

# 2019

## Regulatory **Agenda**

January 1, 2019-December 31, 2019



**COLORADO**  
Department of Human Services

## Overview

The Colorado of Human Services submits the following 2019 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department’s “Regulatory Efficiencies Reviews” during 2017 (which are denoted as such in the “purpose” column). The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department’s web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its “SMART Act” hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(III)(A).

The following constitutes Department of Human Services’ Regulatory Agenda for 2019 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

Bill	Office / CDHS Tracking Number	CCR	Rule Title	Purpose of Proposed Rule	Statutory or other basis for adoption or change to rule	New rule, revision, or repeal?	Schedule Anticipated Hearing or Adoption Date	Stakeholders
HB 18-1108	OCAI	12 CCR 2516-1	Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind: Communication Technology Program	To update rules 100-190 to incorporate the recent enactment of HB 18-1108.	Sections 26-21-106(1)(d) & 106(3) , C.R.S.	Revision	Anticipated adoption date: May 2019	Deaf, hard-of-hearing and deafblind consumers who qualify for the program, vendors, state agencies, members of the Advocacy Coalition for Equality, Commissioners

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HB 18-1108	OCAI	12 CCR 25160-1	Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind: Legal Auxiliary Services	To update rules 210-300 to incorporate the recent enactment of HB 18-1108.	Section 13-90-203, C.R.S.; section 24-1-120(5)(h), C.R.S.; sections 26-21-102, 104(1), & 106(4), C.R.S.; Americans with Disabilities Act, Title II, Pub. L. 101-336, codified at 42 U.S.C. sec. 12101 et seq., and its implementing regulations	Revision	Anticipated adoption date: May 2019	Consumers/clients who are deaf, hard of hearing, and deafblind or their family members, auxiliary service providers, the Colorado State Court System, Colorado Judicial Office of Language Access, Colorado State administrative agencies, the Legal Auxiliary Services Advisory Council, the Colorado Registry of Interpreters for the Deaf, Commissioners
HB 18-11-1108	OCAI	12 CCR 25160-1	Colorado Commission for the Deaf, Blind, and DeafBlind: Grant Program	To update rules 400-480 to incorporate the enactment of HB 18-1108.	Sections 26-21-107.5 & 107.7, C.R.S.	Revision	Anticipated adoption date: May 2019	Deaf, hard-of-hearing, and deafblind individuals/communities, state agencies, past grant recipients, members of Advocacy Coalition of Equality, Commissioners
HB17-1284	OCAI	12 CCR 2518-1	APS Rule Packet #1 for FY 18-19	To update rules to address requirements for the type of APS reports that need to be screened in and investigated as a result of HB17-1284 legislative intent and also some technical clean up items	HB17-1284	Revision	Anticipated hearing date: February 2019	Count Departments of Human Services, Commission on Aging
	OCAI	12 CCR 2518-1	APS Rule Packet #2 for FY 18-19	Several APS related items that are being discussed with counties now to ensure rules reflect best APS practice	None	revision	Anticipated hearing date: April 2019	Count Departments of Human Services, Commission on Aging

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SB18-254	OCYF	12 CCR 2509-5	7.400 - RESOURCES, REIMBURSEMENT, REPORTING, AND PROVIDER REQUIREMENTS	Revisions to rule set that regulates programs and services provided to youth and families to include county responsibilities, core services, Medicaid, and fees, reimbursements, and payments as mandated by SB 18-254.	N/A	Revision	Anticipated hearing date: February 2019	County departments of human or social services, licensed out-of-home care providers, and the Division of Child Welfare (DCW).
n/a	OBH	2 CCR 502-1 Section 21.400	Crisis Response System	This rule update proposal would align the Colorado Behavioral Health Crisis Response System with the changing healthcare landscape to meet the behavioral health needs of the people of Colorado.	27-60-103 C.R.S.	Revision (Lead: Camille Harding)	Anticipate adoption date: July 2019	Crisis providers; Individuals who may access behavioral health crisis services
n/a	OBH	2 CCR 502-1 Section 21.260	Credentials for facility staff responsible for the treatment of an individual on an Emergency Commitment	This rule proposal would update the regulation that "the treatment facility administrator shall designate, in writing, qualified staff to assume responsibility for accepting, evaluating, informing, and providing treatment to individuals on emergency commitment" by establishing minimum staff credentials for the "qualified staff" to ensure consistency and safety for the individuals receiving services while on an emergency commitment.	27-81 & 27-82 C.R.S.	Revision	Anticipated adoption date: October 2019	Withdrawal management facilities that provide services to individuals on emergency commitments.
n/a	OBH	2 CCR 502-1 Section 21.300 and 21.320	Establish the Office of Behavioral Health's Role in regulating Office-Based Opioid Treatment (OBOT) Providers	Establish clear regulations that confirm Office-Based Opioid Treatment (OBOT) provider do not need an OBH controlled substance license.	27-80-200 C.R.S.	New Rule (Lead: Mandy Malone)	Anticipated adoption date: August 2019	Office-Based Opioid Treatment (OBOT) providers
n/a	OBH	2 CCR 502-1 Section 21.240	DUI Education and Treatment Service Provisions	This rule revision proposal would clarify service provisions for agencies providing DUI education and treatment.	42-4-1301.3 C.R.S.	Revision (Lead: Christine Flavia)	Anticipated adoption date: August 2019	DUI education and treatment providers

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n/a	OBH	2 CCR 502-1 New Section	Additional Family Services	This rule proposal supports the Additional Family Services (AFS) funding stream by defining its use and eligible populations and services.	Long Bill Item	New	Anticipated adoption date: November 2019	County Departments, Managed Service Organizations, Agencies licensed and/or designated by the Office of Behavioral Health, Families involved in the Child Welfare System
n/a	OPSO/ 18-10-16-01	12 CCR 2518-1	State Level Appeals Process	The purpose of the proposed change is to allow the abandonment of APS appeals in which appellants have been nonresponsive to the State Department or cannot be contacted, without necessitating they be forwarded to the OAC to be set for hearing.	Administrative Law Judge findings from prior hearings regarding appeals	Revision	Anticipated adoption date: July 2019	ARD, appellants
n/a	OPSO/ 18-10-09-021	12 CCR 2509-4	Administrative Review	Bring rule into alignment with Federal ICWA law (25 U.S.C. Section 1912(a) and allow counties to email invitations instead of having to send via mail.	Federal law: 25 U.S.C. Section 1912(a)	Revision	Anticipated adoption date: June 2019	County Departments of Human/Social Services
n/a	OPSO/ 18-10-09-011	12 CCR 2509-2	State Level Appeals Process	The purpose of the proposed change is to allow the abandonment of CW appeals in which appellants have been nonresponsive to the State Department or cannot be contacted, without necessitating they be forwarded to the OAC to be set for hearing.	Administrative Law Judge findings from prior hearings regarding appeals	Revision	Anticipated adoption date: July 2019	ARD, appellants
n/a	OES/ 18-09-28-02	10 CCR 2506-1	Technical Cleanup of the Food Assistance Program	The purpose of the proposed changes are to simplify the Food Assistance regulations by removing duplicative sections, redundancies and clarify language.	Sections 26-2-301 & 26-2-302, C.R.S	Revision	Anticipated adoption date: March 2019	Food Assistance Clients, County Departments of Human/Social Services
n/a	OES	10 CCR 2506-1	Food Assistance Regulation Reorganization	The purpose of the proposed changes are to organize and simplify the Food Assistance regulation through a re-structure and rewrite of the rules. Rule update will include the annual cost of living adjustments for the income guidelines, benefit allotments and deductions for the FFY20.	Sections 26-2-301 & 26-2-302, C.R.S	Revision	Anticipated adoption date: October 2019	Food Assistance Clients, County Departments of Human/Social Services

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n/a	OCYF	12 CCR 2509-2, 7.103	Jurisdiction/RED team	The purpose of the proposed rules are to clarify and simplify jurisdiction rules and RED team Initial Response rules.	Rules are a result of the Child Protection Task Group	Revision	Anticipated adoption date: June 2019	County Departments of Human/Social Services CW staff
n/a	OCYF	12 CCR 2509-2 7.104	Safety/Risk assessment	The purpose is to clarify and simplify rules regarding use of the Colorado Family Safety and Risk Assessment tools	The Colorado Family Safety and Risk Assessment tools have been in use for two years and an evaluation of rules has identified areas needing clarification and simplification	Revision	Anticipated adoption date: June 2019	County Departments of Human/Social Services CW staff; ARD
n/a	OES	09-CCR-2503-7	LEAP Annual rule updates	To update any LEAP rule for the upcoming 2019-2020 heating season which includes income guidelines, flat rate standards and other rule updates required for program year starting 11/1/2019	Sections 26-2-122.5, 40-8.5-101,40-8.7-101,40-8.7-109 & 40.87-112(1), CRS	Revision	Anticipated adoption date: October 2019	County/Contractor LEAP Departments, LEAP Clients
n/a	OES/FEAD	10 CCR 2506-1	Electronic Benefit Transfer System (EBTS) Rule Reorganization and Clean-up	The purpose of the proposed rule changes are to organize and simplify the EBT regulations through a rewrite and a restructure of the rules.	Federal Rule: 274.1-274.8	Revision	Anticipated adoption date: December 2019	CDHS Clients, County Department of Human/Social Services
N/A	OES/18-09-17-01	9 CCR 2503-6	Colorado Works Payments for Parents with Shared Custody	Purpose of this proposed rule is to allow a non-custodial parent with partial custody of a child to receive TANF benefits and services to support the child. Example: A father has child(ren) 1 night per weekend yet mother is on TANF claiming the children. Dad will be allowed to collect benefits has a household of 1 to serve the child.	Federal flexibility allows this to be state determined	Revision/New	Dependent on work group timeframes	County partners and advocates.
N/A	OES/18-09-25-01	9 CCR 2503-5	Adult Financial Updates	The purpose of this rule will be to review the Adult Financial programs, modernize language, and align requirements with other programs where possible and appropriate. Will also be folding in 9 CCR 2503-8 into this rule and repealing that section in entirety.	These modifications are allowable through Statutory authority.	Revision/Repeal	Dependent on work group and automated system timeframes	County partners and advocates.
N/A	OES	9 CCR 2503-8	Repeal 9 CCR 2503-8	Repealing rule and incorporating into 9 CCR 2503-5.	These modifications are allowable through Statutory authority.	Repeal	Dependent on work group and automated system timeframes	County partners and advocates.

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N/A	OES	9 CCR 2503-6	Colorado Works Updates	The purpose of this rule will be to review the Colorado Works program, modernize language, and align requirements with other programs where possible and appropriate.	These modifications are allowable through Statutory authority.	Revision	Dependent on work group and automated system timeframes	County partners and advocates.
N/A	OES	9 CCR 2503-5	Old Age Pension and Aid to the Needy Disabled Colorado Supplement Cost of Living Adjustment Increase for 2020	Implement the annual Cost of Living Adjustment for applicable Adult Financial programs.	These modifications are allowable through Statutory authority.	Revision	Anticipated adoption date: November 2019	County partners and advocates.
N/A	OES	9 CCR 2503-3	Colorado Refugee Services Program Updates	Update CRSP rules to ensure that rules in compliance with the Public/Private Partnership Resettlement model.	Federal flexibility allows this to be state determined	Revision	Anticipated adoption date: October 2019	CRSP Contractors, County partners
HB 18-1363 HB 18-1339	OES	9 CCR 2504-1	Child Support Commission Bill	Changes include revisions to required background checks to include fingerprinting, revisions of Deficit Reduction Act Fees and Criteria, withdrawing noticing, genetic testing, significant changes to the Administrative Process Action	PL 115-123, IV-D Task Force (IWO Work Group), These modifications are allowable through Statutory authority.	Revision	Anticipated adoption date: 07/01/2019	DHS Directors, County IV-D Administrators, Center on Fathering, Colorado Legal Services, State Child Support Services, County IV-D Attorneys, OCSE - Federal Partner Region 8, Judicial Partner (Liaison)
n/a	OCYF	12 CCR 2509-3	Adoption	The purpose is to align adoption regulations with state and federal legislation.	Child Protection Ombudsman is working to update adoption statute.	New, revision, and repeal	Anticipated adoption date: December 2019	County Departments of Human/Social Services CW staff; ARD; Child Protection Ombudsman; adoption stakeholders/advocates

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N/A	OCYF/ 18-09-27-01	7.702.1 12 CCR 2509-3	Monthly Face to Face Contacts	Increased face to face contacts as a result of CFSR findings.	CFSR findings; statutory	New, revision, and repeal	Anticipated adoption date: January 2019	County Departments of Human/Social Services CW staff; ARD; Office of Child's Representative; Office of Respondent Parent Council



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N/A	OCYF	Various	Various areas of rule will need to be modified with the implementation of the Family First Prevention Services Act (FFPSA) over 2019.	On Feb. 9, 2018, the landmark bipartisan FFPSA was signed into law. The FFPSA includes historic reforms to help keep children and youth safely with their families and avoid the potentially traumatic experience of entering foster care, emphasizes the importance of children and youth growing up in families, and helps ensure they are placed in the least restrictive, most family-like setting appropriate to their special needs when foster care is needed. The FFPSA redirects federal funds for these purposes. Additionally, FFPSA will require Colorado to make updates to its State IV-E Plan as well as various rule changes. An analysis has been completed outlining at least 14 potential changes to rule in the following areas: 1) defining candidates for recipients of prevention services; 2) provision of prevention services; 3) services and programs deemed promising, supported, or well-supported will be eligible for federal matching payment; 4) model licensing standards for foster family homes; 5) fiscal reimbursement for Title IV-E including foster care maintenance payments and exceptions; 6) changes to the definition of residential child care facility within the Child Care Licensing Act for Qualified Residential Treatment Programs (QRTP); 7) changes to the definition of foster care home within the Child Care Licensing Act; 8) required use of an assessment tool for any child/youth placed in a QRTP; 9) requirement that a youth 14 years old or older must be a part of permanency team member identification process; 10) case plan requirements; 11) define expectations of counties to submit required information to CDHS regarding QRTP placements which is subsequently required to be reported to HHS; 12) changes to the John H. Chafee Foster Care Independence program; 13) Title IV-E amended to delay assistance without meeting an income test for children with special needs who do not reach their second birthday in the fiscal year of their adoption assistance agreement being signed; and 14) requirement for states to comply with spending Title IV-E savings.	PL 115-123, the Family First Prevention Services Act	New, revision, and repeal	Anticipated adoption date: September 2019	County Departments of Human/Social Services CW staff; ARD; Office of Child's Representative; Office of Respondent Parent Council, out of home placement providers, community service providers, OEC, Judicial,

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HB 18-1335	OEC/18-10-15-01	9 CCR 2503-9	Colorado Child Care Assistance Program	To comply with state statute	A review of the Child Care Assistance Program Rules (9 CCR 2503-9) has been done pursuant to 45 CFR §98.11(b)(2) which requires Lead Agencies to promulgate all rules and regulations governing overall administration of the CCDF State Plan. Administrative Procedure Act, § 24-4-103, C.R.S., requires promulgation of rule where “the whole or any part of every agency statement of general applicability and future effect implementing, interpreting, or declaring law or policy.”	Revision, new rules being written	Anticipated adoption date: February 2019	OEC, PAC & EC SubPAC
SB 18-162	OEC/18-07-23-01		Substitute Placement Agency for Less than 24 Hour Care Facilities	Senate Bill 18-162 creating a new less than 24 hour license type was signed into law April 12, 2018 requiring the Department to promulgate a new rule set for the new license type. This package adds new rules regarding the creation of a Substitute Placement Agency.	26-6-107 C.R.S. 2017 State Board to Promulgate Rules; 26-6-106(3) C.R.S.2017 Standard for Facilities and Agencies-Rules; 26-6-103.3 (effective 8/8/18 SB18-162 was signed into law on April 13, 2018).	New	Anticipated adoption date: December 2018	Colorado Children’s Campaign, Denver Early Childhood Council, Take-A-Break Child Care, Colorado Substitutes, Colorado Children’s Hospital, Healthy Child Care Colorado, Early Childhood Education Association of Colorado, Arapahoe Community College Early Childhood Department Chair, Red Rocks Community College Child Care Innovations.

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N/A	OCYF	7.706 26-6-101	Day Treatment	Revision and update to rules governing Day Treatments	26-6-101	Revision	Anticipated adoption date: September 2019	Day Treatment providers, HCPF, OBH, county departments of human services, CAFCA, CDE, Fostering Colorado, parents, students
SB 18-099	OEC/18-06-08-1	12 CCR 2509-8	School Readiness Quality Improvement Program	The purpose of the Colorado School Readiness Quality Improvement Program is to improve the school readiness of children, five (5) years of age or younger, who are cared for at early childhood education programs pursuant to C.R.S. Section 26-6.5-106. As a result of amendments passed through SB 18-09 revisions are required for Colorado School Readiness Quality Improvement Program rule (7.716, 12-CCR 2509-8	26-6.5-106 (4) and (7), C.R.S.	Revision	Anticipated adoption date: January 2019	Early Childhood Councils, Early Childhood Education Programs, Children and Families attending Early Childhood Education Programs