

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0514.01 Brita Darling x2241

HOUSE BILL 18-1192

HOUSE SPONSORSHIP

Landgraf and Michaelson Jenet,

SENATE SPONSORSHIP

Coram,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING APPLICATION ASSISTANCE FOR PERSONS SEEKING
102 FEDERAL DISABILITY BENEFITS.

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://leg.colorado.gov>.)

The bill creates a program to help persons with disabilities participating in the state aid to the needy disabled program navigate the application process for federal disability benefits, including supplemental security income and social security disability insurance. The program is provided by county departments of human or social services (county departments) and is administered by the state department of human

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

services (state department).

Funding for the program is distributed to county departments pursuant to an allocation formula determined by state department rules, after receiving input from counties, county representatives, and other relevant stakeholders.

The bill includes the services that may be provided by county departments participating in the program. The services may include assistance with compiling and drafting supporting documentation for the application for federal disability benefits and in completing and submitting the application.

The state department shall evaluate the program pursuant to the time frame set forth in the bill to determine if the program is meeting the program goals described in the bill.

The bill creates the disability benefits application assistance fund (fund) and requires the state treasurer and controller to annually transfer to the fund money appropriated for the aid to the needy disabled programs that remains unencumbered and unexpended at the end of the fiscal year.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 26-2-119.7 as
3 follows:

4 **26-2-119.7. Federal disability benefits - application assistance**
5 **- fund - rules - report - legislative declaration.** (1) (a) THE GENERAL
6 ASSEMBLY FINDS THAT:

7 (I) FEDERAL DISABILITY BENEFITS, INCLUDING SUPPLEMENTAL
8 SECURITY INCOME AND SOCIAL SECURITY DISABILITY INSURANCE, HELP
9 COLORADANS WITH THE MOST SIGNIFICANT DISABILITIES ACHIEVE
10 STABILITY BY PROVIDING INCOME FOR NECESSITIES, INCLUDING HOUSING;

11 (II) THE STATE AID TO THE NEEDY DISABLED PROGRAM PROVIDES
12 APPROXIMATELY TWO HUNDRED DOLLARS PER MONTH TO INDIVIDUALS
13 WHO CANNOT WORK DUE TO A SEVERE DISABILITY WHILE THE INDIVIDUALS
14 ARE APPLYING FOR FEDERAL DISABILITY BENEFITS. WITH LESS THAN TWO
15 HUNDRED DOLLARS PER MONTH IN INCOME, AID TO THE NEEDY DISABLED
16 PROGRAM PARTICIPANTS STRUGGLE TO MEET THEIR MOST BASIC NEEDS. AS

1 A CONSEQUENCE, THESE PARTICIPANTS ARE OFTEN HOMELESS, IN CRISIS,
2 AND UNABLE TO ENGAGE IN SICKNESS PREVENTION OR HEALTH
3 MAINTENANCE ACTIVITIES, RESULTING IN HIGH-COST EMERGENCY ROOM
4 VISITS OR OTHER HIGH-COST MEDICAL TREATMENT.

5 (III) COMPLETING THE APPLICATION PROCESS FOR FEDERAL
6 DISABILITY BENEFITS IS ONEROUS. THE APPLICATION IS COMPLEX AND
7 REQUIRES APPLICANTS TO COMPILE PAST MEDICAL RECORDS FROM
8 MEDICAL PROVIDERS. APPLICANTS MUST ALSO NAVIGATE THE PROCESS
9 WHILE CONTENDING WITH DEBILITATING MENTAL AND PHYSICAL HEALTH
10 CONDITIONS, AND, FOR AID TO THE NEEDY DISABLED PROGRAM
11 PARTICIPANTS, THE ADDITIONAL BARRIER OF EXTREME POVERTY.

12 (IV) DESPITE THE EXTREME NEED FOR FEDERAL DISABILITY
13 BENEFITS, APPLICANTS WHO ARE ULTIMATELY DETERMINED TO BE
14 ELIGIBLE FOR FEDERAL DISABILITY BENEFITS ARE OFTEN DENIED MULTIPLE
15 TIMES;

16 (V) DELAYED ACCESS TO FEDERAL DISABILITY BENEFITS OFTEN
17 CREATES OR PROLONGS HOMELESSNESS OR PUTS INDIVIDUALS AT RISK OF
18 HOMELESSNESS. FIFTY-SEVEN PERCENT OF COLORADO'S CHRONICALLY
19 HOMELESS POPULATION ARE PERSONS WITH DISABILITIES.

20 (VI) DELAYED ACCESS TO FEDERAL DISABILITY BENEFITS PUTS
21 COLORADANS WITH DISABILITIES AT INCREASED RISK OF HEALTH CRISIS.
22 NATIONALLY, IN FEDERAL FISCAL YEAR 2016, OVER TEN THOUSAND
23 PEOPLE DIED WAITING TO BE APPROVED FOR FEDERAL DISABILITY
24 BENEFITS;

25 (VII) ASSISTANCE IN APPLYING FOR FEDERAL DISABILITY BENEFITS
26 SIGNIFICANTLY IMPROVES THE RATE OF APPROVAL OF INITIAL
27 APPLICATIONS, AND THEREFORE REDUCES THE TIME IT TAKES FOR

1 INDIVIDUALS TO ACCESS FEDERAL DISABILITY BENEFITS; AND

2 (VIII) TIMELY ACCESS TO FEDERAL DISABILITY BENEFITS
3 IMPROVES THE STABILITY, HEALTH, AND WELL-BEING OF PERSONS LIVING
4 WITH DISABILITIES; REDUCES STATE SPENDING ON HOMELESS SERVICES,
5 PREVENTABLE EMERGENCY HEALTH CARE, AND OTHER PUBLIC PROGRAMS;
6 AND BOOSTS THE STATE AND LOCAL ECONOMIES BY PROVIDING FEDERALLY
7 FUNDED SUPPORT THAT RECIPIENTS SPEND IN COLORADO CITIES AND
8 COUNTIES TO MEET THEIR BASIC NEEDS.

9 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
10 NECESSARY TO HELP PERSONS APPLYING FOR OR RECEIVING AID TO THE
11 NEEDY DISABLED BENEFITS IN NAVIGATING THE APPLICATION PROCESS FOR
12 FEDERAL DISABILITY BENEFITS.

13 (2) (a) THE STATE DEPARTMENT SHALL ADMINISTER A PROGRAM
14 IMPLEMENTED BY COUNTY DEPARTMENTS THAT HELPS INDIVIDUALS WITH
15 DISABILITIES NAVIGATE THE APPLICATION PROCESS FOR FEDERAL
16 DISABILITY BENEFITS. THE PROGRAM SHALL ASSIST INDIVIDUALS WHO ARE
17 APPLYING FOR OR RECEIVING AID TO THE NEEDY DISABLED BENEFITS
18 PURSUANT TO SECTION 26-2-119.

19 (b) THE STATE DEPARTMENT SHALL ALLOCATE MONEY
20 APPROPRIATED PURSUANT TO THIS SECTION TO COUNTY DEPARTMENTS
21 PURSUANT TO STATE DEPARTMENT RULES PROMULGATED PURSUANT TO
22 SUBSECTION (3) OF THIS SECTION.

23 (c) THE ASSISTANCE PROVIDED PURSUANT TO THE PROGRAM MAY
24 INCLUDE:

25 (I) REFERRALS TO APPROPRIATE MEDICAL PROVIDERS AND OTHER
26 PROFESSIONALS WHOSE ASSESSMENTS ARE REQUIRED AS PART OF AN
27 APPLICATION FOR FEDERAL DISABILITY BENEFITS;

1 (II) OUTREACH TO APPLICANTS TO PROVIDE REMINDERS AND
2 TRACK PROGRESS ON APPLICATION REQUIREMENTS;

3 (III) ASSISTANCE WITH COMPILING AND DRAFTING SUPPORTING
4 DOCUMENTATION FOR AN APPLICATION FOR FEDERAL DISABILITY
5 BENEFITS;

6 (IV) ASSISTANCE WITH COMPLETING AND SUBMITTING AN
7 APPLICATION FOR FEDERAL DISABILITY BENEFITS; AND

8 (V) ASSISTANCE APPEALING DENIALS OF FEDERAL DISABILITY
9 BENEFITS.

10 (3) AFTER RECEIVING INPUT FROM COUNTIES, A STATEWIDE
11 ASSOCIATION OF COUNTY COMMISSIONERS, AND OTHER RELEVANT
12 STAKEHOLDERS, THE STATE DEPARTMENT SHALL PROMULGATE RULES
13 ESTABLISHING AN ALLOCATION FORMULA FOR MONEY APPROPRIATED TO
14 THE STATE DEPARTMENT FOR PURPOSES OF THIS SECTION. IN ESTABLISHING
15 THE ALLOCATION FORMULA, THE STATE DEPARTMENT SHALL CONSIDER
16 THE NUMBER OF AID TO THE NEEDY DISABLED PROGRAM PARTICIPANTS IN
17 EACH COUNTY AND THE NEED TO ENSURE THAT MONEY APPROPRIATED FOR
18 THE PROGRAM IS AVAILABLE IN EVERY REGION OF THE STATE.

19 (4) PURSUANT TO SUBSECTION (2) OF THIS SECTION, A COUNTY
20 DEPARTMENT ALLOCATED MONEY PURSUANT TO THIS SECTION SHALL USE
21 THE MONEY TO PROVIDE SERVICES TO AID TO THE NEEDY DISABLED
22 PROGRAM PARTICIPANTS IN THE COUNTY OR REGION. IN IMPLEMENTING
23 THE PROGRAM, A COUNTY DEPARTMENT IS PERMITTED TO COLLABORATE
24 WITH OTHER COUNTIES OR TO CONTRACT WITH NONPROFIT
25 ORGANIZATIONS. PERSONS PROVIDING ASSISTANCE TO INDIVIDUALS WITH
26 DISABILITIES PURSUANT TO THIS SECTION SHALL HAVE DEMONSTRATED
27 EXPERTISE OR RECEIVE ADEQUATE TRAINING IN THE FEDERAL DISABILITY

1 BENEFITS APPLICATION PROCESS.

2 (5) (a) THE STATE DEPARTMENT SHALL EVALUATE THE PROGRAM
3 FIVE YEARS AFTER ITS IMPLEMENTATION, AND EVERY FIVE YEARS
4 THEREAFTER, TO DETERMINE IF THE PROGRAM IS MEETING THE GOALS OF
5 THE PROGRAM, INCLUDING, BUT NOT LIMITED TO:

6 (I) ASSISTING FEDERAL DISABILITY BENEFIT APPLICANTS IN
7 SUBMITTING TIMELY AND COMPLETE APPLICATIONS;

8 (II) INCREASING THE PERCENTAGE OF ELIGIBLE APPLICANTS
9 AWARDED FEDERAL DISABILITY BENEFITS;

10 (III) REDUCING THE AVERAGE TIME TO QUALIFY FOR FEDERAL
11 DISABILITY BENEFITS; AND

12 (IV) REDUCING THE LENGTH OF TIME THAT INDIVIDUALS WITH
13 DISABILITIES PARTICIPATE IN THE AID TO THE NEEDY DISABLED PROGRAM.

14 (b) THE STATE DEPARTMENT SHALL SUBMIT THE PROGRAM
15 EVALUATION REQUIRED PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION
16 TO THE PUBLIC HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE
17 OF REPRESENTATIVES, OR ITS SUCCESSOR COMMITTEE, AND THE HEALTH
18 AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ITS SUCCESSOR
19 COMMITTEE. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
20 (11)(a)(I), REPORTING ON THE PROGRAM EVALUATION PURSUANT TO THIS
21 SECTION SHALL CONTINUE SO LONG AS THE PROGRAM IS BEING
22 EVALUATED.

23 (6) (a) (I) THE DISABILITY BENEFITS APPLICATION ASSISTANCE
24 FUND, REFERRED TO IN THIS SUBSECTION (6) AS THE "FUND", IS HEREBY
25 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
26 TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (6)(a)(II) OF THIS
27 SECTION, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY

1 APPROPRIATE OR TRANSFER TO THE FUND.

2 (II) ANY MONEY APPROPRIATED FROM THE GENERAL FUND TO THE
3 STATE DEPARTMENT FOR THE 2018-19 FISCAL YEAR AND FOR EACH FISCAL
4 YEAR THEREAFTER FOR GRANTS FOR THE AID TO THE NEEDY DISABLED
5 PROGRAMS THAT IS UNEXPENDED AND UNENCUMBERED AS OF THE CLOSE
6 OF THE APPLICABLE FISCAL YEAR DOES NOT REVERT TO THE GENERAL
7 FUND AND SHALL BE TRANSFERRED BY THE STATE TREASURER AND
8 CONTROLLER TO THE FUND CREATED IN SUBSECTION (6)(a)(I) OF THIS
9 SECTION.

10 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
11 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
12 FUND TO THE FUND.

13 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
14 ASSEMBLY, THE STATE DEPARTMENT SHALL EXPEND MONEY FROM THE
15 FUND FOR THE PURPOSES DESCRIBED IN THIS SECTION.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2018 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.