

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 21-0830.01 Jane Ritter x4342

SENATE BILL 21-276

SENATE SPONSORSHIP

Moreno, Hansen, Rankin

HOUSE SPONSORSHIP

Herod and Ransom, McCluskie

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING RESIDENTIAL PLACEMENTS FOR CHILDREN WITH**
102 **INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AND, IN**
103 **CONNECTION 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 county departments of human or social services to apply for the children's habilitation residential program (CHRP) waiver for children with intellectual and developmental disabilities who are referred for placement in the program and show proof of enrollment or denial of eligibility to the department of

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.*

SENATE
2nd Reading Unamended
May 26, 2021

human services when they apply for placement in CHRP. The bill does not guarantee a placement if the child is enrolled in CHRP.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-5-102, **amend**
3 (3)(c), (3)(d), (3)(e), (3)(i), and (3)(j) as follows:

4 **26-5-102. Provision of child welfare services - system reform**
5 **goals - out-of-home placements for children and youth with**
6 **intellectual and developmental disabilities - rules - definition.**

7 (3) (c) On or before December 31, 2018, the state department shall
8 contract with a licensed ~~provider~~ PROVIDERS for the delivery of services
9 to children and youth with intellectual and developmental disabilities who
10 are placed in the program. The state department shall utilize a request for
11 proposal process to define the scope of the contract and to select the
12 licensed ~~provider~~ PROVIDERS. THE PROVIDERS MUST BE APPROVED BY THE
13 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AS SERVICE
14 PROVIDERS FOR CHILDREN ELIGIBLE FOR ENROLLMENT IN THE CHILDREN'S
15 HABILITATION RESIDENTIAL PROGRAM WAIVER ESTABLISHED PURSUANT
16 TO SECTION 25.5-6-903.

17 (d) A county department that wishes to place a child or youth in
18 the program shall submit an application to the state department for
19 review. WITHIN SEVEN DAYS OF MAKING AN APPLICATION TO THE STATE
20 DEPARTMENT FOR PLACEMENT OF A CHILD OR YOUTH IN THE PROGRAM, A
21 COUNTY DEPARTMENT SHALL REFER THE CHILD OR YOUTH TO BE ASSESSED
22 FOR ENROLLMENT IN THE CHILDREN'S HABILITATION RESIDENTIAL
23 PROGRAM, OR ASSIST THE PARENT OR LEGAL GUARDIAN WHO RETAINS
24 LEGAL CUSTODY TO MAKE THE REFERRAL. THE COUNTY DEPARTMENT
25 SHALL PROVIDE TO THE STATE DEPARTMENT EVIDENCE THAT THE COUNTY

1 DEPARTMENT OR THE CHILD'S PARENT OR LEGAL GUARDIAN HAS REFERRED
2 THE CHILD OR YOUTH FOR ENROLLMENT IN THE CHILDREN'S HABILITATION
3 RESIDENTIAL PROGRAM OR EVIDENCE OF EITHER ENROLLMENT IN OR
4 DENIAL OF ENROLLMENT IN THE CHILDREN'S HABILITATION RESIDENTIAL
5 PROGRAM, DEPENDING ON WHETHER THE CHILD OR YOUTH IS ELIGIBLE OR
6 INELIGIBLE FOR SUCH ENROLLMENT. The state department shall approve
7 admissions into the program and determine discharge criteria for each
8 placement. ENROLLMENT OF A CHILD OR YOUTH IN THE CHILDREN'S
9 HABILITATION RESIDENTIAL PROGRAM DOES NOT CONSTITUTE AUTOMATIC
10 PLACEMENT WITH A SERVICE PROVIDER CONTRACTED WITH PURSUANT TO
11 SUBSECTION (3)(c) OF THIS SECTION. A county department that has applied
12 for the admission of a child or youth into the program shall MUST be
13 notified in writing of a placement approved by the state department.

14 (e) For the duration of the treatment, as defined in the approval
15 letter from the state department, and for thirty days after the completion
16 of treatment, the ~~county department responsible for the placement of the~~
17 ~~child or youth in the program must be reimbursed by the state department~~
18 ~~for one hundred percent of the costs associated with the approved~~
19 ~~placement~~ STATE DEPARTMENT SHALL REIMBURSE THE PROVIDER
20 DIRECTLY FOR COSTS ASSOCIATED WITH THE PLACEMENT OF A CHILD OR
21 YOUTH IN THE PROGRAM.

22 (i) Entities other than county departments, including but not
23 limited to hospitals, health-care providers, ~~single entry point agencies,~~
24 ~~and community-centered boards~~ AND PROVIDERS OF CASE MANAGEMENT
25 SERVICES, may refer a family to voluntarily apply FOR PLACEMENT WITH
26 A SERVICE PROVIDER CONTRACTED WITH PURSUANT TO SUBSECTION (3)(c)
27 OF THIS SECTION and MAY assist with the application to the state

1 department for admission of the family's child or youth with intellectual
2 and developmental disabilities into the program pursuant to this
3 subsection (3). ~~Such~~ THE applications will be considered if space is
4 available. THE ENTITY MAY REFER THE FAMILY TO A PROVIDER OF CASE
5 MANAGEMENT SERVICES OR ASSIST THE FAMILY WITH THE PROCESS OF
6 ENROLLING THE CHILD OR YOUTH IN THE CHILDREN'S HABILITATION
7 RESIDENTIAL PROGRAM IF THE CHILD OR YOUTH IS ELIGIBLE. However,
8 children and youth with intellectual and developmental disabilities placed
9 by county departments or the state department ~~shall~~ MUST have priority
10 for admission to the program. The state department shall not accept
11 applications for placement of a child or youth who is exclusively insured
12 by private insurance. A child or youth who is dually insured by private
13 insurance and medicaid and whose residential level of care has been
14 denied by private insurance may be eligible for services in the program.
15 A CHILD OR YOUTH WHO IS ELIGIBLE FOR ENROLLMENT IN THE CHILDREN'S
16 HABILITATION RESIDENTIAL PROGRAM MUST BE ENROLLED.

17 (j) ANY FAMILY THAT IS VOLUNTARILY APPLYING FOR PLACEMENT
18 WITH ASSISTANCE FROM any entity defined in subsection (3)(i) of this
19 section ~~that receives placement approval from the state department shall~~
20 ~~contract directly with the provider for such placement and is responsible~~
21 ~~for the costs associated with the placement~~ SHALL WORK DIRECTLY WITH
22 THE PROVIDER TO DETERMINE RESPONSIBILITY FOR PAYMENT.

23 **SECTION 2. Appropriation.** For the 2021-22 state fiscal year,
24 \$1,162,912 is appropriated to the department of human services for use
25 by the division of child welfare. This appropriation is from the general
26 fund and is based on an assumption that the division will require an
27 additional 0.5 FTE. To implement this act, the division may use this

1 appropriation for residential placements for children with intellectual and
2 developmental disabilities. Any money appropriated in this section not
3 expended prior to July 1, 2022, is further appropriated to the division for
4 the 2022-23 state fiscal year for the same purpose.

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