

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 08-1150

BY REPRESENTATIVE(S) Todd, Green, Stafford, Benefield, Borodkin, Labuda, McGihon, Solano, Carroll M., Frangas, Kerr A., Looper, Merrifield, and Middleton;
also SENATOR(S) Williams, Tochtrop, Keller, Gibbs, Groff, Mitchell S., Morse, Shaffer, Tupa, and Windels.

CONCERNING A PROGRAM FOR PROVIDING ADDITIONAL THERAPIES TO PERSONS WITH DISABILITIES WHO ARE ELIGIBLE TO RECEIVE MEDICAID.

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

SECTION 1. Article 6 of title 25.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 13
COMPLEMENTARY AND ALTERNATIVE
THERAPIES FOR A PERSON WITH A DISABILITY

25.5-6-1301. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

- (a) A PERSON WITH A DISABILITY COULD BENEFIT FROM

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

COMPLEMENTARY AND ALTERNATIVE THERAPIES SUCH AS CHIROPRACTIC CARE, MASSAGE THERAPY, OR ACUPUNCTURE;

(b) COMPLEMENTARY AND ALTERNATIVE THERAPIES COULD IMPROVE THE QUALITY OF LIFE AND HELP REDUCE THE NEED FOR CONTINUOUS OR MORE EXPENSIVE PROCEDURES, MEDICATIONS, AND HOSPITALIZATIONS FOR A PERSON WITH A DISABILITY AND COULD ALLOW A PERSON WITH A DISABILITY TO BE EMPLOYED.

25.5-6-1302. Definitions. AS USED IN THIS PART 13, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMPLEMENTARY OR ALTERNATIVE THERAPY" MEANS A FORM OF DIVERSE HEALTH CARE THERAPY NOT PROVIDED FOR UNDER THIS ARTICLE OR ARTICLE 4 OR 5 OF THIS TITLE PRIOR TO THE EFFECTIVE DATE OF THIS PART 13 BUT AUTHORIZED BY THE RULES OF THE STATE BOARD ADOPTED PURSUANT TO SECTION 25.5-6-1303 (4). SUCH THERAPY SHALL BE LIMITED TO CHIROPRACTIC CARE, MASSAGE THERAPY, AND ACUPUNCTURE PERFORMED BY LICENSED OR CERTIFIED PROVIDERS.

(2) "ELIGIBLE PERSON WITH A DISABILITY" MEANS A PERSON WITH A DISABILITY WHO MEETS THE ELIGIBILITY CRITERIA SPECIFIED IN SECTION 25.5-6-1303 (2) (b).

(3) "PERSON WITH A DISABILITY" MEANS A PERSON WHO HAS A DIAGNOSIS OF A SPINAL CORD INJURY AND WHO IS ELIGIBLE FOR HOME- AND COMMUNITY-BASED SERVICES UNDER SECTION 25.5-5-306.

(4) "PILOT PROGRAM" MEANS THE PILOT PROGRAM AUTHORIZED PURSUANT TO SECTION 25.5-6-1303 TO ALLOW AN ELIGIBLE PERSON WITH A DISABILITY TO RECEIVE COMPLEMENTARY AND ALTERNATIVE THERAPIES.

25.5-6-1303. Pilot program - complementary or alternative therapies - rules. (1) THE GENERAL ASSEMBLY AUTHORIZES THE STATE DEPARTMENT TO IMPLEMENT A PILOT PROGRAM THAT WOULD ALLOW AN ELIGIBLE PERSON WITH A DISABILITY TO RECEIVE COMPLEMENTARY OR ALTERNATIVE THERAPIES TO THE EXTENT AUTHORIZED BY FEDERAL WAIVER. THE PILOT PROGRAM SHALL BEGIN NO LATER THAN JANUARY 1, 2011. THE STATE DEPARTMENT SHALL DESIGN AND IMPLEMENT THE PILOT PROGRAM WITH INPUT FROM AN ADVISORY COMMITTEE THAT SHALL INCLUDE PERSONS

WITH A DISABILITY WHO ARE RECEIVING COMPLEMENTARY OR ALTERNATIVE THERAPIES. THE STATE DEPARTMENT IS AUTHORIZED TO SEEK ANY FEDERAL WAIVERS THAT MAY BE NECESSARY TO IMPLEMENT THIS PART 13 AND SHALL SEEK SUCH WAIVERS WITHIN EXISTING APPROPRIATIONS.

(2) (a) THE PURPOSE OF THE PILOT PROGRAM SHALL BE TO EXPAND THE CHOICE OF THERAPIES AVAILABLE TO ELIGIBLE PERSONS WITH DISABILITIES, TO STUDY THE SUCCESS OF COMPLEMENTARY AND ALTERNATIVE THERAPIES, AND TO PRODUCE AN OVERALL COST SAVINGS FOR THE STATE COMPARED TO THE ESTIMATED EXPENDITURES THAT WOULD HAVE OTHERWISE BEEN SPENT FOR THE SAME PERSONS WITH DISABILITIES ABSENT THE PILOT PROGRAM.

(b) IN ORDER TO QUALIFY AND TO REMAIN ELIGIBLE FOR THE PILOT PROGRAM AUTHORIZED BY THIS SECTION, A PERSON WITH A DISABILITY SHALL:

(I) BE WILLING TO PARTICIPATE IN THE PILOT PROGRAM;

(II) DEMONSTRATE A CURRENT NEED FOR COMPLEMENTARY OR ALTERNATIVE THERAPY, AS FURTHER DEFINED IN RULE BY THE STATE BOARD; AND

(III) BE ELIGIBLE FOR MEDICAID. THIS PILOT PROGRAM MAY INCLUDE PERSONS WHOSE GROSS INCOME DOES NOT EXCEED THREE HUNDRED PERCENT OF THE CURRENT FEDERAL SUPPLEMENTAL SECURITY INCOME BENEFIT LEVEL AND WHO ARE ELIGIBLE FOR A HOME- AND COMMUNITY-BASED PROGRAM OR THE CONSUMER-DIRECTED ATTENDANT SUPPORT PILOT PROGRAM AUTHORIZED PURSUANT TO THIS TITLE.

(3) THE STATE DEPARTMENT SHALL DEVELOP THE ACCOUNTABILITY REQUIREMENTS FOR THE PILOT PROGRAM NECESSARY TO SAFEGUARD THE USE OF PUBLIC MONEYS AND TO PROMOTE EFFECTIVE AND EFFICIENT SERVICE DELIVERY.

(4) THE STATE BOARD SHALL ADOPT RULES AS NECESSARY FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE PILOT PROGRAM.

(5) THE STATE DEPARTMENT SHALL CONDUCT AN INDEPENDENT EVALUATION OF THE PILOT PROGRAM TO BE COMPLETED BY THE END OF THE

THIRD YEAR OF THE PILOT PROGRAM. A REPORT OF THE EVALUATION SHALL BE PROVIDED TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, BY AUGUST 1, 2014. THE REPORT ON THE EVALUATION SHALL INCLUDE THE FOLLOWING:

(a) THE NUMBER OF ELIGIBLE PERSONS WITH DISABILITIES PARTICIPATING IN THE PILOT PROGRAM;

(b) THE COST-EFFECTIVENESS OF THE PILOT PROGRAM;

(c) FEEDBACK FROM CONSUMERS AND THE STATE DEPARTMENT CONCERNING THE PROGRESS AND SUCCESS OF THE PILOT PROGRAM;

(d) ANY CHANGES TO THE HEALTH STATUS OR HEALTH OUTCOMES OF THE PERSONS PARTICIPATING IN THE PILOT PROGRAM;

(e) OTHER INFORMATION RELEVANT TO THE SUCCESS AND PROBLEMS OF THE PILOT PROGRAM; AND

(f) RECOMMENDATIONS CONCERNING THE FEASIBILITY OF CONTINUING THE PILOT PROGRAM BEYOND THE PILOT STAGE AND CHANGES, IF ANY, THAT ARE NEEDED.

(6) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT IS AUTHORIZED TO ACCEPT AND EXPEND ON BEHALF OF THE STATE ANY GRANTS OR DONATIONS FROM ANY PRIVATE SOURCE FOR THE PURPOSE OF IMPLEMENTING THIS PART 13.

25.5-6-1304. Repeal of part. THIS PART 13 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2014.

SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 3. 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 that is allowed for submitting a

referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Peter C. Groff
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO