

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public & Behavioral Health & Human Services.

SB21-039 be amended as follows:

1 Amend reengrossed bill, page 4, strike lines 6 and 7, and substitute "ON
2 OR BEFORE JUNE 30, 2021, SHALL, ON OR BEFORE JULY 1, 2021, SUBMIT
3 DATA FOR INDIVIDUALS CURRENTLY EMPLOYED IN SUBMINIMUM WAGE
4 JOBS TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN A
5 MANNER DETERMINED BY THE DEPARTMENT OF HEALTH CARE POLICY AND
6 FINANCING AND SHALL INCLUDE:

7 (A) THE NUMBER OF INDIVIDUALS CURRENTLY EMPLOYED IN
8 SUBMINIMUM WAGE JOBS BY THE EMPLOYER;

9 (B) THE NUMBER OF HOURS PER WEEK WORKED BY EACH
10 INDIVIDUAL EMPLOYED IN SUBMINIMUM WAGE JOBS; AND

11 (C) THE WAGES PER HOUR OR PIECE RATE EARNED BY EACH
12 INDIVIDUAL EMPLOYED IN SUBMINIMUM WAGE JOBS.

13 (II) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
14 SHALL COMPILE AND SUMMARIZE THE DATA SUBMITTED PURSUANT TO
15 SUBSECTION (2)(c)(I) OF THIS SECTION AND MAKE THE SUMMARY
16 AVAILABLE TO THE PUBLIC ON OR BEFORE JUNE 30, 2022.

17 (III) ON OR BEFORE JUNE 30, 2022, EACH EMPLOYER THAT HOLDS
18 A SPECIAL CERTIFICATE ISSUED ON OR BEFORE JUNE 30, 2021, SHALL
19 SUBMIT A TRANSITION PLAN TO THE DEPARTMENT OF HEALTH CARE POLICY
20 AND FINANCING DETAILING HOW THE".

21 Page 4, line 13, strike "(II)" and substitute "(IV)".

22 Page 4, line 16, after "DEPARTMENT" insert "OF HEALTH CARE POLICY AND
23 FINANCING".

24 Page 4, line 19, strike "APPLICABLE. THE" and substitute "APPLICABLE,
25 AND HONOR THE PERSONAL CHOICE OF INDIVIDUALS CURRENTLY WORKING
26 IN SUBMINIMUM WAGE JOBS AS IDENTIFIED THROUGH THE
27 PERSON-CENTERED CAREER DEVELOPMENT PLANNING PROCESS DESCRIBED
28 IN SECTION 8-84-301 (2). THE TRANSITION PLAN AND EACH ANNUAL
29 UPDATE MUST INCLUDE THE DATA OUTLINED IN SUBSECTION (2)(c)(I) OF
30 THIS SECTION UPDATED AS OF THE DATE OF SUBMISSION AND THE DATA
31 COLLECTED PURSUANT TO THIS SUBSECTION (2)(c)(IV). THE DEPARTMENT
32 OF HEALTH CARE POLICY AND FINANCING SHALL COMPILE AND SUMMARIZE
33 THE DATA AND MAKE THE SUMMARY AVAILABLE TO THE PUBLIC ON AN
34 ANNUAL BASIS IN COMPLIANCE WITH FEDERAL AND STATE PRIVACY LAWS
35 INCLUDING THE "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY
36 ACT OF 1996", AS AMENDED, 42 U.S.C. SEC. 1320d TO 1320d-9. THE
37 TRANSITION PLAN AND EACH ANNUAL UPDATE MUST INCLUDE:

38 (A) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT

1 PRIOR SUBMISSION OF DATA, HAVE MOVED TO ANOTHER PROVIDER
2 AGENCY NOT AFFILIATED WITH THE EMPLOYER;

3 (B) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT
4 PRIOR SUBMISSION OF DATA, HAVE TRANSITIONED TO COMPETITIVE
5 INTEGRATED EMPLOYMENT AS DEFINED IN SECTION 8-84-301 (3);

6 (C) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT
7 PRIOR SUBMISSION OF DATA, HAVE TRANSITIONED TO SUPPORTED
8 EMPLOYMENT THAT DOES NOT MEET THE DEFINITION OF COMPETITIVE
9 INTEGRATED EMPLOYMENT;

10 (D) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT
11 PRIOR SUBMISSION OF DATA, HAVE TRANSITIONED TO INTEGRATED
12 COMMUNITY ACTIVITIES RELATED TO THE INDIVIDUAL'S EMPLOYMENT
13 GOALS, INCLUDING INDIVIDUALIZED CAREER EXPLORATION ACTIVITIES;

14 (E) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT
15 PRIOR SUBMISSION OF DATA, HAVE TRANSITIONED TO
16 NON-EMPLOYMENT-RELATED DAY SERVICES; AND

17 (F) FOR INDIVIDUALS INCLUDED IN SUBSECTIONS (2)(c)(IV)(B)
18 AND (2)(c)(IV)(C) OF THIS SECTION, THE NUMBER OF HOURS PER WEEK
19 WORKED BY EACH INDIVIDUAL AND THE WAGES PER HOUR EARNED BY
20 EACH INDIVIDUAL.

21 (V) THE".

22 Page 4, line 20, after "DEPARTMENT" insert "OF HEALTH CARE POLICY AND
23 FINANCING".

24 Page 5, after line 1 insert:

25 "(VI) EACH ANNUAL UPDATE OF THE TRANSITION PLAN MUST
26 DEMONSTRATE PROGRESS TOWARD ITS IDENTIFIED BENCHMARKS. THE
27 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL ASSESS
28 EACH EMPLOYER'S ANNUAL PROGRESS AND PROVIDE TECHNICAL
29 ASSISTANCE AS NEEDED. IF AN EMPLOYER FAILS TO DEMONSTRATE
30 PROGRESS TOWARD THE BENCHMARKS IDENTIFIED IN ITS TRANSITION
31 PLAN, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL
32 NOTIFY THE DEPARTMENT OF LABOR AND EMPLOYMENT WHICH MAY ISSUE
33 A COMPLIANCE ORDER TO THE EMPLOYER.

34 (VII) IN ORDER TO ENSURE THAT INDIVIDUALS CURRENTLY
35 WORKING IN SUBMINIMUM WAGE JOBS MAY SUCCESSFULLY TRANSITION TO
36 COMPETITIVE INTEGRATED EMPLOYMENT, SUPPORTED EMPLOYMENT, OR
37 INTEGRATED COMMUNITY ACTIVITIES RELATED TO EACH INDIVIDUAL'S
38 EMPLOYMENT GOALS, THE INDIVIDUAL'S CASE MANAGER MUST OFFER THE
39 INDIVIDUAL THE OPPORTUNITY TO HAVE AN ADVOCATE IDENTIFIED AND
40 SELECTED BY THE INDIVIDUAL PRESENT DURING THE INDIVIDUAL'S SERVICE
41 PLAN MEETINGS WHERE EMPLOYMENT SERVICES ARE DISCUSSED. THE CASE

1 MANAGER MUST OFFER AND PROVIDE ASSISTANCE, IF REQUESTED, IN
2 IDENTIFYING AN INDEPENDENT ADVOCATE WHO IS NOT INVOLVED WITH
3 PROVIDING SERVICES OR SUPPORTS TO THE INDIVIDUAL. THE CASE
4 MANAGER SHALL DOCUMENT THE OFFERS OF ASSISTANCE AND THE
5 INDIVIDUAL'S RESPONSES.".

6 Page 5, line 15, after "THE" insert "FEDERAL".

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