

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 28, 2016
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB16-199 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill page 3, strike lines 14 and 15 and substitute:
 - 2 "(d) (I) THE STATE DEPARTMENT, WITH THE PARTICIPATION OF
 - 3 COLORADO PACE ORGANIZATIONS, SHALL DEVELOP AN ACTUARIALLY
 - 4 SOUND UPPER".
- 5 Page 3, line 17, strike "LEGISLATION" and substitute "LAW".
- 6 Page 3, line 20, after the period add "THE STATE DEPARTMENT SHALL
- 7 CONTRACT WITH AN ACTUARY THAT HAS EXPERIENCE WITH THE METHODS
- 8 DESCRIBED IN THIS PARAGRAPH (d)".
- 9 Page 3, line 21, strike "(e)" and substitute "(II)".
- 10 Reletter succeeding paragraph accordingly.
- 11 Page 3, line 22, after "PROVIDE" insert "TO THE CONTRACTED ACTUARY".
- 12 Page 4, strike lines 4 and 5 and substitute "PAYMENT LIMIT".
- 13 Page 4, after line 5 insert:
 - 14 "(III) NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH (d)
 - 15 TO THE CONTRARY, THE STATE DEPARTMENT SHALL NOT BE REQUIRED TO

1 DEVELOP AN UPPER PAYMENT LIMIT METHODOLOGY PURSUANT TO THIS
2 PARAGRAPH (d) OR COMPLY WITH THE REQUIREMENTS OF SUBPARAGRAPH
3 (I) OF PARAGRAPH (e) OF THIS SUBSECTION (12) IF THE STATE DEPARTMENT
4 DOES NOT RECEIVE SUFFICIENT GIFTS, GRANTS, AND DONATIONS TO FUND
5 THE CONTRACT FOR ACTUARIAL SERVICES PURSUANT TO SUBPARAGRAPH
6 (I) OF THIS PARAGRAPH (d).".

7 Page 4, line 6, strike "UNTIL" and substitute "CONTINGENT UPON ANY
8 NECESSARY FEDERAL APPROVAL, UNTIL".

9 Page 4, line 13, strike "(f)" and substitute "(e)".

10 Page 4, line 14, strike "STATE BOARD" and substitute "EXECUTIVE
11 DIRECTOR".

12 Page 5, line 10, before "**add**" insert "**amend (3); and**".

13 Page 5, strike line 13 and substitute "**program-state PACE ombudsman.**
14 (3) Local ombudsman programs THAT ARE PART OF THE OFFICE OF THE
15 STATE LONG-TERM CARE OMBUDSMAN shall be established statewide.
16 Such programs shall be operated by the state department under contract,
17 grant, or agreement between the state department and a public agency or
18 an appropriate private nonprofit organization. Personnel of local
19 programs shall be trained and designated as qualified representatives of
20 the office in accordance with section 26-11.5-105 (1) (b).

21 (4) A STATE PACE OMBUDSMAN".

22 Page 5, line 19, after "FACILITIES" insert "AND PROVIDE TO ALL PACE
23 PARTICIPANTS, IN WRITING,".

24 Page 6, line 1, after "resident" insert "OR PACE PARTICIPANT".

25 Page 6, line 2, after "resident" insert "OR PACE PARTICIPANT".

26 Page 6, line 4, after "resident" insert "OR PACE PARTICIPANT".

27 Page 6, line 13, before "(4) (a)" insert "(2) introductory portion and".

28 Page 6, line 18, after "office" insert "OR TO THE STATE PACE
29 OMBUDSMAN" and strike "its" and substitute "its OMBUDSMAN".



1 Page 7, line 5, strike "(1) (a)" and substitute "(1) (a), (1) (b)".

2 Page 7, line 11, after "facilities" insert "OR PACE PROGRAMS".

3 Page 7, after line 14 insert:

4 "(b) Establish procedures to assure that information contained in
5 any files maintained in accordance with the state long-term care
6 ombudsman program shall be disclosed only at the discretion of the state
7 long-term care ombudsman OR THE STATE PACE OMBUDSMAN, AS
8 APPLICABLE, and that the identity of a complainant be disclosed only with
9 the written consent of such complainant or in accordance with a court
10 order;"

11 Page 7, line 27, after "ORGANIZATION" insert "OR OF ANY PUBLIC AGENCY,
12 INCLUDING THE STATE DEPARTMENT OF HUMAN SERVICES AND COUNTY
13 DEPARTMENTS OF SOCIAL SERVICES,"

14 Page 8, strike lines 3 and 4.

15 Reletter succeeding paragraphs accordingly.

16 Page 8, line 26, strike "(2)" and substitute "(3)".

17 Renumber succeeding subsection accordingly.

18 Page 9, line 6, after "(3)" insert "(a)".

19 Page 9, line 8, after "OF" insert "ESTABLISHING THE STATE PACE
20 OMBUDSMAN AND".

21 Page 9, after line 8 insert:

22 "(b) THE PACE OMBUDSMAN FUND, REFERRED TO IN THIS
23 PARAGRAPH (b) AS THE "FUND" IS HEREBY CREATED IN THE STATE
24 TREASURY. THE FUND CONSISTS OF GIFTS, GRANTS, AND DONATIONS
25 CREDITED TO THE FUND PURSUANT TO THIS SUBSECTION (3) AND ANY
26 OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
27 TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL
28 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
29 MONEY IN THE FUND TO THE FUND. ANY UNEXPENDED AND



1 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL
2 YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO
3 ANY OTHER FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
4 ASSEMBLY, THE STATE DEPARTMENT MAY EXPEND MONEY FROM THE FUND
5 FOR PURPOSES OF ESTABLISHING THE STATE PACE OMBUDSMAN
6 PURSUANT TO THIS ARTICLE.

7 (c) (I) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE TO
8 THE CONTRARY, IF IN ANY OF STATE FISCAL YEARS 2016-17 THROUGH
9 2020-21 THE STATE DEPARTMENT DOES NOT RECEIVE SUFFICIENT GIFTS,
10 GRANTS, OR DONATIONS NECESSARY TO FUND A STATE PACE
11 OMBUDSMAN TO CARRY OUT THE DUTIES SET FORTH IN THIS SECTION, A
12 STATE PACE OMBUDSMAN SHALL NOT BE ESTABLISHED IN THE STATE
13 LONG-TERM CARE OMBUDSMAN PROGRAM.

14 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2021."

15 Page 9, before line 9 insert:

16 "SECTION 10. In Colorado Revised Statutes, add 26-11.5-114
17 as follows:

18 **26-11.5-114. Stakeholder process - state PACE ombudsman -**
19 **reporting.** (1) THE STATE DEPARTMENT SHALL CONVENE A STAKEHOLDER
20 GROUP FOR PURPOSES OF DEVELOPING LEGISLATION TO BE INTRODUCED
21 DURING THE 2017 LEGISLATIVE SESSION CONCERNING A COMPREHENSIVE
22 STATEWIDE PACE OMBUDSMAN PROGRAM ESTABLISHED IN THE STATE
23 LONG-TERM CARE OMBUDSMAN PROGRAM THAT INCLUDES LOCAL PACE
24 OMBUDSMEN.

25 (2) THE STAKEHOLDER GROUP SHALL INCLUDE, AT A MINIMUM:

26 (a) THE STATE PACE OMBUDSMAN, ONCE ESTABLISHED;

27 (b) THE STATE LONG-TERM CARE OMBUDSMAN AND ONE OR MORE
28 LOCAL OMBUDSMEN;

29 (c) REPRESENTATIVES OF PACE ORGANIZATIONS;

30 (d) COMMUNITY ADVOCATES; AND

31 (e) ANY OTHER INTERESTED STAKEHOLDERS, INCLUDING
32 REPRESENTATIVES OF STATE AGENCIES, AS DETERMINED BY THE STATE
33 DEPARTMENT.

34 (3) THE STAKEHOLDER GROUP SHALL CONSIDER THE NUMBER AND
35 LOCATION OF ANY NECESSARY LOCAL PACE OMBUDSMEN AND PROJECTED
36 SERVICE LEVELS FOR THE COMPREHENSIVE STATEWIDE PACE
37 OMBUDSMAN PROGRAM.

38 (4) THE STATE DEPARTMENT SHALL REPORT ON THE WORK OF THE
39 STAKEHOLDER GROUP TO THE JOINT BUDGET COMMITTEE AND TO THE



1 STATE DEPARTMENT'S LEGISLATIVE COMMITTEE OF REFERENCE AS PART OF
2 THE AGENCY'S ANNUAL PRESENTATION PURSUANT TO SECTION 2-7-103,
3 C.R.S., MADE DURING THE INTERIM PRIOR TO THE START OF THE 2017
4 LEGISLATIVE SESSION."

5 Renumber succeeding section accordingly.

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