2019 Colorado Legislative Session

HCAC Conference
May 16-18
Prepared by Eliza Schultz
Legislative Awards
2019 Legislative Awards

Home Health Rate Long Bill Amendment

Senator Dennis Hisey
R-Fountain

Senator Faith Winter
D-Westminster

Rep. Lois Landgraf
R- Fountain

Rep. Edit Hooton
D-Boulder
2019 Legislative Award
Home Care Champion

Senator Rachel Zenzinger
D- Arvada
2019 by the Numbers

- 375 bills introduced in the House
- 335 bills introduced in the Senate
- Governor has until early June to sign, veto, or allow bills to become law without signature
2018 Election Recap. Setting the state for the 2019 session

• Democrats did very well
  • Kept the majority in the House (41-24)
    • More Democrats in the House than Republicans in the entire legislature
  • Secured the majority in the Senate (19-16)
  • Kept the Governor’s Office (New Gov. Polis)
  • Won all state constitutional seats (Secretary of State, Attorney General, State Treasurer)

• Magic number to pass anything: 33-18-1
State Budget

Big Picture

• Full Day Kindergarten: $175M
• Made other funding opportunities difficult
1% increase starting July 1, 2019

- SN $110.97 increased to $112.07 per visit
- PT $121.35 increased to $122.56 per visit
- OT $122.14 increased to $123.36 per visit
- ST $131.87 increased to $133.18 per visit
- PDN/LPN $33.37 increased to $33.70 per hour
• Legislators did successfully adopt an amendment to the budget that would have increased the home health rates much higher. However, the funding was not available to increase these rates more.

• Legislators include:
  • Senator Dennis Hisey
  • Senator Faith Winter
  • Representative Lois Landgraf
  • Representative Edie Hooton
Medicaid
HCBS
Waiver
Rates

- HCBS Personal Care and Homemaker services (across ALL waivers) increased 8.1% per Governor Hickenlooper, now Governor Polis’ budget request
- 8.1% increase was implemented via a bill (SB 19-238; discussed at length later in this presentation)
- Effective date is January 1, 2020
SB 238 – 
HCBS Wage Passthrough

• Extensive advocacy by HCAC including:
  • Lobbying
  • Coalition building
  • Detailed policy analysis
  • PR Consultant
  • Financial Consultant
  • Action alerts
  • Testimony
  • Grassroots calls/emails to legislators
  • Negotiations with SEIU
  • Change.org petition
Significant changes were made to the bill throughout the legislative process from early drafts and the introduced bill (pro tip: do not read the summary of any bill. It doesn’t become law and is rarely updated. Start reading as of “Section 1”)

SB 238 – HCBS Wage Passthrough
What was taken out:
- 77% of ALL Medicaid dollars needing to go to wages
- Tracking all Medicaid dollars on a per employee basis
- Registry of personal care workers that included:
  - Name
  - Mailing address
  - Physical address
  - Cell Phone
  - Email
  - Last time training was taken
  - Also available: wages and employer
- Training requirements
The Home Care Association of Colorado retained the Corridor Group to do financial modeling on the bill as introduced.

• Key Findings:
  • Agencies who only do Medicaid Personal Care and Homemaker services would have gone out of business
  • Agencies with a mix of business lines would have lost money on Medicaid Personal Care and Homemaker Services and likely would have no longer provided this service
• What’s left in the passed bill? (more detail in the following slides)
  • *IHSS/HCBS personal care and homemaker services*
    • Passthrough requirements for NEW money, not ALL money
    • Personal care and homemaker services rate increase by 8.1% that ALL must be used as a passthrough for “worker compensation” in year one.
    • Year two: IF a rate increase, 85% required passthrough
    • New base wage for this workforce
    • Reporting requirements for the passthrough
    • Workgroup to talk about training
• Compensation means any form of monetary payment, including bonuses, employer-paid health and other insurance programs, paid time off, payroll taxes that are proportionate to the increase in compensation, and all other fixed and variable benefits conferred on or received by all direct support professionals providing services.
What about wages?

- June 30, 2019: NEW employees must be hired at the lowest compensation paid to an employee of similar functions and duties as of June 30, 2019, as the base compensation to which the increase in applied.
- January 1, 2020: State minimum wage is $12/hour
- January 1, 2020: 100% passthrough of 8.1%
- July 1, 2020: wages for SB 238 are $12.41/hour
Reporting requirements

- HCPF will be working on implementation of this act throughout the summer/fall prior to the rate increase Jan 1, 2020.
- HCAC will continue to monitor
Workgroup

Starting in January 1, 2020, a workgroup will be set up to talk about training, how to notify employees of the increases.

The workgroup is comprised of:
- Consumer advocacy organizations
- Personal care workers
- Worker organizations
- Home care agencies
- Disability advocacy organizations
- Senior advocacy organizations
- Children’s advocacy organization
HB 1210 Local Minimum Wage

- Earliest local min wage could be in January 1, 2021 and can only go into effect at the same schedule as the state minimum wage (January 1) going forward
- Authority given to municipalities or unincorporated counties
- Could occur via voter initiative, action by city council, action by county commissioners
HB 1210 Local Minimum Wage

• Wages are determined by where the work occurs, not where the business is located. Critical information for Home Care workforce
• **Limitations:**
  • Travel time doesn’t count. Simply traveling from one location to another would not constitute a wage change.
  • Applies to workers performing or expected to perform four or more hours of work in any given week within the local government jurisdiction
  • Increases can only go up by $1.75/hour OR 15% whichever is greater annually
  • HCPF will be notified if a local minimum wage increases and will then notify the JBC if a rate increase is warranted
  • Once 10% (34) of jurisdictions pass a local minimum wage, the local authority freezes unless legislative action occurs
• A local minimum wage law may adopt enforcement provisions including:
  • Private right of action
  • Fines and penalties
  • Payment of unpaid wages or unpaid overtime
  • Liquidated damages
  • Interest
  • Attorney fees of a prevailing employee or local government
  • “other provisions”
• **HB 1109**: The bill allows licensed hospices and convalescent centers to procure, store, order, dispense, and administer prescription medications. It gives you more flexibility than what you currently have. Passed and has already been signed by the Governor.

• Hospice was exempted again this year from the Electronic Prescription legislation because of the nature of your work.
Next Stakeholder Meeting
May 21\textsuperscript{st}, 10:30-12MST
At HCPF, 303 17\textsuperscript{th} Ave, 11\textsuperscript{th} Floor, Room 11AB

Call In:
Local: 720-279-0026
Toll Free: 1-877-820-7831
Participation Code: 982280#
Contact

Betsy Murray, bcjsm@aol.com, 303.478.1207

Eliza Schultz, eliza@schultzpa.com, 720.732.0217