

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

PREAMENDED

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

LLS NO. 15-0360.01 Esther van Mourik x4215

HOUSE BILL 15-1143

HOUSE SPONSORSHIP

Conti, Primavera, Roupe, Tate

SENATE SPONSORSHIP

Crowder,

House Committees

Health, Insurance, & Environment
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A TAX INCENTIVE FOR HOME HEALTH CARE.**

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>.)

This bill creates a five-year income tax credit for a percentage of the costs incurred by a qualifying senior for durable medical equipment, telehealth equipment, home modifications, or home health care services in each income tax year, subject to a maximum amount, in order to assist the qualifying senior with seeking health care in his or her home.

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.** In Colorado Revised Statutes, add 39-22-538 as
3 follows:

4 **39-22-538. Credit for home health care equipment and**
5 **services - legislative declaration - definitions - repeal.** (1) THE
6 GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF THE TAX
7 EXPENDITURE IN THIS SECTION IS TO MAKE IT MORE AFFORDABLE FOR
8 QUALIFYING SENIORS WITH AN ILLNESS, INJURY, OR OTHER CONDITION TO
9 BE ABLE TO SEEK HEALTH CARE IN THEIR HOMES.

10 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
11 REQUIRES:

12 (a) "ADA STANDARDS FOR ACCESSIBLE DESIGN" MEANS THE
13 STANDARDS SET FORTH IN 28 CFR 36 AND PROMULGATED IN ACCORDANCE
14 WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", AS
15 AMENDED, 42 U.S.C. SEC. 12101 ET SEQ.

16 (b) "COSTS" MEANS ANY OUT-OF-POCKET COSTS INCURRED BY THE
17 QUALIFYING SENIOR AS DOCUMENTED BY RECEIPT, INCLUDING THE COST
18 OF ANY LABOR NECESSARY TO MAKE HOME MODIFICATIONS.

19 (c) "CREDIT CERTIFICATE" MEANS A CERTIFICATE SIGNED BY A
20 LICENSED PHYSICIAN, DOCTOR OF MEDICINE, DOCTOR OF OSTEOPATHIC
21 MEDICINE, PHYSICIAN'S ASSISTANT, NURSE PRACTITIONER, OR A HOME
22 CARE AGENCY'S COORDINATOR OF CARE THAT LISTS IN DETAIL THE
23 DURABLE MEDICAL EQUIPMENT, HOME HEALTH CARE SERVICES,
24 TELEHEALTH EQUIPMENT, OR HOUSEHOLD MODIFICATIONS NECESSARY FOR
25 A QUALIFYING SENIOR'S HOME HEALTH CARE.

26 (d) (I) "DURABLE MEDICAL EQUIPMENT" MEANS EQUIPMENT,
27 INCLUDING REPAIR AND REPLACEMENT PARTS FOR SUCH EQUIPMENT,

1 APPROVED IN A CREDIT CERTIFICATE THAT:

2 (A) CAN WITHSTAND REPEATED USE;

3 (B) IS PRIMARILY AND CUSTOMARILY USED TO SERVE A MEDICAL

4 PURPOSE;

5 (C) IS GENERALLY NOT USEFUL TO A PERSON IN THE ABSENCE OF

6 ILLNESS OR INJURY; AND

7 (D) IS NOT WORN IN OR ON THE BODY.

8 (II) "DURABLE MEDICAL EQUIPMENT" INCLUDES HOSPITAL BEDS,

9 INTRAVENOUS POLES AND PUMPS, TRAPEZE BARS, TOILETING AIDS, BATH

10 AND SHOWER AIDS, STANDING AIDS, PERSONAL EMERGENCY MEDICAL

11 ALERT DEVICES, AND ADAPTIVE CAR SEATS.

12 (e) "HOME HEALTH CARE SERVICES" MEANS THE MEDICAL OR

13 NONMEDICAL SERVICES PROVIDED UNDER A PLAN OF CARE DEVELOPED BY

14 A LICENSED HOME CARE AGENCY AT A PRIVATE RESIDENCE AND APPROVED

15 IN A CREDIT CERTIFICATE.

16 (f) "HOME MODIFICATION" MEANS THE COSTS OF MATERIALS AND

17 LABOR AS APPROVED IN A CREDIT CERTIFICATE FOR INSTALLING A STAIR

18 LIFT, WHEELCHAIR LIFT, CEILING OR PATIENT LIFT, AN ENTRANCE RAMP,

19 A WALK-IN OR ROLL-IN SHOWER, A WALK-IN TUB, A TOILET OR TOILET

20 ACCESSORY, OR FOR WIDENING ENTRANCE DOORS OR MAKING SINKS

21 ACCESSIBLE, SO THAT THE PRIVATE RESIDENCE MEETS ADA STANDARDS

22 FOR ACCESSIBLE DESIGN.

23 (g) "PRIVATE RESIDENCE" MEANS A QUALIFYING SENIOR'S HOME,

24 EITHER IN A SINGLE-FAMILY RESIDENCE OR A MULTI-FAMILY RESIDENCE,

25 THAT IS LOCATED IN COLORADO. PRIVATE RESIDENCE DOES NOT INCLUDE

26 A SKILLED NURSING FACILITY, ASSISTED LIVING FACILITY, HOSPITAL, OR

27 OTHER LICENSED HEALTH FACILITY.

1 (h) "QUALIFYING SENIOR" MEANS A COLORADO RESIDENT WHO IS
2 SEVENTY-FIVE YEARS OR OLDER.

3 (i) "TELEHEALTH EQUIPMENT" MEANS A HOME GLUCOSE
4 MONITORING DEVICE, A HOME BLOOD PRESSURE MONITORING DEVICE, A
5 HOME ELECTROCARDIOGRAM DEVICE, A CHRONIC OBSTRUCTIVE
6 PULMONARY DISORDER MONITOR, A WEIGHT SCALE, A BODY FAT MONITOR,
7 OR HOME MONITORS FOR RESCUE INHALER USE, INNER EAR INFECTION
8 DETECTION, OR OXYGEN SATURATION.

9 (3) (a) FOR ANY INCOME TAX YEAR COMMENCING ON OR AFTER
10 JANUARY 1, 2015, BUT PRIOR TO JANUARY 1, 2018, THERE IS ALLOWED TO
11 ANY QUALIFYING SENIOR AS A CREDIT AGAINST THE TAX IMPOSED BY THIS
12 ARTICLE A PERCENTAGE, AS SET FORTH IN PARAGRAPH (b) OF THIS
13 SUBSECTION (3), NOT TO EXCEED THREE THOUSAND DOLLARS PER INCOME
14 TAX YEAR, OF THE COSTS INCURRED BY THE QUALIFYING SENIOR FOR
15 DURABLE MEDICAL EQUIPMENT, TELEHEALTH EQUIPMENT, HOME
16 MODIFICATIONS, OR HOME HEALTH CARE SERVICES IN EACH INCOME TAX
17 YEAR.

18 (b) THE PERCENTAGE OF THE COSTS INCURRED SHALL BE AS
19 FOLLOWS:

20 (I) FOR A SINGLE RETURN:	
21 FEDERAL TAXABLE INCOME:	PERCENTAGE OF THE COSTS
22	INCURRED:
23 \$0 - \$25,000	70%
24 \$25,001 - \$45,000	35%
25 MORE THAN \$45,000	0%
26 (II) FOR A JOINT RETURN:	
27 FEDERAL TAXABLE INCOME:	PERCENTAGE OF THE COSTS

1		INCURRED:
2	\$0 - \$50,000	70%
3	\$50,001 - \$90,000	35%
4	MORE THAN \$90,000	0%

5 (c) TO CLAIM THE TAX CREDIT ALLOWED IN THIS SECTION, THE
6 QUALIFYING SENIOR SHALL ATTACH A COPY OF THE CREDIT CERTIFICATE
7 TO HIS OR HER TAX RETURN. NO TAX CREDIT IS ALLOWED UNDER THIS
8 SECTION UNLESS THE QUALIFYING SENIOR PROVIDES THE COPY OF THE
9 CREDIT CERTIFICATE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
10 THE DEPARTMENT OF REVENUE HAS THE AUTHORITY TO REVIEW ALL
11 NECESSARY RECORDS RELATED TO THE CLAIMING OF THE TAX CREDIT
12 ALLOWED IN THIS SECTION. SHOULD THE QUALIFIED SENIOR REFUSE TO
13 ALLOW THE DEPARTMENT OF REVENUE TO REVIEW ANY NECESSARY
14 RECORDS, THE DEPARTMENT OF REVENUE SHALL DENY THE TAX CREDIT.

15 (4) IF THE CREDIT ALLOWED IN SUBSECTION (3) OF THIS SECTION
16 EXCEEDS THE AMOUNT OF INCOME TAX DUE ON THE INCOME OF THE
17 QUALIFYING SENIOR FOR THE TAX YEAR DURING WHICH THE COSTS WERE
18 INCURRED, THE AMOUNT OF THE TAX CREDIT NOT USED AS AN OFFSET
19 AGAINST INCOME TAXES IN SUCH INCOME TAX YEAR MAY NOT BE
20 ALLOWED AS A REFUND, BUT MAY BE CARRIED FORWARD AND APPLIED
21 AGAINST THE INCOME TAX DUE IN EACH OF THE THREE SUCCEEDING
22 INCOME TAX YEARS, AND MUST FIRST BE APPLIED AGAINST THE INCOME
23 TAX DUE FOR THE EARLIEST OF THE INCOME TAX YEARS POSSIBLE.

24 (5) NO LATER THAN JANUARY 31, 2016, AND EACH JANUARY 31
25 THROUGH JANUARY 31, 2018, THE DEPARTMENT OF REGULATORY
26 AGENCIES OR THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
27 SHALL PROVIDE THE DEPARTMENT OF REVENUE WITH A LIST OF ALL HOME

1 CARE AGENCIES LICENSED IN THE PREVIOUS CALENDAR YEAR.

2 (6) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2022.

3 **SECTION 2. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.