

## General Interest Report

### Colorado Association of Homes and Services for the Aging

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**HB1028 INCOME TAX DESIGNATION ALZHEIMER'S ASSOC. FUND**

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**Sponsors** Rep. V. Mitchell & Sen. Sandoval

Extends the period that state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the Alzheimer's Association fund. Continues the use of the fund for 24-hour help line, education classes, support groups, caregiver respite, and family counseling services for caretakers of persons with the disease.

**Current Status** Signed by Governor

**Fiscal Impact** None

**Position** Passive Support

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**HB1031 NAVIGATOR TO ASSIST WAITING LIST DD**

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**Sponsors** Rep. Pommer & Sen. Keller

Interim Committee on Long-term Health Care Services and Supports for Persons with Developmental Disabilities: Creates the position of navigator, in the Department of Human Services, for the waiting list for persons with developmental disabilities to assist said person and their families. Requires each community centered boards( CCBs) to ensure the availability of the services of a navigator for persons who are waiting for services.

**Current Status** Signed by Governor

**Fiscal Impact** Yes

**Position** Monitor

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**HB1032 CHANGE MEDICAID PAYMENTS TO PHARMACIES FOR CERTAIN DRUGS**

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**Sponsors** Rep. Massey & Sen. Morse

Allows the Department of Health Care Policy and Financing to implement a state maximum allowable cost program (State MAC) in Medicaid to adjust the amounts paid to pharmacies for prescription drugs. The bill also specifies that, should a State MAC be implemented, the department must maximize the federal financial participation amounts and notify the Joint Budget Committee of any anticipated fiscal impacts for the state and for local pharmacies.

**Current Status** Vetoed by Governor

**Fiscal Impact** None

**Position** Passive Support

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**HB1047 STATE SET ASIDES FOR SEVERELY DISABLED**

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**Sponsors** Rep. B. Gardner & Sen. Boyd

Interim Committee on Long-Term Health Care Services and Supports for Persons with Developmental Disabilities: Creates a set aside program to enable nonprofit agencies that employ persons with severe disabilities to bid on certain types of state services. The Department of Human Services will administer the program which applies to all state agencies and each institution of higher education. Requires a nonprofit agency to apply to the Department of Human Services to become a self-certified vendor eligible to participate in the set aside program. Requires the application to include the tasks and activities that the nonprofit is able to perform. To qualify for the program, at least 75 percent of a nonprofit's employees must have severe disabilities and at least 20 percent must have developmental disabilities. The nonprofit must be an independent, tax-exempt charitable or social welfare organization, and registered on the Department of Personnel and Administration centralized supplier database.

**Current Status** Signed by Governor

**Fiscal Impact** Yes

**Position** Monitor

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**HB1078 REPAY CO STATE VETERANS TRUST FUND**

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**Sponsors** Rep. Buescher & Sen. Morse

Transfers a \$2,917,300 from the general fund to the Colorado state veterans trust fund. Specifies that the amount shall be retained as principal in the trust fund. This amount represents the \$2,280,900 initially removed from the trust fund plus interest income that would have occurred during the intervening years. The bill is intended to restore the fund.

**Current Status** Signed by Governor

**Fiscal Impact**

**Position** Monitor

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**HB1089 NONPROFIT BOARD ACTION FLEXIBILITY**

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**Sponsors** Rep. Balmer & Sen. Veiga

Facilitates email voting by permitting the board of directors of a nonprofit corporation to take action upon written notice and the board members' written vote or failure to respond, unless otherwise provided in the bylaws.

**Current Status** Signed by Governor

**Fiscal Impact** None

**Position** Passive Support

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**HB1101      DEV DISABILITIES WAIT LIST FOR SERVICES**

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**Sponsors**      Rep. B. Gardner & Sen. Renfroe

Creates the developmental disabilities services cash fund. In each of the next 5 fiscal years, directs the general assembly to appropriate the fund a specified percentage of the amount by which total general fund appropriations for the fiscal year may increase over the prior fiscal year in accordance with the statutory limit on general fund appropriations. During each regular session of the General Assembly, the Joint Budget Committee and the House and Senate Health and Human Services Committees must hold a joint hearing on the status of the waiting lists for services for persons with developmental disabilities. The goal of the hearing is to propose an appropriation from the General Fund to the Developmental Disabilities Services Cash Fund in an amount equal to 2 percent of the amount by which total state General Fund appropriations may increase over the prior fiscal year, pursuant to the Arveschoug-Bird limit on General Fund appropriations.

**Current Status**      Signed by Governor

**Fiscal Impact**      Yes

**Position**      Monitor

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**HB1199      UPDATE TUBERCULOSIS CONTROL STATUTES**

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**Sponsors**      Rep. Ferrandino & Sen. Williams

Updates the statutes governing the treatment and control of tuberculosis in this state to reflect current medical practices, including eliminating references to quarantine, emphasizing that control methods are targeted at persons who are infected or suspected of being infected with tuberculosis, and reflecting that the tuberculosis program is carried out primarily through control efforts and treatment rather than active program of hospitalization. Authorizes the state chief medical officer in the department of public health and environment (department) to have the same investigatory powers and authority over tuberculosis as local health officers, which include: Investigating reported or suspected cases of active tuberculosis within the health officer's jurisdiction; Identifying, evaluating, and offering treatment to persons who came into contact with cases of active tuberculosis; Issuing orders to a person to undergo a medical examination; Issuing isolation orders; Screening programs of populations at risk of developing tuberculosis or having latent tuberculosis. Specifies factors to be considered by a health officer prior to issuing an order of isolation for a person. Clarifies what persons and facilities are required to report to the department about cases of active or suspected tuberculosis. Clarifies what information is required to be reported. Specifies when medical records may be inspected and by what authorized persons. Rewrites the statutes regarding the relationship between the department and local public health agencies to reflect that funds are distributed locally through contracts based in part upon actual caseload and not on the funding formula in the statute. Effective upon Governor's signature.

**Current Status**      Signed by Governor

**Fiscal Impact**      None

**Position**      Passive Support

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**HB1221 CLARIFY POLICY IN DHS PUBLIC ASSISTANCE**

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**Sponsors** Rep. Buescher & Sen. Keller

Makes technical changes to clarify existing policy for programs administered by the department of human services for people who qualify for public assistance. Exempts from the mandatory comprehensive and uniform client assessment process the home care allowance program, adult foster care, and in-home services under the federal "Older Americans Act of 1965".

**Current Status** Signed by Governor

**Fiscal Impact** None

**Position** Monitor

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**HB1285 SUPPLEMENTAL APPROPRIATION HCP&F**

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**Sponsors** Rep. Buescher & Sen. Keller

Makes a supplemental appropriation to the department of health care policy and financing.

**Current Status** Signed by Governor

**Fiscal Impact**

**Position** Monitor

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**HB1296 SUPPLEMENTAL APPROPRIATION CDPHE**

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**Sponsors** Rep. Buescher & Sen. Keller

Makes a supplemental appropriation to the department of public health and environment.

**Current Status** Signed by Governor

**Fiscal Impact**

**Position** Monitor

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**HB1307 INTERIM ASSISTANCE SUPPLEMENTAL SECURITY**

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**Sponsors** Rep. Buescher & Sen. Keller

Clarifies that neither the state department of human services nor any county shall pay any portion of the costs, including legal fees, incurred by a recipient of public assistance in seeking supplemental security income benefits or any other federal benefits.

**Current Status** Signed by Governor

**Fiscal Impact** None

**Position** Monitor

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**HB1356**      **LANDLORD TENANT RELATIONS**

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**Sponsors**      Rep. Merrifield & Sen. Tupa

Limits the award of attorney fees to prevailing parties in forcible entry and detainer actions to cases in which the lease agreement included attorney fee provisions. Creates a warranty of habitability in every residential lease and specifies conditions that constitute a breach after notice and opportunity to cure. Specifies when deficiencies in common areas render the residential premises uninhabitable. Imposes a duty on tenants to use premises in reasonably clean and safe manner. Establishes remedies for breach of warranty of habitability. Prohibits retaliation by landlord against tenant that proves uninhabitability. Prohibits landlords from excluding tenant from premises without court process. Exempts certain lease arrangements such as frat houses and hunting cabins. Declares act to be a matter of statewide concern. Defines terms.

**Current Status**      Signed by Governor

**Fiscal Impact**      None

**Position**      Passive Support

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**HB1374**      **REMOVE CAP ON PACE PROGRAM RATE**

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**Sponsors**      Rep. Pommer & Sen. Johnson

Joint Budget Committee Balanced Budget Package: Repeals the 95% cap based on fee-for-service costs on the capitated rate under the program of all-inclusive care for the elderly.

**Current Status**      Signed by Governor

**Fiscal Impact**      Yes

**Position**      Passive Support

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**HB1385**      **HEALTH INSURANCE TRANSPARENCY**

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**Sponsors**      Rep. Primavera & Sen. Schwartz

Requires the Insurance Commissioner to implement and maintain a consumer guide to health benefits coverage on the Division of Insurance website. The website must include information on each carrier, a link to the division's complaint form and index of complaints, and other information the commissioner determines to be useful to consumers. In addition, health care insurance producers and agents must disclose expected commission amounts to consumers. It will not include information that is not open to the public. It can include information on health plan quality from state or nationally recognized organizations.

**Current Status**      Signed by Governor

**Fiscal Impact**      Yes

**Position**      Monitor

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**HB1389**      **INCREASED OVERSIGHT OF INSURANCE RATES**

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**Sponsors**      Rep. M. Carroll & Sen. Sandoval

Requires each insurance carrier to file with the commissioner of insurance a detailed description of its rating and renewal practices for health insurance. Requires such information to be public when filed and requires requested rate filing increases for health insurance to be submitted at least 60 days prior to the proposed implementation date. Allows the rates to be implemented if the commissioner does not approve the rates within the 60-day period. Allows the commissioner to disapprove the rates upon later review. Requires the commissioner to disapprove the rates if certain conditions apply. Requires insurance carriers to report if specific reasons apply to an increase in rates. Prohibits persons from willfully withholding information that will affect rates or premiums. Amended to delete all provisions pertaining to auto insurance.

**Current Status**      Signed by Governor

**Fiscal Impact**      Yes

**Position**      Monitor

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**HB1409**      **MEDICAID THIRD PARTY RECOVERIES**

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**Sponsors**      Rep. Pommer & Sen. Johnson

Specifies that the department of health care policy and financing is authorized to determine whether a third party is liable for payment for services provided to a medicaid recipient. Requires a third party who may be liable for payment for services provided to a medicaid recipient: To provide the department with information concerning the eligibility of persons who receive benefits from the third party; To accept the state's right to recover for services provided to medicaid recipients; To respond to inquiries from the department concerning benefits available from the third party; and To agree not to deny claims of the department based upon specified criteria. Requires the medical assistance program to be repaid for benefits provided to the full extent allowed by federal law. Aligns Colorado law with federal requirements.

**Current Status**      Signed by Governor

**Fiscal Impact**      Yes

**Position**      Monitor

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**SB002**      **FAMILY CAREGIVER DEVELOPMENTALLY DISABLED**

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**Sponsors**      Sen. Boyd & Rep. Garcia

Expands the definition of "least restrictive environment" to include the family home, if appropriate, and adds a definition for "family caregiver." Allows the department of human services to directly reimburse a qualified family caregiver for services or supports provided to the family caregiver's child with developmental disabilities. Clarifies that family support services can be delivered to a child or an adult family member.

**Current Status**      Signed by Governor

**Fiscal Impact**      Yes

**Position**      Monitor

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**SB004 ENCOURAGE STATE EMPLOYMENT OF PERSON WITH DD**

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**Sponsors** Sen. Keller & Rep B. Gardner

Interim Committee on Long-term Health Care Services and Supports for Persons with Developmental Disabilities: On or before July 1, 2008, the Department of Human Services and Department of Personnel and Administration are required to jointly convene a workgroup to study how the state's processes for hiring persons with developmental disabilities can be improved. Requires the workgroup to make recommendations on any rules, statutes, or constitutional provisions that need to be modified in order to implement the program. Requires the workgroup to report its recommendations by January 1, 2009. If the workgroup recommends that statutory or constitutional provisions be modified, the Department of Human Services may not implement the program until such modifications have been approved by the General Assembly or the voters. Once such changes are approved, or if no statutory or constitutional modifications are recommended by the workgroup, the State Board of Human Services and the State Personnel Board are to promulgate rules to implement the program.

**Current Status** Signed by Governor

**Fiscal Impact** Yes

**Position** Monitor

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**SB138 PHYSICIAN DESIGNATION FULL DISCLOSURE**

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**Sponsors** Sen. Johnson & Rep. McGihon

Creates the Physician Designation Disclosure Act establishing minimum requirements to be used by a health care entity when developing a designation for a physician. Requires a disclaimer be included in all reporting of physician designations. A designation presented without the disclaimer stated in the bill constitutes a violation. Upon request of the designated physician or the Commissioner of Insurance, a health care entity is required to disclose the process and data used in creating a designation. Physicians have the right to appeal a designation, during which time the designation can not be public. Allows a physician to take civil action against a health care entity. A health care entity violating the act, commits an unfair or deceptive practice in the business of insurance.

**Current Status** Signed by Governor

**Fiscal Impact** None

**Position** Monitor

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**SB196 NURSING QUALITY MEASURES HOSPITAL REPORT**

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**Sponsors** Sens. Boyd and Tochtrop & Rep. Pommer

Directs the association selected by the executive director of the department of public health and environment to help develop the comprehensive hospital information system and Colorado hospital report card to collect, review, and prepare to implement specified nursing-sensitive quality measures such as: skill mix, ratio of nurses to patients, volunteer turnover, patient falls, and patient injuries, to be included as part of the information system and report card. Requires the association to study the results of field tests on the quality measures to determine if they can be implemented and if any should be redefined. Requires the association to develop a process for access to the collected data for research purposes, and allows the association to exempt hospitals with not more than 100 licensed beds from the requirements.

**Current Status** Signed by Governor

**Fiscal Impact** None

**Position** Monitor

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**SB200**      **EXPAND PROHIBITIONS AGAINST DISCRIMINATION**

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**Sponsors**      Sen. Veiga & Rep. Judd

Amends prohibitions against discrimination in housing and public accommodations to include protections based on sexual orientation. Adds sexual orientation to numerous other laws prohibiting discrimination, and also adds religion, creed, disability, national origin, ancestry, sex and marital status to various anti-discrimination laws to make consistent the scope of protections. Requires counties and school districts to adopt non-discrimination policies. Amended to delete the addition of religion to public accommodation and advertising statutes. Amended to delete addition of creed to jury service statute. Amended to include new section on non-discrimination in auto insurance. Amended to include non-statutory severability clause and legislative declaration of no intent to infringe religious liberty. Amended to include headnotes from Long Bill. Amended to exempt churches, mosques, synagogues and places principally used for religious purposes from definition of "public accommodations."

**Current Status**      Signed by Governor

**Fiscal Impact**      Yes

**Position**      Monitor

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**SB217**      **CENTENNIAL CARE CHOICES**

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**Sponsors**      Sen. Hagedorn & Reps. McGihon and Massey

Authorizes the creation of the centennial care choice program to reduce the number of uninsured in Colorado. Creates a panel of expert advisors (to be appointed by 7/1/08) who work with the Department of Health Care Policy and Financing and Division of Insurance to issue a request for information (RFI) to health insurance companies and other specified interested parties, including the state of Colorado. Respondents would provide information on the development of value benefit plans (VBPs) for the individual market. VBPs will include the following: A premium subsidy program for low-income individuals; Consideration of a mandate that individuals obtain health insurance to be enforced through the tax code as well as consideration of an environment without a mandate; Primary and preventive care benefits and wellness programs; Encourage use of regional networks of providers, Community Health Centers and other safety net providers; an adequate network of providers to assure statewide coverage; Be offered as a guarantee issue product with rating based on age and geography only and use a benchmark plan valued at approximately 80% of the actuarial value of a state employee PPO plan. Requires HCPF, DOI and panel to evaluate the proposals and make recommendations to the joint HHS Committees, with an interim report due by 12/15/08 and a final report due by 3/1/09. The general assembly may then pursue legislation and funding, including a possible ballot initiative to raise revenue. References the expansion of Medicaid to 100% of FPL for adults as one of the issues to be considered by legislation. If statutory authority and funding is available, allows the issuance of a Request for Proposals (RFP) for health plans who wish to provide VBPs in Colorado. The same requirements above that apply to the RFI would also apply to the RFP.

**Current Status**      Signed by Governor

**Fiscal Impact**      Yes

**Position**      Monitor