

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 18-0749.03 Jane Ritter x4342

HOUSE BILL 18-1376

HOUSE SPONSORSHIP

Pabon,

SENATE SPONSORSHIP

Aguilar,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF INDIVIDUAL RESIDENTIAL SERVICES**
102 **AND SUPPORTS PROVIDERS FOR PERSONS WITH INTELLECTUAL**
103 **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

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.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-10-202, **add**
3 (18.5), (18.6), (18.7), (22.7), and (22.8) as follows:

4 **25.5-10-202. Definitions.** As used in this article 10, unless the
5 context otherwise requires:

6 (18.5) "HOST HOME" HAS THE SAME MEANING AS SET FORTH IN
7 SECTION 13-21-117.5 (2).

8 (18.6) "HOST HOME PROVIDER" MEANS AN INDIVIDUAL OR
9 INDIVIDUALS PROVIDING RESIDENTIAL SERVICES AND SUPPORTS, AS
10 DESCRIBED IN SECTION 25.5-10-206 (1)(e), IN HIS OR HER HOME TO UP TO
11 THREE PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
12 WHO ARE NOT FAMILY MEMBERS, AS DEFINED IN SUBSECTION (16) OF THIS
13 SECTION, AND PROVIDES THOSE SERVICES AS AN INDEPENDENT
14 CONTRACTOR OF A COMMUNITY-CENTERED BOARD OR SERVICE AGENCY.

15 (18.7) "HOUSING QUALITY STANDARDS" MEANS APPLICABLE
16 FEDERAL HOUSING QUALITY STANDARDS ESTABLISHED BY THE UNITED
17 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 24 CFR
18 982.401.

19 (22.7) "INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS
20 PROVIDER" MEANS A HOST HOME PROVIDER, FAMILY CAREGIVER, OR
21 SERVICE AGENCY THAT PROVIDES RESIDENTIAL SERVICES AND SUPPORTS
22 IN AN INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS RESIDENCE TO

1 THREE OR FEWER PERSONS WHO:

2

3 (a) HAVE AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY;

4 AND

5 (b) RECEIVE HOME- AND COMMUNITY-BASED SERVICES

6 ADMINISTERED BY THE STATE DEPARTMENT PURSUANT TO PART 4 OF

7 ARTICLE 6 OF THIS TITLE 25.5.

8 (22.8) "INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS

9 RESIDENCE" MEANS A PRIVATE RESIDENCE THAT HOUSES UP TO THREE

10 INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES

11 AND WHOSE OWNER OR RENTER PROVIDES RESIDENTIAL SERVICES AND

12 SUPPORTS AS DESCRIBED IN SECTION 25.5-10-206 (1)(e), AS A SERVICE

13 AGENCY, HOST HOME PROVIDER, OR FAMILY CAREGIVER.

14 **SECTION 2.** In Colorado Revised Statutes, **add** 25.5-10-214.5
15 as follows:

16 **25.5-10-214.5. Individual residential services and supports**
17 **providers and residences - standards - rules - report - definition.**

18 (1) THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING,

19 SHALL IMPLEMENT A SYSTEM OF OVERSIGHT OF INDIVIDUAL

20 RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS AND RESIDENCES.

21 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS ARE NOT

22 REQUIRED TO BE LICENSED BY THE STATE DEPARTMENT BUT ARE REQUIRED

23 TO FOLLOW APPLICABLE LAWS AND ADMINISTRATIVE RULES.

24 (2) (a) PRIOR TO BEGINNING OPERATIONS, A HOST HOME PROVIDER

25 SHALL NOTIFY THE STATE DEPARTMENT OF HIS OR HER INTENT TO PROVIDE

26 RESIDENTIAL SERVICES AND SUPPORTS IN THE MANNER SPECIFIED BY THE

27 STATE DEPARTMENT. A HOST HOME PROVIDER SHALL NOT BEGIN

1 PROVIDING RESIDENTIAL SERVICES AND SUPPORTS UNTIL SUCH PROVIDER
2 HAS NOTIFIED THE STATE DEPARTMENT PURSUANT TO THIS SUBSECTION
3 (2).

4 (b) THE HOST HOME MUST MEET APPLICABLE HOUSING QUALITY
5 STANDARDS, AS WELL AS ANY REQUIREMENTS ESTABLISHED IN RULE BY
6 THE STATE DEPARTMENT PURSUANT TO SUBSECTION (3)(b) OF THIS
7 SECTION.

8 (3) (a) THE STATE DEPARTMENT SHALL DEVELOP MINIMUM
9 STANDARDS AND REQUIREMENTS FOR INDIVIDUAL RESIDENTIAL SERVICES
10 AND SUPPORTS PROVIDERS AND RESIDENCES. THE MINIMUM STANDARDS
11 MUST INCLUDE A REQUIREMENT FOR COMPLIANCE WITH HOUSING QUALITY
12 STANDARDS, INCLUDING NECESSARY INGRESS AND EGRESS FROM SLEEPING
13 ROOMS, FUNCTIONING FIRE EXTINGUISHERS, AND SMOKE ALARMS.

14
15 (b) THE STATE DEPARTMENT SHALL PROMULGATE RULES,
16 PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24, TO REQUIRE
17 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS AND
18 RESIDENCES TO OPERATE ACCORDING TO MINIMUM HOUSING QUALITY
19 STANDARDS, USING THE STANDARDS AND REQUIREMENTS DEVELOPED
20 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION. THE STATE
21 DEPARTMENT'S RULES PROMULGATION PROCESS MUST INCLUDE CLEAR
22 REPRESENTATION FROM THE DIVERSE INDIVIDUAL RESIDENTIAL SERVICES
23 AND SUPPORTS PROVIDERS AND DISABILITY COMMUNITIES, INCLUDING
24 INDEPENDENT ADVOCACY ORGANIZATIONS, INDIVIDUALS WITH
25 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO RECEIVE
26 RESIDENTIAL SERVICES AND SUPPORTS, AS DESCRIBED IN SECTION
27 25.5-10-206 (1)(e), AND THEIR FAMILY MEMBERS, CASE MANAGEMENT

1 AGENCIES, COMMUNITY-CENTERED BOARDS, AND SERVICE AGENCIES. THE
2 RULES MUST INCLUDE:

3 (I) STANDARDS CONCERNING THE HEALTH, WELFARE, AND SAFETY
4 OF PERSONS RECEIVING SERVICES OR SUPPORTS RESIDING IN AN
5 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS RESIDENCE. THESE
6 STANDARDS MUST INCLUDE:

7 (A) A REQUIREMENT THAT, IF A HOST HOME HOUSES A PERSON
8 WHO NEEDS ASSISTANCE TO SELF-EVACUATE IN THE CASE OF AN
9 EMERGENCY, AS DEFINED IN SUBSECTION (3)(c) OF THIS SECTION, THE
10 HOST HOME PROVIDER SHALL NOTIFY THE LOCAL FIRE JURISDICTION OF THE
11 ADDRESS AND LOCATION OF ANY ROOM WHERE SUCH A PERSON SLEEPS;

12 (B) A REQUIREMENT THAT THE DIVISION OF HOUSING OF THE
13 DEPARTMENT OF LOCAL AFFAIRS CONDUCT AN ON-SITE SURVEY OF HOST
14 HOMES TO ENSURE COMPLIANCE WITH THE MINIMUM HOUSING QUALITY
15 STANDARDS EVERY TWO YEARS;

16 (C) A REQUIREMENT THAT HOST HOMES THAT BEGIN OPERATIONS
17 AFTER THE EFFECTIVE DATE OF RULES PROMULGATED PURSUANT TO THIS
18 SUBSECTION (3)(b) HAVE SIXTY DAYS FROM THE DATE AN INDIVIDUAL
19 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES MOVES INTO THE
20 HOST HOME TO REQUEST AN ON-SITE SURVEY REQUIRED BY THIS
21 SUBSECTION (3)(b)(I)(C);

22 (D) A REQUIREMENT THAT HOST HOMES THAT ARE IN OPERATION
23 ON THE EFFECTIVE DATE OF RULES PROMULGATED PURSUANT TO THIS
24 SUBSECTION (3)(b) HAVE ONE YEAR FROM SUCH EFFECTIVE DATE TO
25 REQUEST AN ON-SITE SURVEY REQUIRED BY SUBSECTION (3)(b)(I)(C) OF
26 THIS SECTION;

27 (E) A REQUIREMENT THAT THE DIVISION OF HOUSING OF THE

1 DEPARTMENT OF LOCAL AFFAIRS HAS SIXTY DAYS OR LESS FROM THE DATE
2 OF REQUEST TO CONDUCT AN ON-SITE SURVEY REQUIRED BY SUBSECTION
3 (3)(b)(I)(C) OF THIS SECTION;

4 (F) A REQUIREMENT THAT A HOST HOME MAY CONTINUE TO
5 OPERATE WHILE AWAITING THE COMPLETION OF THE ON-SITE SURVEY
6 REQUIRED BY SUBSECTION (3)(b)(I)(C) OF THIS SECTION;

7 (G) A REQUIREMENT THAT IF A HOST HOME PROVIDER REFUSES A
8 FIRE INSPECTION REQUEST IN BETWEEN A NORMALLY SCHEDULED ON-SITE
9 SURVEY, THE STATE DEPARTMENT SHALL ARBITRATE THE DISPUTE; AND

10 (H) A PROVISION THAT A HOST HOME IS NOT REQUIRED TO
11 COMPLETE AN ON-SITE SURVEY REQUIRED BY SUBSECTION (3)(b)(I)(C) OF
12 THIS SECTION MORE FREQUENTLY THAN EVERY TWO YEARS, REGARDLESS
13 OF WHO RESIDES IN THE HOST HOME.

14 (II) THE STATE DEPARTMENT SHALL DETERMINE, BY RULE, OTHER
15 STANDARDS FOR INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS
16 PROVIDERS AND RESIDENCES. INSPECTIONS MADE PURSUANT TO THIS
17 SUBSECTION (3)(b)(II) MUST INCLUDE CERTIFICATION OF COMPLIANCE
18 WITH FUNCTIONING SMOKE DETECTORS AND UNBLOCKED EGRESS FOR
19 INDIVIDUALS WITH DISABILITIES.

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

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

1 (c) FOR THE PURPOSES OF THIS SUBSECTION (3), "PERSON WHO
2 NEEDS SPECIAL ASSISTANCE TO SELF-EVACUATE" MEANS A PERSON WHO,
3 DUE TO HIS OR HER DISABILITY AND BASED ON AN INDIVIDUAL
4 ASSESSMENT, CANNOT IMMEDIATELY AND INDEPENDENTLY
5 SELF-EVACUATE THE RESIDENCE WITHOUT ASSISTANCE FROM ANOTHER
6 PERSON.

7
8 (4) ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT SHALL
9 SUBMIT A REPORT TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES
10 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND
11 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR
12 COMMITTEES, THAT INCLUDES A DETAILED DESCRIPTION OF THE RULES
13 PROMULGATED CONCERNING INDIVIDUAL RESIDENTIAL SERVICES AND
14 SUPPORTS PROVIDERS AND RESIDENCES PURSUANT TO THIS SECTION.

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