIC
16 HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
17 REPRESENTATIVES, OR ITS SUCCESSOR COMMITTEE; THE HEALTH AND
18 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ITS SUCCESSOR
19 COMMITTEE; AND THE JOINT BUDGET COMMITTEE CONCERNING THE NEEDS
20 ASSESSMENT TOOL SELECTED AND THE LEVEL OF STAKEHOLDER
21 INVOLVEMENT IN THE PROCESS OF SELECTING THE TOOL.

22 (II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2019.

23 **SECTION 2. In Colorado Revised Statutes, 25.5-10-207, amend**
24 **(3) (b) and (3) (c); and add (3) (d) as follows:**

25 **25.5-10-207. Services and supports - waiting list reduction -**
26 **cash fund - repeal. (3) The general assembly may annually appropriate**
27 **moneys in the intellectual and developmental disabilities services cash**

1 fund to the state department for:

2 (b) Administrative expenses for renewal and redesign of medicaid
3 home- and community-based services waivers relating to intellectual and
4 developmental disabilities; and

5 (c) Increasing system capacity for home- and community-based
6 intellectual and developmental disabilities programs, services, and
7 supports; AND

8 (d) THE DEVELOPMENT OF AN ASSESSMENT TOOL PURSUANT TO
9 SECTION 25.5-6-104 (5).

10 **SECTION 3. Appropriation.** (1) For the 2016-17 state fiscal
11 year, \$138,787 is appropriated to the department of health care policy and
12 financing for use by the executive director's office. This appropriation is
13 from the intellectual and developmental disabilities services cash fund
14 created in section 25.5-10-207 (1), C.R.S. To implement this act, the
15 office may use this appropriation as follows:

16 (a) \$58,134 for personal services, which amount is based on an
17 assumption that the office will require an additional 1.8 FTE;

18 (b) \$5,653 for operating expenses; and

19 (c) \$75,000 for general professional services and special projects.

20 (2) For the 2016-17 state fiscal year, the general assembly
21 anticipates that the department of health care policy and financing will
22 receive \$138,786 in federal funds to implement this act. The
23 appropriation in subsection (1) of this section is based on the assumption
24 that the department will receive this amount of federal funds to be used
25 as follows:

26 (a) \$58,133 for personal services;

27 (b) \$5,653 for operating expenses; and

1 (c) \$75,000 for general professional services and special projects.

2 **SECTION 4. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.