

**STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY FOR**

Rules Pertaining to the Standards for Hospitals and Health Facilities

6 CCR 1011-1

Chapter XXVI, Home Care Agencies

December 28, 2010

Basis and Purpose:

Senate Bill 10-194, signed by the Governor on May 21, 2010, made several changes to the statute regarding the licensure of home care agencies. Specifically, the legislature added definitions for “community centered board,” “qualified early intervention service provider,” and “service agency;” exempted qualified early intervention services providers from the licensure requirement; and required licensure for community centered boards and service agencies that directly provide skilled home health services or in-home personal care services to persons with developmental disabilities. The Department has made similar revisions to its rules by adding the same definitions, adding language in section 5.1(D) concerning what entities must be licensed to provide services to the developmentally disabled, and clarifying other language in section 8 regarding the delivery and supervision of personal care services.

These rules are promulgated pursuant to the following statutes:

Section 25-27.5-101, *et seq.*, C.R.S. (2010).

Section 25-1.5-103, C.R.S. (2010).

Major Factual and Policy Issues Encountered:

The major policy issue concerning these rules was to ensure that they meshed with and reflected the statutory changes. The Department worked closely with Alliance, the organization representing the community centered boards and service agencies to satisfactorily address these issues.

Alternative rules considered:

In developing these rules, the Department considered different possibilities to meet its statutory requirements, its responsibility for public health and safety and the needs of various stakeholders. No other alternatives were deemed appropriate.