

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

DRAFT  
5.21.20

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LLS NO. 20-1282.01 Jerry Barry x4341

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC: "Repeal Report On Increase Rate For Direct Support"**

**A BILL FOR AN ACT**

101 CONCERNING THE REPEAL OF THE REQUIREMENT THAT SERVICE  
102 PROVIDERS REPORT ON THE USE OF MONEY TO INCREASE THE  
103 REIMBURSEMENT RATE TO DIRECT SUPPORT PROFESSIONALS.

**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.** Under current law, following the 2019-20 and 2020-21 fiscal years, service agencies serving persons with intellectual and developmental disabilities are required to report to the department of health care policy and financing how they used a funding increase intended to increase compensation for direct support

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

professionals. The bill repeals this reporting requirement.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-6-406, **amend**  
3 (2)(f) and (2)(h) as follows:

4 **25.5-6-406. Appropriations - reimbursement for services -**  
5 **direct support professionals - legislative declaration - definitions.**

6 (2) (f) (I) FOR THE 2018-19 THROUGH 2020-21 FISCAL YEARS, service  
7 agencies shall track ~~and report~~ how they used the funding resulting from  
8 the increase in the reimbursement rate pursuant to subsection (2)(c) of  
9 this section using a reporting tool developed by the state department in  
10 collaboration with service agencies. On or before December 31, 2019,  
11 service agencies shall submit the report to the state department  
12 demonstrating how the funding was used to increase direct support  
13 professional compensation for the 2018-19 fiscal year. ~~On or before~~  
14 ~~December 31, 2020, and December 31, 2021, service agencies shall~~  
15 ~~report to the state department how they maintained increases in~~  
16 ~~compensation for direct support professionals for the 2019-20 and~~  
17 ~~2020-21 fiscal years, respectively.~~ The state department shall have  
18 ongoing discretion to request information from service agencies  
19 demonstrating how they maintained increases in compensation for direct  
20 support professionals beyond the three-year ~~reporting~~ TRACKING period.

21 (II) Service agencies shall maintain all books, documents, papers,  
22 accounting records, and other evidence required to support the ~~reporting~~  
23 TRACKING of payroll information for increased compensation to direct  
24 support professionals pursuant to subsection (2)(f)(I) of this section for  
25 at least three years from the ~~reporting deadlines described in subsection~~

1 ~~(2)(f)(I) of this section for~~ END OF each respective fiscal year. Service  
2 agencies shall make the information and materials available for  
3 inspection by the state department or its designees at all reasonable times.

4 (h) If the state department determines that the service agency did  
5 not use the funding resulting from the increase in the reimbursement rate  
6 pursuant to subsection (2)(c) of this section as required, within one year  
7 after the ~~close of each reporting period~~ END OF EACH FISCAL YEAR  
8 described in subsection (2)(f)(I) of this section, the state department shall  
9 notify the service agency in writing of the state department's intention to  
10 recoup funds pursuant to subsection (2)(g) of this section.

11 **SECTION 2. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, or safety.