

## CHAPTER 331

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**HEALTH CARE POLICY AND FINANCING**


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**SENATE BILL 18-231**

BY SENATOR(S) Lambert and Moreno, Lundberg, Aguilar, Court, Crowder, Donovan, Fenberg, Fields, Garcia, Gardner, Guzman, Jahn, Jones, Kagan, Kefalas, Kerr, Martinez Humenik, Neville T., Tate, Todd, Williams A., Zenzinger, Grantham; also REPRESENTATIVE(S) Young, Hamner, Rankin, Bridges, Exum, Ginal, Herod, Hooton, Kraft-Tharp, Lee, Lontine, Michaelson Jenet, Pettersen, Rosenthal, Valdez, Duran.

**AN ACT**

**CONCERNING A TASK FORCE ON THE TRANSITION OF PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES FROM EDUCATIONAL SERVICES TO HOME- AND COMMUNITY-BASED SERVICES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, **add** 25.5-10-102 as follows:

**25.5-10-102. Transition planning - task force - legislative declaration - report - definitions - repeal.** (1) **THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:**

(a) **CURRENTLY, CHILDREN WITH DISABILITIES BETWEEN THREE AND TWENTY-ONE YEARS OF AGE ARE SERVED BY EDUCATIONAL PROVIDERS UNDER PART B OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400. THIS ACT ENSURES THAT CHILDREN WITH DISABILITIES HAVE A FREE AND APPROPRIATE PUBLIC EDUCATION TO PREPARE THEM FOR FURTHER EDUCATION, EMPLOYMENT, AND INDEPENDENT LIVING.**

(b) **ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES OVER TWENTY-ONE YEARS OF AGE ARE SERVED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING THROUGH HOME- AND COMMUNITY-BASED SERVICES WAIVER PROGRAMS INTENDED TO PROVIDE ADDITIONAL SUPPORTS TO THESE ADULTS TO ALLOW THEM TO REMAIN LIVING IN THE COMMUNITY;**

(c) **CHILDREN WITH DISABILITIES AND THEIR PARENTS EXPERIENCE DIFFICULTIES IN TRANSITIONING FROM RECEIVING SERVICES IN THE EDUCATIONAL SETTING TO RECEIVING SERVICES THROUGH THE DEPARTMENT OF HEALTH CARE POLICY AND**

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

FINANCING;

(d) ADDITIONALLY, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING HAS NO WAY OF DETERMINING THE NUMBER OF CHILDREN WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO WILL BE TRANSITIONING INTO ITS SYSTEM; AND

(e) IT IS THEREFORE APPROPRIATE TO CONVENE A TASK FORCE COMPOSED OF INTERESTED PARTIES TO DETERMINE WHAT CAN BE DONE TO EASE THE TRANSITION FROM THE EDUCATIONAL SETTING AND TO INFORM THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OF THE NUMBER OF CHILDREN WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO MAY BE IN NEED OF ITS SERVICES IN ANY YEAR.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "INDIVIDUALIZED EDUCATION PROGRAM" OR "IEP" MEANS A WRITTEN STATEMENT FOR A CHILD WITH A DISABILITY THAT IS DEVELOPED, REVIEWED, AND REVISED IN ACCORDANCE WITH PART 1 OF ARTICLE 20 OF TITLE 22 AND THE RULES PROMULGATED BY THE STATE BOARD OF EDUCATION.

(b) "TASK FORCE" MEANS THE TASK FORCE FOR TRANSITION PLANNING CREATED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(c) "TRANSITION" MEANS THE TRANSITION FROM AN EDUCATIONAL SETTING TO A HOME- AND COMMUNITY-BASED SETTING.

(3) (a) THERE IS CREATED IN THE OFFICE THE TASK FORCE FOR TRANSITION PLANNING TO MAKE RECOMMENDATIONS ON IMPROVEMENTS FOR THE TRANSITION OF INDIVIDUALS WITH DISABILITIES WHO ARE RECEIVING SERVICES AND SUPPORTS IN AN EDUCATIONAL SETTING TO RECEIVING SERVICES AND SUPPORTS THROUGH HOME- AND COMMUNITY-BASED SERVICES UNDER THIS TITLE 25.5. THE TASK FORCE CONSISTS OF:

(I) THE DIRECTOR OF COMMUNITY LIVING, OR THE DIRECTOR'S DESIGNEE;

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, OR THE DIRECTOR'S DESIGNEE;

(III) THE COMMISSIONER OF EDUCATION, OR THE COMMISSIONER'S DESIGNEE;

(IV) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF SCHOOL BOARDS, APPOINTED BY THE ORGANIZATION;

(V) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION REPRESENTING PRACTICING DIRECTORS OF SPECIAL EDUCATION, APPOINTED BY THE ORGANIZATION;

(VI) A REPRESENTATIVE OF COMMUNITY-CENTERED BOARDS, APPOINTED BY THE DIRECTOR OF COMMUNITY LIVING;

(VII) A PROVIDER OF SERVICES UNDER THIS PART 10, APPOINTED BY THE DIRECTOR OF COMMUNITY LIVING;

(VIII) A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;

(IX) A PARENT OR GUARDIAN OF A STUDENT WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, APPOINTED BY THE COMMISSIONER OF EDUCATION;

(X) A REPRESENTATIVE OF AN APPROVED SERVICE AGENCY, APPOINTED BY THE DIRECTOR OF COMMUNITY LIVING; AND

(XI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION ADVOCATING FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, APPOINTED BY THE ORGANIZATION.

(b) IN MAKING THE APPOINTMENTS, THE APPOINTING AUTHORITIES ARE TO CONSIDER THE NEED FOR REPRESENTATION ACROSS ALL GEOGRAPHIC AREAS OF THE STATE.

(c) MEMBERS OF THE TASK FORCE SERVE WITHOUT COMPENSATION, BUT MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES FOR SERVING ON THE TASK FORCE.

(d) THE TASK FORCE SHALL MEET DURING THE INTERIM FOLLOWING THE 2018 REGULAR SESSION OF THE GENERAL ASSEMBLY.

(4) THE TASK FORCE SHALL:

(a) REVIEW THE CURRENT STATUTORY CATEGORIES OF DISABILITY AND SERVICES AND SUPPORTS IN EDUCATION AND IN THIS TITLE 25.5 AND RECOMMEND ALIGNMENT OF THE STATUTORY CATEGORIES;

(b) RECOMMEND MANNERS IN WHICH CASE MANAGERS CAN BE INVOLVED EARLIER IN THE TRANSITION, IN ORDER TO:

(I) IMPROVE PARENTS' OR GUARDIANS' UNDERSTANDING OF THE TRANSITION AND ROLE OF COMMUNITY PROVIDERS IN SERVING THE PARENT'S OR GUARDIAN'S CHILD IN THE FUTURE;

(II) ENSURE GRADUAL TRANSITION BETWEEN THE SCHOOL DISTRICT AND CASE MANAGERS BY FOSTERING RELATIONSHIPS BETWEEN SCHOOL DISTRICT EMPLOYEES, CASE MANAGERS, AND PARENTS AND GUARDIANS; AND

(III) DETERMINE HOW INDIVIDUAL EDUCATION PROGRAMS CAN BE USED TO ASSIST CASE MANAGERS IN THE TRANSITION;

(c) DETERMINE HOW AGGREGATE, NONIDENTIFYING DATA FROM INDIVIDUALIZED EDUCATION PROGRAMS COULD BE USED TO:

(I) IDENTIFY AREAS IN WHICH SERVICES ARE NEEDED AFTER TRANSITION;

(II) FORECAST THE ANNUAL NUMBER OF STUDENTS WITH AN INTELLECTUAL AND

DEVELOPMENTAL DISABILITY WHO MAY TRANSITION; AND

(III) PROJECT FUTURE COSTS AFTER TRANSITION; AND

(d) ON OR BEFORE JANUARY 2, 2019, SUBMIT A REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND THE JOINT BUDGET COMMITTEE, OR ANY SUCCESSOR COMMITTEES.

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2019.

**SECTION 2. Appropriation.** (1) For the 2018-19 state fiscal year, \$109,500 is appropriated to the department of health care policy and financing for use by the executive director's office. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

- (a) \$3,000 for operating expenses; and
- (b) \$106,500 for general professional services and special projects.

**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.

Approved: May 30, 2018