

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0450.01 Jane Ritter x4342

HOUSE BILL 23-1067

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House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING CREATION OF A FAMILY AND COMMUNITY INTERVENER**
102 **PROGRAM TO SUPPORT CHILDREN EXPERIENCING**
103 **DEAFBLINDNESS, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the family and community intervener program (program) to support children who are deafblind and their families. The program provides deafblind children the services of an intervener who is

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

SENATE
3rd Reading Unamended
April 24, 2023

SENATE
2nd Reading Unamended
April 21, 2023

HOUSE
3rd Reading Unamended
March 20, 2023

HOUSE
Amended 2nd Reading
March 17, 2023

specifically trained in deafblindness, building language and communication skills, and intervention strategies with children who are deafblind and their community, families, and environment. The Colorado commission for the deaf, hard of hearing, and deafblind (commission) shall contract with an intervener program manager (manager) who has oversight over the program, the intervener activities, and the outcomes for children who are deafblind.

Starting in 2025, and upon the approval of the department of health care policy and financing, the commission shall have the manager direct eligible children to receive intervener services through the home- and community-based services provided by the community first choice option of the federal "Social Security Act".

The program is funded through the Colorado telephone users with disabilities fund.

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

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

4 (a) Children who are deafblind have incomplete, distorted, or
5 unreliable access to visual or auditory information, or both;

6 (b) The term "deafblind" does not refer to total deafness or total
7 blindness but rather degrees of hearing and vision loss;

8 (c) Children who are deafblind need a clear and consistent flow
9 of visual and auditory information for learning, interaction, and overall
10 development;

11 (d) Many children who are deafblind have other disabling
12 conditions, such as physical disabilities, health problems, and cognitive
13 challenges;

14 (e) Children who are deafblind are diverse and have unique needs,
15 yet they share similar learning, communication, and social and emotional
16 challenges; and

17 (f) Learning through independent observation and exploration is

1 difficult for children experiencing deafblindness because they have
2 difficulty detecting their environment, and when essential information is
3 missed, incidental learning is greatly limited.

4 (2) Therefore, the general assembly finds and declares that it is in
5 the best interest of the state of Colorado and, particularly, children who
6 are experiencing deafblindness and their families to:

7 (a) Create and fund the family and community intervener
8 program, housed within the commission for the deaf, hard of hearing, and
9 deafblind in the department of human services; and

10 (b) Support the program's work with children who are deafblind
11 and their families and its values of facilitating critical connections
12 between family, community, people, and environments that promote
13 social and emotional well-being.

14 **SECTION 2.** In Colorado Revised Statutes, 26-21-103, **add** (4.3),
15 (4.7), and (4.8) as follows:

16 **26-21-103. Definitions.** As used in this article 21, unless the
17 context otherwise requires:

18 (4.3) "DEAFBLIND" MEANS A PERSON WHO HAS CONCOMITANT
19 HEARING AND VISUAL IMPAIRMENTS, THE COMBINATION OF WHICH CAUSES
20 SUCH SEVERE COMMUNICATION BARRIERS AND DEVELOPMENTAL AND
21 EDUCATIONAL CHALLENGES THAT A CHILD WHO IS DEAFBLIND CANNOT BE
22 ACCOMMODATED IN SPECIAL EDUCATION PROGRAMS DESIGNED SOLELY
23 FOR CHILDREN WHO ARE DEAF OR CHILDREN WHO ARE BLIND.

24 (4.7) "INTERVENER" MEANS A PERSON WHO IS AT LEAST EIGHTEEN
25 YEARS OF AGE AND:

26 (a) IS KNOWLEDGEABLE IN A VARIETY OF TECHNIQUES USED TO
27 SUPPORT A CHILD WHO IS DEAFBLIND TO MEANINGFULLY PARTICIPATE IN

1 THE CHILD'S COMMUNITY;

2 (b) HAS COMPLETED OR IS ENROLLED IN AN INTERVENER TRAINING
3 PROGRAM AND HAS OBTAINED AN INTERVENER CERTIFICATE OR
4 PROVISIONAL INTERVENER CERTIFICATE;

5 (c) HAS THE ABILITY TO PROFICIENTLY COMMUNICATE IN THE
6 FUNCTIONAL LANGUAGE OF THE CHILD TO WHOM THE INTERVENER IS
7 ASSIGNED;

8 (d) HAS AT LEAST ONE YEAR OF EXPERIENCE WORKING WITH
9 INDIVIDUALS WITH DEAFNESS, BLINDNESS, DEAFBLINDNESS, OR
10 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; AND

11 (e) HAS AT LEAST SIX MONTHS OF EXPERIENCE WORKING WITH
12 INDIVIDUALS WHO HAVE DEAFBLINDNESS.

13 (4.8) "INTERVENER PROGRAM MANAGER" MEANS A PERSON WHO
14 HAS DEMONSTRATED INTERVENER ABILITIES AND CAN PROFICIENTLY
15 COMMUNICATE IN THE FUNCTIONAL LANGUAGE OF CHILDREN WHO ARE
16 DEAFBLIND AND:

17 (a) HAS A MINIMUM OF ONE YEAR OF PAID EXPERIENCE IN
18 COMMUNITY PROGRAMS PLANNING AND PROVIDING DIRECT SERVICES TO
19 CHILDREN WITH DEAFNESS, BLINDNESS, DEAFBLINDNESS, OR MULTIPLE
20 DISABILITIES, AND HAS A MASTER'S DEGREE IN A HEALTH AND HUMAN
21 SERVICES-RELATED FIELD; OR

22 (b) HAS A MINIMUM OF TWO YEARS OF PAID EXPERIENCE IN
23 COMMUNITY PROGRAMS PLANNING AND PROVIDING DIRECT SERVICES TO
24 INDIVIDUALS WITH DEAFNESS, BLINDNESS, DEAFBLINDNESS, OR MULTIPLE
25 DISABILITIES, AND HAS A BACHELOR'S DEGREE IN A HEALTH AND HUMAN
26 SERVICES-RELATED FIELD.

27 **SECTION 3.** In Colorado Revised Statutes, 26-21-106, **add** (8.5)

1 as follows:

2 **26-21-106. Powers, functions, and duties of commission -**
3 **community access program - report - rules - definitions. (8.5) (a)**

4 ON OR BEFORE OCTOBER 1, 2023, THE COMMISSION SHALL ESTABLISH A
5 FAMILY AND COMMUNITY INTERVENER PROGRAM. THE FAMILY AND
6 COMMUNITY INTERVENER PROGRAM SHALL WORK WITH CHILDREN WHO
7 ARE DEAFBLIND TO FACILITATE CRITICAL CONNECTIONS BETWEEN THE
8 CHILD AND THE CHILD'S FAMILY, COMMUNITY, AND ENVIRONMENT. THE
9 FAMILY AND COMMUNITY INTERVENER PROGRAM MUST INCLUDE, BUT
10 NEED NOT BE LIMITED TO, ACCESS TO A FAMILY AND COMMUNITY
11 INTERVENER WITH SPECIFIC TRAINING IN DEAFBLINDNESS, STRATEGIES TO
12 BUILD LANGUAGE AND COMMUNICATION SKILLS, AND INTERVENTION
13 STRATEGIES. THE INTERVENER SHALL:

14 (I) WORK ONE-ON-ONE WITH A CHILD WHO IS DEAFBLIND IN ORDER
15 TO FACILITATE CRITICAL CONNECTIONS BETWEEN THE CHILD AND THE
16 CHILD'S COMMUNITY, FAMILY, AND ENVIRONMENT;

17 (II) OPEN CHANNELS OF COMMUNICATION BETWEEN THE CHILD
18 AND OTHERS;

19 (III) FACILITATE THE DEVELOPMENT OR USE OF RECEPTIVE AND
20 EXPRESSIVE COMMUNICATION SKILLS BY THE CHILD;

21 (IV) DEVELOP AND MAINTAIN A TRUSTING, INTERACTIVE
22 RELATIONSHIP WITH THE CHILD THAT PROMOTES SOCIAL AND EMOTIONAL
23 WELL-BEING; AND

24 (V) PROVIDE THE CHILD WITH OPPORTUNITIES FOR LEARNING AND
25 DEVELOPMENT IN THE COMMUNITY AND AT HOME.

26 (b) THE COMMISSION SHALL HIRE AN INTERVENER PROGRAM
27 MANAGER TO DIRECT SERVICES FOR CHILDREN WHO ARE DEAFBLIND AND

1 ENSURE THAT AN INTERVENER:

2 (I) WORKS WITH NO MORE THAN ONE CHILD AT A TIME;

3 (II) INSTRUCTS AND SUPPORTS THE CHILD IN SKILLS RELATED TO
4 COMMUNITY INVOLVEMENT;

5 (III) TRANSPORTS THE CHILD TO GAIN ACCESS TO COMMUNITY
6 SERVICES AND RESOURCES;

7 (IV) PROVIDES COMMUNICATION AND INFORMATION TO THE CHILD
8 CONCERNING THE CHILD'S ENVIRONMENT THAT OTHERWISE WOULD BE
9 AVAILABLE THROUGH VISION AND HEARING;

10 (V) USES INTERPERSONAL COMMUNICATION, INCLUDING SIGN
11 LANGUAGE, SPEECH, TANGIBLE COMMUNICATION SYMBOLS, GESTURES,
12 CALENDARS, AND AUGMENTATIVE COMMUNICATION DEVICES;

13 (VI) MAKES SIGHTS, SOUNDS, AND ACTIVITIES ACCESSIBLE TO THE
14 CHILD BY LEARNING THE CHILD'S SPECIFIC COMMUNICATION SYSTEM; AND

15 (VII) FORMS A WORKING ALLIANCE WITH THE DEAFBLIND CHILD'S
16 FAMILY MEMBERS, NEIGHBORS, COMMUNITY ORGANIZATIONS, AND
17 PROFESSIONALS WITH WHOM THE CHILD HAS CONTACT.

18 (c) THE INTERVENER PROGRAM MANAGER SHALL DOCUMENT THE
19 FOLLOWING OUTCOMES FOR INTERVENER SERVICES IN THE CHILD'S
20 RECORD:

21 (I) WHETHER THE CHILD IS EFFECTIVELY COMMUNICATING WANTS
22 AND NEEDS TO THE CHILD'S INTERVENER; AND

23 (II) WHETHER THE CHILD IS ACTIVELY PARTICIPATING IN
24 COMMUNITY ACTIVITIES AND ACTIVITIES OF DAILY LIVING TO THE EXTENT
25 OF THE CHILD'S ABILITY.

26 (d) THE INTERVENER PROGRAM MANAGER AND INTERVENER SHALL
27 COLLABORATE WITH OTHER STATE AGENCIES AS APPROPRIATE THAT

1 PROVIDE DIRECT OR INDIRECT SERVICES TO CHILDREN WHO ARE
2 DEAFBLIND AND THEIR FAMILIES TO IDENTIFY POTENTIAL ADDITIONAL
3 SERVICES OR OPPORTUNITIES FOR CHILDREN WHO ARE DEAFBLIND.

4 **SECTION 4.** In Colorado Revised Statutes, 40-17-104, **amend**
5 (1)(b)(II) and (1)(b)(III); and **add** (1)(b)(IV) as follows:

6 **40-17-104. Colorado telephone users with disabilities fund -**
7 **creation - purpose.** (1) (b) The general assembly shall make annual
8 appropriations out of the fund:

9 (II) To the reading services for the blind cash fund, created in
10 section 24-90-105.5 (5), for use by the state librarian in support of
11 privately operated reading services for people who are blind; and

12 (III) To provide support for library services as authorized by
13 section 24-90-105 (1)(e); AND

14 (IV) TO PROVIDE SUPPORT FOR THE FAMILY AND COMMUNITY
15 INTERVENER PROGRAM ESTABLISHED IN SECTION 26-21-106 (8.5).

16 **SECTION 5. Appropriation.** (1) For the 2023-24 state fiscal
17 year, \$130,092 is appropriated to the Colorado commission for the deaf,
18 hard of hearing, and deafblind cash fund created in section 26-21-107 (1),
19 C.R.S. This appropriation is from the Colorado telephone users with
20 disabilities fund created in section 40-17-104 (1)(a), C.R.S. The public
21 utilities commission in the department of regulatory agencies is
22 responsible for the accounting related to this appropriation.

23 (2) For the 2023-24 state fiscal year, \$130,092 is appropriated to
24 the department of human services for use by the office of adults, aging,
25 and disability services. This appropriation is from reappropriated funds
26 in the Colorado commission for the deaf, hard of hearing, and deafblind
27 cash fund under subsection (1) of this section, and is based on the

1 assumption that the office will require an additional 0.4 FTE. To
2 implement this act, the office may use the appropriation for the Colorado
3 commission for the deaf, hard of hearing, and deafblind.

4 **SECTION 6. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly; except
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V
8 of the state constitution against this act or an item, section, or part of this
9 act within such period, then the act, item, section, or part will not take
10 effect unless approved by the people at the general election to be held in
11 November 2024 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.