

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0414.01 Chelsea Princell x4335

HOUSE BILL 26-1147

HOUSE SPONSORSHIP

Brown,

SENATE SPONSORSHIP

Cutter,

House Committees

Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROCESSES RELATED TO HOST HOMES FOR INDIVIDUALS**
102 **WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.**

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>.)

The bill requires the department of health care policy and financing (HCPF) to establish and the department of public health and environment (CDPHE) to utilize risk criteria to identify certain service agencies to survey.

The bill requires CDPHE to prioritize surveys at service agencies that have a higher risk rating based on the risk criteria established by

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

HCPF.

The bill requires HCPF to establish a statewide database containing information about host homes and their associated service agencies. The database must be made available and accessible by host home providers, service agencies, and CDPHE and must be made available for viewing by the public.

The bill requires HCPF to make a complaint form publicly available on its website for use by the public and requires the website to allow a person to submit a complaint electronically.

The bill requires HCPF to establish a process for tracking the status of each complaint filed and any records associated with that complaint.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Within the continuum of individual residential services and
5 supports settings, host homes are a specific type of supported living
6 arrangement in which an individual with intellectual and developmental
7 disabilities resides in the private residence of a host home provider whose
8 home is under contract with a service provider agency to deliver
9 individual residential services and supports;

10 (b) Host homes are a subset of individual residential services and
11 supports settings;

12 (c) Individual residential services and supports are home- and
13 community-based service benefits available under the home- and
14 community-based services waiver administered by the Colorado
15 department of health care policy and financing;

16 (d) Individual residential services and supports are designed to
17 ensure that individuals with intellectual and developmental disabilities
18 receive residential supports that promote individualized guidance,
19 habilitation, community inclusion, and health and safety in home settings;

1 (e) Individual residential services and supports include a variety
2 of residential arrangements, including service provider agency-owned or
3 leased homes and host homes, among other arrangements, to meet the
4 unique needs and preferences of participants;

5 (f) The diversity of individual residential services and supports
6 settings, including host homes and other residential options, reflects the
7 state's commitment to person-centered choice, integration in community
8 life, and compliance with the federal home- and community-based
9 services rules that prohibit institutionalization and support
10 community-based placement;

11 (g) While individual residential services and supports settings,
12 including host homes, currently operate under regulatory oversight, there
13 are identified needs for enhanced tracking, monitoring, and coordination
14 to ensure consistent compliance with health, safety, and quality standards
15 and to provide appropriate protections for participants across all settings;

16 (h) Further, the Colorado department of health care policy and
17 financing must allow for appropriate parties to access relevant
18 information in order to enable a more informed choice by participants or
19 potential participants and their families, advocates, and other interested
20 parties;

21 (i) The Colorado department of health care policy and financing
22 and the Colorado department of public health and environment must
23 coordinate to establish standardized requirements for the oversight of host
24 homes and other individual residential services and supports settings,
25 including inspection frequency, reporting mechanisms, data sharing, and
26 corrective action processes where appropriate; and

27 (j) This coordinated oversight framework is necessary to

1 strengthen accountability, ensure health and safety outcomes for home-
2 and community-based services waiver participants, support compliance
3 with state and federal home- and community-based services rules, and
4 promote transparency for individuals, families, providers, and
5 stakeholders.

6 **SECTION 2.** In Colorado Revised Statutes, **add 25.5-6-414** as
7 follows:

8 **25.5-6-414. Individual residential services and supports**
9 **settings for persons with intellectual and developmental disabilities**
10 **- statewide database - risk criteria - complaint process - rules -**
11 **definitions.**

12 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

14 (a) "INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS" MEANS
15 THE RESIDENTIAL SERVICES PROVIDED BY A SERVICE PROVIDER AGENCY TO
16 NO MORE THAN THREE INDIVIDUALS WITHIN ONE RESIDENCE.

17 (b) "INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS SETTING"
18 MEANS A COMMUNITY LIVING RESIDENTIAL SETTING IN WHICH INDIVIDUAL
19 RESIDENTIAL SERVICES AND SUPPORTS ARE PROVIDED TO NO MORE THAN
20 THREE PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
21 AND FOR WHICH A STATE LICENSE IS NOT REQUIRED.

22 (c) "SERVICE PROVIDER AGENCY" MEANS AN ORGANIZATION
23 APPROVED BY THE STATE DEPARTMENT TO PROVIDE OVERSIGHT AND
24 SUPPORT TO AN INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS
25 SETTING TO ENSURE THAT THE CAREGIVERS MEET STATE STANDARDS FOR
26 HEALTH, SAFETY, AND QUALITY OF CARE.

27 (2) (a) THE STATE DEPARTMENT SHALL ESTABLISH A STATEWIDE

1 DATABASE TO ENHANCE THE TRANSPARENCY OF COLORADO'S INDIVIDUAL
2 RESIDENTIAL SERVICES AND SUPPORTS NETWORK. THE PURPOSE OF THE
3 STATEWIDE DATABASE IS TO PROVIDE ACCURATE INFORMATION ABOUT
4 CERTAIN INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS SETTINGS AND
5 THEIR ASSOCIATED SERVICE PROVIDER AGENCIES.

6 (b) THE DATABASE IS FOR USE BY THE STATE DEPARTMENT, THE
7 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND SERVICE
8 PROVIDER AGENCIES.

9 (c) THE DATABASE MUST INCLUDE INFORMATION ON INDIVIDUAL
10 RESIDENTIAL SERVICES AND SUPPORTS SETTINGS. THE STATE DEPARTMENT
11 SHALL DETERMINE WHAT INFORMATION MUST BE COLLECTED ON EACH
12 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS SETTING TYPE FOR
13 INCLUSION IN THE DATABASE. AT A MINIMUM, EACH SERVICE PROVIDER
14 AGENCY MUST SUBMIT THE FOLLOWING INFORMATION FOR EACH COVERED
15 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS SETTING THAT THE
16 SERVICE PROVIDER AGENCY OVERSEES:

17 (I) THE NAME AND CONTACT INFORMATION OF THE INDIVIDUAL
18 RESIDENTIAL SERVICES AND SUPPORTS SETTING, IF APPLICABLE;

19 (II) THE ADDRESS AND LOCATION OF THE INDIVIDUAL RESIDENTIAL
20 SERVICES AND SUPPORTS SETTING;

21 (III) THE NAME OF EACH SERVICE PROVIDER AGENCY THAT THE
22 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS SETTING IS CURRENTLY
23 ASSOCIATED WITH AND THE SERVICE PROVIDER AGENCY'S CONTACT
24 INFORMATION; AND

25 (IV) WHEN APPLICABLE, THE NAME OF EACH SERVICE PROVIDER
26 AGENCY THAT THE INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS
27 SETTING CONTRACTED WITH IN THE PREVIOUS FIVE YEARS AND EACH

1 SERVICE PROVIDER AGENCY'S CONTACT INFORMATION.

2 (d) BEGINNING JULY 1, 2026, AND QUARTERLY THEREAFTER, A
3 SERVICE PROVIDER AGENCY SHALL SUBMIT THE INFORMATION DETAILED
4 IN SUBSECTION (2)(c) OF THIS SECTION TO THE STATE DEPARTMENT.

5 (e) BEGINNING AUGUST 1, 2026, AND QUARTERLY THEREAFTER,
6 THE STATE DEPARTMENT SHALL UPDATE THE DATABASE TO ACCURATELY
7 REFLECT THE INFORMATION SUBMITTED BY A SERVICE PROVIDER AGENCY,
8 AS REQUIRED BY SUBSECTION (2)(d) OF THIS SECTION. THE STATE
9 DEPARTMENT SHALL UPDATE THE DATABASE WITHIN ONE MONTH AFTER
10 RECEIVING THE INFORMATION DETAILED IN SUBSECTION (2)(c) OF THIS
11 SECTION.

12 (f) THE STATE DEPARTMENT SHALL DETERMINE THE
13 CIRCUMSTANCES IN WHICH INFORMATION FROM THE DATABASE MAY BE
14 SHARED WITH MEMBERS OF THE PUBLIC, CONSISTENT WITH ALL
15 APPLICABLE STATE AND FEDERAL PRIVACY AND CONFIDENTIALITY LAWS.

16 (g) INFORMATION FROM THE DATABASE MAY BE PROVIDED TO
17 APPROPRIATE AND AUTHORIZED PARTIES BY THE SERVICE PROVIDER
18 AGENCY WHEN CONSIDERING POTENTIAL PLACEMENT.

19 (5) THE STATE DEPARTMENT MAY ADOPT RULES, AS NECESSARY,
20 TO CARRY OUT THE REQUIREMENTS OF THIS SECTION.

21 (6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REDUCE,
22 LIMIT, OR OTHERWISE DIMINISH THE RIGHTS OF INDIVIDUALS RECEIVING
23 INTELLECTUAL AND DEVELOPMENTAL DISABILITY SERVICES, INCLUDING
24 THE RIGHT TO INFORMED CHOICE OF SETTING CONSISTENT WITH FEDERAL
25 HOME- AND COMMUNITY-BASED SERVICES REQUIREMENTS.

26 **SECTION 3.** In Colorado Revised Statutes, 25.5-10-202, **amend**
27 (22); and **add** (21.5) as follows:

1 **25.5-10-202. Definitions.**

2 As used in this article 10, unless the context otherwise requires:

3 (21.5) "INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS" HAS
4 THE MEANING SET FORTH IN SECTION 25.5-6-414.

5 (22) ~~"Independent residential support services" means a~~
6 ~~community living situation, defined by rule of the state board, in which~~
7 ~~services and supports are provided to no more than three persons with~~
8 ~~intellectual and developmental disabilities and for which a state license~~
9 ~~is not required.~~ "INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS
10 SETTING" HAS THE MEANING SET FORTH IN SECTION 25.5-6-414.

11 **SECTION 4.** In Colorado Revised Statutes, 25.5-10-214, **amend**
12 (1) as follows:

13 **25.5-10-214. Community residential home - licenses - rules.**

14 (1) The department of public health and environment and the state
15 department shall implement a system of joint licensure and certification
16 of community residential homes. ~~Independent residential support services~~
17 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS provided by the state
18 department do not require licensure by the department of public health
19 and environment. AN INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS
20 SETTING MUST BE TREATED AS RESIDENTIAL PROPERTY IN THE
21 APPLICATION OF LOCAL REGULATIONS, INCLUDING ZONING, LAND USE
22 DEVELOPMENT, FIRE AND LIFE SAFETY, SANITATION, AND BUILDING CODES.
23 LOCAL GOVERNING AUTHORITIES SHALL NOT IMPOSE ADDITIONAL
24 REGULATIONS ON AN INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS
25 SETTING THAT DO NOT APPLY TO OTHER RESIDENTIAL PROPERTIES.

26 **SECTION 5. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions.