Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

BILL E

LLS NO. 10-0251.01 Jerry Barry **SENATE BILL**

SENATE SPONSORSHIP

Tochtrop, Newell, Williams

HOUSE SPONSORSHIP

Soper, Riesberg, Roberts, Tyler

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING MEDICAID PAYMENTS FOR INPATIENT CARE FOR HOSPICE**
102 **RECIPIENTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Hospice and Palliative Care in Colorado. Subject to the receipt of any necessary federal authorization, the act requires the department of health care policy and financing (department) to pay a nursing facility directly for inpatient services provided to a medicaid recipient who elects to receive hospice care rather than paying the hospice provider who then pays the nursing facility.

The act directs the department, subject to the receipt of sufficient

gifts, grants, or donations, to pay the state's costs of preparing the request to seek federal authorization to pay the nursing facility directly. The act specifies that such gifts, grants, or donations shall be deposited into the hospice care account in the department of health care policy and financing cash fund and may be used only for the state's costs of preparing the request.

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

2 **SECTION 1.** 25.5-5-304, Colorado Revised Statutes, is amended

3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **25.5-5-304. Hospice care.** (3) (a) SUBJECT TO THE RECEIPT OF

5 ANY NECESSARY FEDERAL AUTHORIZATION, FOR A PERSON WHO HAS

6 EXECUTED THE WAIVER DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (1)

7 OF THIS SECTION AND WHO IS A RESIDENT IN A CLASS I FACILITY, AS

8 DEFINED IN SECTION 25.5-6-201 (13), THE CLASS I FACILITY SHALL BILL

9 THE STATE DEPARTMENT AND THE STATE DEPARTMENT SHALL PAY THE

10 CLASS I FACILITY FOR THE ROOM AND BOARD COSTS OF THE PERSON.

11 (b) (I) IF REQUIRED, THE STATE DEPARTMENT SHALL SEEK THE

12 APPROPRIATE FEDERAL AUTHORIZATION, CONDITIONED ON THE RECEIPT OF

13 GIFTS, GRANTS, OR DONATIONS SUFFICIENT TO PROVIDE FOR THE STATE'S

14 ADMINISTRATIVE COSTS OF PREPARING AND SUBMITTING THE REQUEST, TO

15 MAKE THE PAYMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION

16 (3).

17 (II) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT

18 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR

19 THE PURPOSE OF PROVIDING FOR THE ADMINISTRATIVE COSTS OF

20 PREPARING AND SUBMITTING THE REQUEST FOR FEDERAL APPROVAL FOR

21 THE PAYMENTS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3).

22 ALL SUCH PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS,

GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE HOSPICE CARE ACCOUNT IN THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CASH FUND CREATED PURSUANT TO SECTION 25.5-1-109, WHICH ACCOUNT IS HEREBY CREATED. MONEYS IN THE ACCOUNT SHALL BE SUBJECT TO APPROPRIATION AND SHALL ONLY BE USED FOR THE PURPOSES DESCRIBED IN THIS SUBPARAGRAPH (II).

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); 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 shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.