

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 18-1067.01 Brita Darling x2241

HOUSE BILL 18-1407

HOUSE SPONSORSHIP

Young and Rankin, Hamner

SENATE SPONSORSHIP

Lambert and Moreno, Lundberg

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING ACCESS TO SERVICES FOR PERSONS WITH**
102 **INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THAT ARE**
103 **PROVIDED BY A STABLE WORKFORCE, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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/>.)

Joint Budget Committee. The bill requires the department of health care policy and financing (department) to seek federal approval for a 6.5% increase in the reimbursement rate for certain services specified

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.*

HOUSE
3rd Reading Unamended
May 1, 2018

HOUSE
Amended 2nd Reading
April 30, 2018

in the bill that are delivered through the home- and community-based services intellectual and developmental disabilities, supported living services, and children's extensive supports waivers.

Service agencies shall use 100% of the increased funding resulting from the increase in the reimbursement rate for compensation, as defined in the bill, for direct support professionals, as defined in the bill.

The bill requires service agencies to document the use of the increased funding for compensation using a reporting tool developed by the department and the service agencies. The department has access to the supporting documentation and may determine that a service agency is not using the increased funding as required.

If the department determines that a service agency does not use 100% of the increased funding resulting from the increase in the reimbursement rate for compensation for direct support professionals, the service agency may take action within a specific time frame to contest the determination or submit a corrective action plan to the department.

The department shall recoup from the service agency the amount of funding resulting from the reimbursement rate increase that is not used for compensation for direct support professionals.

Once sufficient data is available to assess the impact and outcomes of the reimbursement rate increase on persons with intellectual and developmental disabilities, the department shall include the impact and outcome data, including staff stability survey data, in its annual report to the general assembly concerning the waiting list for intellectual and developmental disability services.

The bill requires the department to initiate 300 nonemergency enrollments from the waiting list for the home- and community-based services developmental disabilities waiver in the 2018-19 state fiscal year.

The medical services board (board) in the department shall promulgate rules establishing additional criteria for reserve capacity enrollments based on the age and capacity of a person's parent or caregiver. As part of the rule-making process, the board shall solicit stakeholder feedback from persons with intellectual and developmental disabilities and their families. The department shall include in a monthly report the number of persons who were moved off the developmental disabilities waiting list for both nonemergency enrollments and reserve capacity enrollments.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Thousands of Coloradans with intellectual and developmental

1 disabilities spend years and even decades waiting for comprehensive
2 services provided by the home- and community-based services for
3 developmental disabilities (HCBS-DD) waiver;

4 (b) Reducing and eliminating the waiting list for HCBS-DD
5 waiver services is a longstanding goal of the general assembly and the
6 intellectual and developmental disability community;

7 (c) Many persons on the waiting list for HCBS-DD waiver
8 services must experience a crisis before being offered services on an
9 emergency basis, creating undue hardship and strain on the person, his or
10 her caregivers, and the service system;

11 (d) In order to best serve these persons and others receiving
12 waiver services, Colorado must have a stable direct support workforce;

13 (e) Colorado and the nation are experiencing a shortage of direct
14 support professionals who provide support to persons with intellectual
15 and developmental disabilities in the community; and

16 (f) A stable direct support workforce is critical to ensuring
17 continuity of support and positive outcomes for persons with intellectual
18 and developmental disabilities.

19 (2) Therefore, the general assembly declares that a significant
20 investment is needed to ensure a stable workforce and access to services
21 for Coloradans with intellectual and developmental disabilities.

22 **SECTION 2.** In Colorado Revised Statutes, **amend 25.5-6-406**
23 as follows:

24 **25.5-6-406. Appropriations - reimbursement for services -**
25 **direct support professionals - legislative declaration - definitions.**

26 (1) To carry out duties and obligations pursuant to this part 4 and for the
27 administration and provision of services to eligible persons, all medicaid

1 funds appropriated pursuant to Title XIX of the federal "Social Security
2 Act", as amended, for the provision of care for persons with
3 developmental disabilities and all other funds otherwise appropriated by
4 the general assembly as additional sources of program funding shall be
5 ARE available for the placement of eligible individuals PERSONS either in
6 intermediate care facilities for individuals PERSONS with intellectual
7 disabilities or alternatives to such placements.

8 (2) (a) (I) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

9 (A) COLORADO'S SYSTEM OF HOME- AND COMMUNITY-BASED
10 SERVICES THAT SUPPORTS COLORADANS WITH INTELLECTUAL AND
11 DEVELOPMENTAL DISABILITIES HAS GROWN TO SERVE MORE THAN TWELVE
12 THOUSAND PERSONS AND THEIR FAMILIES;

13 (B) COSTS ASSOCIATED WITH PROVIDING THESE SERVICES
14 CONTINUE TO RISE WITH GROWTH IN DEMAND, INFLATION, INCREASED
15 REGULATION, RISING MINIMUM WAGES, RISING HEALTH CARE COSTS, AND
16 OTHER ECONOMIC FACTORS;

17 (C) REIMBURSEMENT RATES HAVE NOT KEPT PACE WITH THESE
18 RISING COSTS, RESULTING IN REDUCED ACCESS TO SERVICES FOR
19 COLORADANS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES;

20 (D) COLORADO NEEDS SIGNIFICANT INITIAL INVESTMENTS TO
21 ADDRESS THE MOST URGENT ISSUES CONCERNING SERVICES FOR PERSONS
22 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS WELL AS
23 FUTURE LONG-TERM PLANNING TO ADDRESS THE GROWING STRAIN ON THE
24 SYSTEM;

25 (E) ONE OF THE MOST URGENT ISSUES IS THE WORKFORCE CRISIS
26 AMONG DIRECT SUPPORT PROFESSIONALS, CHARACTERIZED BY
27 CHRONICALLY LOW WAGES, LIMITED BENEFITS, AND LACK OF CAREER

1 ADVANCEMENT OPPORTUNITIES FOR THESE CRITICAL WORKERS;

2 (F) COLORADO IS EXPERIENCING A WORKFORCE CRISIS AMONG
3 DIRECT SUPPORT PROFESSIONALS BECAUSE REIMBURSEMENT RATES
4 CANNOT SUPPORT THE COMPENSATION NEEDED TO MATCH THE HIGH LEVEL
5 OF RESPONSIBILITY REQUIRED IN THESE JOBS;

6 (G) AGENCIES THAT SERVE PEOPLE WITH INTELLECTUAL AND
7 DEVELOPMENTAL DISABILITIES INCREASINGLY STRUGGLE TO RECRUIT AND
8 RETAIN DIRECT SUPPORT PROFESSIONALS TO MEET THE DEMAND FOR
9 SERVICES; AND

10 (H) HIGH TURNOVER AMONG DIRECT SUPPORT PROFESSIONALS
11 RESULTS IN REDUCED CONTINUITY OF SERVICES FOR PERSONS WITH
12 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

13 (II) THEREFORE, AS AN INITIAL INVESTMENT, COLORADO'S
14 REIMBURSEMENT RATES SHOULD BE INCREASED TO ALLOW FOR DIRECT
15 SUPPORT PROFESSIONAL COMPENSATION THAT BETTER REFLECTS MARKET
16 REALITIES AND THE HIGH LEVEL OF RESPONSIBILITY REQUIRED IN THESE
17 JOBS.

18 (b) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT
19 OTHERWISE REQUIRES:

20 (I) "COMPENSATION" MEANS ANY FORM OF MONETARY PAYMENT,
21 INCLUDING BONUSES, EMPLOYER-PAID HEALTH AND OTHER INSURANCE
22 PROGRAMS, PAID TIME OFF, PAYROLL TAXES, AND ALL OTHER FIXED AND
23 VARIABLE BENEFITS CONFERRED ON OR RECEIVED BY A DIRECT SUPPORT
24 PROFESSIONAL.

25 (II) "DIRECT SUPPORT PROFESSIONAL" MEANS A WORKER WHO
26 ASSISTS OR SUPERVISES A WORKER TO ASSIST A PERSON WITH
27 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES TO LEAD A FULFILLING

1 LIFE IN THE COMMUNITY THROUGH A DIVERSE RANGE OF SERVICES,
2 INCLUDING HELPING THE PERSON GET READY IN THE MORNING, TAKE
3 MEDICATION, GO TO WORK OR FIND WORK, AND PARTICIPATE IN SOCIAL
4 ACTIVITIES. "DIRECT SUPPORT PROFESSIONAL" INCLUDES ALL WORKERS
5 CATEGORIZED AS PROGRAM DIRECT SUPPORT PROFESSIONALS AND
6 EXCLUDES WORKERS CATEGORIZED AS ADMINISTRATIVE, AS DEFINED IN
7 STANDARDS ESTABLISHED BY THE FINANCIAL ACCOUNTING STANDARDS
8 BOARD.

9 (c) THE STATE DEPARTMENT SHALL IMMEDIATELY SEEK A SIX AND
10 ONE-HALF PERCENT INCREASE IN THE REIMBURSEMENT RATE FOR THE
11 FOLLOWING SERVICES DELIVERED THROUGH THE HOME- AND
12 COMMUNITY-BASED SERVICES FOR PERSONS WITH DEVELOPMENTAL
13 DISABILITIES, SUPPORTED LIVING SERVICES, AND CHILDREN'S EXTENSIVE
14 SUPPORTS WAIVERS:

- 15 (I) GROUP RESIDENTIAL SERVICES AND SUPPORTS;
- 16 (II) INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS;
- 17 (III) SPECIALIZED HABILITATION;
- 18 (IV) RESPITE;
- 19 (V) HOMEMAKER BASIC;
- 20 (VI) HOMEMAKER ENHANCED;
- 21 (VII) PERSONAL CARE;
- 22 (VIII) PREVOCATIONAL SERVICES;
- 23 (IX) BEHAVIORAL LINE STAFF;
- 24 (X) COMMUNITY CONNECTOR;
- 25 (XI) SUPPORTED COMMUNITY CONNECTIONS;
- 26 (XII) MENTORSHIP;
- 27 (XIII) SUPPORTED EMPLOYMENT- JOB DEVELOPMENT; AND

1 (XIV) SUPPORTED EMPLOYMENT- JOB COACHING.

2 (d) THE STATE DEPARTMENT SHALL IMPLEMENT A CORRESPONDING
3 INCREASE IN SERVICE PLAN AUTHORIZATION LIMITS TO ACCOUNT FOR THIS
4 INCREASE IN REIMBURSEMENT RATES.

5 (e) SERVICE AGENCIES SHALL USE ONE HUNDRED PERCENT OF THE
6 FUNDING RESULTING FROM THE INCREASE IN THE REIMBURSEMENT RATE
7 PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION TO INCREASE
8 COMPENSATION FOR DIRECT SUPPORT PROFESSIONALS ABOVE THE RATE OF
9 COMPENSATION THAT DIRECT SUPPORT PROFESSIONALS ARE RECEIVING AS
10 OF JUNE 30, 2018. THIS REQUIREMENT APPLIES TO FUNDS BILLED BY
11 COMMUNITY-CENTERED BOARDS IN THEIR ROLE AS ORGANIZED HEALTH
12 CARE DELIVERY SYSTEMS. SERVICE AGENCIES SHALL NOT USE FUNDING
13 RESULTING FROM THE REIMBURSEMENT RATE INCREASE FOR GENERAL AND
14 ADMINISTRATIVE EXPENSES, SUCH AS CHIEF EXECUTIVE OFFICER SALARIES,
15 HUMAN RESOURCES, INFORMATION TECHNOLOGY, OVERSIGHT, BUSINESS
16 MANAGEMENT, GENERAL RECORD KEEPING, BUDGETING AND FINANCE,
17 AND OTHER ACTIVITIES NOT IDENTIFIABLE TO A SINGLE PROGRAM.

18 (f) (I) SERVICE AGENCIES SHALL TRACK AND REPORT HOW THEY
19 USED THE FUNDING RESULTING FROM THE INCREASE IN THE
20 REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION
21 USING A REPORTING TOOL DEVELOPED BY THE STATE DEPARTMENT IN
22 COLLABORATION WITH SERVICE AGENCIES. ON OR BEFORE DECEMBER 31,
23 2019, SERVICE AGENCIES SHALL SUBMIT THE REPORT TO THE STATE
24 DEPARTMENT DEMONSTRATING HOW THE FUNDING WAS USED TO INCREASE
25 DIRECT SUPPORT PROFESSIONAL COMPENSATION FOR THE 2018-19 FISCAL
26 YEAR. ON OR BEFORE DECEMBER 31, 2020, AND DECEMBER 31, 2021,
27 SERVICE AGENCIES SHALL REPORT TO THE STATE DEPARTMENT HOW THEY

1 MAINTAINED INCREASES IN COMPENSATION FOR DIRECT SUPPORT
2 PROFESSIONALS FOR THE 2019-20 AND 2020-21 FISCAL YEARS
3 RESPECTIVELY. THE STATE DEPARTMENT SHALL HAVE ONGOING
4 DISCRETION TO REQUEST INFORMATION FROM SERVICE AGENCIES
5 DEMONSTRATING HOW THEY MAINTAINED INCREASES IN COMPENSATION
6 FOR DIRECT SUPPORT PROFESSIONALS BEYOND THE THREE-YEAR
7 REPORTING PERIOD.

8 (II) SERVICE AGENCIES SHALL MAINTAIN ALL BOOKS, DOCUMENTS,
9 PAPERS, ACCOUNTING RECORDS, AND OTHER EVIDENCE REQUIRED TO
10 SUPPORT THE REPORTING OF PAYROLL INFORMATION FOR INCREASED
11 COMPENSATION TO DIRECT SUPPORT PROFESSIONALS PURSUANT TO
12 SUBSECTION (2)(f)(I) OF THIS SECTION FOR AT LEAST THREE YEARS FROM
13 THE REPORTING DEADLINES DESCRIBED IN SUBSECTION (2)(f)(I) OF THIS
14 SECTION FOR EACH RESPECTIVE FISCAL YEAR. SERVICE AGENCIES SHALL
15 MAKE THE INFORMATION AND MATERIALS AVAILABLE FOR INSPECTION BY
16 THE STATE DEPARTMENT OR ITS DESIGNEES AT ALL REASONABLE TIMES.

17 (g) IF A SERVICE AGENCY DOES NOT USE ONE HUNDRED PERCENT
18 OF THE FUNDING RESULTING FROM THE INCREASE IN THE REIMBURSEMENT
19 RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION TO INCREASE
20 COMPENSATION FOR DIRECT SUPPORT PROFESSIONALS, THE STATE
21 DEPARTMENT MAY RECOUP PART OR ALL OF THE FUNDING RESULTING
22 FROM THE INCREASE IN THE REIMBURSEMENT RATE.

23 (h) IF THE STATE DEPARTMENT DETERMINES THAT THE SERVICE
24 AGENCY DID NOT USE THE FUNDING RESULTING FROM THE INCREASE IN THE
25 REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION
26 AS REQUIRED, WITHIN ONE YEAR AFTER THE CLOSE OF EACH REPORTING
27 PERIOD DESCRIBED IN SUBSECTION (2)(f)(I) OF THIS SECTION, THE STATE

1 DEPARTMENT SHALL NOTIFY THE SERVICE AGENCY IN WRITING OF THE
2 STATE DEPARTMENT'S INTENTION TO RECOUP FUNDS PURSUANT TO
3 SUBSECTION (2)(g) OF THIS SECTION.

4 (i) THE SERVICE AGENCY HAS FORTY-FIVE DAYS AFTER RECEIVING
5 NOTICE OF THE DETERMINATION UNDER SUBSECTION (2)(h) OF THIS
6 SECTION TO:

7 (I) CHALLENGE THE DETERMINATION OF THE STATE DEPARTMENT;

8 (II) PROVIDE ADDITIONAL INFORMATION TO THE STATE
9 DEPARTMENT DEMONSTRATING COMPLIANCE; OR

10 (III) SUBMIT A PLAN OF CORRECTION TO THE STATE DEPARTMENT.

11 (j) THE STATE DEPARTMENT SHALL NOTIFY THE SERVICE AGENCY
12 IN WRITING OF ITS FINAL DETERMINATION AFTER AFFORDING THE SERVICE
13 AGENCY THE OPPORTUNITY TO TAKE THE ACTIONS SPECIFIED IN
14 SUBSECTION (2)(i) OF THIS SECTION.

15 (k) THE STATE DEPARTMENT SHALL RECOUP FROM A SERVICE
16 AGENCY ONE HUNDRED PERCENT OF THE FUNDING RESULTING FROM THE
17 INCREASE IN THE REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c)
18 OF THIS SECTION THAT THE SERVICE AGENCY RECEIVED BUT DID NOT USE
19 FOR COMPENSATION FOR DIRECT SUPPORT PROFESSIONALS IF:

20 (I) THE SERVICE AGENCY FAILS TO RESPOND TO A NOTICE OF
21 DETERMINATION OF THE STATE DEPARTMENT WITHIN THE TIME PROVIDED
22 IN SUBSECTION (2)(i) OF THIS SECTION;

23 (II) THE SERVICE AGENCY IS UNABLE TO PROVIDE
24 DOCUMENTATION OF COMPLIANCE; OR

25 (III) THE STATE DEPARTMENT DOES NOT ACCEPT THE PLAN OF
26 CORRECTION SUBMITTED BY THE SERVICE AGENCY PURSUANT TO
27 SUBSECTION (2)(i) OF THIS SECTION.

1 (l) THE STATE DEPARTMENT SHALL PARTICIPATE IN THE NATIONAL
2 CORE INDICATORS STAFF STABILITY SURVEY.

3 (m) ONCE THE STATE DEPARTMENT DETERMINES THAT A
4 SUFFICIENT QUANTITY AND QUALITY OF DATA EXISTS TO DETERMINE THE
5 IMPACT AND OUTCOMES, IF ANY, ATTRIBUTED TO THE INCREASE IN THE
6 REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION
7 ON PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, THE
8 STATE DEPARTMENT SHALL INCLUDE IN ITS ANNUAL REPORT CONCERNING
9 THE WAITING LIST FOR SERVICES AND SUPPORTS FOR PERSONS WITH
10 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, REQUIRED PURSUANT
11 TO SECTION 25.5-10-207.5, INFORMATION FROM THE NATIONAL CORE
12 INDICATORS DATA, OR ANOTHER COMPARABLE SOURCE, CONCERNING IN
13 WHAT WAYS OUTCOMES FOR PERSONS WITH INTELLECTUAL AND
14 DEVELOPMENTAL DISABILITIES CHANGED AS A RESULT OF THE INCREASE
15 IN REIMBURSEMENT RATES PURSUANT TO SUBSECTION (2)(c) OF THIS
16 SECTION. THE REPORT MUST INCLUDE, IF AVAILABLE, MULTIYEAR
17 PERSONAL OUTCOME DATA SPECIFIC TO COLORADO AND COMPARISONS TO
18 OTHER STATES, AS APPROPRIATE, AS WELL AS DATA FROM THE NATIONAL
19 CORE INDICATORS STAFF STABILITY SURVEY.

20 **SECTION 3.** In Colorado Revised Statutes, 25.5-10-207.5,
21 **amend** (1)(a)(IV); and **add** (1)(a)(VI), (1)(a)(VII), (1)(a)(VIII), (6), (7),
22 and (8) as follows:

23 **25.5-10-207.5. Strategic plan for services and supports - joint**
24 **hearing - appropriation - reporting - legislative declaration - rules.**

25 (1) (a) The general assembly finds that:

26 (IV) The presence of a waiting list as long as fifteen years for
27 essential services and supports contradicts Colorado's commitment to

1 supporting persons in the least restrictive environment of their choosing;
2 and

3 (VI) THE WAITING LIST INCLUDES PERSONS WITH INTELLECTUAL
4 AND DEVELOPMENTAL DISABILITIES WHO ARE AT RISK OF EXPERIENCING
5 A CRISIS DUE TO THE ADVANCED AGE, REDUCED CAPACITY, AND ILLNESS
6 OF THEIR CAREGIVERS;

7 (VII) AFTER A LIFETIME OF PROVIDING CONTINUOUS SUPPORT,
8 THESE CAREGIVERS DESERVE THE COMFORT OF KNOWING THAT THEIR
9 LOVED ONE WILL HAVE NEEDED SERVICES AND SUPPORTS; AND

10 (VIII) PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
11 DISABILITIES AND THEIR CAREGIVERS SHOULD NOT HAVE TO EXPERIENCE
12 A CRISIS BEFORE GETTING NEEDED ASSISTANCE, AS EACH CRISIS PUTS
13 UNDUE HARDSHIP AND STRAIN ON THE PERSON AND CAREGIVER, AND THE
14 SERVICES SYSTEM.

15 (6) (a) SUBJECT TO THE AVAILABILITY OF RESERVE CAPACITY
16 ENROLLMENT, A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
17 DISABILITY WHO IS ON THE WAITING LIST FOR SERVICES AND WHO IS AT
18 RISK OF EXPERIENCING AN EMERGENCY DUE TO ANY OF THE CRITERIA
19 INCLUDED IN SUBSECTION (6)(b) OF THIS SECTION AND WHO MEETS OTHER
20 APPLICABLE CRITERIA FOR ENROLLMENT ESTABLISHED BY THE STATE
21 BOARD SHALL BE OFFERED ENROLLMENT INTO THE HOME- AND
22 COMMUNITY-BASED SERVICES DEVELOPMENTAL DISABILITIES WAIVER
23 USING A PERSON-CENTERED TRANSITION PROCESS.

24 (b) NO LATER THAN JUNE 1, 2019, THE STATE BOARD SHALL
25 PROMULGATE RULES REGARDING THE CRITERIA FOR RESERVE CAPACITY
26 ENROLLMENTS FOR THOSE PERSONS DESCRIBED IN SUBSECTION (6)(a) OF
27 THIS SECTION, WHICH CRITERIA MUST INCLUDE BUT IS NOT LIMITED TO:

- 1 (I) THE AGE OF THE CUSTODIAL PARENT OR CAREGIVER;
2 (II) THE LOSS OF THE CUSTODIAL PARENT OR CAREGIVER;
3 (III) INCAPACITATION OF THE CUSTODIAL PARENT OR CAREGIVER;
4 (IV) ANY LIFE-THREATENING OR SERIOUS PERSISTENT ILLNESS OF
5 THE CUSTODIAL PARENT OR CAREGIVER; AND
6 (V) A THREAT TO HEALTH OR SAFETY THAT THE CUSTODIAL
7 PARENT OR CAREGIVER PLACES ON THE PERSON WITH INTELLECTUAL AND
8 DEVELOPMENTAL DISABILITIES.

9 (c) AS PART OF THE RULE-MAKING PROCESS FOR RESERVE
10 CAPACITY ENROLLMENT PURSUANT TO SUBSECTION (6)(b) OF THIS
11 SECTION, THE STATE BOARD SHALL SOLICIT FEEDBACK FROM PERSONS
12 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND FAMILY
13 MEMBERS OF PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
14 DISABILITIES.

15 (7) DURING THE STATE FISCAL YEAR BEGINNING JULY 1, 2018, THE
16 STATE DEPARTMENT SHALL INITIATE THREE HUNDRED NONEMERGENCY
17 ENROLLMENTS FROM THE WAITING LIST FOR THE HOME- AND
18 COMMUNITY-BASED SERVICES DEVELOPMENTAL DISABILITIES WAIVER.

19 (8) BEGINNING JULY 2018, AND CONTINUING MONTHLY
20 THEREAFTER, THE STATE DEPARTMENT SHALL INCLUDE IN ITS MONTHLY
21 PREMIUMS, EXPENDITURES, AND CASELOAD REPORT THE NUMBER OF
22 PERSONS WHO WERE MOVED OFF THE DEVELOPMENTAL DISABILITIES
23 WAITING LIST, SPECIFYING THE ENROLLMENTS INITIATED UNDER THE
24 ORDER OF SELECTION AND THE ENROLLMENTS INITIATED UNDER THE
25 RESERVE CAPACITY CRITERIA.

26 **SECTION 4. Appropriation.** (1) For the 2018-19 state fiscal
27 year, \$12,185,446 is appropriated to the department of health care policy

1 and financing. This appropriation is from the general fund. To implement
2 this act, the department may use this appropriation as follows:

3 (a) \$88,063 for use by the executive director's office for personal
4 services, which amount is based on an assumption that the office will
5 require an additional 2.7 FTE;

6 (b) \$8,337 for use by the executive director's office for operating
7 expenses;

8 (c) \$37,500 for use by the executive director's office for general
9 professional services and special projects;

10 (d) \$107,750 for use by the executive director's office for medicaid
11 management information systems maintenance and projects, which
12 amount is subject to the "(M)" notation as defined in the annual general
13 appropriation act for the same fiscal year;

14 (e) \$34,536 for medical and long-term care services for medicaid
15 eligible individuals, which amount is subject to the "(M)" notation as
16 defined in the annual general appropriations act for the same fiscal year;

17 (f) \$24,301 for behavioral health capitation payments, which
18 amount is subject to the "(M)" notation as defined in the annual general
19 appropriation act for the same fiscal year;

20 (g) \$419,455 for use by the office of community living for
21 children's extensive support services;

22 (h) \$1,315,607 for use by the office of community living for
23 supported living services;

24 (i) \$10,052,893 for use by the office of community living for adult
25 comprehensive services; and

26 (j) \$97,004 for use by the office of community living for targeted
27 case management.

1 (2) For the 2018-19 state fiscal year, the general assembly
2 anticipates that the department of health care policy and financing will
3 receive \$12,400,935 in federal funds to implement this act. The
4 appropriation in subsection (1) of this section is based on the assumption
5 that the department will receive this amount of federal funds to be used
6 as follows:

7 (a) \$88,062 for use by the executive director's office for personal
8 services;

9 (b) \$8,337 for use by the executive director's office for operating
10 expenses;

11 (c) \$37,500 for use by the executive director's office for general
12 professional services and special projects;

13 (d) \$323,250 for use by the executive director's office for medicaid
14 management information systems maintenance and projects;

15 (e) \$34,534 for medical and long-term care services for medicaid
16 eligible individuals;

17 (f) \$24,300 for behavioral health capitation payments;

18 (g) \$419,453 for use by the office of community living for
19 children's extensive support services;

20 (h) \$1,315,605 for use by the office of community living for
21 supported living services;

22 (i) \$10,052,891 for use by the office of community living for adult
23 comprehensive services; and

24 (j) \$97,003 for use by the office of community living for targeted
25 case management.

26 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.