

HOUSE COMMITTEE OF REFERENCE REPORT

_____ May 4, 2021
Chair of Committee Date

Committee on Public & Behavioral Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB21-039 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 4, strike lines 6 and 7, and substitute "ON
2 OR BEFORE JUNE 30, 2021, SHALL, ON OR BEFORE JULY 1, 2021, SUBMIT
3 DATA FOR INDIVIDUALS CURRENTLY EMPLOYED IN SUBMINIMUM WAGE
4 JOBS TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN A
5 MANNER DETERMINED BY THE DEPARTMENT OF HEALTH CARE POLICY AND
6 FINANCING AND SHALL INCLUDE:
- 7 (A) THE NUMBER OF INDIVIDUALS CURRENTLY EMPLOYED IN
8 SUBMINIMUM WAGE JOBS BY THE EMPLOYER;
 - 9 (B) THE NUMBER OF HOURS PER WEEK WORKED BY EACH
10 INDIVIDUAL EMPLOYED IN SUBMINIMUM WAGE JOBS; AND
 - 11 (C) THE WAGES PER HOUR OR PIECE RATE EARNED BY EACH
12 INDIVIDUAL EMPLOYED IN SUBMINIMUM WAGE JOBS.
- 13 (II) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
14 SHALL COMPILE AND SUMMARIZE THE DATA SUBMITTED PURSUANT TO
15 SUBSECTION (2)(c)(I) OF THIS SECTION AND MAKE THE SUMMARY
16 AVAILABLE TO THE PUBLIC ON OR BEFORE JUNE 30, 2022.
- 17 (III) ON OR BEFORE JUNE 30, 2022, EACH EMPLOYER THAT HOLDS
18 A SPECIAL CERTIFICATE ISSUED ON OR BEFORE JUNE 30, 2021, SHALL
19 SUBMIT A TRANSITION PLAN TO THE DEPARTMENT OF HEALTH CARE POLICY
20 AND FINANCING DETAILING HOW THE".
- 21 Page 4, line 13, strike "(II)" and substitute "(IV)".
- 22 Page 4, line 16, after "DEPARTMENT" insert "OF HEALTH CARE POLICY AND

1 FINANCING".

2 Page 4, line 19, strike "APPLICABLE. THE" and substitute "APPLICABLE,
3 AND HONOR THE PERSONAL CHOICE OF INDIVIDUALS CURRENTLY WORKING
4 IN SUBMINIMUM WAGE JOBS AS IDENTIFIED THROUGH THE
5 PERSON-CENTERED CAREER DEVELOPMENT PLANNING PROCESS DESCRIBED
6 IN SECTION 8-84-301 (2). THE TRANSITION PLAN AND EACH ANNUAL
7 UPDATE MUST INCLUDE THE DATA OUTLINED IN SUBSECTION (2)(c)(I) OF
8 THIS SECTION UPDATED AS OF THE DATE OF SUBMISSION AND THE DATA
9 COLLECTED PURSUANT TO THIS SUBSECTION (2)(c)(IV). THE DEPARTMENT
10 OF HEALTH CARE POLICY AND FINANCING SHALL COMPILE AND SUMMARIZE
11 THE DATA AND MAKE THE SUMMARY AVAILABLE TO THE PUBLIC ON AN
12 ANNUAL BASIS IN COMPLIANCE WITH FEDERAL AND STATE PRIVACY LAWS
13 INCLUDING THE "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY
14 ACT OF 1996", AS AMENDED, 42 U.S.C. SEC. 1320d TO 1320d-9. THE
15 TRANSITION PLAN AND EACH ANNUAL UPDATE MUST INCLUDE:

16 (A) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT
17 PRIOR SUBMISSION OF DATA, HAVE MOVED TO ANOTHER PROVIDER
18 AGENCY NOT AFFILIATED WITH THE EMPLOYER;

19 (B) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT
20 PRIOR SUBMISSION OF DATA, HAVE TRANSITIONED TO COMPETITIVE
21 INTEGRATED EMPLOYMENT AS DEFINED IN SECTION 8-84-301 (3);

22 (C) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT
23 PRIOR SUBMISSION OF DATA, HAVE TRANSITIONED TO SUPPORTED
24 EMPLOYMENT THAT DOES NOT MEET THE DEFINITION OF COMPETITIVE
25 INTEGRATED EMPLOYMENT;

26 (D) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT
27 PRIOR SUBMISSION OF DATA, HAVE TRANSITIONED TO INTEGRATED
28 COMMUNITY ACTIVITIES RELATED TO THE INDIVIDUAL'S EMPLOYMENT
29 GOALS, INCLUDING INDIVIDUALIZED CAREER EXPLORATION ACTIVITIES;

30 (E) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT
31 PRIOR SUBMISSION OF DATA, HAVE TRANSITIONED TO
32 NON-EMPLOYMENT-RELATED DAY SERVICES; AND

33 (F) FOR INDIVIDUALS INCLUDED IN SUBSECTIONS (2)(c)(IV)(B)
34 AND (2)(c)(IV)(C) OF THIS SECTION, THE NUMBER OF HOURS PER WEEK
35 WORKED BY EACH INDIVIDUAL AND THE WAGES PER HOUR EARNED BY
36 EACH INDIVIDUAL.

37 (V) THE".

38 Page 4, line 20, after "DEPARTMENT" insert "OF HEALTH CARE POLICY AND
39 FINANCING".



1 Page 5, after line 1 insert:
2 "(VI) EACH ANNUAL UPDATE OF THE TRANSITION PLAN MUST
3 DEMONSTRATE PROGRESS TOWARD ITS IDENTIFIED BENCHMARKS. THE
4 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL ASSESS
5 EACH EMPLOYER'S ANNUAL PROGRESS AND PROVIDE TECHNICAL
6 ASSISTANCE AS NEEDED. IF AN EMPLOYER FAILS TO DEMONSTRATE
7 PROGRESS TOWARD THE BENCHMARKS IDENTIFIED IN ITS TRANSITION
8 PLAN, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL
9 NOTIFY THE DEPARTMENT OF LABOR AND EMPLOYMENT WHICH MAY ISSUE
10 A COMPLIANCE ORDER TO THE EMPLOYER.
11 (VII) IN ORDER TO ENSURE THAT INDIVIDUALS CURRENTLY
12 WORKING IN SUBMINIMUM WAGE JOBS MAY SUCCESSFULLY TRANSITION TO
13 COMPETITIVE INTEGRATED EMPLOYMENT, SUPPORTED EMPLOYMENT, OR
14 INTEGRATED COMMUNITY ACTIVITIES RELATED TO EACH INDIVIDUAL'S
15 EMPLOYMENT GOALS, THE INDIVIDUAL'S CASE MANAGER MUST OFFER THE
16 INDIVIDUAL THE OPPORTUNITY TO HAVE AN ADVOCATE IDENTIFIED AND
17 SELECTED BY THE INDIVIDUAL PRESENT DURING THE INDIVIDUAL'S SERVICE
18 PLAN MEETINGS WHERE EMPLOYMENT SERVICES ARE DISCUSSED. THE CASE
19 MANAGER MUST OFFER AND PROVIDE ASSISTANCE, IF REQUESTED, IN
20 IDENTIFYING AN INDEPENDENT ADVOCATE WHO IS NOT INVOLVED WITH
21 PROVIDING SERVICES OR SUPPORTS TO THE INDIVIDUAL. THE CASE
22 MANAGER SHALL DOCUMENT THE OFFERS OF ASSISTANCE AND THE
23 INDIVIDUAL'S RESPONSES."
24 Page 5, line 15, after "THE" insert "FEDERAL".

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