

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 21-0306.01 Shelby Ross x4510

HOUSE BILL 21-1187

HOUSE SPONSORSHIP

Young and Pelton,

SENATE SPONSORSHIP

Winter and Rankin,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE IMPLEMENTATION OF CASE MANAGEMENT REDESIGN**
102 **TO ENSURE CONFLICT-FREE CASE MANAGEMENT FOR MEMBERS**
103 **ELIGIBLE FOR LONG-TERM SERVICES AND SUPPORTS UNDER THE**
104 **MEDICAID PROGRAM.**

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>.)

Current law provides for the establishment of a single entry point system that consists of single entry point agencies throughout the state for the purpose of enabling persons 18 years of age or older in need of

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

1 CONTEXT OTHERWISE REQUIRES:

2 (1) "AUTHORIZED REPRESENTATIVE" MEANS A PERSON
3 DESIGNATED BY THE MEMBER RECEIVING SERVICES, OR BY THE PARENT OR
4 GUARDIAN OF THE MEMBER RECEIVING SERVICES, IF APPROPRIATE, TO
5 ASSIST THE MEMBER IN ACQUIRING OR UTILIZING LONG-TERM SERVICES
6 AND SUPPORTS PURSUANT TO THIS ARTICLE 6 AND ARTICLE 10 OF THIS
7 TITLE 25.5. THE EXTENT OF THE AUTHORIZED REPRESENTATIVE'S
8 INVOLVEMENT MUST BE DETERMINED UPON DESIGNATION.

9 (2) "CASE MANAGEMENT AGENCY" MEANS A PUBLIC OR PRIVATE
10 NOT-FOR-PROFIT OR FOR-PROFIT ORGANIZATION CONTRACTED WITH THE
11 STATE OF COLORADO TO PROVIDE CASE MANAGEMENT SERVICES AND
12 ACTIVITIES.

13 (3) "CASE MANAGEMENT SERVICES" MEANS THE ASSESSMENT OF
14 AN INDIVIDUAL'S NEED FOR LONG-TERM SERVICES AND SUPPORTS; THE
15 DEVELOPMENT AND IMPLEMENTATION OF A PERSON-CENTERED SUPPORT
16 PLAN FOR THE MEMBER; THE COORDINATION, MONITORING, AND DELIVERY
17 OF LONG-TERM SERVICES AND SUPPORTS; THE EVALUATION OF SERVICE
18 EFFECTIVENESS; AND THE REASSESSMENT OF THE MEMBER'S NEEDS, ALL
19 OF WHICH MUST BE PERFORMED BY A CASE MANAGEMENT AGENCY OR AN
20 ENTITY.

21 (4) "CASE MANAGER" MEANS A PERSON WHO PROVIDES CASE
22 MANAGEMENT SERVICES AND ACTIVITIES PURSUANT TO THIS ARTICLE 6
23 AND ARTICLE 10 OF THIS TITLE 25.5 FOR MEMBERS RECEIVING LONG-TERM
24 SERVICES AND SUPPORTS.

25 (5) "COMMUNITY-CENTERED BOARD" MEANS A PRIVATE
26 FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT IS AN
27 ADMINISTRATOR OF LOCALLY GENERATED FUNDING PURSUANT TO SECTION

1 25.5-10-206 (6) AND ACTS AS A RESOURCE FOR PERSONS WITH AN
2 INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR A CHILD WITH A
3 DEVELOPMENTAL DELAY.

4 (6) "CONFLICT-FREE CASE MANAGEMENT" MEANS CASE
5 MANAGEMENT SERVICES AND ACTIVITIES PROVIDED TO A MEMBER
6 ENROLLED IN A HOME- AND COMMUNITY-BASED SERVICES WAIVER BY AN
7 ENTITY OTHER THAN THE ENTITY PROVIDING DIRECT LONG-TERM SERVICES
8 AND SUPPORTS, EXCEPT AS OTHERWISE ALLOWED PURSUANT TO 42 CFR
9 441.301 (c)(1)(vi). SERVICE PROVIDERS, CASE MANAGEMENT AGENCIES,
10 AND ENTITIES ARE RESPONSIBLE FOR ENSURING EMPLOYEES MEET THE
11 REQUIREMENTS OF THIS ARTICLE 6.

12 (7) "DEFINED SERVICE AREA" MEANS THE GEOGRAPHICAL AREA
13 DETERMINED BY THE STATE DEPARTMENT TO BE SERVED BY A CASE
14 MANAGEMENT AGENCY.

15 (8) "ENTITY" MEANS A PUBLIC OR PRIVATE NOT-FOR-PROFIT OR
16 FOR-PROFIT ORGANIZATION, WHICH MAY INCLUDE A
17 COMMUNITY-CENTERED BOARD, THAT HAS A CONTRACT OR AGREEMENT
18 WITH THE STATE OF COLORADO TO PERFORM SPECIFIC FUNCTIONS.

19 (9) "INTELLECTUAL AND DEVELOPMENTAL DISABILITY" HAS THE
20 SAME MEANING AS SET FORTH IN SECTION 25.5-6-403 (3.3)(a).

21 (10) "LONG-TERM SERVICES AND SUPPORTS" MEANS THE SERVICES
22 AND SUPPORTS USED BY MEMBERS OF ALL AGES WITH FUNCTIONAL
23 LIMITATIONS AND CHRONIC ILLNESSES WHO NEED ASSISTANCE TO PERFORM
24 ROUTINE DAILY ACTIVITIES.

25 (11) "MEMBER" MEANS ANY PERSON ENROLLED IN THE STATE
26 MEDICAL ASSISTANCE PROGRAM, ARTICLES 4, 5, AND 6 OF THIS TITLE 25.5,
27 OR THE CHILDREN'S BASIC HEALTH PLAN, ARTICLE 8 OF THIS TITLE 25.5.

1 (12) "PERSON-CENTERED SUPPORT PLAN" MEANS A LONG-TERM
2 SERVICES AND SUPPORTS PLAN THAT IS DIRECTED BY THE MEMBER, OR THE
3 MEMBER'S LEGAL GUARDIAN, AND PREPARED BY THE CASE MANAGER TO
4 IDENTIFY THE SUPPORTS NEEDED FOR THE MEMBER TO ACHIEVE
5 PERSONALLY IDENTIFIED GOALS AND IS BASED ON RESPECTING AND
6 VALUING MEMBER PREFERENCES, STRENGTHS, AND CONTRIBUTIONS.

7 (13) "PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
8 DISABILITY" HAS THE SAME MEANING AS SET FORTH IN SECTION 25.5-6-403
9 (3.3)(b).

10 (14) "SERVICE PROVIDER" MEANS AN AGENCY OR INDIVIDUAL
11 CERTIFIED BY THE STATE DEPARTMENT AND ENROLLED TO PROVIDE ONE
12 OR MORE LONG-TERM SERVICES AND SUPPORTS.

13 (15) "WAITING LIST" HAS THE SAME MEANING AS SET FORTH IN
14 SECTION 25.5-10-202 (38).

15 **25.5-6-1703. Case management system - defined service areas**
16 **- case management services - only willing and qualified provider**
17 **exemption - rules.** (1) NO LATER THAN JULY 1, 2024, THE STATE BOARD
18 SHALL ADOPT RULES PROVIDING FOR THE ESTABLISHMENT OF A CASE
19 MANAGEMENT SYSTEM THAT CONSISTS OF CASE MANAGEMENT AGENCIES
20 THROUGHOUT THE STATE FOR THE PURPOSE OF ENABLING INDIVIDUALS IN
21 NEED OF LONG-TERM CARE TO ACCESS APPROPRIATE LONG-TERM SERVICES
22 AND SUPPORTS. MEMBERS IN NEED OF SPECIALIZED ASSISTANCE MAY BE
23 REFERRED TO OTHER SERVICES OUTSIDE OF LONG-TERM SERVICES AND
24 SUPPORTS, AS NECESSARY FOR ADDITIONAL CARE COORDINATION.

25 (2) NO LATER THAN DECEMBER 31, 2021, THE STATE DEPARTMENT
26 SHALL WORK WITH STAKEHOLDERS TO DEVELOP A TIMELINE FOR THE
27 IMPLEMENTATION OF THIS PART 17.

1 (3) (a) NO LATER THAN DECEMBER 31, 2022, THE STATE
2 DEPARTMENT SHALL ISSUE A COMPETITIVE SOLICITATION IN ORDER TO
3 SELECT CASE MANAGEMENT AGENCIES PURSUANT TO SUBSECTION (1) OF
4 THIS SECTION. THE COMPETITIVE SOLICITATION MUST INCLUDE A
5 REIMBURSEMENT STRUCTURE DEVELOPED THROUGH A FISCAL ANALYSIS.

6 (b) NO LATER THAN JANUARY 31, 2023, THE STATE DEPARTMENT
7 SHALL PROVIDE AN UPDATE ON THE STATUS OF THE IMPLEMENTATION OF
8 THIS PART 17 TO THE JOINT BUDGET COMMITTEE OF THE GENERAL
9 ASSEMBLY AS PART OF ITS ANNUAL PRESENTATION TO THAT COMMITTEE.

10 (4) THE STATE DEPARTMENT SHALL UTILIZE A STAKEHOLDER
11 PROCESS TO IDENTIFY DEFINED SERVICE AREAS FOR CASE MANAGEMENT
12 AGENCIES ACROSS THE STATE.

13 (5) A CASE MANAGEMENT AGENCY MAY PROVIDE CASE
14 MANAGEMENT SERVICES TO PRIVATE PAYING INDIVIDUALS ON A
15 FEE-FOR-SERVICE BASIS AND SHALL PROVIDE CASE MANAGEMENT
16 SERVICES TO MEMBERS OF PUBLICLY FUNDED LONG-TERM SERVICES AND
17 SUPPORTS PROGRAMS, INCLUDING BUT NOT LIMITED TO PROGRAMS
18 CREATED PURSUANT TO THIS ARTICLE 6 AND ARTICLE 10 OF THIS TITLE
19 25.5.

20 (6) WHERE APPLICABLE, THE STATE DEPARTMENT IS AUTHORIZED
21 TO SEEK A FEDERAL EXEMPTION FROM CONFLICT-FREE CASE MANAGEMENT
22 REQUIREMENTS FOR DEFINED SERVICE AREAS WITHIN THE STATE WHERE
23 THE ONLY WILLING AND QUALIFIED ENTITY TO PROVIDE CASE
24 MANAGEMENT SERVICES IS ALSO THE ONLY WILLING AND QUALIFIED
25 ENTITY TO PROVIDE HOME- AND COMMUNITY-BASED SERVICES IN THAT
26 DEFINED SERVICE AREA.

27 (7) THE STATE BOARD SHALL UTILIZE A STAKEHOLDER PROCESS

1 WHEN PROMULGATING RULES TO IMPLEMENT THIS SECTION.

2 **25.5-6-1704. Intellectual and developmental disability**
3 **determination - functional eligibility determination - rules.**

4 (1) **Intellectual and developmental disability determination.** ANY
5 PERSON MAY REQUEST AN EVALUATION TO DETERMINE WHETHER THE
6 PERSON HAS A DEVELOPMENTAL DELAY OR AN INTELLECTUAL AND
7 DEVELOPMENTAL DISABILITY AND IS ELIGIBLE TO RECEIVE LONG-TERM
8 SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE 6 AND ARTICLE 10 OF
9 THIS TITLE 25.5. THE PERSON MUST REQUEST A DEVELOPMENTAL DELAY
10 DETERMINATION OR INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
11 DETERMINATION FROM THE CASE MANAGEMENT AGENCY OR THE ENTITY
12 IN THE DEFINED SERVICE AREA WHERE THE PERSON RESIDES.

13 (2) **Functional eligibility determination.** PURSUANT TO THE
14 CONTRACT WITH THE STATE DEPARTMENT, A CASE MANAGEMENT AGENCY
15 SHALL DETERMINE WHETHER A PERSON IS ELIGIBLE TO RECEIVE
16 LONG-TERM SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE 6 AND
17 ARTICLE 10 OF THIS TITLE 25.5. A CASE MANAGEMENT AGENCY OR AN
18 ENTITY SHALL DEVELOP A PERSON-CENTERED SUPPORT PLAN FOR PERSONS
19 ELIGIBLE FOR LONG-TERM SERVICES AND SUPPORTS FOR HOME- AND
20 COMMUNITY-BASED SERVICES AND STATE GENERAL-FUNDED PROGRAMS.

21 (3) THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO
22 ARTICLE 4 OF TITLE 24 SETTING FORTH THE PROCEDURE AND CRITERIA FOR
23 DETERMINATION OF ELIGIBILITY AND PERSON-CENTERED SUPPORT PLAN
24 DEVELOPMENT. THE PROCEDURE AND CRITERIA MUST BE UNIFORM IN
25 NATURE AND APPLIED THROUGHOUT THE STATE IN A CONSISTENT MANNER.

26 (4) SUBJECT TO AVAILABLE APPROPRIATIONS PURSUANT TO
27 SECTION 25.5-10-206 AND TO THE CAPACITY OF A SERVICE PROVIDER, THE

1 PERSON MUST BE PROVIDED OPTIONS FOR LONG-TERM SERVICES AND
2 SUPPORTS WITHIN THE DEFINED SERVICE AREA THAT CAN APPROPRIATELY
3 MEET THE PERSON'S IDENTIFIED NEEDS, PURSUANT TO THIS SECTION.

4 **25.5-6-1705. Person-centered support plan.** (1) EACH MEMBER
5 RECEIVING SERVICES SHALL HAVE A PERSON-CENTERED SUPPORT PLAN, OR
6 A SIMILAR PLAN SPECIFIED BY THE STATE DEPARTMENT, DEVELOPED AND
7 MANAGED BY A CASE MANAGEMENT AGENCY OR AN ENTITY, AND SUBJECT
8 TO REVIEW AND APPROVAL PURSUANT TO SECTION 25.5-6-404. THE
9 PERSON-CENTERED SUPPORT PLAN SHALL:

10 (a) BE BASED ON THE PARTICULAR SERVICE NEEDS OF THE MEMBER
11 RECEIVING SERVICES;

12 (b) DESCRIBE THE SERVICES NECESSARY TO AVOID
13 INSTITUTIONALIZATION;

14 (c) ENSURE THE MEMBER RECEIVES SERVICES IN THE SETTING OF
15 THE MEMBER'S CHOICE; AND

16 (d) IDENTIFY THE SUPPORTS NEEDED FOR THE MEMBER TO ACHIEVE
17 PERSONALLY IDENTIFIED GOALS.

18 (2) PURSUANT TO THIS SECTION, THE PERSON-CENTERED SUPPORT
19 PLAN FOR EACH MEMBER RECEIVING SERVICES MUST BE REVIEWED AT
20 LEAST ANNUALLY AND MODIFIED AS NECESSARY OR APPROPRIATE.

21 (3) A PERSON-CENTERED SUPPORT PLAN IS NOT REQUIRED FOR A
22 PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR A
23 DEVELOPMENTAL DELAY WHO IS ELIGIBLE FOR LONG-TERM SERVICES AND
24 SUPPORTS AND WHO IS ON A WAITING LIST FOR ENROLLMENT INTO A
25 PROGRAM FUNDED PURSUANT TO ARTICLE 10 OF THIS TITLE 25.5. EACH
26 CASE MANAGEMENT AGENCY SHALL PROVIDE INFORMATION AND
27 REFERRAL SERVICES TO EACH MEMBER ON THE WAITING LIST FOR

1 ENROLLMENT IN A PROGRAM AT THE TIME OF THE MEMBER'S ELIGIBILITY
2 AND ANNUALLY THEREAFTER, REGARDING LONG-TERM SERVICES AND
3 SUPPORTS THAT ARE RELEVANT TO PERSONS AND ARE COMMONLY USED BY
4 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND A
5 DEVELOPMENTAL DELAY AS PROVIDED BY RULES PROMULGATED BY THE
6 STATE BOARD. THE CRITERIA FOR INFORMATION AND REFERRAL MUST BE
7 UNIFORM IN NATURE AND APPLIED THROUGHOUT THE STATE IN A
8 CONSISTENT MANNER.

9 **25.5-6-1706. Termination of long-term services and supports**
10 **for member receiving services.** (1) A MEMBER RECEIVING LONG-TERM
11 SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE 6 OR ARTICLE 10 OF
12 THIS TITLE 25.5 MUST BE TERMINATED FROM LONG-TERM SERVICES AND
13 SUPPORTS UPON A DETERMINATION, MADE PURSUANT TO THE
14 PERSON-CENTERED SUPPORT PLANNING PROCESS, THAT THE LONG-TERM
15 SERVICES AND SUPPORTS ARE NO LONGER NECESSARY. PRIOR TO THE
16 EFFECTIVE DATE OF THE TERMINATION, NOTIFICATION OF TERMINATION
17 MUST BE GIVEN TO THE MEMBER RECEIVING SERVICES, THE PARENTS OR
18 GUARDIAN OF A MINOR RECEIVING SERVICES, AND THE PERSON'S LEGAL
19 GUARDIAN OR OTHER LEGAL REPRESENTATIVE WHEN APPLICABLE. A
20 MEMBER TERMINATED FROM SERVICES PURSUANT TO THIS SUBSECTION (1)
21 HAS A RIGHT TO CHALLENGE THE TERMINATION IN ACCORDANCE WITH
22 STATE DEPARTMENT RULES.

23 (2) WHEN A MEMBER RECEIVING SERVICES NOTIFIES THE CASE
24 MANAGEMENT AGENCY THAT THE MEMBER NO LONGER WISHES TO
25 RECEIVE LONG-TERM SERVICES AND SUPPORTS, THE MEMBER MUST BE
26 TERMINATED FROM LONG-TERM SERVICES AND SUPPORTS UNLESS THE
27 MEMBER IS SUBJECT TO A PETITION TO IMPOSE A LEGAL DISABILITY OR TO

1 REMOVE A LEGAL RIGHT, FILED PURSUANT TO SECTION 25.5-10-216, OR
2 THE MEMBER HAS A LEGAL GUARDIAN OR OTHER LEGAL REPRESENTATIVE
3 APPOINTED AFFECTING THE MEMBER'S ABILITY TO VOLUNTARILY
4 TERMINATE LONG-TERM SERVICES AND SUPPORTS. THE PARENTS OF A
5 MINOR WHO IS RECEIVING LONG-TERM SERVICES AND SUPPORTS AND THE
6 MINOR'S GUARDIAN MUST BE NOTIFIED OF THE MINOR'S WISH TO
7 TERMINATE LONG-TERM SERVICES AND SUPPORTS, BUT NO MINOR'S
8 LONG-TERM SERVICES AND SUPPORTS WILL BE TERMINATED WITHOUT THE
9 CONSENT OF THE MINOR'S PARENT OR LEGAL GUARDIAN.

10 **25.5-6-1707. Records and confidentiality of information.** (1) A
11 RECORD FOR EACH MEMBER RECEIVING SERVICES MUST BE DILIGENTLY
12 MAINTAINED BY THE CASE MANAGEMENT AGENCY OR THE ENTITY. THE
13 RECORD MUST INCLUDE, BUT NOT BE LIMITED TO, INFORMATION
14 PERTAINING TO THE DETERMINATION OF ELIGIBILITY FOR SERVICES AND
15 THE PERSON-CENTERED SUPPORT PLAN. THE RECORD IS NOT A PUBLIC
16 RECORD FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
17 2 OF ARTICLE 72 OF TITLE 24.

18 (2) EXCEPT AS OTHERWISE PROVIDED BY LAW, ALL INFORMATION
19 OBTAINED AND ANY RECORDS PREPARED IN THE COURSE OF DETERMINING
20 ELIGIBILITY OR PROVIDING LONG-TERM SERVICES AND SUPPORTS
21 PURSUANT TO THIS ARTICLE 6 OR ARTICLE 10 OF THIS TITLE 25.5 ARE
22 CONFIDENTIAL AND SUBJECT TO THE EVIDENTIARY PRIVILEGES
23 ESTABLISHED BY LAW. THE DISCLOSURE OF THIS INFORMATION AND THESE
24 RECORDS IN ANY MANNER IS PERMITTED ONLY:

25 (a) TO THE APPLICANT OR MEMBER RECEIVING SERVICES, TO THE
26 PARENTS OF A MINOR RECEIVING SERVICES, TO THE MEMBER'S LEGAL
27 GUARDIAN, OR TO ANY PERSON AUTHORIZED BY THE MEMBER RECEIVING

1 SERVICES;

2 (b) IN COMMUNICATIONS BETWEEN QUALIFIED PROFESSIONAL
3 PERSONNEL, INCLUDING THE BOARD OF DIRECTORS OR GOVERNING BODY
4 OF THE CASE MANAGEMENT AGENCY AND SERVICE AGENCIES PROVIDING
5 SERVICES TO THE MEMBER, TO THE EXTENT NECESSARY FOR THE
6 ACQUISITION, PROVISION, OVERSIGHT, OR REFERRAL OF LONG-TERM
7 SERVICES AND SUPPORTS;

8 (c) TO THE EXTENT NECESSARY TO MAKE CLAIMS FOR AID,
9 INSURANCE, OR MEDICAL ASSISTANCE TO WHICH A MEMBER RECEIVING
10 SERVICES MAY BE ENTITLED, OR TO ACCESS LONG-TERM SERVICES AND
11 SUPPORTS PURSUANT TO THE PERSON-CENTERED SUPPORT PLAN;

12 (d) FOR THE PURPOSES OF EVALUATION, GATHERING STATISTICS,
13 OR RESEARCH WHEN NO IDENTIFYING INFORMATION CONCERNING A
14 PERSON OR FAMILY IS DISCLOSED. IDENTIFYING INFORMATION IS
15 INFORMATION WHICH COULD REASONABLY BE EXPECTED TO IDENTIFY A
16 SPECIFIC PERSON AND INCLUDES, BUT IS NOT LIMITED TO, NAME, ADDRESS,
17 TELEPHONE NUMBER, SOCIAL SECURITY NUMBER, MEDICAID NUMBER,
18 HOUSEHOLD NUMBER, AND PHOTOGRAPH.

19 (e) TO THE COURT WHEN NECESSARY TO IMPLEMENT THE
20 PROVISIONS OF THIS ARTICLE 6 OR ARTICLE 10 OF THIS TITLE 25.5;

21 (f) TO PERSONS AUTHORIZED BY A COURT ORDER ISSUED AFTER A
22 HEARING, NOTICE OF WHICH WAS GIVEN TO THE MEMBER, PARENTS OR
23 LEGAL GUARDIAN, WHERE APPROPRIATE, AND THE CUSTODIAN OF THE
24 INFORMATION;

25 (g) TO SAFEGUARD THE HEALTH AND SAFETY OF AN AT-RISK
26 MEMBER BY COORDINATING APPROPRIATE SERVICES AND MEDICAL
27 SUPPORTS;

1 (h) TO THE AGENCY DESIGNATED PURSUANT TO 45 CFR 1326.20
2 AS THE PROTECTION AND ADVOCACY SYSTEM FOR COLORADO WHEN:

3 (I) THE PROTECTION AND ADVOCACY SYSTEM RECEIVES A
4 COMPLAINT FROM OR ON BEHALF OF A MEMBER RECEIVING SERVICES; AND

5 (II) THE PERSON DOES NOT HAVE A LEGAL GUARDIAN OR THE
6 STATE OR THE DESIGNEE OF THE STATE IS THE LEGAL GUARDIAN OF THE
7 PERSON; AND

8 (i) TO THE STATE DEPARTMENT OR THE STATE DEPARTMENT'S
9 DESIGNEES AS DEEMED NECESSARY BY THE EXECUTIVE DIRECTOR TO
10 FULFILL THE DUTIES PRESCRIBED BY THIS ARTICLE 6 OR ARTICLE 10 OF THIS
11 TITLE 25.5.

12 (3) NOTHING IN THIS SECTION LIMITS A MEMBER RECEIVING
13 SERVICES ACCESS TO THE MEMBER'S RECORDS.

14 (4) NOTHING IN THIS SECTION INTERFERES WITH THE PROTECTIONS
15 AFFORDED TO A PERSON UNDER THE FEDERAL "HEALTH INSURANCE
16 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 1320d,
17 AND THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF
18 1974", 20 U.S.C. SEC. 1232g.

19 **25.5-6-1708. Performance audits - Colorado local government**
20 **audit law - public disclosure of board administration and operations.**

21 (1) THE STATE AUDITOR MAY CONDUCT OR CAUSE TO BE CONDUCTED A
22 PERFORMANCE AUDIT THAT INCLUDES EACH CASE MANAGEMENT AGENCY
23 OR EACH ENTITY THAT RECEIVES MORE THAN SEVENTY-FIVE PERCENT OF
24 ITS FUNDING ON AN ANNUAL BASIS FROM THE FEDERAL, THE STATE, OR A
25 LOCAL GOVERNMENT OR FROM ANY COMBINATION OF GOVERNMENTAL
26 ENTITIES TO DETERMINE WHETHER THE BOARD OF DIRECTORS OR THE
27 GOVERNING BODY IS EFFECTIVELY AND EFFICIENTLY FULFILLING ITS

1 STATUTORY OBLIGATIONS. A CASE MANAGEMENT AGENCY OR AN ENTITY
2 BECOMES SUBJECT TO THE AUDIT REQUIREMENT UNDER THIS SUBSECTION
3 (1) AT THE TIME THE CASE MANAGEMENT AGENCY OR THE ENTITY
4 INITIALLY SATISFIES THE SEVENTY-FIVE PERCENT FUNDING REQUIREMENT
5 FOR ANY ONE YEAR REGARDLESS OF WHETHER OR NOT THE FUNDING LEVEL
6 DECREASES BELOW SEVENTY-FIVE PERCENT IN ANY SUBSEQUENT YEAR.
7 THE STATE AUDITOR SHALL SUBMIT A WRITTEN REPORT AND
8 RECOMMENDATIONS ON EACH AUDIT CONDUCTED PURSUANT TO THIS
9 SUBSECTION (1) AND SHALL PRESENT THE REPORT AND
10 RECOMMENDATIONS TO THE LEGISLATIVE AUDIT COMMITTEE CREATED IN
11 SECTION 2-3-101 (1). THE STATE AUDITOR SHALL PAY THE COSTS OF ANY
12 PERFORMANCE AUDIT CONDUCTED PURSUANT TO THIS SECTION.

13 (2) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY IS
14 SUBJECT TO THE REQUIREMENTS OF THE "COLORADO LOCAL
15 GOVERNMENT AUDIT LAW", PART 6 OF ARTICLE 1 OF TITLE 29.

16 (3) IN CONNECTION WITH THE BOARD OF DIRECTORS OR THE
17 GOVERNING BODY OF EACH CASE MANAGEMENT AGENCY OR EACH ENTITY,
18 IN ADDITION TO ANY OTHER REQUIREMENTS APPLICABLE TO THE
19 OPERATION OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY
20 PURSUANT TO THIS SECTION OR AS REQUIRED ELSEWHERE BY LAW:

21 (a) THE CASE MANAGEMENT AGENCY OR THE ENTITY SHALL POST
22 THE DATE, TIME, AND LOCATION OF EACH REGULARLY SCHEDULED
23 MEETING OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY ON THE
24 WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY NOT LESS
25 THAN FOURTEEN BUSINESS DAYS BEFORE THE MEETING. THE CASE
26 MANAGEMENT AGENCY OR THE ENTITY SHALL POST THE DATE, TIME, AND
27 LOCATION OF ANY SPECIAL OR EMERGENCY MEETING OF THE BOARD OF

1 DIRECTORS OR THE GOVERNING BODY ON THE WEBSITE OF THE CASE
2 MANAGEMENT AGENCY OR THE ENTITY NOT LESS THAN TWENTY-FOUR
3 HOURS BEFORE THE MEETING.

4 (b) EACH CASE MANAGEMENT AGENCY OR EACH ENTITY SHALL
5 POST THE AGENDA FOR EACH MEETING OF THE BOARD OF DIRECTORS OR
6 THE GOVERNING BODY ON THE WEBSITE OF THE CASE MANAGEMENT
7 AGENCY OR THE ENTITY NOT LESS THAN SEVEN BUSINESS DAYS BEFORE
8 THE MEETING. THE CASE MANAGEMENT AGENCY OR THE ENTITY SHALL
9 POST THE AGENDA OF ANY SPECIAL OR EMERGENCY MEETING OF THE
10 BOARD OF DIRECTORS OR THE GOVERNING BODY ON THE WEBSITE OF THE
11 CASE MANAGEMENT AGENCY OR THE ENTITY NOT LESS THAN
12 TWENTY-FOUR HOURS BEFORE THE MEETING. EACH MEETING OF THE
13 BOARD OF DIRECTORS OR THE GOVERNING BODY MUST ALLOW FOR PUBLIC
14 COMMENT, AND THE AGENDA MUST REFLECT THIS REQUIREMENT. PUBLIC
15 COMMENT MUST BE REASONABLY PERMITTED DURING THE BOARD'S OR THE
16 GOVERNING BODY'S MEETING TO ACCOMMODATE COMMUNITY NEEDS. ANY
17 DOCUMENTS RELATED TO FUNCTIONS OF THE CASE MANAGEMENT AGENCY
18 OR THE ENTITY TO BE DISTRIBUTED AT A MEETING OF THE BOARD OF
19 DIRECTORS OR THE GOVERNING BODY THAT ARE AVAILABLE FOR PUBLIC
20 DISSEMINATION AT THE TIME THE AGENDA IS POSTED MUST ALSO BE
21 POSTED ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE
22 ENTITY AT THE TIME THE AGENDA IS POSTED. WRITTEN COPIES OF THE
23 DOCUMENTS MUST BE MADE AVAILABLE FOR PUBLIC DISSEMINATION AT
24 THE BOARD OF DIRECTORS' OR THE GOVERNING BODY'S MEETING; EXCEPT
25 THAT THE POSTING REQUIREMENT SPECIFIED IN THIS SUBSECTION (3)(b)
26 DOES NOT APPLY TO ANY DOCUMENT, OR ANY PORTION OF A DOCUMENT,
27 THE DISCLOSURE OF WHICH REQUIRES THE APPROVAL OF THE BOARD OF

1 DIRECTORS OR THE GOVERNING BODY AND WHICH APPROVAL HAS NOT
2 BEEN OBTAINED AT THE TIME THE AGENDA IS POSTED OR ANY OTHER
3 DOCUMENT, OR ANY PORTION OF A DOCUMENT, CONTAINING ANY
4 INFORMATION THAT IS LEGALLY PROHIBITED FROM BEING DISCLOSED TO
5 THE PUBLIC PURSUANT TO THE PRIVACY REQUIREMENTS SPECIFIED IN THE
6 FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT
7 OF 1996", 42 U.S.C. SEC. 1320d, ANY DOCUMENT THAT HAS BEEN OR WILL
8 BE DISCUSSED BY THE BOARD OF DIRECTORS OR THE GOVERNING BODY
9 MEETING IN EXECUTIVE SESSION, OR ANY OTHER DOCUMENT THE
10 DISCLOSURE OF WHICH IS OTHERWISE PROHIBITED BY LAW.

11 (c) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL
12 PROVIDE A DIRECT E-MAIL ADDRESS TO EACH MEMBER OF THE BOARD OF
13 DIRECTORS OR THE GOVERNING BODY ON THE WEBSITE OF THE CASE
14 MANAGEMENT AGENCY OR THE ENTITY. THE E-MAIL ADDRESS SELECTED
15 MUST SPECIFY THE NAME OF THE INDIVIDUAL BOARD OR GOVERNING BODY
16 MEMBER AND MAKE REFERENCE TO THE PARTICULAR CASE MANAGEMENT
17 AGENCY OR ENTITY FOR WHICH THE BOARD OR GOVERNING BODY MEMBER
18 SERVES AS A MEMBER OF THE BOARD OF DIRECTORS OR THE GOVERNING
19 BODY. AN E-MAIL THAT IS SENT TO A MEMBER OF THE BOARD OF
20 DIRECTORS OR THE GOVERNING BODY OF A CASE MANAGEMENT AGENCY
21 OR AN ENTITY MUST NOT BE FILTERED BY THE CASE MANAGEMENT
22 AGENCY OR THE ENTITY THROUGH AN EMPLOYEE OF THE CASE
23 MANAGEMENT AGENCY OR THE ENTITY BEFORE IT IS SENT TO THE BOARD
24 OR GOVERNING BODY MEMBER.

25 (d) THE BOARD OF DIRECTORS OR THE GOVERNING BODY OF EACH
26 CASE MANAGEMENT AGENCY OR EACH ENTITY SHALL PRESENT THE
27 FINANCIAL STATEMENTS OF THE ORGANIZATION FOR THE APPROVAL OF THE

1 BOARD OF DIRECTORS OR THE GOVERNING BODY AT EACH REGULARLY
2 SCHEDULED MEETING OF THE BOARD OF DIRECTORS OR THE GOVERNING
3 BODY. THE FINANCIAL STATEMENTS MUST REFLECT ACCURATE AND
4 CURRENT FINANCIAL INFORMATION AND BE PREPARED USING GENERALLY
5 ACCEPTED ACCOUNTING PRINCIPLES. WHERE EXIGENT CIRCUMSTANCES
6 ARE PRESENT THAT MATERIALLY AFFECT THE PREPARATION OF THE
7 FINANCIAL STATEMENTS ON A MONTHLY BASIS, THE STATEMENTS MAY BE
8 PRESENTED FOR THE APPROVAL OF THE BOARD OF DIRECTORS OR THE
9 GOVERNING BODY AT THE NEXT REGULARLY SCHEDULED MEETING OF THE
10 BOARD OF DIRECTORS OR THE GOVERNING BODY BUT NOT LESS THAN AT
11 LEAST ONCE EACH QUARTER OF THE CALENDAR YEAR.

12 (e) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL
13 REQUIRE THE PERSON OR ORGANIZATION THAT PERFORMS FINANCIAL
14 AUDITS OF THE CASE MANAGEMENT AGENCY OR THE ENTITY TO PRESENT
15 AND DISCUSS THE RESULTS OF THE AUDIT TO THE BOARD OF DIRECTORS OR
16 THE GOVERNING BODY NOT LESS THAN ONCE EACH YEAR AT A REGULARLY
17 SCHEDULED MEETING OF THE BOARD OF DIRECTORS OR THE GOVERNING
18 BODY;

19 (f) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL
20 PROVIDE TO THE INCOMING MEMBERS OF THE BOARD OF DIRECTORS OR THE
21 GOVERNING BODY TRAINING IN SUCH TOPICS AS THE DUTIES OF A BOARD
22 OR GOVERNING BODY MEMBER, THE FINANCIAL AND FIDUCIARY
23 RESPONSIBILITIES ASSUMED BY BOARD OR GOVERNING BODY MEMBERS,
24 THE INTELLECTUAL AND DEVELOPMENTAL DISABILITY AND LONG-TERM
25 SERVICES AND SUPPORTS SYSTEM IN THE STATE, THE OVERALL BUSINESS
26 FUNCTIONS OF THE CASE MANAGEMENT AGENCY OR THE ENTITY, AND ANY
27 OTHER MATTERS THAT WILL, IN THE DETERMINATION OF THE CASE

1 MANAGEMENT AGENCY OR THE ENTITY, ALLOW THE BOARD OR GOVERNING
2 BODY MEMBER TO BETTER UNDERSTAND AND FULFILL THE BOARD OR
3 GOVERNING BODY MEMBER'S OBLIGATIONS TO THE BOARD OF DIRECTORS
4 OR THE GOVERNING BODY AND THE CASE MANAGEMENT AGENCY OR THE
5 ENTITY AND THE ROLE PLAYED BY THE CASE MANAGEMENT AGENCY OR
6 THE ENTITY IN THE STATE IN CONNECTION WITH THE DELIVERY OF
7 SERVICES FOR MEMBERS RECEIVING SERVICES PURSUANT TO THIS ARTICLE
8 6 AND ARTICLE 10 OF THIS TITLE 25.5; AND

9 (g) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL
10 POST ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY
11 THE MINUTES OF EACH MEETING OF ITS BOARD OF DIRECTORS OR ITS
12 GOVERNING BODY AS THE MINUTES ARE APPROVED BY THE BOARD OF
13 DIRECTORS OR THE GOVERNING BODY. EACH CASE MANAGEMENT AGENCY
14 AND EACH ENTITY SHALL ALSO POST ON THE WEBSITE OF THE CASE
15 MANAGEMENT AGENCY OR THE ENTITY ANY ADDITIONAL DOCUMENTS
16 THAT WERE DISTRIBUTED TO THE BOARD OR GOVERNING BODY AT THE
17 MEETING THAT WERE NOT, AS OF THAT DATE, ALREADY POSTED ON THE
18 WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY UNLESS THE
19 PUBLIC DISTRIBUTION OF THE DOCUMENTS, OR ANY PORTION OF THE
20 DOCUMENTS, IS OTHERWISE PROHIBITED PURSUANT TO THE PRIVACY
21 REQUIREMENTS SPECIFIED IN THE FEDERAL "HEALTH INSURANCE
22 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 1320d,
23 OR AS OTHERWISE PROHIBITED BY LAW. MINUTES OF SPECIAL MEETINGS OF
24 THE BOARD OF DIRECTORS OR THE GOVERNING BODY MUST BE POSTED ON
25 THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY AFTER
26 APPROVAL BY THE BOARD OF DIRECTORS OR THE GOVERNING BODY AT THE
27 BOARD'S OR GOVERNING BODY'S NEXT REGULAR MEETING.

1 (4) WITH RESPECT TO FINANCIAL INFORMATION CONCERNING THE
2 CASE MANAGEMENT AGENCY OR THE ENTITY, EACH CASE MANAGEMENT
3 AGENCY OR EACH ENTITY SHALL:

4 (a) POST THE FOLLOWING ON THE WEBSITE OF THE CASE
5 MANAGEMENT AGENCY OR THE ENTITY IN A PLACE THAT ALLOWS ACCESS
6 TO THE PUBLIC IN A CLEAR, ACCESSIBLE, EASILY OPERATED, AND
7 UNCOMPLICATED MANNER:

8 (I) EACH COMPLETED FINANCIAL AUDIT UNDERTAKEN OF THE CASE
9 MANAGEMENT AGENCY OR THE ENTITY NOT LATER THAN THIRTY DAYS
10 FOLLOWING ACCEPTANCE BY THE ORGANIZATION'S BOARD OF DIRECTORS
11 OR GOVERNING BODY OF THE AUDIT. ANY CASE MANAGEMENT AGENCY OR
12 ANY ENTITY THAT IS NOT REQUIRED TO HAVE AN ANNUAL AUDIT OF
13 FINANCIAL STATEMENTS SHALL POST A DETAILED ACCOUNT OF THE
14 AGENCY'S OR ENTITY'S ASSETS, LIABILITIES, REVENUE, LOSSES AND GAINS,
15 EXPENSES, INVESTING ACTIVITIES, PROPERTY AND EQUIPMENT, AND ANY
16 OTHER RELEVANT FINANCIAL DISCLOSURES REQUIRED BY THE STATE
17 DEPARTMENT.

18 (II) THE MOST CURRENT FORM 990 THE CASE MANAGEMENT
19 AGENCY OR THE ENTITY HAS FILED WITH THE FEDERAL INTERNAL REVENUE
20 SERVICE NOT LATER THAN THIRTY DAYS FOLLOWING FILING OF THE FORM
21 WITH THE FEDERAL INTERNAL REVENUE SERVICE. ANY CASE MANAGEMENT
22 AGENCY OR ANY ENTITY THAT IS NOT REQUIRED TO PREPARE AND FILE A
23 FORM 990 SHALL DISCLOSE AND POST THE FOR-PROFIT EQUIVALENT
24 FEDERAL INTERNAL REVENUE SERVICES TAX FORM THAT INCLUDES THE
25 TOTAL NUMBER OF INDIVIDUALS EMPLOYED, ALL EXECUTIVE-LEVEL
26 EMPLOYEE SALARIES AND OTHER COMPENSATION, AND EMPLOYEE
27 BENEFITS, AS REQUIRED BY THE STATE DEPARTMENT.

1 (b) MAKE THE FOLLOWING INFORMATION AVAILABLE UPON
2 REASONABLE REQUEST NOT LATER THAN FIVE BUSINESS DAYS AFTER THE
3 REQUEST IS MADE:

4 (I) THE ANNUAL BUDGET OF THE CASE MANAGEMENT AGENCY OR
5 THE ENTITY FOR EACH CALENDAR OR FISCAL YEAR, AS APPLICABLE, NOT
6 LATER THAN THIRTY DAYS AFTER FINAL APPROVAL OF THE BUDGET BY THE
7 BOARD OF DIRECTORS OR THE GOVERNING BODY OF THE CASE
8 MANAGEMENT AGENCY OR THE ENTITY;

9 (II) AN ANNUAL SUMMARY OF ALL REVENUES AND EXPENDITURES
10 OF THE CASE MANAGEMENT AGENCY OR THE ENTITY THAT HAVE BEEN
11 APPROPRIATED BY THE STATE DEPARTMENT THAT IS CALCULATED BY
12 SEPTEMBER 30 OF EACH YEAR FOR THE PRIOR YEAR, AS APPLICABLE; AND

13 (III) A DESCRIPTION OF THE POLICIES AND PROCEDURES THE CASE
14 MANAGEMENT AGENCY OR THE ENTITY FOLLOWS TO TRACK, MANAGE, AND
15 REPORT ITS FINANCIAL RESOURCES AND TRANSACTIONS, WHICH POLICIES
16 AND PROCEDURES ARE ALSO KNOWN AND MAY BE REFERRED TO AS ITS
17 "FINANCIAL CONTROLS".

18 (5) ANY CONTRACT THAT EACH CASE MANAGEMENT AGENCY OR
19 EACH ENTITY ENTERS INTO WITH EITHER THE STATE DEPARTMENT OR THE
20 DEPARTMENT OF HUMAN SERVICES, CREATED IN SECTION 26-1-105, MUST
21 BE POSTED ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE
22 ENTITY IN A PLACE THAT ALLOWS ACCESS TO THE PUBLIC IN A CLEAR,
23 ACCESSIBLE, EASILY OPERATED, AND UNCOMPLICATED MANNER NOT
24 LATER THAN THIRTY DAYS FOLLOWING APPROVAL OF THE CONTRACT BY
25 THE BOARD OF DIRECTORS OR THE GOVERNING BODY OF THE CASE
26 MANAGEMENT AGENCY OR THE ENTITY.

27 (6) THIS SECTION DOES NOT APPLY TO A COUNTY AGENCY,

1 INCLUDING A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A
2 COUNTY NURSING SERVICE, AN AREA AGENCY ON AGING, OR A
3 MULTICOUNTY AGENCY ACTING AS A CASE MANAGEMENT AGENCY THAT
4 ALREADY HAS EXISTING OR DUPLICATIVE AUDIT AND TRANSPARENCY
5 REQUIREMENTS.

6 **25.5-6-1709. Community-centered board designation - rules.**

7 THE STATE DEPARTMENT SHALL DEVELOP A PROCESS TO DESIGNATE LOCAL
8 OR REGIONAL ORGANIZATIONS AS COMMUNITY-CENTERED BOARDS. THE
9 STATE DEPARTMENT SHALL PROMULGATE RULES OUTLINING THE
10 DESIGNATION PROCESS NO LATER THAN JULY 1, 2024. ANY CONTRACTS OR
11 AGREEMENTS ENTERED INTO PURSUANT TO THIS SECTION ARE EXEMPT
12 FROM THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

13 **SECTION 2.** In Colorado Revised Statutes, 2-3-103.7, **amend** (1)
14 as follows:

15 **2-3-103.7. Disclosure of reports before filing.** (1) Any state
16 employee or other individual acting in an oversight role as a member of
17 a committee, board, or commission, or any employee or other individual
18 acting in an oversight role with respect to any audit conducted pursuant
19 to sections 2-3-120, 2-3-123, 10-22-105 (4)(c), ~~and 25.5-10-209 (4)~~ AND
20 25.5-6-1708 (1), who willfully and knowingly discloses the contents of
21 any report prepared by or at the direction of the state auditor's office prior
22 to the release of such report by a majority vote of the committee as
23 provided in section 2-3-103 (2) is guilty of a misdemeanor and, upon
24 conviction thereof, shall be punished by a fine of not more than five
25 hundred dollars.

26 **SECTION 3.** In Colorado Revised Statutes, 2-3-107, **amend**
27 (2)(a)(I) introductory portion and (2)(a)(I)(D); and **add** (2)(a)(I)(E) as

1 follows:

2 **2-3-107. Authority to subpoena witnesses - access to records.**

3 (2) (a) (I) Notwithstanding any provision of law to the contrary, the state
4 auditor or ~~his or her~~ THE STATE AUDITOR'S designated representative shall
5 have access at all times, except as provided by sections 39-1-116,
6 39-4-103, and 39-5-120, to all of the books, accounts, reports, vouchers,
7 or other records or information in any department, institution, or agency,
8 including but not limited to records or information required to be kept
9 confidential or exempt from public disclosure upon subpoena, search
10 warrant, discovery proceedings, or otherwise. The authority of the state
11 auditor or ~~his or her~~ THE STATE AUDITOR'S designated representative to
12 access at all times the books, accounts, reports, vouchers, or other records
13 or information in accordance with this subsection (2)(a) also extends to
14 any fiscal or performance audit the state auditor or ~~his or her~~ THE STATE
15 AUDITOR'S designated representative conducts of:

16 (D) Community-centered boards, ~~in accordance with section~~
17 ~~25.5-10-209 (4)~~ AS DEFINED IN SECTION 25.5-6-1702 (5); AND

18 (E) CASE MANAGEMENT AGENCIES IN ACCORDANCE WITH SECTION
19 25.5-6-1708 (1).

20 **SECTION 4.** In Colorado Revised Statutes, 8-40-301, **amend** (7)
21 as follows:

22 **8-40-301. Scope of term "employee" - definition.** (7) Persons
23 who provide host home services as part of residential services and
24 supports, as described in section 25.5-10-206 (1)(e), ~~€R.S.~~, for an
25 eligible person, as defined in section 25.5-6-403 (2)(a), ~~€R.S.~~, pursuant
26 to the "Home- and Community-based Services for Persons with
27 Developmental Disabilities Act", part 4 of article 6 of title 25.5, ~~€R.S.~~,

1 and pursuant to a contract ~~with a community-centered board designated~~
2 ~~pursuant to section 25.5-10-209, C.R.S., or a contract with a service~~
3 ~~agency as defined in section 25.5-10-202, C.R.S., shall~~ SECTION
4 25.5-10-202 (34) ARE not be considered employees of the
5 ~~community-centered board or the service agency.~~

6 **SECTION 5.** In Colorado Revised Statutes, 13-21-117.5, **amend**
7 (2)(a), (2)(b), (2)(e), (2)(f), (2)(g), (4), (5), (8), and (10); and **repeal**
8 (2)(a.5) as follows:

9 **13-21-117.5. Civil liability - intellectual and developmental**
10 **disability service providers - definitions. (2) Definitions.** As used in
11 this section, unless the context otherwise requires:

12 (a) "Case management agency" has the same meaning as set forth
13 in ~~section 25.5-10-202 (1.9)~~ SECTION 25.5-6-1702 (2).

14 (a.5) ~~"Community-centered board" has the same meaning as set~~
15 ~~forth in section 25.5-10-202 (4).~~

16 (b) "Department" means the department of ~~human services~~
17 HEALTH CARE POLICY AND FINANCING.

18 (e) "Host home" means a private home that houses up to three
19 persons with intellectual and developmental disabilities and whose owner
20 or renter provides residential services, as described in section 25.5-10-206
21 (1)(e), ~~C.R.S.~~, to those persons as an independent contractor of a
22 ~~community-centered board or service agency.~~

23 (f) "Provider" means any ~~community-centered board~~, case
24 management agency, service agency, host home, family caregiver, and the
25 directors, officers, and employees of these entities, who provide
26 LONG-TERM services or supports to persons with INTELLECTUAL AND
27 developmental disabilities pursuant to article 10 of title 25.5 or article

1 10.5 of title 27.

2 (g) "Service agency" means a privately operated
3 program-approved service agency designated pursuant to the rules of the
4 department. ~~or the rules of the department of health care policy and~~
5 ~~financing.~~

6 (4) **Duty of care.** The performance of a service or an act of
7 assistance for the benefit of a person with ~~a~~ AN INTELLECTUAL AND
8 developmental disability or adoption or enforcement of a policy,
9 procedure, guideline, or practice for the protection of ~~any such~~ THE
10 person's health or safety by a provider does not create any duty of care
11 with respect to a third person, nor does it create a duty for any provider
12 to perform or sustain ~~such~~ a service or an act of assistance nor to adopt or
13 enforce ~~such~~ a policy, procedure, guideline, or practice; however, nothing
14 in this section ~~shall be construed to relieve~~ RELIEVES a provider of a duty
15 of care expressly imposed by federal or state law OR department rule, ~~or~~
16 ~~department of health care policy and financing rule~~, nor shall anything in
17 this section be deemed to create any duty of care.

18 (5) No action in tort under this section may be maintained on
19 behalf of, for, or by a person with ~~a~~ AN INTELLECTUAL AND developmental
20 disability or by a family member of a person with ~~a~~ AN INTELLECTUAL
21 AND developmental disability against a provider unless ~~that~~ THE person
22 claiming to have suffered an injury or grievance or ~~that~~ THE person's
23 guardian or representative has filed for dispute resolution or other
24 applicable intervention, if any, by the department ~~department of health~~
25 ~~care policy and financing~~, OR A case management agency ~~or~~
26 ~~community-centered board~~ pursuant to rules promulgated under ~~article 10~~
27 ARTICLE 6 OR 10 of title 25.5 or article 10.5 of title 27 within one year

1 after the date of the discovery of the injury or grievance, regardless of
2 whether the person then knew all of the elements of a claim or of a cause
3 of action for such injury or grievance. Compliance with ~~the provisions of~~
4 this subsection (5), documented by a letter from the department ~~or the~~
5 ~~department of health care policy and financing~~ certifying that any and all
6 ~~such~~ interventions and dispute resolution procedures, with either the
7 department ~~department of health care policy and financing~~, OR A case
8 management agency ~~or community-centered board~~ applicable to the
9 matter at hand have been exhausted, or by submission of evidence that
10 such an intervention or dispute resolution request has been filed and no
11 action has been taken by the department ~~or the department of health care~~
12 ~~policy and financing~~ within ninety days, is a jurisdictional prerequisite to
13 any action brought under the provisions of this section, and failure of
14 compliance forever bars any such action and must result in a dismissal of
15 any claim with prejudice. Certification by the department ~~or the~~
16 ~~department of health care policy and financing~~ that all applicable
17 interventions and dispute resolution procedures have been exhausted ~~shall~~
18 DOES not result in ~~such~~ THE department becoming a party to the tort claim
19 action.

20 (8) If a person with ~~a~~ AN INTELLECTUAL AND developmental
21 disability residing in a residential program operated by the department ~~or~~
22 ~~the department of health care policy and financing~~ is referred by ~~such~~ THE
23 department for community placement, the provider is not subject to civil
24 liability for accepting that person for community placement.

25 (10) ~~Community-centered boards~~, Case management agencies and
26 service agencies ~~shall~~ have the authority to move a person with ~~a~~ AN
27 INTELLECTUAL AND developmental disability from any residential setting

1 that they operate ~~or for which they contract, directly or indirectly~~, UNDER
2 MEDICAID AUTHORITY if the ~~community-centered board~~, case management
3 agency or service agency believes that the person with a AN
4 INTELLECTUAL AND developmental disability may be at risk of abuse,
5 neglect, mistreatment, exploitation, or other harm in such setting. If a
6 person is moved for one of the aforementioned reasons, the
7 person-centered planning required by this subsection (10) must occur as
8 soon as possible following the move. In the absence of willful and wanton
9 acts or omissions, ~~community-centered boards~~, case management
10 agencies and service agencies have no civil liability for exercising such
11 authority or for termination of any related contracts if ~~such~~ THE risk is
12 substantiated by investigation pursuant to the rules of the department. ~~or~~
13 ~~the rules of the department of health care policy and financing.~~

14 **SECTION 6.** In Colorado Revised Statutes, 18-6.5-108, **amend**
15 (1)(b)(IX) as follows:

16 **18-6.5-108. Mandatory reports of mistreatment of at-risk**
17 **elders and at-risk adults with IDD - list of reporters - penalties.**

18 (1) (b) The following persons, whether paid or unpaid, shall report as
19 required by subsection (1)(a) of this section:

20 (IX) Staff of ~~community-centered boards~~ CASE MANAGEMENT
21 AGENCIES, AS DEFINED IN SECTION 25.5-6-1702 (2);

22 **SECTION 7.** In Colorado Revised Statutes, 19-1-116, **amend**
23 (2)(a) as follows:

24 **19-1-116. Funding - alternatives to placement out of the home**
25 **- services to prevent continued involvement in child welfare system.**

26 (2) (a) The county commissioners in each county may appoint a
27 placement alternatives commission consisting, where possible, of a

1 physician or a licensed health professional, an attorney, representatives
2 of a local law enforcement agency, representatives recommended by the
3 court and probation department, representatives from the county
4 department of human or social services, a local mental health clinic, and
5 the county, district, or municipal public health agency, a representative of
6 a local school district specializing in special education, a representative
7 of a local ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS
8 DEFINED IN SECTION 25.5-6-1702, representatives of a local residential
9 child care facility and a private nonprofit agency providing nonresidential
10 services for children and families, a representative specializing in
11 occupational training or employment programs, a foster parent, and one
12 or more representatives of the lay community. At least fifty percent of the
13 commission members must represent the private sector. The county
14 commissioners of two or more counties may jointly establish a district
15 placement alternatives commission. A placement alternatives commission
16 may be consolidated with other local advisory boards pursuant to section
17 24-1.7-103.

18 **SECTION 8.** In Colorado Revised Statutes, 19-2-508, **amend**
19 (3)(b)(I) as follows:

20 **19-2-508. Detention and temporary shelter - hearing - time**
21 **limits - findings - review - confinement with adult offenders -**
22 **restrictions.** (3) (b) (I) If it appears that any juvenile being held in
23 detention or temporary shelter may have an intellectual and
24 developmental disability, as provided in article 10.5 of title 27, the court
25 or detention personnel shall refer the juvenile to the nearest
26 ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN
27 SECTION 25.5-6-1702, for an eligibility determination. If it appears that

1 any juvenile being held in a detention or temporary shelter facility
2 pursuant to the provisions of this article 2 may have a mental health
3 disorder, as provided in sections 27-65-105 and 27-65-106, the intake
4 personnel or other appropriate personnel shall contact a mental health
5 professional to do a mental health hospital placement prescreening on the
6 juvenile. The court ~~shall~~ MUST be notified of the contact and may take
7 appropriate action. If a mental health hospital placement prescreening is
8 requested, it must be conducted in an appropriate place accessible to the
9 juvenile and the mental health professional. A request for a mental health
10 hospital placement prescreening must not extend the time within which
11 a detention hearing must be held pursuant to this section. If a detention
12 hearing has been set but has not yet occurred, the mental health hospital
13 placement prescreening must be conducted prior to the hearing; except
14 that the prescreening must not extend the time within which a detention
15 hearing must be held.

16 **SECTION 9.** In Colorado Revised Statutes, 19-2-906, **amend** (2)
17 as follows:

18 **19-2-906. Sentencing hearing.** (2) If the court has reason to
19 believe that the juvenile may have an intellectual and developmental
20 disability, the court shall refer the juvenile to the ~~community-centered~~
21 ~~board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702,
22 in the ~~designated~~ DEFINED service area where the action is pending for an
23 eligibility determination pursuant to article 10.5 of title 27. If the court
24 has reason to believe that the juvenile may have a behavioral or mental
25 health disorder, the court shall order a mental health hospital placement
26 prescreening to be conducted in any appropriate place.

27 **SECTION 10.** In Colorado Revised Statutes, 19-3-403, **amend**

1 (4)(a) as follows:

2 **19-3-403. Temporary custody - hearing - time limits -**
3 **restriction - rules.** (4) (a) If it appears that any child being held in a
4 shelter facility may have an intellectual and developmental disability, as
5 provided in article 10.5 of title 27, the court shall refer the child to the
6 nearest ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS
7 DEFINED IN SECTION 25.5-6-1702, for an eligibility determination. If it
8 appears that any child being held in a shelter facility pursuant to ~~the~~
9 ~~provisions of~~ this article 3 may have a mental health disorder, as provided
10 in sections 27-65-105 and 27-65-106, the intake personnel or other
11 appropriate personnel shall contact a mental health professional to do a
12 mental health disorder prescreening on the child. The court ~~shall~~ MUST be
13 notified of the contact and may take appropriate action. If a mental health
14 disorder prescreening is requested, it ~~shall~~ MUST be conducted in an
15 appropriate place accessible to the child and the mental health
16 professional. A request for a mental health disorder prescreening must not
17 extend the time within which a hearing is to be held pursuant to this
18 section. If a hearing has been set but has not yet occurred, the mental
19 health disorder prescreening ~~shall~~ MUST be conducted prior to the hearing;
20 except that the prescreening must not extend the time within which a
21 hearing is to be held pursuant to this section.

22 **SECTION 11.** In Colorado Revised Statutes, 19-3-506, **amend**
23 (1)(a) and (3)(b) as follows:

24 **19-3-506. Child with a mental health disorder or an**
25 **intellectual and developmental disability - procedure.** (1) (a) If it
26 appears from the evidence presented at an adjudicatory hearing or
27 otherwise that a child may have an intellectual and developmental

1 disability, as defined in article 10.5 of title 27, the court shall refer the
2 child to the ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS
3 DEFINED IN SECTION 25.5-6-1702, in the ~~designated~~ DEFINED service area
4 where the action is pending for an eligibility determination pursuant to
5 ARTICLE 6 OF TITLE 25.5 OR article 10.5 of title 27.

6 (3) (b) When, subsequent to referral to a ~~community-centered~~
7 ~~board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702,
8 pursuant to subsection (1) of this section, it appears that the child has
9 INTELLECTUAL AND developmental disabilities, the court may proceed
10 pursuant to article 10.5 of title 27 ~~C.R.S.~~, or may follow any of the
11 recommendations contained in the report from the ~~community-centered~~
12 ~~board~~ CASE MANAGEMENT AGENCY.

13 **SECTION 12.** In Colorado Revised Statutes, 19-3-507, **amend**
14 (2) as follows:

15 **19-3-507. Dispositional hearing.** (2) If the court has reason to
16 believe that the child may have an intellectual and developmental
17 disability, the court shall refer the child to the ~~community-centered board~~
18 CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, in the
19 ~~designated~~ DEFINED service area where the action is pending for an
20 eligibility determination pursuant to ARTICLE 6 OF TITLE 25.5 OR article
21 10.5 of title 27. If the court has reason to believe that the child may have
22 a behavioral or mental health disorder, the court shall order a behavioral
23 or mental health disorder prescreening to be conducted in any appropriate
24 place.

25 **SECTION 13.** In Colorado Revised Statutes, 22-20-106, **amend**
26 (3)(c) as follows:

27 **22-20-106. Special education programs - early intervening**

1 **services - rules.** (3) (c) The district of residence shall pay the tuition
2 costs for a child with a disability in an approved facility school pursuant
3 to sections 22-20-108 (8) and 22-20-109 (1). Special education services
4 may be provided by ~~community centered boards~~ A CASE MANAGEMENT
5 AGENCY OR AN ENTITY, AS THOSE TERMS ARE DEFINED IN SECTION
6 25.5-6-1702, in cooperation with administrative units.

7 **SECTION 14.** In Colorado Revised Statutes, 22-20-107, **amend**
8 (1) as follows:

9 **22-20-107. Authority to contract with institutions of higher**
10 **education or case management agencies.** (1) An administrative unit
11 may contract with an institution of higher education, ~~or a~~
12 ~~community-centered board~~ CASE MANAGEMENT AGENCY, OR AN ENTITY,
13 AS THOSE TERMS ARE DEFINED IN SECTION 25.5-6-1702, as provided in
14 section 25.5-10-206, ~~C.R.S.~~, for the provision by the administrative unit
15 of an education and training program for children with disabilities. If an
16 agreement is arrived at by the two agencies, the administrative unit shall
17 place the responsibility for administering the program with the director
18 of special education of the administrative unit.

19 **SECTION 15.** In Colorado Revised Statutes, 22-20-118, **amend**
20 (2)(a), (2)(c), and (2)(d) as follows:

21 **22-20-118. Child find from birth through two years of age -**
22 **responsibilities - rules - interagency operating agreements - funding.**

23 (2) The administrative units shall:
24 (a) Establish local-level interagency operating agreements with
25 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES OR ENTITIES,
26 as described in section 27-10.5-102 C.R.S. THOSE TERMS ARE DEFINED IN
27 SECTION 25.5-6-1702, as necessary to assist in developing and

1 implementing the department of human services' statewide plan defined
2 in section 27-10.5-704 ~~C.R.S.~~, for community education outreach and
3 awareness efforts related to part C child find and the availability of early
4 intervention services. The administrative units' responsibilities ~~shall be~~
5 ARE limited to those activities that relate to facilitating the
6 implementation of part C child find activities and a collaborative system
7 of early intervention services.

8 (c) Pursuant to the development of the IFSP, coordinate with
9 ~~community centered boards~~ CASE MANAGEMENT AGENCIES OR ENTITIES
10 to have the same representative who conducts a part C child find
11 evaluation attend the mandatory meeting at which the family receives
12 information concerning the results of the part C child find evaluation; and

13 (d) Pursuant to section 27-10.5-704, ~~C.R.S.~~, coordinate with
14 ~~community centered boards~~ CASE MANAGEMENT AGENCIES, ENTITIES, the
15 department of human services, and the department to assist a child with
16 disabilities as ~~he or she~~ THE CHILD transitions from the developmental
17 disabilities system into the public education system no later than the age
18 of three.

19 **SECTION 16.** In Colorado Revised Statutes, 24-110-207.5,
20 **amend** (1)(a) as follows:

21 **24-110-207.5. Certification of certain entities as local public**
22 **procurement units - rules - report.** (1) The executive director may
23 certify any of the following entities as a local public procurement unit:

24 (a) Any nonprofit community mental health center, as defined in
25 section 27-66-101, ~~C.R.S.~~, any nonprofit community mental health clinic,
26 as defined in section 27-66-101, ~~C.R.S.~~, any nonprofit
27 ~~community-centered board~~ CASE MANAGEMENT AGENCY, as defined in


1 ~~section 25.5-10-202, C.R.S.~~ SECTION 25.5-6-1702 (2), or any nonprofit
2 service agency, as defined in section 25.5-10-202, ~~C.R.S.~~, if the entity
3 uses the supplies, services, or construction procured for the public mental
4 health system or the public developmental disability system;

5 **SECTION 17.** In Colorado Revised Statutes, 25-1-124, **amend**
6 (2.5)(a) as follows:

7 **25-1-124. Health-care facilities - consumer information -**
8 **reporting - release.** (2.5) (a) In addition to the reports required by
9 subsection (2) of this section, if the Colorado attorney general, the
10 ~~division for developmental disabilities in the department of human~~
11 ~~services~~ DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, a
12 ~~community centered board~~ CASE MANAGEMENT AGENCY, **AS DEFINED IN**
13 **SECTION 25.5-6-1702**, an adult protection service, or a law enforcement
14 agency makes a report of an occurrence as described in subsection (2) of
15 this section involving a licensed long-term care facility, that report ~~shall~~
16 **MUST** be provided to the department and ~~shall be~~ made available for
17 inspection consistent with the provisions of subsection (6) of this section.
18 Any reports concerning an adult protection service ~~shall~~ **MUST** be in
19 compliance with the confidentiality requirements of section 26-3.1-102
20 (7). ~~C.R.S.~~

21 **SECTION 18.** In Colorado Revised Statutes, 25-27.5-102,
22 **amend** the introductory portion; and **repeal** (1.5) as follows:

23 **25-27.5-102. Definitions.** As used in this ~~article~~ ARTICLE 27.5,
24 unless the context otherwise requires:

25 
26 (1.5) ~~"Community-centered board" means a community-centered~~
27 ~~board, as defined in section 25.5-10-202, C.R.S., that is designated~~

1 pursuant to section ~~25.5-10-209, C.R.S.~~, by the department of health care
2 policy and financing.

3 **SECTION 19.** In Colorado Revised Statutes, 25-27.5-103,
4 **amend** (1.5) as follows:

5 **25-27.5-103. Home care agency license required - home care**
6 **placement agency registration required - civil and criminal penalties.**

7 (1.5) It is unlawful for a ~~community-centered board~~ SERVICE AGENCY that
8 is directly providing home care services or a ~~service agency~~ to conduct or
9 maintain a home care agency that provides in-home personal care services
10 without having obtained a license from the department. Any person who
11 violates this subsection (1.5) is guilty of a misdemeanor and is subject to
12 the civil and criminal penalties described in ~~paragraphs (a) and (b) of~~
13 ~~subsection (1)~~ SUBSECTIONS (1)(a) AND (1)(b) of this section. Nothing in
14 this section relieves an entity that contracts or arranges with a
15 ~~community-centered board~~ or service agency and that meets the definition
16 of a home care agency from the entity's obligation to apply for and
17 operate under a license in accordance with this article.

18 **SECTION 20.** In Colorado Revised Statutes, 25-27.5-104,
19 **amend** (1) introductory portion and (1)(g)(I) as follows:

20 **25-27.5-104. Minimum standards for home care agencies and**
21 **home care placement agencies - rules - advisory committee.** (1) The
22 state board shall promulgate rules pursuant to section 24-4-103 ~~C.R.S.~~,
23 providing minimum standards for the operation of home care agencies
24 and home care placement agencies within the state of Colorado that apply
25 regardless of the source of payment for the home care services or the
26 diagnosis of the home care consumer. In promulgating these rules, the
27 state board shall establish different requirements appropriate to the

1 various types of skilled home health and personal care services, including
2 differentiating requirements for providers that are substantially funded
3 through medicare and medicaid reimbursement, providers for the program
4 of all-inclusive care for the elderly established in section 25.5-5-412,
5 ~~C.R.S.~~, providers that are already licensed under this ~~title~~ TITLE 25, and
6 providers that are solely or substantially privately funded. This
7 differentiation must include consideration of the requirements already
8 imposed by other federal and state regulatory agencies and must require
9 the department of health care policy and financing and the department to
10 work jointly to resolve differing requirements. The rules must include the
11 following:

12 (g) (I) Fees for home care agency licensure. Home care agency
13 fees are payable to the home care agency cash fund. The annual fee must
14 include a component that reflects whether a survey is planned for the year
15 based on the agency's compliance history. The state board shall develop
16 a methodology for establishing differentiating fees for licensure of home
17 care agencies ~~including community-centered boards and service agencies,~~
18 to reflect the differences in type, scope, and volume of services provided
19 by the various types of home care agencies, including their volume of
20 medicaid and medicare services, and that allows for reduced fees for
21 home care agencies that are certified prior to initial license application.
22 The department shall not charge a duplicate fee for survey work
23 conducted pursuant to its role as state survey agency for the federal
24 centers for medicare and medicaid services or the Colorado department
25 of health care policy and financing.

26 **SECTION 21.** In Colorado Revised Statutes, 25.5-1-103, **amend**
27 (9) as follows:

1 **25.5-1-103. Definitions.** As used in this title 25.5, unless the
2 context otherwise requires:

3 (9) "State designated agency" means an agency designated to
4 perform specified functions that would otherwise be performed by the
5 county departments, including ~~the single entry point agencies~~ CASE
6 MANAGEMENT AGENCIES, AS DEFINED IN SECTION 25.5-6-1702, and
7 medical assistance sites.

8 **SECTION 22.** In Colorado Revised Statutes, 25.5-1-117, **amend**
9 (2) as follows:

10 **25.5-1-117. County departments - district departments.**

11 (2) ~~Single entry point agencies~~ CASE MANAGEMENT AGENCIES established
12 pursuant to ~~part 1~~ PART 17 of article 6 of this title 25.5 ~~other than county~~
13 ~~departments of human or social services acting as single entry point~~
14 ~~agencies~~, may act as state designated agencies and are authorized to carry
15 out functions as specified in ~~part 1~~ PART 17 of article 6 of this title 25.5
16 that are otherwise performed by county departments of human or social
17 services.

18 **SECTION 23.** In Colorado Revised Statutes, 25.5-4-103, **amend**
19 (3); and **add** (2.5) as follows:

20 **25.5-4-103. Definitions.** As used in this article 4 and articles 5
21 and 6 of this title 25.5, unless the context otherwise requires:

22 (2.5) "CASE MANAGEMENT AGENCY" HAS THE SAME MEANING AS
23 SET FORTH IN SECTION 25.5-6-1702 (2).

24 (3) "Case management services" means services provided by
25 ~~community-centered boards, as defined by section 25.5-10-202~~ CASE
26 MANAGEMENT AGENCIES and community mental health centers and
27 community mental health clinics, as defined by ~~section 27-66-101~~ IN

1 SECTION 27-66-101 (2) AND (3), to assist persons ~~with intellectual and~~
2 ~~developmental disabilities, as defined by section 25.5-10-202, and~~
3 ~~persons with mental health disorders, as defined by section 27-65-102~~
4 ~~(11.5), by case management agencies, as defined in section 25.5-6-303~~
5 ~~(5), providing case management services, as defined in sections~~
6 ~~25.5-6-104(2)(b) and 25.5-6-303 (6), to persons with a disability, persons~~
7 ~~who are elderly or blind, and long-term care clients, in gaining access to~~
8 needed medical, social, educational, and other services.

9 SECTION 24. In Colorado Revised Statutes, 25.5-4-205, **amend**
10 (1)(a.7) as follows:

11 **25.5-4-205. Application - verification of eligibility -**
12 **demonstration project - rules.** (1) (a.7) As part of the medicaid
13 eligibility modernization, the department is authorized to create a
14 universal application for ~~single point of entry~~ CASE MANAGEMENT
15 AGENCIES for home- and community-based services waivers for children.

16 SECTION 25. In Colorado Revised Statutes, 25.5-4-401.5,
17 **amend** (3)(b)(III)(D) as follows:

18 **25.5-4-401.5. Review of provider rates - advisory committee**
19 **- recommendations - repeal.** (3) (b) The advisory committee consists of
20 the following twenty-four members:

21 (III) The following members appointed by the speaker of the
22 house of representatives:

23 (D) A representative of ~~single entry point agencies~~ CASE
24 MANAGEMENT AGENCIES;

25 SECTION 26. In Colorado Revised Statutes, 25.5-5-204, **amend**
26 (2.7)(a) and (2.7)(b) as follows:

27 **25.5-5-204. Presumptive eligibility - pregnant women -**

1 **children - long-term care - state plan.** (2.7) (a) The state department is
2 authorized to seek federal authorization to allow a person who is in need
3 of long-term ~~care~~ SERVICES AND SUPPORTS, as defined in ~~section~~
4 ~~25.5-6-104~~ SECTION 25.5-6-1702(10), to be presumptively eligible for the
5 medical assistance program pursuant to this ~~article~~ ARTICLE 5 and articles
6 4 and 6 of this ~~title~~ TITLE 25.5.

7 (b) If the state department receives federal authorization pursuant
8 to ~~paragraph (a) of this subsection (2.7)~~ SUBSECTION (2.7)(a) OF THIS
9 SECTION and sufficient spending authority, a person in need of long-term
10 ~~care~~ SERVICES AND SUPPORTS shall be presumptively eligible for the
11 medical assistance program if the person or the person's legal
12 representative declares all pertinent information relating to the criteria of
13 income, assets, and immigration status. ~~Such~~ THE person shall be
14 assessed for the appropriate level of care pursuant to ~~section 25.5-6-104~~
15 SECTION 25.5-6-1704. If required due to limitations of federal
16 authorization or spending authority, the state department may implement
17 this ~~paragraph (b)~~ SUBSECTION (2.7)(b) OF THIS SECTION as a pilot
18 program rather than statewide.

19 **SECTION 27.** In Colorado Revised Statutes, 25.5-5-301, **amend**
20 (2)(b) as follows:

21 **25.5-5-301. Clinic services.** (2) Under the federal option for
22 clinic services, Colorado has selected clinic services provided by the
23 following:

24 (b) ~~Community centered boards~~ CASE MANAGEMENT AGENCIES;

25 **SECTION 28.** In Colorado Revised Statutes, 25.5-5-412, **amend**
26 (6) introductory portion and (6)(a) as follows:

27 **25.5-5-412. Program of all-inclusive care for the elderly -**

1 **services - eligibility - legislative declaration - rules - definitions.**

2 (6) The state department, in cooperation with the ~~single entry point~~
3 ~~agencies~~ CASE MANAGEMENT AGENCIES established in ~~section 25.5-6-106~~
4 SECTION 25.5-6-1703, shall develop and implement a coordinated plan to
5 provide education about PACE program site operations under this section.

6 The state board shall adopt rules:

7 (a) To ensure that case managers and any other appropriate state
8 department staff discuss the option and potential benefits of participating
9 in the PACE program with all eligible long-term care clients. These rules
10 ~~shall~~ MUST require additional and on-going training of the ~~single entry~~
11 ~~point~~ CASE MANAGEMENT agency case managers in counties where a
12 PACE program is operating. This training ~~shall~~ MUST be provided by a
13 federally approved PACE provider. In addition, each ~~single entry point~~
14 CASE MANAGEMENT agency may designate case managers who have
15 knowledge about the PACE program.

16 **SECTION 29.** In Colorado Revised Statutes, 25.5-6-113, **amend**
17 (3)(b) as follows:

18 **25.5-6-113. Health home - integrated services - legislative**
19 **declaration - contracting - definitions.** (3) (b) The health home may
20 consist of a multi-disciplinary team, including primary care management
21 providers, behavioral ~~health care~~ HEALTH-CARE providers, case managers,
22 and providers of long-term ~~care~~ services and supports, including but not
23 limited to ~~single entry point~~ CASE MANAGEMENT agencies, **AS DEFINED IN**
24 **SECTION 25.5-6-1702,** nursing homes, alternative care facilities, day
25 programs for the elderly, home care agencies, community mental health
26 centers, AND hospice and palliative care centers. ~~and community centered~~
27 ~~boards.~~

1 **SECTION 30.** In Colorado Revised Statutes, 25.5-6-303, **amend**
2 (5), (6), and (7) as follows:

3 **25.5-6-303. Definitions.** As used in this part 3, unless the context
4 otherwise requires:

5 (5) (a) "Case management agency" means agencies providing
6 services on and before July 1, 1995, for home- and community-based
7 programs for the elderly, blind, and disabled shall be terminated July 1,
8 1995, and case management functions shall thereafter be performed in
9 accordance with this article 6.

10 (b) "Case management agency" ~~for counties participating in the~~
11 ~~single entry point system pursuant to this article before July 1, 1995, and~~
12 ~~for all counties on and after said date, means a public or private, nonprofit~~
13 ~~or for profit agency that meets all applicable state and federal~~
14 ~~requirements and is certified by the state department to provide case~~
15 ~~management functions reimbursable under this article and articles 4 and~~
16 ~~5 of this title, within a geographic area of the state consisting of one or~~
17 ~~more counties. Such functions shall be provided by the agency under a~~
18 ~~contract executed with the state department or other state designated~~
19 ~~agency. The state department shall establish procedures for the~~
20 ~~designation, certification, and decertification of case management~~
21 ~~agencies and requirements for performance and staffing of the agencies.~~
22 ~~Such procedures and requirements shall be set forth in rules promulgated~~
23 ~~by the state board or shall be included in the contracts executed by the~~
24 ~~state department~~ HAS THE SAME MEANING AS SET FORTH IN SECTION
25 25.5-6-1702 (2).

26 (6) "Case management services" ~~means functions performed by~~
27 ~~a case management agency, including: The assessment of a client's needs;~~

1 ~~the development and implementation of a case plan for the client, the~~
2 ~~coordination and monitoring of service delivery, the direct delivery of~~
3 ~~services as provided by parts 3 to 12 of this article or by rules adopted by~~
4 ~~the state board, the evaluation of service effectiveness, and the~~
5 ~~reassessment of the client's needs. Case management services shall be~~
6 ~~reimbursed as an administrative expense~~ HAS THE SAME MEANING AS SET
7 FORTH IN SECTION 25.5-6-1702 (3).

8 (7) "Case plan" means a coordinated plan for the provision of
9 long-term-care services in a setting other than a nursing home, developed
10 and managed by a case management agency, in coordination with the
11 client, ~~his~~ THE CLIENT'S family or guardian, ~~and~~ THE CLIENT'S physician,
12 and other providers of care.

13 **SECTION 31.** In Colorado Revised Statutes, 25.5-6-403, **amend**
14 (1), (3.3)(b), and (4); and **add** (2.5) as follows:

15 **25.5-6-403. Definitions.** As used in this part 4, unless the context
16 otherwise requires:

17 (1) ~~"Developmentally disabled person" means a person with an~~
18 ~~intellectual and developmental disability as defined in subsection (3.3)(a)~~
19 ~~of this section~~ CASE MANAGEMENT AGENCY" HAS THE SAME MEANING AS
20 SET FORTH IN SECTION 25.5-6-1702 (2).

21 (2.5) "ENTITY" HAS THE SAME MEANING AS SET FORTH IN SECTION
22 25.5-6-1702 (8).

23 (3.3) (b) "Person with an intellectual and developmental
24 disability" or "youth with an intellectual and developmental disability"
25 means a person or youth determined by a ~~community-centered board~~ CASE
26 MANAGEMENT AGENCY to have an intellectual and developmental
27 disability and ~~shall include~~ INCLUDES a child with a developmental delay.

1 (4) "Plan of care" means a coordinated plan of care for provision
2 of services in other than a nursing facility or institutional setting,
3 developed and managed, subject to review and approval pursuant to
4 section 25.5-6-404, by a ~~community-centered board~~ CASE MANAGEMENT
5 AGENCY for persons with INTELLECTUAL AND developmental disabilities.
6 This plan of care shall fully identify the services to be provided to eligible
7 persons. Prior to the provision of those services, a physician may be
8 required to review an assessment document to insure that it adequately
9 describes the medical needs of the eligible person.

10 **SECTION 32.** In Colorado Revised Statutes, 25.5-6-406, **amend**
11 **(2)(e)** as follows:

12 **25.5-6-406. Appropriations - reimbursement for services -**
13 **direct support professionals - legislative declaration - definitions.**

14 **■ ■**
15 **(2) (e)** Service agencies shall use one hundred percent of the
16 funding resulting from the increase in the reimbursement rate pursuant to
17 subsection (2)(c) of this section to increase compensation for direct
18 support professionals above the rate of compensation that direct support
19 professionals are receiving as of June 30, 2018. This requirement applies
20 to funds billed by ~~community-centered boards~~ CASE MANAGEMENT
21 AGENCIES AND ENTITIES in their role as organized ~~health-care~~
22 HEALTH-CARE delivery systems, AS DEFINED IN 42 CFR 447.10 (b).
23 Service agencies shall not use funding resulting from the reimbursement
24 rate increase for general and administrative expenses, such as chief
25 executive officer salaries, human resources, information technology,
26 oversight, business management, general record keeping, budgeting and
27 finance, and other activities not identifiable to a single program.

1 **SECTION 33.** In Colorado Revised Statutes, 25.5-6-409, **amend**
2 (2); and **repeal** (4) as follows:

3 **25.5-6-409. Services for persons with intellectual and**
4 **developmental disabilities.** (2) Services for persons with INTELLECTUAL
5 AND developmental disabilities provided through this program ~~shall~~ MUST
6 be delivered under the provisions of a statewide services plan, in the form
7 of home- and community-based services waivers or model waivers,
8 developed by the state department and the department of human services
9 and approved by the federal centers for medicare and medicaid services,
10 or any successor agency. This plan ~~shall~~ MUST include the specific
11 services to be offered, a plan for the delivery of such services through
12 ~~community centered boards~~ CASE MANAGEMENT AGENCIES or other
13 service agencies approved pursuant to THIS ARTICLE 6 OR article 10.5 of
14 title 27 C.R.S., utilizing where appropriate the provision of in-home
15 services, the expected costs of such services, the expected benefits of
16 providing those services, and the administrative provisions which shall
17 govern the implementation of the plan. The plan ~~shall~~ MUST provide for
18 all necessary safeguards to ensure the health and welfare of any eligible
19 persons. The average per capita expenditure for services under this plan
20 ~~shall~~ MUST not exceed the average per capita expenditure the department
21 of human services or the state department would have made for services
22 otherwise available without this plan.

23 (4) ~~Any services for persons with intellectual and developmental~~
24 ~~disabilities provided through this program shall be set forth in a plan of~~
25 ~~care developed and managed by a community-centered board and subject~~
26 ~~to review and approval pursuant to section 25.5-6-404. The plan of care~~
27 ~~shall:~~

1 ~~(a) Be based on the particular services needs of the eligible~~
2 ~~person;~~

3 ~~(b) Describe the services necessary to avoid institutionalization;~~
4 ~~and~~

5 ~~(c) (I) Include a process by which the person who is receiving~~
6 ~~services may receive necessary care for medical purposes, which may~~
7 ~~include respite care, if the person's service provider is unavailable due to~~
8 ~~an emergency situation or to unforeseen circumstances. The person who~~
9 ~~is receiving services and the person's family or guardian shall be duly~~
10 ~~informed by the community centered board of these alternative care~~
11 ~~provisions at the time the plan of care is initiated.~~

12 ~~(II) Nothing in this paragraph (c) requires a community centered~~
13 ~~board to provide services set forth in a plan of care that the community~~
14 ~~centered board is not otherwise required to provide to the person~~
15 ~~receiving services, only that the plan of care include a contingency for~~
16 ~~such services.~~

17 **SECTION 34.** In Colorado Revised Statutes, 25.5-6-409.5,
18 **amend** (4)(a) and (6) as follows:

19 **25.5-6-409.5. Transition plan for youth with intellectual and**
20 **developmental disabilities to adult services - legislative declaration -**
21 **report - rules - cash fund.** (4) For each youth with intellectual and
22 developmental disabilities who is going to be transitioned to adult
23 services for persons with intellectual and developmental disabilities
24 pursuant to subsection (3) of this section, the county department of human
25 or social services that is currently providing services to the youth through
26 its child welfare system shall develop a transition plan for that youth. The
27 transition plan must, at a minimum:

1 (a) Include the department-prescribed assessment provided by the
2 ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN
3 SECTION 25.5-6-1702, that is performed as soon as possible for those
4 youth who are being transitioned pursuant to subsection (3) of this section
5 and at seventeen and a half years of age for those youth who are being
6 transitioned pursuant to ~~subparagraph (IV) of paragraph (a) of subsection~~
7 ~~(3) of this section or paragraph (b) of subsection (3)~~ SUBSECTION
8 (3)(a)(IV) OR (3)(b) of this section. In all instances, the assessment must
9 be completed within six months of a youth's transition to adult services.

10 (6) It is the intent of the general assembly that county child
11 welfare systems and ~~community-centered boards~~ CASE MANAGEMENT
12 AGENCIES, AS DEFINED IN SECTION 25.5-6-1702, collaborate to ensure
13 minimal disruption for youth during the transition process.

14 **SECTION 35.** In Colorado Revised Statutes, 25.5-6-804, **amend**
15 (5) as follows:

16 **25.5-6-804. Services - duties of the state department - rules.**

17 (5) The state department shall contract with a ~~community centered board~~
18 CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, for
19 persons with INTELLECTUAL AND developmental disabilities to serve as
20 the ~~single entry point~~ agency for services and as the care planning agency
21 for eligible children. ~~If a community centered board is unwilling or~~
22 ~~unable to enter into the contract with the state department, the state~~
23 ~~department may contract with a single entry point agency identified~~
24 ~~pursuant to section 25.5-6-106 or a state-department-approved case~~
25 ~~management agency to serve as the entry point agency and as the care~~
26 ~~planning agency.~~ The care planning process shall include the eligible
27 child's family or guardian, the eligible child's lead provider, and the

1 eligible child's case manager. For the purpose of implementing this part
2 8, the care planning process shall be coordinated with any other care plan
3 or case manager the eligible child may have.

4 **SECTION 36.** In Colorado Revised Statutes, 25.5-6-1102,
5 **amend** (3) as follows:

6 **25.5-6-1102. Service model - consumer-directed care.** (3) The
7 voucher issued to the eligible person ~~under~~ PURSUANT TO this part 11
8 ~~shall~~ MUST be based on the eligible person's historical utilization of home-
9 and community-based services ~~under~~ PURSUANT TO parts 3 to 12 of this
10 ~~article~~ ARTICLE 6, the ~~single entry point~~ CASE MANAGEMENT agency's care
11 plan, or any approved resource allocation process as determined by the
12 state department and the department of human services for the eligible
13 person.

14 **SECTION 37.** In Colorado Revised Statutes, 25.5-6-1203,
15 **amend** (5) and (7)(b) introductory portion as follows:

16 **25.5-6-1203. In-home support services - eligibility - licensure**
17 **exclusion - in-home support service agency responsibilities - rules.**
18 (5) The ~~single entry point~~ CASE MANAGEMENT agencies established in
19 ~~section 25.5-6-106~~ SECTION 25.5-6-1703 shall be responsible for
20 determining a person's eligibility for in-home support services; except that
21 for eligible disabled children the state department shall designate the
22 entity that will determine the child's eligibility. The state board shall
23 promulgate rules specifying the ~~single entry point~~ CASE MANAGEMENT
24 agencies' responsibilities ~~under~~ PURSUANT TO this part 12. At a minimum,
25 these rules ~~shall~~ MUST require that case managers discuss the option and
26 potential benefits of in-home support services with all eligible long-term
27 care clients.

1 (7) In administering the provision of in-home support services
2 pursuant to this part 12, the state department shall:

3 (b) Provide comprehensive, periodic training for all ~~single entry~~
4 ~~point~~ CASE MANAGEMENT agencies in the state, which training shall
5 include, at a minimum:

6 **SECTION 38.** In Colorado Revised Statutes, 25.5-10-202,
7 **amend** (1.9), (2), (3), (5.7), (9), (14), (24)(b), (26)(b), (28), and (29); and
8 **repeal** (4); and **add** (15.3) as follows:

9 **25.5-10-202. Definitions.** As used in this article 10, unless the
10 context otherwise requires:

11 (1.9) "Case management agency" ~~means a public or private~~
12 ~~not-for-profit or for-profit agency that meets all applicable state and~~
13 ~~federal requirements and is certified by the state department to provide~~
14 ~~case management services pursuant to section 25.5-10-209.5. The case~~
15 ~~management agency shall provide case management services pursuant to~~
16 ~~a contract with the state department~~ HAS THE SAME MEANING AS SET
17 FORTH IN SECTION 25.5-6-1702 (2).

18 (2) "Case management services" ~~means the following:~~

19 (a) ~~Repealed.~~

20 (b) ~~Service and support coordination; and~~

21 (c) ~~The monitoring of all services and supports delivered pursuant~~
22 ~~to the individualized plan and the evaluation of results identified in the~~
23 ~~individualized plan~~ HAS THE SAME MEANING AS SET FORTH IN SECTION
24 25.5-6-1702 (3).

25 (3) "Case manager" ~~means a person who assists with case~~
26 ~~management services and supports provided pursuant to this article for~~
27 ~~persons with intellectual and developmental disabilities~~ HAS THE SAME

1 MEANING AS SET FORTH IN SECTION 25.5-6-1702 (4).

2 (4) "~~Community-centered board~~" means a private corporation,
3 for-profit or not-for-profit, that is designated pursuant to section
4 25.5-10-209.

5 (5.7) "~~Conflict-free case management~~" means, pursuant to 42 CFR
6 441.301 (c)(1)(VI), case management services provided to a person with
7 an intellectual and developmental disability enrolled in a home- and
8 community-based services waiver that are provided by a case
9 management agency that is not the same agency that provides services
10 and supports to that person. Service agencies and case management
11 agencies are responsible for ensuring persons who are employed by the
12 agency meet the requirements of this article 10 HAS THE SAME MEANING
13 AS SET FORTH IN SECTION 25.5-6-1702 (6).

14 (9) "~~Designated~~ "DEFINED service area" means the geographical
15 area specified by the executive director to be served by a designated
16 community-centered board HAS THE SAME MEANING AS SET FORTH IN
17 SECTION 25.5-6-1702 (7).

18 (14) "Eligible for supports and services" refers to any person with
19 an intellectual and developmental disability as determined by a
20 community-centered board CASE MANAGEMENT AGENCY pursuant to
21 section 25.5-10-211 SECTION 25.5-6-1704.

22 (15.3) "ENTITY" HAS THE SAME MEANING AS SET FORTH IN SECTION
23 25.5-6-1702 (8).

24 (24) (b) Every individualized plan must include a statement of
25 agreement with the plan, signed by the person receiving services or other
26 such person legally authorized to sign on behalf of the person and by a
27 representative of the community-centered board or case management

1 agency.

2 (26)(b) "Person with an intellectual and developmental disability"
3 means a person determined by a ~~community-centered board~~ CASE
4 MANAGEMENT AGENCY to have an intellectual and developmental
5 disability and includes a child with a developmental delay.

6 (28) "Interdisciplinary team" means a group of people convened
7 by a designated ~~community-centered board~~ or by a case management
8 agency that includes the person receiving services; the parents or guardian
9 of a minor; a guardian or an authorized representative, as appropriate; the
10 person who coordinates the provisions of LONG-TERM services and
11 supports; and others chosen by the person receiving services, who are
12 assembled to work in a cooperative manner to develop or review the
13 individualized plan.

14 (29) "Least restrictive environment" means an environment that
15 represents the least departure from the typical patterns of living and that
16 effectively meets the needs and preferences of the person receiving
17 services. "Least restrictive environment" may include, but need not be
18 limited to, receiving services from a ~~community-centered board~~, service
19 agency, A case management agency, or a family caregiver in the family
20 home.

21 **SECTION 39.** In Colorado Revised Statutes, 25.5-10-204,
22 **amend** (1)(a), (1)(b), (1)(c) introductory portion, and (1)(d); and **repeal**
23 (2)(b) as follows:

24 **25.5-10-204. Duties of the executive director - state board**
25 **rules - definition.** (1) In order to implement the provisions of this article
26 10, the executive director shall, subject to available appropriations, carry
27 out the following duties:

1 (a) Conduct monitoring and review activities that include
2 ~~community-centered boards~~, CASE MANAGEMENT AGENCIES AND service
3 agencies; ~~and case management agencies~~;

4 (b) Provide or obtain training and technical assistance through
5 ~~community-centered boards~~, CASE MANAGEMENT AGENCIES AND service
6 agencies ~~and case management agencies~~ in order to improve the quality
7 of LONG-TERM services and supports provided to persons with intellectual
8 and developmental disabilities;

9 (c) Prepare and transmit annually to the governor and the joint
10 budget committee of the general assembly, in the form and manner
11 prescribed pursuant to section 24-1-136, ~~C.R.S.~~, a report detailing the
12 following information, as available and appropriate, that is broken down
13 into ~~designated~~ DEFINED service areas as well as provided in an overall
14 statewide format:

15 (d) Designate a ~~community-centered board~~ CASE MANAGEMENT
16 AGENCY in each ~~designated~~ DEFINED service area in the state;

17 (2) The state board shall adopt such rules, in accordance with
18 section 24-4-103, as are necessary to carry out the provisions and
19 purposes of this article 10, including but not limited to the following
20 subjects:

21 ~~(b) The designation of community-centered boards and the~~
22 ~~organization of those entities, including standards of organization, staff~~
23 ~~qualifications, and other factors necessary to ensure program integrity;~~

24 **SECTION 40.** In Colorado Revised Statutes, **amend** 25.5-10-205
25 as follows:

26 **25.5-10-205. Case management agencies - local public**
27 **procurement units.** For purposes of entering into a cooperative

1 purchasing agreement pursuant to section 24-110-201, ~~€R.S.~~, a nonprofit
2 ~~community-centered board~~ CASE MANAGEMENT AGENCY or a nonprofit
3 service agency may be certified as a local public procurement unit as
4 provided in section 24-110-207.5. ~~€R.S.~~

5 **SECTION 41.** In Colorado Revised Statutes, 25.5-10-206,
6 **amend** (1) introductory portion, (2), (3), (4)(a) introductory portion,
7 (4)(a)(II), (4)(b)(I), (5), and (7)(b) as follows:

8 **25.5-10-206. Authorized long-term services and supports -**
9 **conditions of funding - purchase of services and supports - adult**
10 **protective services data system check - boards of county**
11 **commissioners - appropriation.** (1) Subject to annual appropriations by
12 the general assembly, the state department shall provide or purchase,
13 pursuant to subsection (4) of this section, authorized LONG-TERM services
14 and supports from ~~community-centered boards~~, case management
15 agencies or service agencies for persons who have been determined to be
16 eligible for such LONG-TERM services and supports pursuant to ~~section~~
17 ~~25.5-10-211~~ SECTION 25.5-6-1704 and as specified in the eligible person's
18 individualized plan. Those LONG-TERM services and supports may
19 include, but need not be limited to, the following:

20 (2) Service agencies ~~community-centered boards~~, and case
21 management agencies receiving funds pursuant to subsection (1) of this
22 section shall comply with all of the provisions of this article 10 and the
23 rules promulgated thereunder.

24 (3) Case management services must be purchased from the
25 ~~community-centered board designated pursuant to section 25.5-10-209 or~~
26 ~~the~~ case management agency, except as otherwise provided in subsection
27 (4) of this section.

1 (4) (a) The state department may purchase LONG-TERM services
2 and supports directly from service agencies and case management
3 services from case management agencies if:

4 (II) The executive director has determined that a LONG-TERM
5 service or support provided or purchased by a ~~designated~~
6 ~~community-centered board~~ CASE MANAGEMENT AGENCY does not meet
7 established standards and the continuation of purchase of the LONG-TERM
8 service or support through the ~~community-centered board~~ CASE
9 MANAGEMENT AGENCY is not in the best interests of the persons receiving
10 services.

11 (b) (I) The state department shall only purchase LONG-TERM
12 services and supports directly from those ~~community-centered boards~~,
13 case management agencies or service agencies that meet established
14 standards.

15 (5) Governmental units, including but not limited to counties,
16 municipalities, school districts, health service districts, and state
17 institutions of higher education, are authorized at their own expense to
18 furnish money, materials, or LONG-TERM services and supports to persons
19 with intellectual and developmental disabilities, or to purchase
20 LONG-TERM services and supports for such persons through designated
21 ~~community-centered boards~~, case management agencies or service
22 agencies, so long as no conditions or requirements imposed as a result of
23 the provision or purchase conflict with the provisions of this article 10 or
24 the rules promulgated thereunder.

25 (7) (b) Each school district shall pay to the ~~community-centered~~
26 ~~board~~ **providing** CASE MANAGEMENT AGENCY **PURCHASING** programs
27 attended by a student with an intellectual and developmental disability,

1 who is domiciled in the school district and may be counted in the district's
2 pupil enrollment, an amount at least equal to the district's per pupil
3 revenues as determined pursuant to the "Public School Finance Act of
4 1994", article 54 of title 22. ~~C.R.S.~~ This subsection (7) applies to students
5 who are less than twenty-two years of age.

6 **SECTION 42.** In Colorado Revised Statutes, 25.5-10-207,
7 **amend** (3)(c) and (3)(e); and **repeal** (3)(d) as follows:

8 **25.5-10-207. Long-term services and supports - waiting list**
9 **reduction - cash fund - repeal.** (3) The general assembly may annually
10 appropriate money in the intellectual and developmental disabilities
11 services cash fund to the state department for:

12 (c) Increasing system capacity for home- and community-based
13 intellectual and developmental disabilities programs, services, and
14 supports; AND

15 (d) ~~The development of an assessment tool pursuant to section~~
16 ~~25.5-6-104 (5); and~~

17 (e) Systems changes related to ensuring that the system of
18 LONG-TERM services and supports is compliant with conflict-free case
19 management provisions pursuant to ~~section 25.5-10-211.5~~ PART 17 OF
20 ARTICLE 6 OF THIS TITLE 25.5.

21 **SECTION 43.** In Colorado Revised Statutes, 25.5-10-207.5,
22 **amend** (2) and (4)(a) as follows:

23 **25.5-10-207.5. Strategic plan for long-term services and**
24 **supports - joint hearing - appropriation - reporting - legislative**
25 **declaration - rules.** (2) During each regular session of the general
26 assembly, the joint budget committee and the health and human services
27 committees of the senate and the house of representatives, or any

1 successor committees, shall hold a joint hearing and take public testimony
2 on the status of the waiting lists for persons with intellectual and
3 developmental disabilities who are waiting for enrollment into a home-
4 and community-based services program or a program provided pursuant
5 to this article 10 and the availability of general fund money to reduce the
6 number of persons on the waiting lists and the amount of time eligible
7 persons wait for such services. Notwithstanding the provisions of section
8 24-1-136 (11)(a)(I), the state department shall present testimony,
9 including the information provided in the report pursuant to subsection
10 (3) of this section, as well as information concerning the ongoing
11 implementation of the strategic plan required pursuant to subsection (4)
12 of this section, including any revisions to the strategic plan. Additionally,
13 the state department, ~~community-centered boards~~ CASE MANAGEMENT
14 AGENCIES, and providers shall report on the use and effectiveness of any
15 money appropriated in the preceding state fiscal year for increasing
16 system capacity. The goal of the hearing is to propose an appropriation
17 from the general fund to the intellectual and developmental disabilities
18 services cash fund.

19 (4) (a) On or before November 1, 2014, the state department shall
20 develop, in consultation with intellectual and developmental disability
21 system stakeholders, a comprehensive strategic plan including
22 administrative procedures and adequate funding to enroll eligible persons
23 with intellectual and developmental disabilities into home- and
24 community-based services programs and programs provided pursuant to
25 this ~~article~~ ARTICLE 10 at the time those persons choose to enroll in the
26 programs or need the services or supports. As part of developing the
27 strategic plan, the state department shall review the statutory definition of

1 "waiting list" set forth in section 25.5-10-202 and make recommendations
2 concerning amendments to the definition. In engaging stakeholders, the
3 state department shall include both persons and families receiving
4 services, as well as persons and families waiting for enrollment into
5 programs, services, or supports. These persons and families ~~shall~~ MUST
6 include, at a minimum, persons and families who reside in each
7 ~~community-centered, board-designated~~ DEFINED service area within the
8 state. In developing the strategic plan, the state department shall review
9 relevant recommendations from the community living advisory group
10 created in the office pursuant to the governor's executive order D
11 2012-027, as well as other relevant information. The strategic plan ~~shall~~
12 MUST include specific recommendations and annual benchmarks for
13 achieving this enrollment goal by July 1, 2020, including
14 recommendations relating to increasing system capacity. The state
15 department shall review the strategic plan annually and revise the plan as
16 needed to meet the enrollment goal. Nothing in this section precludes the
17 state department from considering changes in the structure of the state's
18 intellectual and developmental disabilities programs, including medicaid
19 waiver modification.

20 **SECTION 44.** In Colorado Revised Statutes, 25.5-10-208,
21 **amend** (2) introductory portion, (2)(b), (2)(d), (2)(f), (3), and (4); and
22 **repeal** (2)(c) as follows:

23 **25.5-10-208. Service agencies and case management agencies**
24 **- money - rules.** (2) The state board shall promulgate rules to implement
25 the purchase of LONG-TERM services and supports from a
26 ~~community-centered board~~, service agency, case management agency, or
27 family caregiver. The rules must include, but need not be limited to:

1 (b) Procedures for obtaining an annual audit of ~~designated~~
2 ~~community-centered boards~~, case management agencies and service
3 agencies to provide financial information deemed necessary by the state
4 department to establish costs of LONG-TERM services and supports and to
5 ensure proper management of money received pursuant to section
6 25.5-10-206;

7 (c) ~~Delineation of a system to resolve contractual disputes~~
8 ~~between the state department and designated community-centered boards,~~
9 ~~service agencies, or case management agencies, and between designated~~
10 ~~community-centered boards and service agencies, including the~~
11 ~~contesting of any rates that the designated community-centered boards~~
12 ~~charge to service agencies based upon a percentage of the rates that~~
13 ~~service agencies charge for services and supports;~~

14 (d) Specification of which LONG-TERM services and supports are
15 to be reimbursed by the state department and secondarily by the
16 ~~community-centered board~~ CASE MANAGEMENT AGENCY, the source of
17 reimbursement, actual LONG-TERM service or support costs, incentives,
18 and program service objectives that affect reimbursement;

19 (f) Criteria for and limitations on any rates that ~~designated~~
20 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES charge to
21 service agencies based upon a percentage of the rates that service
22 agencies charge for LONG-TERM services and supports.

23 (3) Any incorporated service agency that is registered in Colorado
24 as a foreign corporation shall organize a local advisory board consisting
25 of persons who reside within the ~~designated~~ DEFINED service area. ~~Such~~
26 THE advisory board shall be representative of the community at large and
27 persons receiving services and their families.

1 (4) Upon a determination by the executive director that services
2 or supports have not been provided in accordance with the program or
3 financial administration standards specified in this article 10 and the rules
4 promulgated thereunder, the executive director may reduce, suspend, or
5 withhold payment to a ~~designated community-centered board~~, case
6 management agency or service agency under contract with a ~~designated~~
7 ~~community-centered board~~ CASE MANAGEMENT AGENCY, or service
8 agency from which the state department purchased LONG-TERM services
9 or supports directly. When the executive director decides to reduce,
10 suspend, or withhold payment, the executive director shall specify the
11 reasons therefor and the actions that are necessary to bring the ~~designated~~
12 ~~community-centered board~~, case management agency or service agency
13 into compliance.

14 **SECTION 45.** In Colorado Revised Statutes, 25.5-10-218,
15 **amend** (3) as follows:

16 **25.5-10-218. Persons' rights.** (3) The rights of any person
17 receiving services which are specified in this ~~article~~ ARTICLE 10 may be
18 ~~suspended~~ MODIFIED to protect the person receiving services from
19 endangering ~~such~~ THE person, others, or property. ~~Such~~ THE rights may
20 be ~~suspended~~ MODIFIED only by the ~~intellectual and developmental~~
21 ~~disabilities professional~~ WITH THE INFORMED CONSENT OF THE PERSON
22 RECEIVING SERVICES OR THE PERSON'S LEGALLY AUTHORIZED
23 REPRESENTATIVE AND with subsequent review by the PERSON RECEIVING
24 SERVICES, THE PERSON'S LEGALLY AUTHORIZED REPRESENTATIVE, THE
25 PERSON'S interdisciplinary team, and by the human rights committee in
26 order to provide specific services or supports to the person receiving
27 services, which will promote the least restriction on the person's rights.

1 ~~Such~~ THE person's legal rights may be removed by a court pursuant to
2 section 25.5-10-216.

3 **SECTION 46.** In Colorado Revised Statutes, **amend** 25.5-10-240
4 as follows:

5 **25.5-10-240. Retaliation prohibited.** No person shall be
6 discriminated against because ~~he or she~~ THE PERSON has made a
7 complaint, testified, assisted, or participated in any manner in an
8 investigation, proceeding, or hearing pursuant to this ~~article~~ ARTICLE 10,
9 including the dispute resolution procedures in section 25.5-10-212 and
10 section 27-10.5-107. ~~C.R.S.~~ A service agency, including the state
11 department and any ~~community-centered board~~ CASE MANAGEMENT
12 AGENCY, shall not coerce, intimidate, threaten, or interfere with any
13 person in the exercise or enjoyment of any right pursuant to this ~~article~~
14 ARTICLE 10, or on account of ~~his or her~~ THE PERSON having exercised or
15 enjoyed any right pursuant to this ~~article~~ ARTICLE 10, or on account of ~~his~~
16 ~~or her~~ THE PERSON having aided or encouraged any other person in the
17 exercise or enjoyment of any right pursuant to this ~~article~~ ARTICLE 10.

18 **SECTION 47.** In Colorado Revised Statutes, 25.5-10-303,
19 **amend** (2), (3)(b), (3)(c), (3)(e), and (4) as follows:

20 **25.5-10-303. Administration - duties of department.** (2) The
21 state department may contract with ~~community-centered boards and other~~
22 ~~service providers~~ CASE MANAGEMENT AGENCIES OR ENTITIES approved by
23 the state department to provide family support services in accordance
24 with this part 3. Programs developed shall be flexible in order to address
25 individual family needs.

26 (3) In administering the family support services program, the state
27 department shall have the following duties:

1 (b) To pursue a family support model 200 waiver for approval by
2 the federal ~~health care financing administration~~ CENTERS FOR MEDICARE
3 AND MEDICAID SERVICES in order to utilize medicaid funds for the
4 provision of family support services, implemented subject to
5 appropriation;

6 (c) To develop rules to be promulgated by the state board pursuant
7 to section 25.5-10-306, with consultation from service ~~providers~~
8 AGENCIES, including representatives of families of persons with
9 intellectual and developmental disabilities;

10 (e) To coordinate training and provide technical assistance to
11 ~~community-centered boards and service providers~~ CASE MANAGEMENT
12 AGENCIES OR ENTITIES APPROVED TO PROVIDE FAMILY SUPPORT SERVICES;

13 (4) Subject to annual appropriation by the general assembly, out
14 of the appropriation to the state department for community programs in
15 the general appropriation act, the state department is authorized to use up
16 to seven percent of such appropriation allocated for family support
17 services to pay for administrative costs within the state department and
18 the ~~community-centered boards~~ SERVICE AGENCY.

19 **SECTION 48.** In Colorado Revised Statutes, 25.5-10-304,
20 **amend** (1) and (2)(a) as follows:

21 **25.5-10-304. Family support councils.** (1) The state department
22 shall ensure that each ~~community-centered board~~ CASE MANAGEMENT
23 AGENCY OR SERVICE AGENCY APPROVED TO PROVIDE FAMILY SUPPORT
24 SERVICES establishes a family support council in each
25 ~~community-centered board designated~~ DEFINED service area. The family
26 support councils ~~shall~~ MUST consist of professionals, interested citizens,
27 family members of persons with an intellectual and developmental

1 disability, and persons with an intellectual and developmental disability
2 with a majority of the council being made up of family members.

3 (2) The family support council shall:

4 (a) Provide direction and assistance to the ~~community-centered~~
5 ~~board~~ CASE MANAGEMENT AGENCY in the development of a family
6 support plan for the ~~designated~~ DEFINED service area;

7 **SECTION 49.** In Colorado Revised Statutes, 26-2-103, **amend**
8 (1); and **add** (1.3) and (5.3) as follows:

9 **26-2-103. Definitions.** As used in this article 2 and article 1 of
10 this title 26, unless the context otherwise requires:

11 (1) ~~"Applicant" means any individual or family who individually~~
12 ~~or through a designated representative or someone acting responsibly for~~
13 ~~him has applied for benefits under the programs of public assistance~~
14 ~~administered or supervised by the state department pursuant to the~~
15 ~~provisions of this article.~~ "ACTIVITIES OF DAILY LIVING" MEANS THE BASIC
16 SELF-CARE ACTIVITIES, INCLUDING EATING, BATHING, DRESSING,
17 TRANSFERRING FROM BED TO CHAIR, BOWEL AND BLADDER CONTROL, AND
18 INDEPENDENT AMBULATION.

19 (1.3) "APPLICANT" MEANS ANY INDIVIDUAL OR FAMILY WHO
20 INDIVIDUALLY OR THROUGH A DESIGNATED REPRESENTATIVE OR SOMEONE
21 ACTING RESPONSIBLY FOR THE INDIVIDUAL OR FAMILY HAS APPLIED FOR
22 BENEFITS UNDER THE PROGRAMS OF PUBLIC ASSISTANCE ADMINISTERED OR
23 SUPERVISED BY THE STATE DEPARTMENT PURSUANT TO THIS ARTICLE 2.

24 (5.3) "INSTRUMENTAL ACTIVITIES OF DAILY LIVING" MEANS HOME
25 MANAGEMENT AND INDEPENDENT LIVING ACTIVITIES SUCH AS COOKING,
26 CLEANING, USING A TELEPHONE, SHOPPING, DOING LAUNDRY, PROVIDING
27 TRANSPORTATION, AND MANAGING MONEY.

1 **SECTION 50.** In Colorado Revised Statutes, 26-2-122.3, **amend**
2 (1)(b)(III), (2), and (5); and **repeal** (1)(a) as follows:

3 **26-2-122.3. Home care allowance.** (1) (a) ~~(F)~~—The state
4 department, subject to available appropriations, may provide adult foster
5 care for persons eligible to receive old age pension, aid to the needy
6 disabled, or aid to the blind. For purposes of this paragraph (a), "adult
7 foster care" means care and services that, in addition to room and board,
8 may include, but are not limited to, personal services, recreational
9 opportunities, transportation, utilization of volunteer services, and special
10 diets. Such care and services are provided to recipients of federal
11 supplemental security income benefits who are also eligible for the
12 Colorado supplement program for aid to the needy disabled or aid to the
13 blind and who do not require skilled nursing care or intermediate health
14 care and cannot remain in or return to their residences but who need to
15 reside in a supervised nonmedical setting on a twenty-four-hour basis.
16 Those persons with intellectual and developmental disabilities as defined
17 in section 25.5-10-202, C.R.S., or who are receiving or are eligible to
18 receive services pursuant to article 10 of title 25.5, C.R.S., or any
19 provision of title 27, C.R.S., do not qualify for adult foster care under this
20 paragraph (a).

21 ~~(H)~~ Adult foster care facilities shall be licensed by the department
22 of public health and environment pursuant to section 25-27-105, C.R.S.

23 (b) (III) For the purposes of this paragraph ~~(b)~~ SUBSECTION (1)(b),
24 "home care allowance" is a program that provides payments, subject to
25 available appropriations, to functionally impaired persons who meet the
26 criteria specified in ~~subparagraph (F)~~ of this paragraph ~~(b)~~ SUBSECTION
27 (1)(b)(I) OF THIS SECTION as determined in accordance with rules. The

1 payments allow recipients who are in need of long-term care SERVICES
2 AND SUPPORTS to purchase community-based services as defined in rules
3 adopted by the state department. These services may include, but need not
4 be limited to, the supervision of self-administered medications, assistance
5 with activities of daily living, ~~as defined in section 25.5-6-104 (2)(a),~~
6 ~~C.R.S.~~, and assistance with instrumental activities of daily living. ~~as~~
7 ~~defined in section 25.5-6-104 (2)(g), C.R.S.~~ The rules adopted by the state
8 department shall specify, in accordance with the provisions of this
9 section, the services available under the program and shall specify
10 eligibility criteria for the home care allowance program. In addition, the
11 rules shall specifically provide for a determination as to the person's
12 functional impairment and the person's unmet need for paid care and shall
13 address amounts awarded to persons eligible for home care allowance.
14 The state department shall specify in the rules the methods for
15 determining the unmet need for paid care and the amount of a home care
16 allowance that may be awarded to eligible persons. Such methods may be
17 based on how often a person experiences unmet need for paid care or any
18 other method that the state board determines is valid in correlating unmet
19 need for paid care with an amount of a home care allowance award. The
20 state department shall require that eligibility and unmet need for paid care
21 be determined through the use of a comprehensive and uniform client
22 assessment instrument prescribed by the state department. The state
23 department may adjust income eligibility criteria, including any functional
24 impairment standard, or the amounts awarded to eligible persons or may
25 limit or suspend enrollments as necessary to manage the home care
26 allowance program within the funds appropriated by the general
27 assembly. In addition, the state department may adjust which services are

1 available under the program; except that the adjustment shall be
2 consistent with the provisions of this subsection (1).

3 (2) The state department shall administer ~~the adult foster care~~
4 ~~program~~ and the home care allowance program. The executive director or
5 the state board, as appropriate, shall promulgate rules necessary for the
6 implementation of this section.

7 (5) The state department shall contract with ~~the single entry point~~
8 ~~agencies~~ CASE MANAGEMENT AGENCIES for functions of the home care
9 allowance ~~and adult foster care programs~~ pursuant to the terms of the
10 contract or rule of the state department.

11 **SECTION 51.** In Colorado Revised Statutes, 26-3.1-102, **amend**
12 (1)(b)(IX) as follows:

13 **26-3.1-102. Reporting requirements.** (1) (b) The following
14 persons, whether paid or unpaid, are urged to report as described in
15 subsection (1)(a) of this section:

16 (IX) Staff of ~~community-centered boards~~ CASE MANAGEMENT
17 AGENCIES, AS DEFINED IN SECTION 25.5-6-1702;

18 **SECTION 52.** In Colorado Revised Statutes, 26-3.1-111, **amend**
19 (7)(d) and (7)(e) as follows:

20 **26-3.1-111. Access to CAPS - employment checks -**
21 **confidentiality - fees - rules - legislative declaration - definitions.**

22 (7) The following employers shall request a CAPS check pursuant to this
23 section:

24 (d) A ~~community-centered board~~ or a program-approved service
25 agency OR CONTRACTED AGENCY providing or contracting for LONG-TERM
26 services and supports pursuant to article 10 of title 25.5;

27 (e) A ~~single entry point~~ CASE MANAGEMENT agency, as ~~described~~

1 ~~in section 25.5-6-106~~ DEFINED IN SECTION 25.5-6-1702 (2);

2 **SECTION 53.** In Colorado Revised Statutes, 26-5-102, **amend**
3 (3)(i) as follows:

4 **26-5-102. Provision of child welfare services - system reform**
5 **goals - out-of-home placements for children and youth with**
6 **intellectual and developmental disabilities - rules - definition.**

7 (3) (i) Entities other than county departments, including but not limited
8 to hospitals, ~~health care~~ HEALTH-CARE providers, ~~single entry point~~
9 ~~agencies, and community-centered boards~~ AND CASE MANAGEMENT
10 AGENCIES, AS DEFINED IN SECTION 25.5-6-1702, may refer a family to
11 voluntarily apply and assist with the application to the state department
12 for admission of the family's child or youth with intellectual and
13 developmental disabilities into the program pursuant to this subsection
14 (3). ~~Such~~ THE applications will be considered if space is available.
15 However, children and youth with intellectual and developmental
16 disabilities placed by county departments or the state department ~~shall~~
17 MUST have priority for admission to the program. The state department
18 shall not accept applications for placement of a child or youth who is
19 exclusively insured by private insurance. A child or youth who is dually
20 insured by private insurance and medicaid and whose residential level of
21 care has been denied by private insurance may be eligible for services in
22 the program.

23 **SECTION 54.** In Colorado Revised Statutes, 26-6-102, **amend**
24 (5) as follows:

25 **26-6-102. Definitions.** As used in this article 6, unless the context
26 otherwise requires:

27 (5) "Child care center" means a facility, by whatever name known,

1 that is maintained for the whole or part of a day for the care of five or
2 more children who are eighteen years of age or younger and who are not
3 related to the owner, operator, or manager thereof, whether the facility is
4 operated with or without compensation for such care and with or without
5 stated educational purposes. The term includes, but is not limited to,
6 facilities commonly known as day care centers, school-age child care
7 centers, before and after school programs, nursery schools, kindergartens,
8 preschools, day camps, summer camps, and centers for developmentally
9 disabled children and those facilities that give twenty-four-hour care for
10 children and includes those facilities for children under the age of six
11 years with stated educational purposes operated in conjunction with a
12 public, private, or parochial college or a private or parochial school;
13 except that the term shall not apply to any kindergarten maintained in
14 connection with a public, private, or parochial elementary school system
15 of at least six grades or operated as a component of a school district's
16 preschool program operated pursuant to article 28 of title 22. ~~C.R.S.~~ The
17 term ~~shall~~ DOES not include any facility licensed as a family child care
18 home, a foster care home, or a specialized group facility that is licensed
19 to provide care for three or more children pursuant to subsection (36) of
20 this section, but that is providing care for three or fewer children who are
21 determined to have a AN INTELLECTUAL AND developmental disability by
22 a ~~community centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN
23 SECTION 25.5-6-1702, or who are diagnosed with a serious emotional
24 disturbance.

25 **SECTION 55.** In Colorado Revised Statutes, 26-6-104.5, **amend**
26 (4) as follows:

27 **26-6-104.5. Compliance with local government zoning**

1 **regulations - notice to local governments - provisional licensure.**

2 (4) The provisions of this section ~~shall~~ DO not apply to any foster care
3 home certified pursuant to this part 1 or to any specialized group facility
4 that is licensed to provide care for three or more children pursuant to this
5 part 1 but that is providing care for three or fewer children who are
6 determined to have a AN INTELLECTUAL AND developmental disability by
7 a ~~community centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN
8 SECTION 25.5-6-1702, or who have a serious emotional disturbance.

9 **SECTION 56.** In Colorado Revised Statutes, 27-10.5-102,
10 **amend** the introductory portion, (13), and (20)(b); **repeal** (3) and (9); and
11 **add** (1.5) and (7.5) as follows:

12 **27-10.5-102. Definitions.** As used in this ~~article~~ ARTICLE 10.5,
13 unless the context otherwise requires:

14 (1.5) "CASE MANAGEMENT AGENCY" HAS THE SAME MEANING AS
15 SET FORTH IN SECTION 25.5-6-1702 (2).

16 (3) ~~"Community-centered board" has the same meaning as set~~
17 ~~forth in section 25.5-10-202, C.R.S.~~

18 (7.5) "DEFINED SERVICE AREA" HAS THE SAME MEANING AS SET
19 FORTH IN SECTION 25.5-6-1702 (7).

20 (9) ~~"Designated service area" has the same meaning as set forth~~
21 ~~in section 25.5-10-202, C.R.S.~~

22 (13) "Eligible for supports and services" refers to any person with
23 an intellectual and developmental disability or delay as determined
24 eligible by the ~~community-centered boards~~ CASE MANAGEMENT AGENCY,
25 pursuant to section 27-10.5-106.

26 (20) (b) Every individualized plan ~~will~~ MUST include a statement
27 of agreement with the plan, signed by the person receiving services or

1 other such person legally authorized to sign on behalf of the person and
2 a representative of the ~~community-centered board~~ CASE MANAGEMENT
3 AGENCY.

4 **SECTION 57.** In Colorado Revised Statutes, 27-10.5-104,
5 **amend** (1) introductory portion and (4)(b); and **repeal** (4)(a)(II) as
6 follows:

7 **27-10.5-104. Authorized services and supports - conditions of**
8 **funding - purchase of services and supports - boards of county**
9 **commissioners - appropriation.** (1) Subject to annual appropriations by
10 the general assembly, the department shall provide or purchase, pursuant
11 to subsection (4) of this section, authorized LONG-TERM services and
12 supports from ~~community-centered boards~~ CASE MANAGEMENT AGENCIES
13 or service agencies for persons who have been determined to be eligible
14 for such LONG-TERM services and supports pursuant to section
15 27-10.5-106, and as specified in the eligible person's individualized plan.
16 Those LONG-TERM services and supports may include, but need not be
17 limited to, the following:

18 (4) (a) The department may purchase services and supports,
19 including service and support coordination, directly from service agencies
20 if:

21 ~~(II) The executive director has determined that a service or~~
22 ~~support provided or purchased by a designated community-centered board~~
23 ~~does not meet established standards and the continuation of purchase of~~
24 ~~the service or support through the community-centered board is not in the~~
25 ~~best interests of the persons receiving services.~~

26 (b) The department shall only purchase LONG-TERM services and
27 supports directly from those ~~community-centered boards~~ or service

1 agencies that meet established standards.

2 **SECTION 58.** In Colorado Revised Statutes, 27-10.5-104.5,
3 **amend** (3) introductory portion, (3)(b), (3)(d), (3)(i), (3.5), and
4 (4); and **repeal** (1) and (3)(c) as follows:

5 **27-10.5-104.5. Case management agencies when acting as**
6 **service agency - money - rules.** (1) ~~A service agency, including a~~
7 ~~community centered board when acting as a service agency, shall comply~~
8 ~~with the requirements set forth in this article and the rules promulgated~~
9 ~~thereunder.~~

10 (3) The department shall promulgate rules to implement the
11 purchase of LONG-TERM services and supports from a
12 ~~community-centered board~~ CASE MANAGEMENT AGENCY or a service
13 agency. The rules ~~shall~~ MUST include, but need not be limited to:

14 (b) Procedures for obtaining an annual audit of ~~designated~~
15 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES and service
16 agencies not affiliated with a ~~designated community-centered board~~ CASE
17 MANAGEMENT AGENCY to provide financial information deemed
18 necessary by the department to establish costs of LONG-TERM services and
19 supports and to ensure proper management of ~~moneys~~ MONEY received
20 pursuant to section 27-10.5-104;

21 (c) ~~Delineation of a system to resolve contractual disputes~~
22 ~~between the department and designated community-centered boards or~~
23 ~~service agencies and between designated community-centered boards and~~
24 ~~service agencies, including the contesting of any rates that the designated~~
25 ~~community-centered boards charge to service agencies based upon a~~
26 ~~percentage of the rates that service agencies charge for services and~~
27 ~~supports;~~

1 (d) Specification of what LONG-TERM services and supports are to
2 be reimbursed by the department and secondarily by the
3 ~~community-centered board~~ CASE MANAGEMENT AGENCIES, the source of
4 reimbursement, actual LONG-TERM service or support costs, incentives,
5 and program service objectives which affect reimbursement;

6 (i) Criteria for and limitations on any rates that ~~designated~~
7 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES charge to
8 service agencies based upon a percentage of the rates that service
9 agencies charge for LONG-TERM services and supports.

10 (3.5) Any incorporated service agency which is registered in
11 Colorado as a foreign corporation shall organize a local advisory board
12 consisting of individuals who reside within the ~~designated~~ DEFINED
13 service area. ~~Such~~ THE advisory board ~~shall~~ MUST be representative of the
14 community at large and persons receiving services and their families.

15 (4) Upon a determination by the executive director that
16 LONG-TERM services or supports have not been provided in accordance
17 with the program or financial administration standards specified in this
18 ~~article~~ ARTICLE 10.5 and the rules and regulations promulgated
19 thereunder, the executive director may reduce, suspend, or withhold
20 payment to a ~~designated community centered board~~ CASE MANAGEMENT
21 AGENCY, service agency under contract with a ~~designated community~~
22 ~~centered board~~ CASE MANAGEMENT AGENCY, or service agency from
23 which the department of human services purchased LONG-TERM services
24 or supports directly. When the executive director decides to reduce,
25 suspend, or withhold payment, the executive director shall specify the
26 reasons therefor and the actions which are necessary to bring the service
27 agency into compliance.

1 **SECTION 59.** In Colorado Revised Statutes, 27-10.5-105,
2 **amend** (1) introductory portion and (1)(a) as follows:

3 **27-10.5-105. Case management agencies - purchase of services**
4 **and supports.** (1) Once a ~~community-centered board~~ CASE
5 MANAGEMENT AGENCY has been designated pursuant to ~~section~~
6 ~~25.5-10-209, C.R.S.,~~ SECTION 25.5-6-1703 it shall, subject to available
7 appropriations:

8 (a) Determine eligibility and develop an individualized plan for
9 each person who receives LONG-TERM services or supports pursuant to
10 ~~section 25.5-10-211, C.R.S.~~ SECTION 25.5-6-1704; except that, for a child
11 from birth through two years of age, eligibility determination and
12 development of an individualized family service plan ~~shall~~ MUST be made
13 pursuant to part 7 of this ~~article~~ ARTICLE 10.5;

14 **SECTION 60.** In Colorado Revised Statutes, **amend** 27-10.5-106
15 as follows:

16 **27-10.5-106. Eligibility determination.** Any person may request
17 an evaluation pursuant to ~~section 25.5-10-211, C.R.S.,~~ SECTION
18 25.5-6-1704 to determine whether ~~he or she~~ THE PERSON has an
19 intellectual and developmental disability and is eligible to receive
20 LONG-TERM services and supports pursuant to this ~~article~~ ARTICLE 10.5.
21 Application for eligibility determination ~~shall~~ MUST be made to the
22 ~~designated community-centered board~~ CASE MANAGEMENT AGENCY in the
23 ~~designated~~ DEFINED service area where the person resides.

24 **SECTION 61.** In Colorado Revised Statutes, 27-10.5-205,
25 **amend** (1)(c) as follows:

26 **27-10.5-205. Powers and duties.** (1) The state council shall:
27 (c) Review programs that provide LONG-TERM services and

1 supports to persons with INTELLECTUAL AND developmental disabilities
2 under contracts with state agencies and ~~community centered boards~~ CASE
3 MANAGEMENT AGENCIES as authorized by the state plan;

4 **SECTION 62.** In Colorado Revised Statutes, 27-10.5-702,
5 **amend** (3) as follows:

6 **27-10.5-702. Definitions.** As used in this part 7, unless the
7 context otherwise requires:

8 (3) "Certified early intervention service broker" or "broker" means
9 ~~a community-centered board or other entity designated by the department~~
10 ~~of health care policy and financing pursuant to section 25.5-10-209,~~
11 ~~C.R.S.,~~ CASE MANAGEMENT AGENCY OR AN ENTITY, AS THOSE TERMS ARE
12 DEFINED IN SECTION 25.5-6-1702, THAT HAS ENTERED INTO A CONTRACT
13 WITH THE DEPARTMENT to perform the duties and functions specified in
14 section 27-10.5-708 in a particular ~~designated~~ DEFINED service area.
15 Notwithstanding the provisions of section 27-10.5-104 (4), if ~~the~~
16 ~~department of health care policy and financing is unable to designate a~~
17 ~~community-centered board or other entity~~ THERE IS NOT A CASE
18 MANAGEMENT AGENCY OR AN ENTITY AND THE DEPARTMENT IS UNABLE
19 TO DESIGNATE AN ORGANIZATION to serve as the broker for a particular
20 ~~designated~~ DEFINED service area, the department shall serve as the broker
21 for the ~~designated~~ DEFINED service area and may contract directly with
22 early intervention service providers to provide early intervention services
23 to eligible children in the ~~designated~~ DEFINED service area.

24 **SECTION 63.** In Colorado Revised Statutes, 27-10.5-703,
25 **amend** (3)(f), (3)(g), and (3)(h); and **add** (3)(i) as follows:

26 **27-10.5-703. Early intervention services - administration -**
27 **duties of department - rules.** (3) In administering early intervention

1 services, the department shall have and perform the following duties:

2 (f) To coordinate training and provide technical assistance to
3 ~~community centered boards~~ CERTIFIED EARLY INTERVENTION SERVICE
4 BROKERS, service providers, and other constituents who are involved in
5 the delivery of early intervention services to infants and toddlers from
6 birth through two years of age;

7 (g) To monitor and evaluate early intervention services provided
8 through this part 7; and

9 (h) To coordinate contracts, expenditures, and billing for early
10 intervention services provided through this part 7; AND

11 (i) TO CERTIFY EARLY INTERVENTION SERVICE BROKERS WITHIN A
12 DEFINED SERVICE AREA.

13 **SECTION 64.** In Colorado Revised Statutes, 27-10.5-704,
14 **amend** (1)(a), (1)(c), and (1)(d) as follows:

15 **27-10.5-704. Child find - responsibilities - interagency**
16 **operating agreements - rules.** (1) The department shall have the
17 following responsibilities and duties for children from birth through two
18 years of age who are referred for early intervention services:

19 (a) To develop and implement, in coordination with ~~community~~
20 ~~centered boards~~ CERTIFIED EARLY INTERVENTION SERVICE BROKERS,
21 service agencies, governmental units, and the departments of education,
22 public health and environment, and health care policy and financing, a
23 statewide plan for public education, outreach, and awareness efforts
24 related to child find and the availability of early intervention services;

25 (c) To ensure that intake and case management services are
26 provided after a referral has been made by working with ~~community~~
27 ~~centered-boards as the single entry point~~ CERTIFIED EARLY INTERVENTION

1 SERVICE BROKERS for a family into the developmental disabilities system,
2 as described in section 27-10.5-102 (3) TO ACCESS EARLY INTERVENTION
3 SERVICES AND SUPPORTS; and

4 (d) To work with ~~community centered boards~~ CERTIFIED EARLY
5 INTERVENTION SERVICE BROKERS, administrative units, and the
6 department of education to assist a child with disabilities as ~~he or she~~ THE
7 CHILD transitions from the developmental disabilities system into the
8 public education system at no later than three years of age as required by
9 IDEA.

10 SECTION 65. In Colorado Revised Statutes, 27-10.5-705,
11 amend (1), (2), (3) introductory portion, (3)(b) introductory portion, and
12 (3)(b)(I) as follows:

13 27-10.5-705. Authorized services - conditions of funding -
14 purchases of services - rules. (1) The department shall promulgate rules
15 as ~~are~~ necessary, in accordance with this part 7 and consistent with
16 section 27-10.5-104.5, to implement the purchase of early intervention
17 services directly or through ~~community centered boards~~ or certified early
18 intervention service brokers.

19 (2) ~~Community centered boards~~ Certified early intervention
20 service brokers and service agencies receiving ~~moneys~~ MONEY pursuant
21 to section 27-10.5-708 shall comply with all of the provisions of this
22 ~~article~~ ARTICLE 10.5 and the rules promulgated pursuant to this ~~article~~
23 ARTICLE 10.5.

24 (3) ~~Community centered boards~~ and Certified early intervention
25 service brokers shall obtain or provide early intervention services, subject
26 to available appropriations, including but not limited to:

27 (b) Coordination of early intervention services with local agencies

1 and other community resources at the local level to avoid duplication and
2 fragmentation of early intervention services. A ~~community centered board~~
3 CERTIFIED EARLY INTERVENTION SERVICE BROKER shall:

4 (I) Coordinate with the local interagency effort regarding
5 outreach, identification, screening, multidisciplinary assessment, and
6 eligibility determination for families served by the ~~community centered~~
7 ~~board~~ CERTIFIED EARLY INTERVENTION SERVICE BROKER who requested
8 the services;

9 **SECTION 66.** In Colorado Revised Statutes, 27-10.5-706,
10 **amend** (1)(d) and (3) as follows:

11 **27-10.5-706. Coordinated system of payment for early**
12 **intervention services - duties of departments.** (1) In order to
13 implement the provisions of this part 7, the department, as lead agency for
14 part C, shall be responsible for the following, subject to available
15 appropriations:

16 (d) Certifying ~~community centered boards or other entities as~~
17 ~~determined by the department as~~ early intervention service brokers for
18 early intervention services provided pursuant to this part 7; and

19 (3) Nothing in this part 7 ~~shall be construed to inhibit, encumber,~~
20 ~~or control~~ INHIBITS, ENCUMBERS, OR CONTROLS the use of local ~~moneys~~
21 MONEY, including county grants, revenues from local mill levies, and
22 private grants and contributions, that a ~~community centered board~~
23 CERTIFIED EARLY INTERVENTION SERVICE BROKER or county government
24 may elect to allocate for the benefit of eligible children.

25 **SECTION 67.** In Colorado Revised Statutes, 27-10.5-708,
26 **amend** (1) introductory portion, (1)(a), and (1)(c) as follows:

27 **27-10.5-708. Certified early intervention service brokers -**

1 **duties - payment for early intervention services - fees.** (1) For each
2 ~~designated~~ DEFINED service area in the state, the certified early
3 intervention service broker for the area shall:

4 (a) Establish a registry of qualified early intervention service
5 providers to provide early intervention services to eligible children in the
6 ~~designated~~ DEFINED service area. The certified early intervention service
7 broker for a ~~designated~~ DEFINED service area may provide early
8 intervention services directly or may subcontract the provision of services
9 to other qualified providers on the registry.

10 (c) Negotiate for the payment of early intervention services
11 provided to eligible children in the ~~designated~~ DEFINED service area by
12 qualified providers, to the extent permissible under federal law; and

13 **SECTION 68.** In Colorado Revised Statutes, 27-69-104, **amend**
14 (3)(a) as follows:

15 **27-69-104. Program scope - rules.** (3) Key components of the
16 family advocacy behavioral and mental health juvenile justice programs
17 for system-of-care family advocates and family systems navigators for
18 behavioral or mental health juvenile justice populations include:

19 (a) Coordination with the key stakeholders involved in the local
20 community to ensure consistent and effective collaboration. This
21 collaboration may include, but need not be limited to, a family advocacy
22 organization, representatives of the juvenile court, the probation
23 department, the district attorney's office, the public defender's office, a
24 school district, the division of youth services within the department of
25 human services, a county department of social or human services, a local
26 community mental health center, and a regional behavioral health
27 organization, and may include representatives of a local law enforcement

1 agency, a county public health department, a substance use disorder
2 treatment program, a ~~community-centered board~~ CASE MANAGEMENT
3 AGENCY, AS DEFINED IN SECTION 25.5-6-1702, a local juvenile services
4 planning committee, and other community partners;

5 **SECTION 69.** In Colorado Revised Statutes, **repeal** 25.5-6-104,
6 25.5-6-105, 25.5-6-106, 25.5-6-107, 25.5-6-409.3, 25.5-6-605,
7 25.5-6-902 (5)(d), 25.5-10-209, 25.5-10-209.5, 25.5-10-210, 25.5-10-211,
8 25.5-10-211.5, 25.5-10-213, 25.5-10-219, and 25.5-10-226.

9 **SECTION 70. Act subject to petition - effective date.** Sections
10 2 through 69 of this act take effect July 1, 2024, and the remainder of this
11 act takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2022 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor; except that
19 sections 2 through 69 of this act take effect July, 1, 2024.