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Fiscal Note

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| Drafting Number: | LLS 23-0450 | Date: | February 2, 2023 |
| Prime Sponsors: | Rep. Young; Bradfield Sen. Cutter | Bill Status: | House Public & Behavioral Health |
| | | Fiscal Analyst: | Shukria Maktabi 303-866-4720 shukria.maktabi@coleg.gov |

Bill Topic: FAMILY INTERVENER PROGRAM DEAFBLIND CHILDREN

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|----------------------------------|---|--|
| Summary of Fiscal Impact: | <input checked="" type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| | <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> Local Government |
| | <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill creates the Family and Community Intervener Program in the Department of Human Services to support deafblind children and their families. The bill increases state expenditures on an ongoing basis and may increase state revenue.

Appropriation Summary: The bill requires an appropriation of \$166,353 to the Department of Human Services.

Fiscal Note Status: The fiscal note reflects the introduced bill.

**Table 1
State Fiscal Impacts Under HB 23-1067**

| | | Budget Year FY 2023-24 | Out Year FY 2024-25 |
|-----------------------------|------------|-----------------------------------|--------------------------------|
| Revenue | | - | - |
| Expenditures | Cash Funds | \$166,353 | \$282,707 |
| Transfers | | - | - |
| Other Budget Impacts | | - | - |

Summary of Legislation

The bill creates the Family and Community Intervener Program to support deafblind children and their families by providing the services of an intervener trained in deafblindness, building language and communication skills, and intervention strategies.

By October 1, 2023, the Colorado Commission for the Deaf, Hard of Hearing, and Deafblind (the commission) within the Colorado Department of Human Services (DHS) must contract with a program manager to oversee the program and interveners. The program will be funded through the Colorado Telephone Users with Disabilities Fund. Starting in 2025, upon approval of the Department of Health Care Policy and Financing, the program must provide intervener services to eligible children through the Community First Option under Medicaid.

Background

The commission is responsible for ensuring equal access to government services for the deaf, hard of hearing, and deafblind in Colorado. The Commission is funded through a surcharge on landlines, mobile wireless, and voice-over-internet-protocol customers that is allocated through the Telephone Users with Disability Fund (TUDF) in the Department of Regulatory Agencies. The Colorado Public Utilities Commission (PUC) can make adjustments to the surcharge.

The Community First Option program under Medicaid provides attendant care services to assist in daily living and health-related activities that allow a person to remain in their home or a community based setting, rather than in an institution such as a nursing home. Available services include dressing, bathing, shopping, and medication monitoring, among others. To receive services, a person must be eligible for Medicaid and have needs that meet an institutional level of care.

State Revenue

To the extent that the PUC adjusts the surcharge in future fiscal years to cover the costs of providing services under the program, state cash fund revenue to the TUDF will increase, depending on the overall surcharge adjustments.

State Expenditures

Expenditures in the DHS will increase by \$166,353 in FY 2023-24 and by \$282,707 in FY 2024-25, as shown in Table 2 and described below. Expenditures are paid from the TUDF.

Table 2
Expenditures Under HB23-1067

| | FY 2023-24 | FY 2024-25 |
|-------------------------------------|-------------------|-------------------|
| Department of Human Services | | |
| Contract for Program Manager | \$75,000 | \$100,000 |
| Intervener Service Costs | \$91,353 | \$182,707 |
| Total Cost | \$166,353 | \$282,707 |

Program manager. DHS requires \$100,000 annually to hire a contractor to manage the project. This contract cost will cover salary, office space, equipment, health insurance, and other benefits for the program manager. FY 2023-24 costs are prorated for an October 1 start date.

Intervener service costs. DHS will have costs of \$91,353 in FY 2023-24 and \$182,707 in FY 2024-25 to provide intervener services to eligible children. The fiscal note assumes that the program will provide 12 hours of services per month to 24 deafblind children in FY 2023-24, with an increase to 32 children in following years. These costs include intervener assignments, travel time for rural assignments, and mileage reimbursement for travel. These program costs are estimated based on similar programs for deafblind children in Colorado, and are prorated for eight months in FY 2023-24.

Medicaid reimbursement and costs. The bill potentially increases workload and costs for the Department of Health Care Policy and Financing to add intervener services for deafblind children to the Community First Choice Option program under Medicaid. If such services were approved, the department would have costs to make IT system changes, develop rates, and implement the new benefit. Also, covering intervener services under Medicaid would likely reduce costs paid by the DHS, as Medicaid would be providing reimbursement for eligible children. This would also allow federal matching funds to cover a portion of these costs. However, as described in the Technical Note section below, it is assumed that the Department of Health Care Policy and Financing cannot currently approve these services, and the potential costs and reimbursements for services have not been estimated.

Technical Note

Per federal regulations, home- and community-based services under the Community First Choice Option cannot be directed to a specific diagnosis, such as deafblind. Because of this, the Department of Health Care Policy and Financing would be unable to approve these services and would not implement Section 26-21-106(8.5)(d), C.R.S., as included in the bill.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2023-24, the bill requires an appropriation of \$166,353 from the Telephone Users with Disabilities Fund to the Department of Human Services.

State and Local Government Contacts

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|------------------------|----------------------------------|----------------|
| Counties | Health Care Policy and Financing | Human Services |
| Information Technology | Regulatory Agencies | |