

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

May 3, 2016  
Date

Committee on Health, Insurance, & Environment.

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

SB16-038 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 3, lines 23 and 24, strike "(4) and (5)" and  
2 substitute "(4), (5), (6), (7), and (8)".

3 Page 3, line 27, strike "law." and substitute "**law - public disclosure of**  
4 **board administration and operations.**".

5 Page 4, line 2, strike "OF" and substitute "THAT INCLUDES".

6 Page 4, lines 16 and 17, strike "A COMMUNITY-CENTERED BOARD" and  
7 substitute "SUCH COMMUNITY-CENTERED BOARDS".

8 Page 4, after line 27 insert:

9 "(6) IN CONNECTION WITH THE BOARD OF DIRECTORS OF EACH  
10 COMMUNITY-CENTERED BOARD, IN ADDITION TO ANY OTHER  
11 REQUIREMENTS APPLICABLE TO THE OPERATION OF THE BOARD OF  
12 DIRECTORS PURSUANT TO THIS SECTION OR AS REQUIRED ELSEWHERE BY  
13 LAW:

14 (a) THE COMMUNITY-CENTERED BOARD SHALL POST THE DATE,  
15 TIME, AND LOCATION OF EACH REGULARLY SCHEDULED MEETING OF ITS  
16 BOARD OF DIRECTORS ON THE WEBSITE OF THE COMMUNITY-CENTERED  
17 BOARD NOT LESS THAN FOURTEEN BUSINESS DAYS PRIOR TO THE DATE OF  
18 THE MEETING. THE COMMUNITY-CENTERED BOARD SHALL POST ON THE

1 WEBSITE OF THE COMMUNITY-CENTERED BOARD THE DATE, TIME, AND  
2 LOCATION OF ANY SPECIAL OR EMERGENCY MEETING OF THE BOARD OF  
3 DIRECTORS NOT LESS THAN TWENTY-FOUR HOURS BEFORE THE MEETING.

4 (b) EACH COMMUNITY-CENTERED BOARD SHALL POST THE AGENDA  
5 FOR EACH MEETING OF ITS BOARD OF DIRECTORS ON THE WEBSITE OF THE  
6 COMMUNITY-CENTERED BOARD NOT LESS THAN SEVEN BUSINESS DAYS  
7 PRIOR TO THE DATE OF THE MEETING. THE COMMUNITY-CENTERED BOARD  
8 SHALL POST ON THE WEBSITE OF THE COMMUNITY-CENTERED BOARD THE  
9 AGENDA ANY SPECIAL OR EMERGENCY MEETING OF THE BOARD OF  
10 DIRECTORS NOT LESS THAN TWENTY-FOUR HOURS BEFORE THE MEETING.  
11 EACH MEETING OF THE BOARD MUST ALLOW FOR PUBLIC COMMENT AND  
12 THE AGENDA MUST REFLECT THIS REQUIREMENT. PUBLIC COMMENT MUST  
13 BE REASONABLY PERMITTED DURING THE BOARD MEETING TO  
14 ACCOMMODATE COMMUNITY NEEDS. ANY DOCUMENTS RELATED TO  
15 FUNCTIONS OF THE COMMUNITY-CENTERED BOARD TO BE DISTRIBUTED AT  
16 A MEETING OF THE BOARD OF DIRECTORS THAT ARE AVAILABLE FOR  
17 PUBLIC DISSEMINATION AT THE TIME THE AGENDA IS POSTED MUST ALSO  
18 BE POSTED ON THE WEBSITE OF THE COMMUNITY-CENTERED BOARD AT THE  
19 TIME THE AGENDA IS POSTED AND WRITTEN COPIES OF SUCH DOCUMENTS  
20 MUST BE MADE AVAILABLE FOR PUBLIC DISSEMINATION AT THE BOARD  
21 MEETING; EXCEPT THAT, THE POSTING REQUIREMENT SPECIFIED IN THIS  
22 PARAGRAPH (b) DOES NOT APPLY TO ANY DOCUMENT, OR ANY PORTION OF  
23 SUCH DOCUMENT, THE DISCLOSURE OF WHICH REQUIRES THE APPROVAL OF  
24 THE BOARD OF DIRECTORS AND WHICH APPROVAL HAS NOT BEEN  
25 OBTAINED AS OF THE TIME THE AGENDA IS POSTED OR ANY OTHER  
26 DOCUMENT, OR ANY PORTION OF SUCH DOCUMENT, CONTAINING ANY  
27 INFORMATION THAT IS LEGALLY PROHIBITED FROM BEING DISCLOSED TO  
28 THE PUBLIC PURSUANT TO THE PRIVACY REQUIREMENTS SPECIFIED IN THE  
29 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT, ANY  
30 DOCUMENT THAT HAS BEEN OR WILL BE DISCUSSED BY THE BOARD OF  
31 DIRECTORS MEETING IN EXECUTIVE SESSION, OR ANY OTHER DOCUMENT  
32 THE DISCLOSURE OF WHICH IS OTHERWISE PROHIBITED BY LAW.

33 (c) EACH COMMUNITY-CENTERED BOARD SHALL PROVIDE A DIRECT  
34 EMAIL ADDRESS TO EACH MEMBER OF ITS BOARD OF DIRECTORS ON THE  
35 WEBSITE OF THE COMMUNITY-CENTERED BOARD. THE EMAIL ADDRESS  
36 SELECTED MUST SPECIFY THE NAME OF THE INDIVIDUAL BOARD MEMBER  
37 AND MAKE REFERENCE TO THE PARTICULAR COMMUNITY-CENTERED  
38 BOARD FOR WHICH HE OR SHE SERVES AS A MEMBER OF THE BOARD OF  
39 DIRECTORS. AN EMAIL THAT IS SENT TO A MEMBER OF THE BOARD OF  
40 DIRECTORS OF A COMMUNITY-CENTERED BOARD SHALL NOT BE FILTERED

1 BY THE COMMUNITY-CENTERED BOARD THROUGH AN EMPLOYEE OF THE  
2 COMMUNITY-CENTERED BEFORE IT IS SENT TO THE MEMBER OF THE BOARD  
3 OF DIRECTORS.

4 (d) THE BOARD OF DIRECTORS OF EACH COMMUNITY-CENTERED  
5 BOARD SHALL PRESENT THE FINANCIAL STATEMENTS OF THE CORPORATION  
6 FOR THE APPROVAL OF THE BOARD AT EACH REGULARLY SCHEDULED  
7 MEETING OF THE BOARD OF DIRECTORS. THE FINANCIAL STATEMENTS  
8 MUST REFLECT ACCURATE AND CURRENT FINANCIAL INFORMATION AND BE  
9 PREPARED USING GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. WHERE  
10 EXIGENT CIRCUMSTANCES ARE PRESENT THAT MATERIALLY AFFECT THE  
11 PREPARATION OF THE FINANCIAL STATEMENTS ON A MONTHLY BASIS, SUCH  
12 STATEMENTS MAY BE PRESENTED FOR THE APPROVAL OF THE BOARD OF  
13 DIRECTORS AT THE NEXT REGULARLY SCHEDULED MEETING OF THE BOARD  
14 BUT NOT LESS THAN AT LEAST ONCE EACH QUARTER OF THE CALENDAR  
15 YEAR.

16 (e) EACH COMMUNITY-CENTERED BOARD SHALL REQUIRE THE  
17 PERSON OR ENTITY THAT PERFORMS FINANCIAL AUDITS OF THE  
18 COMMUNITY-CENTERED BOARD TO PRESENT AND DISCUSS THE RESULTS OF  
19 THE AUDIT TO THE BOARD OF DIRECTORS NOT LESS THAN ONCE EACH YEAR  
20 AT A REGULARLY SCHEDULED MEETING OF THE BOARD OF DIRECTORS.

21 (f) EACH COMMUNITY-CENTERED BOARD SHALL PROVIDE TO THE  
22 INCOMING MEMBERS OF ITS BOARD OF DIRECTORS TRAINING IN SUCH  
23 TOPICS AS THE DUTIES OF A BOARD MEMBER, THE FINANCIAL AND  
24 FIDUCIARY RESPONSIBILITIES ASSUMED BY BOARD MEMBERS, THE  
25 INTELLECTUAL AND DEVELOPMENTAL DISABILITY SYSTEM IN THE STATE,  
26 THE OVERALL BUSINESS FUNCTIONS OF THE COMMUNITY-CENTERED  
27 BOARD, AND ANY OTHER MATTERS THAT WILL, IN THE DETERMINATION OF  
28 THE COMMUNITY-CENTERED BOARD, ALLOW THE BOARD MEMBER TO  
29 BETTER UNDERSTAND AND FULFILL HIS OR HER OBLIGATIONS TO THE  
30 BOARD OF DIRECTORS AND THE COMMUNITY-CENTERED BOARD AND THE  
31 ROLE PLAYED BY COMMUNITY-CENTERED BOARDS IN THE STATE IN  
32 CONNECTION WITH THE DELIVERY OF SERVICES FOR PERSONS WITH  
33 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

34 (g) EACH COMMUNITY-CENTERED BOARD SHALL POST ON THE  
35 WEBSITE OF THE COMMUNITY-CENTERED BOARD THE MINUTES OF EACH  
36 MEETING OF ITS BOARD OF DIRECTORS AS SUCH MINUTES ARE APPROVED  
37 BY THE BOARD OF DIRECTORS. EACH COMMUNITY-CENTERED BOARD  
38 SHALL ALSO POST ON THE WEBSITE OF THE COMMUNITY-CENTERED BOARD  
39 ANY ADDITIONAL DOCUMENTS THAT WERE DISTRIBUTED TO THE BOARD AT  
40 SUCH MEETING THAT WERE NOT, AS OF THAT DATE, ALREADY POSTED ON

1 THE WEBSITE OF THE COMMUNITY-CENTERED BOARD UNLESS THE PUBLIC  
2 DISTRIBUTION OF SUCH DOCUMENTS, OR ANY PORTION OF SUCH  
3 DOCUMENTS, IS OTHERWISE PROHIBITED PURSUANT TO THE PRIVACY  
4 REQUIREMENTS SPECIFIED IN THE HEALTH INSURANCE PORTABILITY AND  
5 ACCOUNTABILITY ACT OR AS OTHERWISE PROHIBITED BY LAW. MINUTES  
6 OF SPECIAL MEETINGS OF THE BOARD OF DIRECTORS MUST BE POSTED  
7 AFTER APPROVAL BY THE BOARD OF THE SAME AT THE BOARD'S NEXT  
8 REGULAR MEETING.

9 (7) WITH RESPECT TO FINANCIAL INFORMATION CONCERNING THE  
10 COMMUNITY-CENTERED BOARD, EACH COMMUNITY-CENTERED BOARD  
11 SHALL:

12 (a) POST THE FOLLOWING ON THE WEBSITE OF THE  
13 COMMUNITY-CENTERED BOARD IN A PLACE ON THE WEBSITE THAT IS EASY  
14 FOR MEMBERS OF THE PUBLIC TO ACCESS:

15 (I) EACH COMPLETED FINANCIAL AUDIT UNDERTAKEN OF THE  
16 COMMUNITY-CENTERED BOARD NOT LATER THAN THIRTY DAYS  
17 FOLLOWING ACCEPTANCE BY THE CORPORATION'S BOARD OF DIRECTORS  
18 OF THE AUDIT; AND

19 (II) THE MOST CURRENT FORM 990 THE COMMUNITY-CENTERED  
20 BOARD HAS FILED WITH THE FEDERAL INTERNAL REVENUE SERVICE NOT  
21 LATER THAN THIRTY DAYS FOLLOWING FILING OF THE FORM WITH THE  
22 INTERNAL REVENUE SERVICE.

23 (b) MAKE THE FOLLOWING INFORMATION AVAILABLE UPON  
24 REASONABLE REQUEST NOT LATER THAN FIVE BUSINESS DAYS AFTER THE  
25 REQUEST IS MADE:

26 (I) THE ANNUAL BUDGET OF THE COMMUNITY-CENTERED BOARD  
27 FOR EACH CALENDAR OR FISCAL YEAR, AS APPLICABLE, NOT LATER THAN  
28 THIRTY DAYS AFTER FINAL APPROVAL OF THE BUDGET BY THE BOARD OF  
29 DIRECTORS OF THE COMMUNITY-CENTERED BOARD;

30 (II) AN ANNUAL SUMMARY OF ALL REVENUES AND EXPENDITURES  
31 OF THE COMMUNITY-CENTERED BOARD AS HAVE BEEN APPROPRIATED BY  
32 THE STATE CONCERNING CAPACITY BUILDING, FAMILY SUPPORT SERVICES,  
33 STATE GENERAL FUND SUPPORTED LIVING SERVICES, AND STATE GENERAL  
34 FUND EARLY INTERVENTION THAT IS CALCULATED BY SEPTEMBER 30 OF  
35 EACH YEAR FOR THE PRIOR YEAR, AS APPLICABLE; AND

36 (III) A DESCRIPTION OF THE POLICIES AND PROCEDURES IT  
37 FOLLOWS TO TRACK, MANAGE, AND REPORT ITS FINANCIAL RESOURCES  
38 AND TRANSACTIONS, WHICH POLICIES AND PROCEDURES ARE ALSO KNOWN  
39 AND MAY BE REFERRED TO AS ITS "FINANCIAL CONTROLS".

40 (8) ANY CONTRACT THAT EACH COMMUNITY-CENTERED BOARD

1 ENTERS INTO ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (8)  
2 WITH EITHER THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING  
3 CREATED IN SECTION 25.5-1-104 (1) OR THE DEPARTMENT OF HUMAN  
4 SERVICES CREATED IN SECTION 26-1-105 C.R.S., MUST BE POSTED ON THE  
5 WEBSITE OF THE COMMUNITY-CENTERED BOARD IN A PLACE ON THE  
6 WEBSITE THAT IS EASY FOR MEMBERS OF THE PUBLIC TO ACCESS NOT  
7 LATER THAN THIRTY DAYS FOLLOWING APPROVAL OF THE CONTRACT BY  
8 THE BOARD OF DIRECTORS OF THE COMMUNITY-CENTERED BOARD."

9 Page 1, line 105, strike "AUDITOR AND" and substitute "AUDITOR,  
10 MAKING".

11 Page 1, line 107, strike "LAW"." and substitute "LAW", AND EXPANDING  
12 PUBLIC DISCLOSURE OF THE ADMINISTRATION AND OPERATIONS OF THE  
13 COMMUNITY-CENTERED BOARDS."

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