

CHAPTER 229

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**HUMAN SERVICES - SOCIAL SERVICES**

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**SENATE BILL 97-141**

BY SENATORS Wham, Bishop, Hopper, Johnson, Powers, Reeves, Rupert, Tanner, and Weddig;  
also REPRESENTATIVES Epps, Alexander, G. Berry, Chavez, Keller, Leyba, Mace, Musgrave, Schwarz, and Snyder.

**AN ACT**

CONCERNING INDEPENDENT LIVING SERVICES FOR INDIVIDUALS WITH SIGNIFICANT DISABILITIES.

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

**SECTION 1.** Article 8.1 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**ARTICLE 8.1**  
**Independent Living Services**

**26-8.1-101. Legislative declaration.** THE GENERAL ASSEMBLY HEREBY DETERMINES AND DECLARES THAT IT RECOGNIZES OMISSIONS IN THE DELIVERY OF INDEPENDENT LIVING SERVICES TO SIGNIFICANTLY DISABLED INDIVIDUALS AND DESIRES TO REMEDY SUCH INADEQUACIES IN THE DELIVERY SYSTEM THROUGH SERVICES AT THE COMMUNITY LEVEL. TO ADVANCE AND SUPPORT THE INDEPENDENCE OF DISABLED INDIVIDUALS AND TO ASSIST SUCH INDIVIDUALS TO LIVE OUTSIDE OF INSTITUTIONS, THE GENERAL ASSEMBLY HEREBY ENACTS THIS ARTICLE.

**26-8.1-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CROSS-DISABILITY" MEANS, WITH RESPECT TO AN INDEPENDENT LIVING CENTER, THAT A CENTER PROVIDES INDEPENDENT LIVING SERVICES TO INDIVIDUALS REPRESENTING A RANGE OF SIGNIFICANT DISABILITIES AND DOES NOT REQUIRE SPECIFIC SIGNIFICANT DISABILITIES BEFORE DETERMINING THAT AN INDIVIDUAL IS ELIGIBLE FOR INDEPENDENT LIVING SERVICES.

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

(2) "INDEPENDENT LIVING CENTER" MEANS A CONSUMER-CONTROLLED, COMMUNITY-BASED, CROSS-DISABILITY, NONRESIDENTIAL PRIVATE NONPROFIT AGENCY THAT IS DESIGNATED AS AN ELIGIBLE AGENCY UNDER TITLE VII, SECTION 725 OF THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED, AND THAT:

(a) IS DESIGNED AND OPERATED WITHIN A LOCAL COMMUNITY BY INDIVIDUALS WITH DISABILITIES; AND

(b) PROVIDES A REQUIRED CORE OF INDEPENDENT LIVING SERVICES AND PROGRAMS AND AN ARRAY OF EXPANDED SERVICES.

(3) "INDEPENDENT LIVING CORE SERVICES" MEANS:

(a) INFORMATION AND REFERRAL SERVICES;

(b) INDEPENDENT LIVING SKILLS TRAINING;

(c) PEER COUNSELING, INCLUDING CROSS-DISABILITY PEER COUNSELING; AND

(d) INDIVIDUAL AND SYSTEMS ADVOCACY.

(4) "INDEPENDENT LIVING SERVICES" MEANS:

(a) INDEPENDENT LIVING CORE SERVICES; AND

(b) OTHER SERVICES AND ASSISTANCE AS DEFINED IN 34 C.F.R. SEC. 364.4.

(5) "INDIVIDUAL WITH A SIGNIFICANT DISABILITY" MEANS AN INDIVIDUAL WITH A SEVERE PHYSICAL, MENTAL, COGNITIVE, OR SENSORY IMPAIRMENT WHOSE ABILITY TO FUNCTION INDEPENDENTLY IN THE FAMILY OR COMMUNITY OR WHOSE ABILITY TO OBTAIN, MAINTAIN, OR ADVANCE IN EMPLOYMENT IS SUBSTANTIALLY LIMITED AND FOR WHOM THE DELIVERY OF INDEPENDENT LIVING SERVICES WILL IMPROVE THE ABILITY TO FUNCTION, CONTINUE FUNCTIONING, OR MOVE TOWARD FUNCTIONING INDEPENDENTLY IN THE FAMILY OR COMMUNITY OR TO CONTINUE IN EMPLOYMENT.

**26-8.1-103. Functions of state department - appropriations.** (1) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE DEPARTMENT MAY CONTRACT WITH INDEPENDENT LIVING CENTERS FOR INDEPENDENT LIVING CORE SERVICES.

(b) THE EXECUTIVE DIRECTOR SHALL REVIEW EXPENDITURES IN ACCORDANCE WITH THE STANDARDS FOR INDEPENDENT LIVING SERVICES SET BY THE STATE DEPARTMENT PURSUANT TO SECTION 26-8.1-105 AND THE EVALUATION STANDARDS PRESCRIBED IN SECTION 26-8.1-107. THE STATE DEPARTMENT MAY WITHHOLD STATE FUNDS IF THE EXECUTIVE DIRECTOR DETERMINES THAT THE PROGRAMS OF SUCH INDEPENDENT LIVING CENTERS DO NOT COMPLY WITH SAID STANDARDS.

(2) FOR PURPOSES OF ALLOCATING MONEYS UNDER THIS ARTICLE, EACH INDEPENDENT LIVING CENTER SHALL SUBMIT A PROPOSED BUDGET TO THE STATE DEPARTMENT WHICH SHALL INCLUDE PROPOSED EXPENDITURES, INCLUDING PROPOSED EXPENDITURES FOR SERVICES THAT THE CENTER INTENDS TO PROVIDE.

**26-8.1-104. Written plan - consumer choice.** EACH INDEPENDENT LIVING CENTER SHALL MAINTAIN AN INDIVIDUAL CONSUMER SERVICE RECORD INDICATING THE CONSUMER'S CHOICE OF SERVICES, INCLUDING AN INDIVIDUALIZED INDEPENDENT LIVING PLAN REGARDING THE CONSUMER'S CHOICE OF SERVICES OR A WRITTEN WAIVER OF SUCH PLAN.

**26-8.1-105. Rules.** THE STATE DEPARTMENT SHALL PROMULGATE RULES SETTING FORTH STANDARDS FOR LEVELS AND TYPES OF CORE SERVICES WHICH SHALL BE IN COMPLIANCE WITH FEDERAL RULES AS DEFINED IN TITLE VII, SECTION 725 OF THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED. THE STATE DEPARTMENT SHALL ALSO ADOPT RULES THAT SET STANDARDS FOR CERTIFICATION OF INDEPENDENT LIVING CENTERS AND SHALL REQUIRE THAT ANY CENTER MUST BE DESIGNATED AS AN ELIGIBLE AGENCY UNDER TITLE VII, SECTION 725 OF THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED, AND MUST MEET ALL FEDERAL REQUIREMENTS FOR INDEPENDENT LIVING CENTERS.

**26-8.1-106. State plan.** THE STATEWIDE INDEPENDENT LIVING COUNCIL CREATED PURSUANT TO THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED, SHALL DEVELOP AND REVISE THE STATE PLAN FOR INDEPENDENT LIVING TO REFLECT THE PROVISIONS OF THIS ARTICLE.

**26-8.1-107. Approval of independent living centers - evaluation standards.**

(1) THE FOLLOWING REQUIREMENTS SHALL BE MET BY EACH INDEPENDENT LIVING CENTER AS A CONDITION OF THE APPROVAL OF ITS PROGRAM:

(a) THE PROGRAM SHALL BE UNDER THE CONTROL AND DIRECTION OF A BOARD OF DIRECTORS OR TRUSTEES OF A NONPROFIT CORPORATION, THE MEMBERS OF WHICH SHALL BE PERSONS WITH A DEMONSTRATED INTEREST IN PROGRAMS FOR PERSONS WITH DISABILITIES AND FIFTY-ONE PERCENT OR MORE OF THE MEMBERS OF THE BOARD SHALL BE PERSONS WITH DISABILITIES;

(b) THE INDEPENDENT LIVING CENTER SHALL BE STAFFED WITH FIFTY-ONE PERCENT OR MORE OF PERSONS WITH DISABILITIES;

(c) THE INDEPENDENT LIVING CENTER SHALL COMPLY WITH ALL OF THE PROVISIONS OF THIS ARTICLE AND THE RULES PROMULGATED THEREUNDER.

(2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, EACH INDEPENDENT LIVING CENTER, AS A CONDITION OF APPROVAL OF ITS PROGRAM BY THE STATE DEPARTMENT, SHALL AGREE TO COMPLY WITH THE FOLLOWING EVALUATION STANDARDS:

(a) **Philosophy.** THE INDEPENDENT LIVING CENTER SHALL PROMOTE AND PRACTICE THE INDEPENDENT LIVING PHILOSOPHY OF:

(I) CONSUMER CONTROL OF THE CENTER REGARDING DECISION-MAKING, SERVICE DELIVERY, MANAGEMENT, AND ESTABLISHMENT OF THE POLICY AND DIRECTION OF THE CENTER;

(II) SELF-HELP AND SELF-ADVOCACY;

(III) DEVELOPMENT OF PEER RELATIONSHIPS AND PEER ROLE MODELS;

(IV) EQUAL ACCESS OF INDIVIDUALS WITH SIGNIFICANT DISABILITIES TO ALL OF THE CENTER'S SERVICES, PROGRAMS, ACTIVITIES, RESOURCES, AND FACILITIES, WHETHER PUBLICLY OR PRIVATELY FUNDED, WITHOUT REGARD TO THE TYPE OF SIGNIFICANT DISABILITY OF THE INDIVIDUAL; AND

(V) PROMOTING EQUAL ACCESS OF INDIVIDUALS WITH ALL TYPES OF SIGNIFICANT DISABILITIES TO ALL SERVICES, PROGRAMS, ACTIVITIES, RESOURCES, AND FACILITIES IN THE COMMUNITY, WHETHER PUBLIC OR PRIVATE, AND REGARDLESS OF FUNDING SOURCE, ON THE SAME BASIS THAT ACCESS IS PROVIDED TO OTHER INDIVIDUALS WITH DISABILITIES AND TO INDIVIDUALS WITHOUT DISABILITIES.

(b) **Provision of services.** THE INDEPENDENT LIVING CENTER SHALL PROVIDE INDEPENDENT LIVING SERVICES TO INDIVIDUALS WITH A RANGE OF SIGNIFICANT DISABILITIES. THE INDEPENDENT LIVING CENTER SHALL PROVIDE INDEPENDENT LIVING SERVICES ON A CROSS-DISABILITY BASIS. THE INDEPENDENT LIVING CENTER SHALL DETERMINE ELIGIBILITY FOR INDEPENDENT LIVING SERVICES AND SHALL NOT EXCLUDE ELIGIBILITY ON THE PRESENCE OF ANY ONE SPECIFIC SIGNIFICANT DISABILITY.

(c) **Independent living goals.** THE INDEPENDENT LIVING CENTER SHALL FACILITATE THE DEVELOPMENT AND ACHIEVEMENT OF INDEPENDENT LIVING GOALS SELECTED BY INDIVIDUALS WITH SIGNIFICANT DISABILITIES WHO SEEK ASSISTANCE IN THE DEVELOPMENT AND ACHIEVEMENT OF INDEPENDENT LIVING GOALS FROM THE CENTER.

(d) **Community options.** THE INDEPENDENT LIVING CENTER SHALL CONDUCT OUTREACH AND ACTIVITIES TO INCREASE THE AVAILABILITY AND IMPROVE THE QUALITY OF COMMUNITY OPTIONS FOR INDEPENDENT LIVING TO FACILITATE THE DEVELOPMENT AND ACHIEVEMENT OF INDEPENDENT LIVING GOALS BY INDIVIDUALS WITH SIGNIFICANT DISABILITIES.

(e) **Independent living core services.** THE INDEPENDENT LIVING CENTER SHALL PROVIDE INDEPENDENT LIVING CORE SERVICES AND, AS APPROPRIATE, A COMBINATION OF ANY OF THE OTHER INDEPENDENT LIVING SERVICES REFERRED TO IN SECTION 26-8.1-102 (4) (b).

(f) **Activities to increase community capacity.** THE INDEPENDENT LIVING CENTER SHALL CONDUCT ACTIVITIES TO INCREASE THE CAPACITY OF COMMUNITIES WITHIN THE SERVICE AREA OF THE CENTER TO MEET THE NEEDS OF INDIVIDUALS WITH SIGNIFICANT DISABILITIES.

(g) **Resource development activities.** THE INDEPENDENT LIVING CENTER SHALL CONDUCT RESOURCE DEVELOPMENT ACTIVITIES TO OBTAIN FUNDING FROM SOURCES OTHER THAN FEDERAL AND STATE SOURCES.

(3) THE INDEPENDENT LIVING CENTER SHALL SUBMIT ANNUALLY TO THE STATE DEPARTMENT A PERFORMANCE REPORT THAT PROVIDES EVIDENCE THAT THE CENTER HAS MET THE EVALUATION STANDARDS SET FORTH IN SUBSECTION (2) OF THIS SECTION.

**26-8.1-108. Acceptance of federal grants.** THE EXECUTIVE DIRECTOR IS AUTHORIZED TO ACCEPT, ON BEHALF OF THE STATE, ANY GRANTS OF FEDERAL FUNDS MADE AVAILABLE FOR ANY PURPOSES CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE. AS INDICATED IN THE GENERAL APPROPRIATIONS ACT, THE EXECUTIVE DIRECTOR, WITH THE APPROVAL OF THE GOVERNOR, HAS THE POWER TO DIRECT THE DISPOSITION OF ANY SUCH GRANTS SO ACCEPTED IN CONFORMITY WITH THE TERMS AND CONDITIONS UNDER WHICH GIVEN.

**SECTION 2.** 26-1-201 (1) (m), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**26-1-201. Programs administered - services provided - department of human services.** (1) This section specifies the programs to be administered and the services to be provided by the department of human services. These programs and services include the following:

(m) Independent living ~~rehabilitation~~ programs, as specified in article 8.1 of this title;

**SECTION 3. Statement of intent.** It is the intent of the general assembly that the general fund appropriation for fiscal year 1997-98 in the long appropriation act to the department of human services, division of vocational rehabilitation, for independent living grants, be appropriated only to the independent living centers that are certified by the state department as of June 1, 1997, and that such appropriation be distributed in equal amounts to each of those centers.

**SECTION 4. 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 28, 1997