

CHAPTER 44

HEALTH AND ENVIRONMENT

HOUSE BILL 20-1038

BY REPRESENTATIVE(S) Arndt and Van Winkle, McKean, Valdez D., Bird, Michaelson Jenet, Sandridge, Young;
also SENATOR(S) Woodward and Moreno, Tate, Zenzinger, Crowder, Scott.

AN ACT

CONCERNING CERTAIN CONFORMING AMENDMENTS NECESSITATED BY THE TRANSFER OF CERTAIN PROGRAMS TO THE DEPARTMENT OF HUMAN SERVICES FROM THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO HOUSE BILL 13-1117.

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

SECTION 1. Legislative declaration. The general assembly declares that the purpose of this act is to repeal obsolete statutory provisions relating to the Colorado department of public health and environment. The general assembly further declares that repealing these statutory provisions does not alter the scope or applicability of the remaining statutes.

SECTION 2. In Colorado Revised Statutes, **repeal** 25-20.5-101 as follows:

25-20.5-101. Legislative declaration. ~~(1) The general assembly hereby finds that:~~

~~(a) The state operates or state agencies provide funding for a wide variety of prevention, intervention, and treatment programs designed to assist youth in achieving an education, in making informed choices about their health and well-being, in avoiding the juvenile and criminal justice systems, and, generally, in becoming healthy, law-abiding, contributing members of society;~~

~~(b) These prevention, intervention, and treatment programs are operated by or funded through several departments within the executive branch, and this high degree of decentralization often makes communications between and among these departments and programs difficult;~~

~~(c) There is some overlap among prevention, intervention, and treatment~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

programs, sometimes resulting in the potentially inefficient use of state resources which may result in the provision of fewer services to youth;

~~(d) The dispersion of prevention, intervention, and treatment programs among state departments makes it difficult for both state employees and the public to determine what programs are available and what services are provided through prevention, intervention, and treatment programs that are operated by or funded through state agencies;~~

~~(e) The term limitations placed on persons who serve in public office, including members of the general assembly, make it increasingly important that information concerning the existence, funding, and operation of prevention, intervention, and treatment programs for youth be readily accessible;~~

~~(f) In the area of prevention, intervention, and treatment services, there is a critical need for local and state programs to overcome barriers and the categorical requirements of various funding sources in order to design and implement programs that provide a more comprehensive response to the needs of Colorado youth;~~

~~(g) Research demonstrates that program coordination among multiple systems for the purpose of improving prevention, intervention, and treatment services results in significant positive outcomes;~~

~~(h) A unified, coordinated response to community-based programs for the delivery of prevention, intervention, and treatment services has proven to be an effective and efficient state response to local programs and their needs.~~

~~(2) The general assembly therefore finds that it is in the best interests of the youth and families of the state to create a single division in the department of public health and environment to operate prevention and intervention programs and to oversee the provision of prevention, intervention, and treatment services through federally and state-funded prevention, intervention, and treatment programs to ensure collaboration among programs and the availability of a continuum of services for youth.~~

SECTION 3. In Colorado Revised Statutes, 25-20.5-102, **amend** the introductory portion; and **repeal** (6) as follows:

25-20.5-102. Definitions. As used in this ~~article~~ ARTICLE 20.5, unless the context otherwise requires:

~~(6) "State plan" means the state plan for delivery of prevention, intervention, and treatment services to youth throughout the state adopted by the division pursuant to section 25-20.5-105.~~

SECTION 4. In Colorado Revised Statutes, 25-20.5-104, **amend** (1)(g); and **repeal** (1)(a) and (1)(b) as follows:

25-20.5-104. Functions of division. (1) The division has the following functions:

(a) ~~On or before February 1, 2001, to submit to the executive director and to the governor for approval a state plan for delivery of prevention, intervention, and treatment services to youth throughout the state as provided in section 25-20.5-105, and to biennially review the state plan and submit revisions as provided by rule of the state board of health to the executive director and the governor for approval;~~

(b) ~~To identify performance indicators for prevention, intervention, and treatment programs based on the standards adopted by the state board of health pursuant to section 25-20.5-106 (2)(d), and to review, as provided in section 25-20.5-108, all prevention, intervention, and treatment programs operated by the division and by other state departments;~~

(g) ~~To periodically review the federal funding guidelines for federal prevention, intervention, and treatment programs and to seek the maximum flexibility in the use of federal moneys MONEY in funding prevention, intervention, and treatment programs; provided through the state plan;~~

SECTION 5. In Colorado Revised Statutes, **repeal** 25-20.5-105 as follows:

25-20.5-105. State plan for delivery of prevention, intervention, and treatment services to youth - contents. ~~(1) On or before February 1, 2001, the division shall submit to the governor and the executive director for approval a state plan for delivery of prevention, intervention, and treatment services to youth throughout the state. The state plan shall apply to all prevention, intervention, and treatment programs that receive state or federal funds and are operated within the state. The state plan shall be designed to coordinate and provide direction for the delivery of prevention, intervention, and treatment services through the various prevention and intervention programs operated by the division and the prevention, intervention, and treatment programs operated by other state departments and to ensure collaboration among programs that results in a continuum of services available to youth throughout the state. At a minimum, the state plan shall:~~

~~(a) Target and prioritize community prevention, intervention, and treatment services needs throughout the state;~~

~~(b) Specify the standards for and measurable outcomes anticipated to be achieved by prevention, intervention, and treatment programs that receive state and federal funds and the outcomes to be achieved through the coordination of said prevention, intervention, and treatment programs;~~

~~(c) Identify all state- and community-based prevention, intervention, and treatment programs that are receiving state and federal funds during the fiscal years for which the plan is submitted and the schedule for review of said prevention, intervention, and treatment programs;~~

~~(d) Identify the methods by which the division shall encourage collaboration at the local level among public and private entities, including but not limited to private for-profit and nonprofit providers and faith-based services providers, in providing prevention, intervention, and treatment services;~~

~~(e) Include any other information required by rule of the state board of health.~~

~~(2) The division shall biennially review and revise the state plan as necessary to ensure the most efficient and effective delivery of prevention, intervention, and treatment services throughout the state. The division shall submit any revised state plan as provided by rule of the state board of health to the governor and the executive director for approval.~~

~~(3) In preparing the state plan and biennial revisions to the state plan, the division shall hold at least two public meetings to receive input from members of the public and from state agencies and entities operating prevention, intervention, and treatment programs.~~

~~(4) On or before March 15, 2001, the governor and the executive director shall submit copies of the approved state plan to the general assembly, to each state department that operates a prevention, intervention, and treatment program, and to each entity that will receive state or federal funds for the operation of a prevention, intervention, and treatment program during the fiscal years for which the state plan is prepared. The division shall provide copies of the approved state plan to any person upon request. The governor and the executive director shall submit copies of any approved revised state plans as provided by rule of the state board of health.~~

SECTION 6. In Colorado Revised Statutes, **repeal** 25-20.5-106 as follows:

25-20.5-106. State board of health - rules - program duties. ~~(1) The state board of health created in section 25-1-103 shall promulgate rules as necessary for the operation of the division, including but not limited to rules establishing the time frames for review of the state plan and submittal of any revised state plan to the governor and the executive director and to the entities specified in section 25-20.5-105 (4).~~

~~(2) The state board of health also shall adopt rules for the uniform operation of federally and state-funded prevention, intervention, and treatment programs. In adopting such rules, the board shall take into account prevention, intervention, and treatment programs' need for responsiveness and flexibility and their need for procedures and standards that will ensure the provision of programs that meet a high standard of excellence. At a minimum such rules must include:~~

~~(a) Standardized procedures for the operation of prevention, intervention, and treatment programs, including but not limited to:~~

~~(I) The use of a system whereby entities may use a single application to seek funding from a variety of prevention, intervention, and treatment programs;~~

~~(II) The use of uniform application forms promulgated by rule of the state board of health;~~

~~(III) Uniform standards regarding the information to be submitted by entities applying for funding for community-based prevention, intervention, and treatment programs;~~

~~(IV) Uniform application dates to the extent possible for all prevention, intervention, and treatment programs;~~

~~(V) Uniform standards for selecting community-based prevention, intervention, and treatment programs that receive funding through state prevention, intervention, and treatment programs;~~

~~(VI) Uniform monitoring and reporting forms, including rules to ensure that no prevention, intervention, and treatment program is required to submit more than one annual report;~~

~~(VII) A standard database of service providers by location;~~

~~(VIII) Internet access to each prevention, intervention, and treatment program;~~

~~(IX) The ability to submit applications and report submissions through the internet; and~~

~~(X) The use of contracts to combine multiple state and federal funding sources provided by or through various state agencies as a single funding grant to a prevention, intervention, and treatment program;~~

~~(b) Uniform, minimum standards for prevention, intervention, and treatment programs, including but not limited to requirements that each prevention, intervention, and treatment program that receives state or federal funds:~~

~~(I) Provide research-based prevention, intervention, and treatment services that have been previously implemented in one or more communities with demonstrated success or that otherwise demonstrate a reasonable potential for success; and~~

~~(II) Provide outcome-based prevention, intervention, and treatment services, specifying the outcomes to be achieved; and~~

~~(III) Work collaboratively with other public and private prevention, intervention, and treatment programs in the community and with local governments, county, district, and municipal public health agencies, county departments of human or social services, and faith-based organizations in the community;~~

~~(c) Uniform standards and procedures for reviewing state and local prevention, intervention, and treatment programs that receive state or federal funds;~~

~~(d) Performance standards and measurable outcomes for state and local prevention, intervention, and treatment programs that receive state or federal funds;~~

~~(e) Criteria for determining whether a program operated by a state agency constitutes a prevention, intervention, and treatment program;~~

~~(f) A formula for calculating the amount forwarded to the division by each prevention, intervention, and treatment program to offset the costs incurred by the division in reviewing the programs.~~

~~(3) The state board of health shall act as the program board for the oversight of the prevention and intervention programs operated by the division.~~

~~(4) In addition to any other duties specified in law, the state board of health shall have the following duties:~~

~~(a) Repealed.~~

~~(b) To assist division personnel in working with communities and local elected officials to identify the communities' prevention, intervention, and treatment services needs;~~

~~(c) To assist division personnel in reviewing the performance of prevention, intervention, and treatment programs created in this article.~~

SECTION 7. In Colorado Revised Statutes, **repeal** 25-20.5-107 as follows:

25-20.5-107. Memoranda of understanding - duties of executive director - program meetings. ~~(1) The executive director shall enter into a memorandum of understanding, as described in subsection (2) of this section, with each state agency that operates a prevention, intervention, and treatment program, as identified by the division pursuant to criteria adopted by rule of the state board of health.~~

~~(2) On or before July 1, 2001, each state agency that operates a prevention, intervention, and treatment program, as identified by the division based on criteria adopted by rule of the state board of health, shall enter into a memorandum of understanding with the executive director and the division through which, at a minimum, the state agency shall agree to:~~

~~(a) Comply with the rules for the operation of prevention, intervention, and treatment programs adopted by the state board of health pursuant to section 25-20.5-106;~~

~~(b) Upon receipt of a grant application, forward a copy of the application to other appropriate prevention, intervention, and treatment programs operated by state agencies for consideration and to collaborate in providing combined program grants to appropriate community-based prevention, intervention, and treatment programs;~~

~~(c) Comply with the prevention, intervention, and treatment program reporting requirements specified in section 25-20.5-108, and to forward a percentage of the program operating funds, as determined by rule, to the division to offset the costs incurred in reviewing the program;~~

~~(d) Seek such federal waivers as may be necessary to allow the agency to combine federal moneys available through various federal prevention, intervention, and treatment programs and to combine said moneys with moneys appropriated to fund state prevention, intervention, and treatment programs to allow the greatest flexibility in awarding combined program funding to community-based prevention, intervention, and treatment programs.~~

~~(3) Any state agency that fails to enter into and comply with a memorandum of understanding as described in subsection (2) of this section shall be ineligible for state funding for operation of a prevention, intervention, and treatment program until such time as the agency enters into and complies with the memorandum of~~

understanding:

(4) The governor is strongly encouraged to deny federal funding for prevention, intervention, and treatment programs to any state agency that fails to enter into and comply with a memorandum of understanding as described in subsection (2) of this section.

(5) Beginning July 1, 2001, the office of legislative legal services shall annually review all bills enacted during a regular or special legislative session and identify any bills that appear to create a prevention, intervention, and treatment program in a state agency other than the division. The office of legislative legal services shall notify the division in writing of the enactment of such bill. Upon receipt of such notice, the division shall determine whether the identified program meets the criteria for a prevention, intervention, and treatment program adopted by rule of the state board of health. If the division determines based on such criteria that the program is a prevention, intervention, and treatment program, it shall notify in writing the state agency in which the program is created of the requirements of this section.

(6) (a) The executive director shall meet at least annually with the governor, or his or her designee, and with the executive directors specified in paragraph (b) of this subsection (6) to review the activities and progress of the division and its interaction with the prevention, intervention, and treatment programs provided by other state agencies. The purpose of the meetings shall be to identify and streamline the prevention, intervention, and treatment programs operated by state agencies, as appropriate to achieve greater efficiencies and effectiveness for the state, for local communities, and for persons receiving services.

(b) The following executive directors shall attend the meetings required under this subsection (6):

(I) ~~(Deleted by amendment, L. 2002, p. 222, § 2, effective April 3, 2002.)~~

(II) The commissioner of education;

(III) and (IV) ~~(Deleted by amendment, L. 2002, p. 222, § 2, effective April 3, 2002.)~~

(V) The executive director of the department of human services;

(VI) and (VII) ~~(Deleted by amendment, L. 2002, p. 222, § 2, effective April 3, 2002.)~~

(VIII) The executive director of the department of public safety; and

(IX) The executive director of the department of transportation.

SECTION 8. In Colorado Revised Statutes, **repeal** 25-20.5-108 as follows:

25-20.5-108. Prevention, intervention, and treatment program requirements - reports - reviews - annual review summary. (1) Each state agency that operates a prevention, intervention, and treatment program, as identified by the division

based on criteria adopted by rule of the state board of health, annually shall submit to the division the following information:

~~(a) The name of, statutory authority for, and funding source for each prevention, intervention, and treatment program operated by the state agency;~~

~~(b) The parameters of each prevention, intervention, and treatment program, including but not limited to the specific, measurable outcomes to be achieved by each prevention, intervention, and treatment program;~~

~~(c) The entities that are receiving funding through each prevention, intervention, and treatment program operated by the state agency, the amount awarded to each entity, and a description of the population served and prevention, intervention, and treatment services provided by each entity.~~

~~(2)(a) Except as otherwise provided in paragraph (b) of this subsection (2), each state agency using state or federal moneys to fund local prevention and intervention programs shall submit an annual report concerning these programs to the division. The state board of health by rule shall specify the time frames, procedures, and form for submittal of the report and the information to be included in the report, which at a minimum shall include:~~

~~(I) A description of the prevention, intervention, and treatment program, including but not limited to the population served, the prevention, intervention, and treatment services provided, and the goals and specific, measurable outcomes to be achieved by the prevention, intervention, and treatment program;~~

~~(II) Evidence of the prevention, intervention, and treatment program's progress in meeting its stated outcomes and goals during the preceding fiscal year and in previous fiscal years, depending on how long the prevention, intervention, and treatment program has been in operation;~~

~~(III) The sources from which the prevention, intervention, and treatment program receives funding and the amount received from each source;~~

~~(IV) A list of any entities that are collaborating in the delivery of prevention, intervention, and treatment services through the program.~~

~~(b) If a community-based prevention, intervention, and treatment program is required to submit an annual report that is comparable to the report described in paragraph (a) of this subsection (2) to a state agency other than the division, the state agency, in lieu of submittal of a report by the prevention, intervention, and treatment program as required in paragraph (a) of this subsection (2), shall forward a copy of the comparable report to the division in accordance with rules adopted by the state board of health. If a forwarded report does not include all of the information specified in paragraph (a) of this subsection (2), the division shall obtain such information directly from the community-based prevention, intervention, and treatment program.~~

~~(3)(a) The division, in accordance with the time frames adopted by rule of the state board of health, but at least every four years, shall review, or cause to be~~

~~reviewed under a contract entered into pursuant to subsection (5) of this section; each state and community-based prevention, intervention, and treatment program operated within this state that receives state or federal funds. The division may establish a schedule for the review of prevention, intervention, and treatment programs pursuant to this subsection (3). The review shall be designed to determine whether the prevention, intervention, and treatment program is meeting its identified goals and outcomes and complying with all requirements of the agency overseeing the operation of the prevention, intervention, and treatment program and the applicable rules adopted by the state board of health pursuant to this article.~~

~~(b) If the division determines that a community-based prevention, intervention, and treatment program is not meeting or making adequate progress toward meeting the outcomes specified for the program or is otherwise failing to comply with statutory or regulatory requirements, the division shall revoke the grant issued to the program, if it was issued by the division, or recommend revocation to the state agency that issued the grant. The entity operating any program for which the grant is revoked may appeal as provided in the "State Administrative Procedure Act", article 4 of title 24, C.R.S.~~

~~(c) If the division determines that a state-operated prevention, intervention, and treatment program is not meeting or making adequate progress toward meeting the outcomes specified for the prevention, intervention, and treatment program or is otherwise failing to comply with statutory or regulatory requirements, the division shall recommend to the governor or to the general assembly, whichever is appropriate, that the prevention, intervention, and treatment program cease receiving state or federal funding.~~

~~(4) The division shall receive a percentage, as determined by rule, of the operating cost of each state prevention, intervention, and treatment program reviewed pursuant to this section to offset the costs incurred by the division in performing such review.~~

~~(5) The division may contract with one or more public or private entities to conduct the reviews of prevention, intervention, and treatment programs and assist in preparing the annual executive summary report as required in this section.~~

~~(6) The division shall annually prepare or oversee the preparation of an executive summary of the prevention, intervention, and treatment program reviews conducted during the preceding year and submit such summary to the governor, to each state department that operates a prevention, intervention, and treatment program, and to each entity that received state or federal funds for operation of a prevention, intervention, and treatment program during the fiscal year for which the summary is prepared. In addition, the division shall provide copies of the summary to any person upon request.~~

SECTION 9. In Colorado Revised Statutes, **repeal** 25-20.5-109 as follows:

25-20.5-109. Programs not included. (1) Notwithstanding any other provisions of this article 20.5 to the contrary, the following programs are not subject to the requirements of this article 20.5:

~~(a) Any juvenile programs operated by the division of youth services in the department of human services;~~

~~(b) Any program operated for juveniles in connection with the state judicial system;~~

~~(c) Any program pertaining to out-of-home placement of children pursuant to title 19, C.R.S.~~

SECTION 10. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 20, 2020