

# 2020

## Regulatory **Agenda**

January 1, 2020-December 31, 2020



**COLORADO**  
Department of Human Services

## Overview

The Colorado of Human Services submits the following 2020 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, any rules to be reviewed as part of the Department's "Regulatory Efficiencies Reviews" during 2020 (any of 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 2020 and is provided in accordance with Colo. Rev. Stat. §2-7-203(4):

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
SB 19-178	OCYF/DC W	12 CCR 2509-4	Adoption Rules	To comply with the new requirements of SB 19-178 bill and the Child Welfare Ombudsman's report.	26-7.101- 111, C.R.S.; 19-1-115, C.R.S.; 19-2-114, C.R.S.	All	Anticipated adoption date: January 2020.	Permanency Task Group, Office of Civil Rights (OCR), Child Welfare Ombudsman, Counties.
SB 19-	OCYF/DC W	12 CCR 2509-	Prevention	To comply with the new requirements of SB 19-258, as it	26-2-102.5, C.R.S.	New rule	TBD	Current workgroup with OCR and Office of Respondent Parent

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
258		5		relates to a fiscal cash fund developed out a new opportunity for obtaining IV-E reimbursement for legal representation.				Counsel (ORPC).
HB 19-1288	OCYF/DC W	12 CCR 2509-1, 12 CCR 2509-2, and 12 CCR 2509-4	Sibling Foster Care	Implements required additional efforts around siblings staying connected when they are in foster care	19-1-103, C.R.S.; 19-2-101-204, C.R.S.	New rule	Anticipated adoption date: February 2020	Permanency Task Group, OCR, ORPC, Rocky Mountain Children's Law Center, Counties.
HB 19-1308	OCYF/DC W	12 CCR 2509	Families First Bill	To comply with the federal Family First Prevention Services Act (FFPSA).	26.5.4.101-105, C.R.S.; 19-1-102-103, C.R.S.; 19-1-115, C.R.S.; 19-3-208, C.R.S.; 26-1-109, C.R.S.; 26-6-201, C.R.S.; 26-5-101, C.R.S.; 26-5-104, C.R.S.; 26-6-102, C.R.S.; 27-66-110, C.R.S.	New rules	TBD	Family First Implementation team, SB 254 Delivery of Child Welfare Services Task Group, counties, Department of Health Care Policy and Finance (HCPF).
N/A	OCYF/DC W	12 CCR 2509-	Chafee Modernization & Independent	The updates to this section will align with Title IV-E as well as	42 U.S.C § 675	Revision	Anticipated adoption date: February 2020.	SubPAC task group, counties, providers, and advocates working with

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
		4, 7.305	Living	integrate the eligibility expansion through FFPSA to the areas of documentation provided to youth at-risk of aging out of foster care, Chafee and Education Training and Voucher program. Integrating the language of "youth" instead of outdated terms as well updating the name and purpose of the Chafee program that was included in FFPSA. Section 7.305.5 will be updated to include providing documentation proving the youth was previously in foster care to those who are at-risk of aging out of foster care per 42 U.S.C § 675.				youth.
HB 19-121	OES/CSS	9 CCR 2504-1,	Implementation of the Child Support	To comply with the new requirements of this bill, as it relates	14-10-115 et seq., C.R.S.	New, Revision	Anticipated adoption date: April 2020.	Judiciary, Center on Fathering, State/County Child Support Services

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
5		Volume 6	Commission Bill	to changes to the Child Support Services guidelines.				Professionals, IVD Attorneys, Office of Child Support Enforcement.
SB 19-63	OEC/DECL	12 CCR 2509-8	Rules Regulating Family Child Care Homes	To align with the strategic action plan to address infant and family child care home shortages in Colorado.	26-1-107, C.R.S.; 26-6-113, C.R.S.	All	Anticipated adoption date: October 2020.	Early Childhood Education (ECE) stakeholders, licensed child care programs.
N/A	OEC/DECL	12 CCR 2509-8	Rules Regulating Child Care Centers (Less than 24-hour Care)	Revision to align with Federal Preschool Development Grant recommendations.	26-1-107, C.R.S.; 26-6-113, C.R.S.	All	Anticipated adoption date: October 2020.	ECE stakeholders, licensed child care programs.
SB 19-104	OEC/DECL	12 CCR 2509-8	Rules Regulating School-age Child Care Centers	To comply with recommendations statutorily mandated through SB 19-104.	26-1-107, C.R.S.; 26-6-113, C.R.S.	All	Anticipated adoption date: December 2020.	CDE, CDPHE, Public School Districts, licensed school-age child care programs, ECE stakeholders.
N/A	OEC/DECL	12 CCR 2509-8	General Rules for Child Care Facilities	To comply with federally mandated Child Care and Development Block Grant Act requirements for background checks.	26-1-109(5), C.R.S.	New	Anticipated adoption date: September 2020.	Licensed Child Care Centers, Family Child Care Homes and School-age Child Care Centers.
N/A	OES/FEAD	10 CCR	Food Assistance -	The proposed rule will clarify work	Federal flexibility allows this to be	Revision	Anticipated adoption	County partners and

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
		2506-1	Employment and Training Updates	requirements for Food Assistance, as well as clarify Employment First program changes. Additional technical clean ups may be included.	state determined.		date: July 2020.	advocates.
N/A	OES/FEAD	10 CCR 2506-1	Food Assistance FFY21 COLA Updates	To reflect Annual Cost of Living Updates.	7 C.F.R 273.9	Revision	Anticipated adoption date: October 2020.	County partners and advocates.
N/A	OEC/DECL	9 CCR 2503-9	Child Care Assistance Program Rules	Updates to Colorado Child Care Assistance Program (CCCAP) rule to comply with Child Care Development Fund federal regulations related to equal access	45 C.F.R. 98	Revision	Anticipated adoption date: June 2020.	County DHS, child care providers and advocates.
N/A	OEC/DECL	9 CCR 2503-9	Child Care Assistance Program Rules (Emergency)	Update State Median Income and Federal Poverty Levels for Federal Fiscal Year 21.	45 C.F.R. 98	Revision	Anticipated adoption date: September 2020.	County Departments of Human Services.
N/A	OEC/DECL	12 CCR 2509-8	School Readiness Quality Improvement Program	Update or align rules according to Triennial evaluation	CDHS anticipates related legislation in the 2020 session.	Revision	Anticipated adoption date: December 2020	Early Childhood Councils, early childhood advocates.

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/CDH HDB	12 CCR 2516-1	Deaf, Hard of Hearing, and DeafBlind	This rule-making proposal is to update three Colorado Commission For the Deaf Hard of Hearing and DeafBlind (CCDHHDB) program rules. These include Communications Technology Program (technical clean-up from FY 2018-19 rule-making), Legal Auxiliary Services, and Grant Program (technical clean-up from FY 2018-19 rule-making).	26-21-101 - 108, C.R.S.	Revision	Anticipated adoption date:  January 2020 (Communications Technology and Grant Program).  September 2020 (Legal Auxiliary Services).	Deaf, hard-of-hearing and deafblind communities, grant applicants (community organizations, state agencies, etc.), sign language interpreters, Communication Access Real-time Translation providers, the seven commissioners, the nine members of the LAS Advisory Council, the Office of Language Access, the Colorado Judicial branch, the five members of the Grant Program Committee.
HB 19-1069	OCAI/CDH HDB	TBD	Deaf, Hard of Hearing, and DeafBlind	A new rule to indicate what sign language interpreter certification(s) is valid and reliable in accordance with section 6-1-707(1)(e), C. R.S.	6-1-707(1)(e), C.R.S.	New	Targeted initial hearing April 2020.	Deaf, hard-of-hearing and deafblind communities, sign language interpreters, interpreter certification entities, interpreting services agencies, the seven commissioners, the nine members of the Legal Auxiliary Services Advisory Council, clients of the Legal Auxiliary Services, and independent living

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
								centers.
N/A	OEC/DCFS	CCR 2509-10	Early Intervention Program	Rule changes to move procedures into rule and add additional detail related to dispute resolution		Revision	Anticipated adoption date: June 2020.	Community Centered Boards, direct service providers, and parents.
N/A	OES/EBD	9 CCR 2503-5	Social Security Cost of Living Adjustment	To ensure compliance with federal regulations around the maintenance of effort with the Social Security Administration (SSA).	The Federal Code of Regulations requires a maintenance of effort with the SSA. State Statutory authority allows the Department to set the grant amounts for the Adult Financial programs within available appropriations and encourages the Department to increase grants appropriately and to reflect cost of living increases.	Revision	TBD	County partners, advocates and other program areas.
N/A	OES/EBD	9 CCR 2503-5 (19-	Adult Financial Programs Rule Revisions	The proposed regulatory changes impact all Adult Financial programs including: Old Age	26-1-106, C.R.S.; 26-1-112, C.R.S.; 26-1-114, C.R.S.; 26-1-114.5, C.R.S.; 26-1-127, C.R.S.	All	Anticipated adoption date: March 2020.	County partners, clients, advocates and other Program Areas.

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
		05-23-01)		Pension, Aid to the Needy Disabled- State Only, Aid to the Needy Disabled- Colorado Supplement, Home Care Allowance, Adult Foster Care, and Burials. Promulgation of these proposed rules will streamline and simplify eligibility processes for clients, county departments of human/social services, and Single Entry Point Agencies (SEPs). SEPs provide case management and care planning to clients, and make referrals to other resources. By matching criteria with other programs such as Food Assistance and Medicaid, the client and worker experience of the programs will improve. The proposed rules eliminate redundant language found in rule	(2018); 26-2-103, C.R.S.; 26-2-104, C.R.S.; 26-2-106, C.R.S.; 26-2-107, C.R.S.; 26-2-108, C.R.S.; 26-2-109, C.R.S.; 26-2-110, C.R.S.; 26-2-111, C.R.S.; 26-2-111.5, C.R.S.; 26-2-111.6, C.R.S.; 26-2-111.8, C.R.S.; 26-2-112, C.R.S.; 26-2-114, C.R.S.; 26-2-119, C.R.S.; 26-2-120, C.R.S.; 26-2-122.3, C.R.S.; 26-2-122.4, C.R.S.; 26-2-123, C.R.S.; 26-2-124, C.R.S.; 26-2-127, C.R.S.; 26-2-128, C.R.S.; 26-2-129, C.R.S.; 26-2-133, C.R.S.; 26-2-137, C.R.S.; 26-2-202, C.R.S.; 26-2-205, C.R.S.; 26-2-206, C.R.S.; 15-14-412.5-9, C.R.S.			

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
				<p>and clarify rules through revision. This rule-making package eliminates or revises rules that are duplicative and eliminates rules that create undue burdensome processes or are inconsistent. This rule change has two key goals: 1) to reduce redundant or unnecessary processes and 2) to simplify the eligibility requirements which will streamline the application and ongoing eligibility determination processes for Adult Financial clients and workers. The rule revisions will incorporate changes made with a focus on reducing workload and paperwork caused by applying three or more programs' standards to a single applicant. The major</p>				

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
				changes include: Incorporates a Period of Eligibility; Streamlines eligibility and reporting requirements; Updates definitions to better align with federal law and current practice; Changes income disregards to simplify calculations; and, Aligns reporting and noticing requirements with Social Security Income, Medicaid, Food Assistance, and other cash programs. These rules intend to streamline processes and increase operational efficiencies at the county, SEP, and State levels.				
N/A	OES/EBD	9 CCR 2503-6	Workforce Development Screening	Revision to more closely align with federal requirements.	C.F.R. 261.11	Revision	TBD	County partners and other Program Areas.
N/A	OES/EBD	9 CCR 2503-	Income Maintenance Volume 9 CCR	The purpose of the proposed change to 09 CCR 2503-8 is to strike	26-1-107, C.R.S.; 26-1-106, C.R.S.; 26-1-111, C.R.S.;	Revision	TBD	County human service directors, Disability Law Colorado, Economic

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
		8	2503-8 Revision	through the entire rule except for 3.840 and 3.850 as all programs referenced in this rule have incorporated this language in the corresponding rule volumes with the exception of the Colorado Child Care Assistance Program.	26-1-112, C.R.S.; 26-2-127, C.R.S.; 26-2-104, C.R.S.; 26-2-110, C.R.S.; 26-2-124, C.R.S.; 26-2-127, C.R.S.; 26-2-128, C.R.S.; 26-2-133, C.R.S.			Security PAC & Sub-PAC, CDHS Division of Early Care and Learning.
HB 19-1223	OES/EBD	9 CCR 2503-5	AND Navigator Program	To implement the program authorized by HB19-1223 which authorizes a navigation program for AND customers to apply for SSA benefits.	HB 19-1223	New rule	TBD	County partners, clients, advocates and other Program Areas.
N/A	OCYF/DCW	12 CCR25 09-8	Foster home Rules	To improve outcomes for foster parent requirements and to comply with National Foster care standard.	ACYF-CB-IM-19-01	Revision	TBD	County Partners, Foster parents Advocates, Certified Public Accountants (CPAs).
N/A	OCYF/DCW	12 CCR 2509-6, 12 CCR 2509--	Foster home and County home rules	To align rules to prevent duplication of work between County and CPAs.	Request from Counties	Revision	TBD	County Partners, Foster parents Advocates, CPA's

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
		8						
N/A	OBH/CBH	2 CCR 502-1	Intake/Crisis Initial Documentation Requirements	This rule proposal will update what information is gathered during an initial or crisis assessment, including documentation timing requirements and disposition planning.	27-60, C.R.S.; 27-65, C.R.S.; 27-80, C.R.S.; 27-81, C.R.S.; 27-82, C.R.S.	Revision	TBD	All OBH regulated programs and facilities; individuals accessing community behavioral health care.
HB 19-1044	OBH/CBH	2 CCR 502-1	Advance Directive Requirements within OBH regulated programs and facilities	This rule proposal will update how Office of Behavioral Health (OBH)-regulated programs and facilities assess for an advance directive, including a psychiatric advance directive.	15-18.7-200, C.R.S.; 27-60, C.R.S.; 27-65, C.R.S.; 27-80, C.R.S.; 27-81, C.R.S.; 27-82, C.R.S.	Revision	TBD	All OBH regulated programs and facilities; individuals accessing community behavioral health care.
HB 19-1120	OBH/CBH	2 CCR 502-1	Youth psychotherapy consent age	This rule proposal will align and clarify how OBH regulated facilities may provide psychotherapy services without parental or guardian consent for youth age 12 to 14 as established by HB 19-1120.	12-245-202.5, C.R.S.; 27-60, C.R.S.; 27-65, C.R.S.; 27-80, C.R.S.; 27-81, C.R.S.; 27-82, C.R.S.	Revision	TBD	All OBH regulated programs and facilities providing services to youth; individuals accessing community behavioral health care.

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
N/A	OES/FEAD	9 CCR 2503-7	Low Income Energy Assistance Program	The Low Income Energy Assistance Program (LEAP) is reviewed annually for updates that are needed for the new benefit season which starts November 1 annually. Updates include income guidelines and flat rate tables for benefit calculations.	26-1-107 C.R.S.; 26-1-109 C.R.S.; 26-1-111 C.R.S 26-2-122.5, C.R.S.; 40-8.5-101, C.R.S.; 40-8.7-101, C.R.S.; 40-8.7-109, C.R.S.	Revision	TBD	LEAP county partners and LEAP Contractor, Goodwill
N/A	OBH/CBH	2 CCR 502-1	Controlled Substances & OMAT (21.300 & 21.320) combined with Controlled Substance License for Researches combined with Medication Assisted Treatment"	Revisions to section 21.300 and 21.320 will refine unclear language to ensure these program requirements are better understood. The revisions will also ensure that individual and public safety is paramount when providing treatment services using controlled substances.  Pursuant to 27-80-200, C.R.S. and 18-18, C.R.S., rules are to be promulgated requiring	SB 12-1311; 27-80-200, C.R.S.; 18-18, C.R.S.	Revision	Anticipated adoptoin date: January 2020.	Licensed Controlled Substance Providers, Controlled Substance Researchers

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
				<p>that any person or analytical laboratory planning, conducting, or doing research with a controlled substance, schedule II through V, shall obtain a controlled substance research license from the Department.</p> <p>Pursuant to 27-80-204, C.R.S., rules are required for licensing researchers using controlled substances. Controlled substance researcher licensing rules have been developed and are in the process of stakeholder review.</p>				
N/A	OCYF/CW 19-09-10-01	12 CCR 2509-4	Child Welfare Adoption Rules 7.306 (Post Adoption) (Part 2 of 3)	The Department is revising the Code of Colorado Regulations (CCR)- 7.306.511-7.306.6 through the Permanency Task Group, which includes stakeholders, county departments, the	26-7-101 - 108, C.R.S.; Adoption Assistance and Child Welfare Act of 1980; 42-USC-673; U.S. Department of Health and Human Services Child	Revision	Anticipated adoptoin date: January 2020.	Child Welfare SubPAC, Permanency Task Group, Division of Child Welfare, county departments of human/social services, the Ombudsman Office, and adoption advocates.

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
				Ombudsman's office and adoption advocates, by reviewing and making modifications to rule, in order to more clearly reflect federal and state law expectations regarding the adoption assistance program and adoption practice in Colorado. The revisions to these rules will ensure county departments accurately and clearly interpret rules regarding the adoption assistance program and adoption practice.	Welfare Policy Manual; Policy-Manual-Chapter-a; 26.1.107, C.R.S.; 26.1.111, C.R.S.; 26.1.109, C.R.S.			
HB1 9-1308	OCYF/CW 19-07-05-01	12 CCR 2509-8	Child Care Facility Licensing	Creates rules for the standards of care for qualified residential treatment programs to include accreditation, assessment, family engagement, trauma-informed care, nursing care,	HB 19-1308; 26-6-106(1)(a), C.R.S.	New	Anticipated adoption date: January 2020.	County Departments of Human or Social Services, licensed residential child care facilities. specialized group facilities.

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
				discharge and aftercare planning as set forth in the Family First Service Prevention Act.				
N/A	OES/EBD 19-10-11-01	9 CCR 2503-5	Old Age Pension, Aid to the Needy Disabled Colorado Supplement, and Adult Foster Care Cost of Living Adjustment (COLA) Increase for 2019	Every October, the Social Security Administration (SSA) announces a Cost of Living Adjustment (COLA) for all Social Security and Supplemental Security Income recipients effective in the following January. This means an increase in Adult Financial assistance effective January 1, 2020. The COLA amount for 2020 is 1.6% as officially announced by the SSA in October. COLAs are based on the increase in the CPI-W, which measures price inflation for urban workers, from the third quarter of the prior year (July,	24-4-103, C.R.S.; 26-2-111, C.R.S.; 20 CFR 416 et seq.; 26-1-107, C.R.S.; 26-1-109, C.R.S.; 26-1-111, C.R.S.	Revision	Anticipated Adoption date: January 2020.	County Human Services Directors Association; Colorado Commission on Aging; Colorado Legal Services; Disability Law Colorado; Colorado Senior Lobby; Single Entry Point agencies; Economic Security PAC & Sub-PAC; Colorado Gerontological Society; Area Agencies on Aging; Colorado Center on Law and Policy; Colorado Department of Human Services Food & Energy Assistance Division; and, Colorado Department of Health Care Policy and Financing

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
				<p>August and September) to the corresponding third quarter of the current year.</p> <p>The proposed change increases the OAP grant standard from \$809 to \$821, the AND-CS grant standard from \$771 to \$783, and the AFC grant standard from \$1403 to \$1425 in order to pass along the COLA increase.</p> <p>This rule change will also impact OAP and AND-CS recipients that have an ISM calculation applied to their case because they are not paying their fair share of shelter and utility costs. The ISM is applied as in-kind income in the calculation of benefits and will increase from \$277 to \$281.</p>				

