A BILL FOR AN ACT

CONCERNING THE REGULATION OF INDIVIDUAL RESIDENTIAL SERVICES
AND SUPPORTS PROVIDERS FOR PERSONS WITH INTELLECTUAL
AND DEVELOPMENTAL DISABILITIES.

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 defines in statute an "individual residential services and supports provider" (individual provider) as an individual who provides residential services and supports in his or her home to one or more persons with intellectual and developmental disabilities who receive comprehensive services and who are not related to the individual
provider. The bill grants authority to the department of health care policy and financing to promulgate rules and adopt the federal department of housing and urban development housing quality standards for individual providers. The bill also grants the department of health care policy and financing, together with the division of housing, the authority to inspect individual providers for compliance with standards, as well as permissible corrective actions.

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

SECTION 1. In Colorado Revised Statutes, 25.5-10-202, add (18.7) and (22.7) as follows:

25.5-10-202. Definitions. As used in this article 10, unless the context otherwise requires:

(18.7) "HOUSING QUALITY STANDARDS" MEANS APPLICABLE FEDERAL HOUSING QUALITY STANDARDS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 24 CFR 982.401.

(22.7) "INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDER" MEANS A PERSON WHO PROVIDES RESIDENTIAL SERVICES AND SUPPORTS IN A SINGLE RESIDENTIAL OR HOST HOME SETTING TO THREE OR FEWER PERSONS WHO:

(a) ARE NOT RELATED TO THE INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDER;

(b) HAVE AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY;

AND

(c) RECEIVE HOME- AND COMMUNITY-BASED SERVICES WAIVERS ADMINISTERED BY THE STATE DEPARTMENT PURSUANT TO PART 4 OF ARTICLE 6 OF THIS TITLE 25.5.

SECTION 2. In Colorado Revised Statutes, add 25.5-10-214.5 as follows:
25.5-10-214.5. Individual residential services and supports providers and residences - standards - rules - report - definition.

(1) THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, IN PARTNERSHIP WITH THE DIVISION OF HOUSING OF THE DEPARTMENT OF LOCAL AFFAIRS, SHALL IMPLEMENT A SYSTEM OF OVERSIGHT OF INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS AND RESIDENCES. INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS ARE NOT REQUIRED TO BE LICENSED BY THE STATE DEPARTMENT BUT ARE REQUIRED TO FOLLOW APPLICABLE LAWS AND ADMINISTRATIVE RULES.

(2) (a) PRIOR TO BEING AUTHORIZED TO OPERATE IN A CITY, COUNTY, CITY AND COUNTY, OR MUNICIPALITY, AN INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDER SHALL NOTIFY THE STATE DEPARTMENT. THE STATE DEPARTMENT SHALL NOT AUTHORIZE AN INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS RESIDENCE TO OPERATE IF THE INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDER DOES NOT NOTIFY THE STATE DEPARTMENT PURSUANT TO THIS SUBSECTION (2).

(b) THE INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS RESIDENCE MUST MEET APPLICABLE HOUSING QUALITY STANDARDS, AS WELL AS ANY REQUIREMENTS ESTABLISHED IN RULE BY THE STATE DEPARTMENT PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION.

(3) (a) THE STATE DEPARTMENT SHALL DEVELOP MINIMUM STANDARDS AND REQUIREMENTS FOR INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS AND RESIDENCES. THE MINIMUM STANDARDS MUST INCLUDE:

(I) A REQUIREMENT FOR COMPLIANCE WITH HOUSING QUALITY
STANDARDS, INCLUDING NECESSARY INGRESS AND EGRESS FROM SLEEPING
ROOMS, FUNCTIONING FIRE EXTINGUISHERS, AND SMOKE ALARMS;

(II) STANDARDS CONCERNING THE EFFECTIVE DELIVERY OF
SERVICES AND SUPPORTS TO RESIDENTS, INCLUDING MODIFICATIONS FOR
PERSONS WITH DISABILITIES AS NECESSARY;

(III) THE LOCATION OF INDIVIDUALS WITH DISABILITIES WHO
CANNOT SELF-EVACUATE OR A PERSON WHO, IN THE CASE OF FIRE, CANNOT
IMMEDIATELY AND INDEPENDENTLY EVACUATE THE RESIDENCE; AND

(IV) A REQUIREMENT FOR COMPLIANCE WITH APPLICABLE LOCAL
CODES AND STATE-PROMULGATED MINIMUM RULES.

(b) THE STATE DEPARTMENT SHALL PROMULGATE RULES,
PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24, TO REQUIRE
INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS AND
RESIDENCES TO OPERATE ACCORDING TO MINIMUM HOUSING QUALITY
STANDARDS, USING THE STANDARDS AND REQUIREMENTS DEVELOPED
PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION. THE STATE
DEPARTMENT'S RULES PROMULGATION PROCESS MUST INCLUDE CLEAR
REPRESENTATION FROM THE DIVERSE INDIVIDUAL RESIDENTIAL SERVICES
AND SUPPORTS PROVIDERS AND DISABILITY COMMUNITIES, INCLUDING
INDEPENDENT ADVOCACY ORGANIZATIONS, WAIVER PARTICIPANTS OR
FAMILY MEMBERS, CASE MANAGEMENT PROVIDERS, PROGRAM-APPROVED
SERVICE AGENCIES, AND SINGLE ENTRY POINTS. THE RULES MUST INCLUDE:

(I) STANDARDS CONCERNING THE HEALTH, LIFE, AND FIRE SAFETY
OF PERSONS RECEIVING SERVICES OR SUPPORTS RESIDING IN AN
INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS RESIDENCE, INCLUDING
IN THE EVENT THE RESIDENCE CLOSES. THESE STANDARDS MUST INCLUDE:

(A) A REQUIREMENT THAT, IF AN INDIVIDUAL RESIDENTIAL
SERVICES AND SUPPORTS RESIDENCE HOUSES A PERSON WHO NEEDS SPECIAL ASSISTANCE TO EVACUATE, AS DEFINED IN SUBSECTION (3)(c) OF THIS SECTION, IN THE CASE OF AN EMERGENCY, THE INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDER SHALL NOTIFY THE LOCAL FIRE JURISDICTION OF THE ADDRESS AND LOCATION OF ANY ROOM WHERE AN INDIVIDUAL WITH A DISABILITY IS LOCATED; AND

(B) A REQUIREMENT THAT AN INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDER CANNOT REFUSE AN INSPECTION BY THE FIRE DEPARTMENT.

(II) A REQUIREMENT THAT AN ON-SITE SURVEY TO ENSURE COMPLIANCE WITH THE STANDARDS ESTABLISHED SPECIFICALLY FOR HOST HOME SETTINGS MUST BE UNDERTAKEN EVERY TWO YEARS. THE STATE DEPARTMENT SHALL DETERMINE, BY RULE, OTHER STANDARDS FOR INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS AND RESIDENCES. INSPECTIONS MADE PURSUANT TO THIS SUBSECTION (3)(b)(II) MUST INCLUDE CERTIFICATION OF COMPLIANCE WITH FUNCTIONING SMOKE DETECTORS AND UNBLOCKED EGRESS FOR INDIVIDUALS WITH DISABILITIES.

(III) A REQUIREMENT THAT INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS AND RESIDENCES COMPLY WITH FEDERAL REQUIREMENTS FOR RESIDENTIAL HOME- AND COMMUNITY-BASED SETTINGS;

(IV) PROVISIONS RELATED TO CORRECTIVE ACTIONS THAT THE STATE DEPARTMENT MAY TAKE IF THE RULES FOR INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS AND RESIDENCES ARE NOT MET; AND

(V) THE AUTHORITY OF THE STATE DEPARTMENT TO ENFORCE THE RULES PROMULGATED PURSUANT TO THIS SECTION, INCLUDING BUT NOT
LIMITED TO REQUIRING THE CLOSURE OF AN INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS RESIDENCE.

(c) FOR THE PURPOSES OF THIS SUBSECTION (3), "PERSON WHO NEEDS SPECIAL ASSISTANCE TO EVACUATE" MEANS A PERSON WHO CANNOT IMMEDIATELY AND INDEPENDENTLY SELF-EVACUATE, INCLUDING AN INDIVIDUAL WHO:

(I) USES A POWER CHAIR;

(II) HAS A MOBILITY, VISUAL, OR HEARING IMPAIRMENT; OR

(III) HAS A SPEECH IMPAIRMENT THAT MIGHT HINDER HIS OR HER ABILITY TO COMMUNICATE EFFECTIVELY WITH FIRST RESPONDERS.

(4) ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, THAT INCLUDES A DETAILED DESCRIPTION OF THE RULES PROMULGATED CONCERNING INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS AND RESIDENCES PURSUANT TO THIS SECTION.

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