

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0168.01 Kristen Forrestal x4217

HOUSE BILL 15-1233

HOUSE SPONSORSHIP

Landgraf, Priola, Roupe, Dore, Wilson, Navarro, Coram, Brown, Garnett, Ginal, McCann,
Mitsch Bush, Singer, Windholz

SENATE SPONSORSHIP

Aguilar,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE RESPITE CARE TASK FORCE.**

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>.)

The bill creates the respite care task force to study the dynamics of supply and demand with regard to respite care services in Colorado. The majority and minority leadership of the Senate and House of Representatives shall appoint 9 members to the task force, who shall serve without compensation. The department of human services is directed to provide staff support to the task force. The task force is required to submit a report to the general assembly by December 1, 2015.

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.*

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 determines and declares that:

4 (a) The current extent of demand for respite care in Colorado is
5 unknown, although it is apparent that there is a lack of adequate respite
6 care facilities and respite training programs in Colorado;

7 (b) Caregivers work twenty-four hours per day, seven days per
8 week to ensure their loved ones have the support and tools they need to
9 live their best lives;

10 (c) It is critical that caregivers in our communities have access to
11 respite care so that they have time to rejuvenate and spend time with their
12 families and friends;

13 (d) It is important that caregivers are able to trust and depend on
14 the individuals providing respite care to their loved ones; and

15 (e) Reliable access to affordable respite care will be beneficial to
16 caregivers and to their families and loved ones.

17 (2) Therefore, it is the intent of the general assembly to create a
18 respite care task force and to:

19 (a) Authorize a study to determine the current state of respite care
20 in Colorado, including access to care and funding of respite care services;

21 (b) Determine the availability and level of culturally competent
22 and patient-centered respite care; and

23 (c) Increase the availability of affordable respite care throughout
24 Colorado.

25 **SECTION 2.** In Colorado Revised Statutes, **add** part 6 to article
26 1 of title 26 as follows:

1 PART 6

2 RESPITE CARE TASK FORCE

3 **26-1-601. Task force - creation.** (1) THERE IS CREATED, WITHIN
4 THE DEPARTMENT OF HUMAN SERVICES, THE RESPITE CARE TASK FORCE TO
5 STUDY THE DYNAMICS OF SUPPLY AND DEMAND WITH REGARD TO RESPITE
6 CARE SERVICES IN COLORADO. THE TASK FORCE CONSISTS OF THE
7 MEMBERS APPOINTED IN ACCORDANCE WITH SUBSECTION (2) OF THIS
8 SECTION.

9 (2) NO LATER THAN JULY 1, 2015:

10 (a) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
11 APPOINT:

12 (I) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES; AND

13 (II) ONE PERSON WHO REPRESENTS A LICENSED HOSPICE
14 ORGANIZATION;

15 (b) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES
16 SHALL APPOINT:

17 (I) ONE PERSON FROM AN ORGANIZATION THAT REPRESENTS
18 PERSONS WITH DEVELOPMENTAL DISABILITIES; AND

19 (II) ONE OWNER OR OPERATOR OF A RESPITE CARE FACILITY;

20 (c) THE PRESIDENT OF THE SENATE SHALL APPOINT:

21 (I) ONE MEMBER OF THE SENATE; AND

22 (II) ONE MEMBER OF AN ORGANIZATION THAT PROVIDES SERVICES,
23 EDUCATION, AND OUTREACH TO SENIORS;

24 (d) THE MINORITY LEADER OF THE SENATE SHALL APPOINT:

25 (I) ONE MEMBER OF AN ORGANIZATION THAT ADVANCES
26 RESEARCH TO END ALZHEIMER'S DISEASE; AND

27 (II) ONE PERSON WHO REPRESENTS PERSONS WITH BRAIN INJURIES;

1 (e) THE GOVERNOR SHALL APPOINT:

2 (I) ONE REPRESENTATIVE FROM THE DEPARTMENT OF HUMAN
3 SERVICES;

4 (II) ONE PERSON FROM A RURAL AREA WHO UTILIZES RESPITE
5 CARE;

6 (III) ONE MEMBER OF AN ORGANIZATION THAT PROVIDES
7 SERVICES, EDUCATION, AND OUTREACH IN THE AREA OF MENTAL HEALTH;

8 (IV) ONE PERSON WHO PROVIDES SERVICES, EDUCATION, AND
9 OUTREACH FOR PERSONS WITH CHRONIC CONDITIONS, LONG-TERM
10 CONDITIONS, AND DISABLING CONDITIONS ACROSS A LIFE SPAN;

11 (V) ONE PERSON WHO REPRESENTS A LICENSED HOME HEALTH
12 CARE AGENCY;

13 (VI) ONE PERSON WHO REPRESENTS A NONPROFIT ENTITY THAT
14 PROVIDES SERVICES, EDUCATION, OUTREACH, AND ADVOCACY TO PERSONS
15 WITH DISABILITIES;

16 (VII) ONE REPRESENTATIVE OF THE DEPARTMENT OF HEALTH CARE
17 POLICY AND FINANCING; AND

18 (VIII) ONE REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC
19 HEALTH AND ENVIRONMENT, WHO SHALL BE THE SOLE NONVOTING
20 MEMBER OF THE TASK FORCE.

21 (f) THE APPOINTING AUTHORITIES SHALL STRIVE TO ENSURE THAT
22 THE APPOINTEES, AS A WHOLE, WILL REPRESENT THE INTERESTS AND
23 CONCERNS OF ALL PERSONS WHO CAN BE PREDICTED TO NEED RESPITE
24 CARE, INCLUDING THE YOUNG AND PERSONS FROM DIVERSE SOCIAL AND
25 CULTURAL BACKGROUNDS.

26 (3) (a) THE DEPARTMENT SHALL RETAIN A FACILITATOR FOR THE
27 TASK FORCE WHO SHALL CONVENE THE FIRST MEETING OF THE TASK FORCE

1 NO LATER THAN JULY 15, 2015, AT WHICH MEETING THE TASK FORCE
2 MEMBERS SHALL SELECT FROM AMONG THE MEMBERSHIP A PERSON TO
3 SERVE AS CHAIR OF THE TASK FORCE. THE TASK FORCE SHALL MEET UPON
4 THE CALL OF THE CHAIR AS OFTEN AS NECESSARY TO COMPLETE THE
5 STUDY SPECIFIED IN THIS PART 6. THE TASK FORCE MAY MEET WITHIN THE
6 COMMITTEE HEARING ROOMS OF THE STATE CAPITOL, SUBJECT TO
7 AVAILABILITY.

8 (b) NOTWITHSTANDING SECTION 2-2-236, C.R.S., THE TASK FORCE
9 MEMBERS SHALL SERVE WITHOUT COMPENSATION AND WITHOUT
10 REIMBURSEMENT FOR EXPENSES.

11 (c) IF A VACANCY OCCURS ON THE TASK FORCE FOR ANY REASON,
12 THE ORIGINAL APPOINTING AUTHORITY SHALL APPOINT A PERSON WHO
13 MEETS THE REQUIREMENTS OF THE VACANT POSITION TO FILL THE
14 VACANCY AS SOON AS POSSIBLE AFTER THE VACANCY OCCURS.

15 **26-1-602. Respite care study - report.** (1) THE RESPITE CARE
16 TASK FORCE CREATED IN SECTION 26-1-601 SHALL STUDY, THROUGH DATA
17 COLLECTION, THE DYNAMICS OF THE SUPPLY OF, AND DEMAND FOR,
18 RESPITE CARE SERVICES IN THIS STATE. THE STUDY MAY INCLUDE THE
19 FOLLOWING ISSUES:

- 20 (a) ACCESS TO RESPITE CARE SERVICES;
- 21 (b) THE TYPES OF SERVICES THAT ARE MOST IN DEMAND AND THE
22 SERVICES THAT ARE CURRENTLY AVAILABLE;
- 23 (c) THE AVAILABILITY AND LEVEL OF CULTURALLY COMPETENT
24 CARE AND PATIENT-CENTERED CARE;
- 25 (d) THE NUMBER OF RESPITE CAREGIVERS IN THE STATE AND THEIR
26 LOCATIONS;
- 27 (e) SOLUTIONS TO INCREASE THE NUMBER OF RESPITE CAREGIVERS;

1 (f) THE FUNDING OF RESPITE CARE SERVICES, INCLUDING ACCESS
2 TO THAT FUNDING; AND

3 (g) OTHER RESPITE CARE ISSUES AS DETERMINED APPROPRIATE BY
4 THE TASK FORCE.

5 (2) THE RESPITE CARE TASK FORCE MAY DISCUSS POLICIES THAT
6 INCLUDE, BUT ARE NOT LIMITED TO:

7 (a) REQUIRING THE DEPARTMENT OF HUMAN SERVICES, THE
8 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND THE
9 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO CREATE A
10 STRUCTURE TO GIVE ONE DEPARTMENT THE RESPONSIBILITY TO LICENSE
11 RESPITE CAREGIVERS AND ADDRESS THE PAYMENT FOR SERVICES;

12 (b) THE CREATION OF PILOT PROGRAMS BY COMMUNITY COLLEGES,
13 TECHNICAL SCHOOLS, AND EDUCATIONAL INSTITUTIONS OFFERING
14 FOUR-YEAR DEGREES TO TRAIN RESPITE CAREGIVERS; AND

15 (c) THE DEVELOPMENT OF DATA COLLECTION, RECOMMENDATIONS
16 FOR RESPITE CARE UTILIZATION, ACCESS, AND AVAILABILITY OF SERVICES.

17 (3) THE DEPARTMENT OF HUMAN SERVICES IS AUTHORIZED TO
18 CONTRACT FOR AN EXTERNAL STUDY CONCERNING RESPITE CARE. THE
19 DEPARTMENT SHALL DEVELOP CRITERIA AND COMPONENTS FOR THE
20 STUDY. THE FINAL STUDY RESULTS MUST BE PROVIDED TO THE RESPITE
21 CARE TASK FORCE.

22 (4) ON OR BEFORE JANUARY 31, 2016, THE RESPITE CARE TASK
23 FORCE, WITH ASSISTANCE FROM THE DEPARTMENT OF HUMAN SERVICES,
24 SHALL SUBMIT A REPORT THAT INCLUDES ITS FINDINGS AND
25 RECOMMENDATIONS TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES
26 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND
27 HUMAN SERVICES COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR

1 COMMITTEES.

2 **26-1-603. Notice of funding through gifts, grants, and**
3 **donations - respite care task force fund - repeal.** (1) (a) THE RESPITE
4 CARE TASK FORCE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR
5 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS
6 PART 6; EXCEPT THAT THE TASK FORCE MAY NOT ACCEPT A GIFT, GRANT,
7 OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT
8 WITH THIS PART 6 OR ANY OTHER LAW OF THE STATE. THE RESPITE CARE
9 TASK FORCE SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS
10 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
11 TREASURER, WHO SHALL CREDIT THEM TO THE RESPITE CARE TASK FORCE
12 FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS PART
13 6 AS THE "FUND". THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL
14 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF
15 HUMAN SERVICES FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH
16 IMPLEMENTING THIS PART 6.

17 (b) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION,
18 THE DEPARTMENT OF HUMAN SERVICES SHALL NOTIFY THE LEGISLATIVE
19 COUNCIL STAFF WHEN IT HAS RECEIVED ADEQUATE FUNDING THROUGH
20 GIFTS, GRANTS, OR DONATIONS FOR THE RESPITE CARE TASK FORCE AND
21 SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN
22 SECTION 24-75-1303 (3), C.R.S.

23 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2016.
24 **26-1-604. Repeal.** THIS PART 6 IS REPEALED, EFFECTIVE JULY 1,
25 2016.

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.