

CHAPTER 230

SOCIAL SERVICES

HOUSE BILL 93-1317

BY REPRESENTATIVES Anderson, Grampas, Blue, Coffman, Hagedorn, June, Kerns, Lawrence, Morrison, Snyder, and Strom;
also SENATORS Rizzuto, Bishop, Casey, Cassidy, Feeley, Gallagher, Johnson, Mendez, Norton, Peterson, L. Powers, and Ruddick.

AN ACT**CONCERNING THE RESTRUCTURING OF THE HEALTH AND HUMAN SERVICES DELIVERY SYSTEM IN COLORADO.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that the administration and delivery systems for health and human services in this state are under significant stress. The general assembly recognizes that budget constraints may provide the impetus for major system modifications. It is the intent of the general assembly that this bill establish a framework for innovative and effective reforms of the administration and delivery systems for health and human services in this state.

(2) It is the intent of the General Assembly to improve the effectiveness, efficiency, and accountability of the health and human services systems in Colorado by restructuring those systems and reorganizing the functions of the departments of social services, institutions, and health and providing for a separation of the policy determination functions, the provision of services, and the licensing of certain providers of health and human services.

(3) The general assembly intends that this bill be a vehicle for cost-effective and efficiency reforms. The general assembly has therefore provided that the executive directors of the departments of social services, institutions, and health or the departments of health care policy and financing, human services, and public health and environment, as appropriate, in cooperation with a restructuring steering committee made up of state, local, consumer, provider, and other representatives develop and submit a plan for the restructuring and reorganization of the health and human services systems. The plan is to be established over the next year and is to

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

include the following:

(a) State and local level integration of policies, budgets, administrative staffs, data systems, and the like, within program areas serving similar client needs;

(b) The development of options, opportunities, and incentives for human service delivery, local reforms, and restructuring, with the full participation and leadership of individuals at the local level and in an effort to provide increased flexibility for local areas to design and implement new ways of administering and delivering health and human services.

(4) The general assembly recognizes that the most efficient restructuring of the administration and delivery of health and human services may include reorganization affecting departments not currently included in this bill. The general assembly has therefore provided that the executive directors of the departments of health care policy and financing, human services, and public health and environment conduct a feasibility study of the methods for restructuring state government in connection with the administration and delivery of health and human services which may include the transfer of functions or divisions to or from departments other than those departments specifically included in this bill. A report on the results of the feasibility study is to be submitted to the general assembly for consideration.

(5) For the purposes set forth herein, effective July 1, 1994, the departments of social services and institutions will be abolished, and certain human services programs which were in the department of health will be transferred. Specifically, the following departments will be created and the following programs will be transferred:

(a) A new department, the department of health care policy and financing, will be created. It is the intent of the general assembly that the department of health care policy and financing be responsible for policy determinations in connection with the delivery of medical assistance. The "Colorado Medical Assistance Act", the "Reform Act for the Provision of Health Care for the Medically Indigent", "The Colorado Care Health Insurance Program", the "Colorado Health Data Commission Act", the adult foster care program, the home care allowance program, and the treatment program for high-risk pregnant women are to be administered by the department of health care policy and financing.

(b) A second new department, the department of human services, will be created. It is the intent of the general assembly that the department of human services shall be responsible for public assistance and shall oversee the delivery of medical assistance services at the local level. To this end, all of the functions of the former department of social services and the former department of institutions, other than those which are specifically set forth in paragraph (a) of this subsection (5), will be transferred to the department of human services.

(c) The alcohol and drug abuse division of the department of health will be transferred to the new department of human services, in recognition that providing a family with human services includes providing treatment and prevention programs to members of the family who are addicted to alcohol or drugs.

(d) The department of health will be renamed the department of public health and

environment in an effort to better define the new role of the department. It is the intent of the general assembly that the department of public health and environment be responsible for licensing certain providers of health and human services.

(6) The bill is set out in the following order:

(a) Title 24 - amendments to establish the restructuring process;

(b) Title 24 - amendments to the Administrative Organization Act;

(c) Title 25 - amendments which change the name of the department of health to the department of public health and environment;

(d) A new title 25.5 - creating the department of health care policy and financing;

(e) Titles 26 and 27 - amendments creating the department of human services.

TITLE 24 - RESTRUCTURING HEALTH AND HUMAN SERVICES DELIVERY SYSTEMS

SECTION 2. Title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 1.7 Restructuring the Health and Human Services Delivery System

PART 1 GENERAL PROVISIONS

24-1.7-101. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THE ADMINISTRATION AND DELIVERY SYSTEMS FOR HEALTH AND HUMAN SERVICES IN THIS STATE ARE UNDER SIGNIFICANT STRESS. THE GENERAL ASSEMBLY RECOGNIZES THAT BUDGET CONSTRAINTS ARE PROVIDING AN IMPETUS FOR MAJOR SYSTEM MODIFICATIONS. IT IS THE INTENT OF THE GENERAL ASSEMBLY TO IMPROVE THE EFFECTIVENESS, EFFICIENCY, AND ACCOUNTABILITY OF THE HEALTH AND HUMAN SERVICES DELIVERY SYSTEMS IN COLORADO BY RESTRUCTURING THOSE SYSTEMS, BY REORGANIZING THE FUNCTIONS OF THE DEPARTMENTS OF SOCIAL SERVICES, INSTITUTIONS, AND HEALTH, AND BY PROVIDING FOR A SEPARATION OF THE POLICY DETERMINATION FUNCTIONS, THE PROVISION OF SERVICES, AND THE LICENSING OF CERTAIN PROVIDERS OF HEALTH AND HUMAN SERVICES. IT IS FOR THIS PURPOSE THAT THE GENERAL ASSEMBLY HAS ESTABLISHED THIS ARTICLE.

24-1.7-102. Definitions. AS USED IN PARTS 1 TO 3 OF THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENTS" OR "JOINT DEPARTMENTS" MEANS THE DEPARTMENTS OF HEALTH, SOCIAL SERVICES, AND INSTITUTIONS; EXCEPT THAT ON AND AFTER JULY 1, 1994, "DEPARTMENTS" OR "JOINT DEPARTMENTS" MEANS THE DEPARTMENTS OF PUBLIC HEALTH AND ENVIRONMENT, HEALTH CARE POLICY AND FINANCING, AND

HUMAN SERVICES.

(2) "LOCAL GOVERNMENT REPRESENTATIVE" MEANS A REPRESENTATIVE FROM ANY COUNTY GOVERNMENT, COUNTY HEALTH, OR COUNTY SOCIAL SERVICES AGENCY.

(3) "STAKEHOLDER GROUP" MEANS ANY PRIVATE OR PUBLIC GROUP WHICH HAS AN INTEREST IN THE OUTCOME OF THE RESTRUCTURING OF HEALTH AND HUMAN SERVICES, INCLUDING, BUT NOT LIMITED TO, JUDICIAL DEPARTMENT REPRESENTATIVES, MENTAL HEALTH CENTERS, COMMUNITY CENTERED BOARDS, SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS, ADVOCACY GROUPS AND COALITIONS, CONSUMERS OF SERVICES, SERVICE PROVIDERS, AND FOUNDATION REPRESENTATIVES.

24-1.7-103. Principles for restructuring. (1) THE REFORMED HEALTH AND HUMAN SERVICES SYSTEM SHALL BE BASED ON THE FOLLOWING PRINCIPLES:

(a) THE SYSTEM SHOULD RESULT IN OVERALL INCREASED EFFECTIVENESS, EFFICIENCY, AND ACCOUNTABILITY AND SHOULD BE DESIGNED TO MEASURE IMPROVEMENTS AND RESULTS;

(b) THE SYSTEM SHOULD BE COORDINATED WITH OTHER RELATED RESTRUCTURING AND REFORM EFFORTS OF STATE GOVERNMENT SUCH AS THE FAMILY CENTERS PROGRAM;

(c) THE SYSTEM SHOULD RESULT IN THE DESIGNATION TO THE DEPARTMENTS OF PUBLIC HEALTH AND ENVIRONMENT, HEALTH CARE POLICY AND FINANCING, AND HUMAN SERVICES OF SUCH ADMINISTRATIVE FUNCTIONS AS ARE NECESSARY TO EFFICIENTLY REGULATE AND OVERSEE HEALTH AND HUMAN SERVICES PROGRAMS;

(d) THE SYSTEM SHOULD RESULT IN THE ASSIGNMENT OF APPROPRIATE HEALTH AND HUMAN SERVICES PROGRAMS TO THE DEPARTMENTS OF PUBLIC HEALTH AND ENVIRONMENT, HEALTH CARE POLICY AND FINANCING, AND HUMAN SERVICES;

(e) THE SYSTEM SHOULD RESERVE FOR LOCAL ENTITIES, WHERE FEASIBLE, FUNCTIONS ASSOCIATED WITH THE DIRECT PROVISION OF SERVICES, ENSURING THE AVOIDANCE OF ACTUAL OR POTENTIAL CONFLICT OF INTEREST IN THE PROVISION OF SERVICES TO CONSUMERS;

(f) THE SYSTEM SHOULD ENCOURAGE APPROPRIATE TRAINING OF THE PERSONNEL OF THE STATE AGENCY AND OF LOCAL ENTITIES PROVIDING SERVICES;

(g) THE SYSTEM SHOULD ENCOURAGE THE DELIVERY OF SERVICES TO CONSUMERS THROUGH A SINGLE POINT OF ACCESS;

(h) THE SYSTEM SHOULD PROVIDE A BALANCE BETWEEN THE PROVISION OF PREVENTION AND EARLY INTERVENTION SERVICES AND THE PROVISION OF GENERAL ONGOING SERVICES;

(i) THE SYSTEM SHOULD ENCOURAGE THE DELIVERY OF SERVICES, IN THE LEAST RESTRICTIVE MANNER, AS CLOSE IN PROXIMITY AS POSSIBLE TO THE NEIGHBORHOOD OF A CONSUMER, AND IN A CULTURALLY APPROPRIATE MANNER, ASSURING THAT CORE

SERVICES ARE AVAILABLE ON A STATEWIDE BASIS;

(j) THE SYSTEM SHOULD ENCOURAGE THE DELIVERY OF SERVICES BASED ON THE CONSUMER'S NEEDS AND NOT ON THE FUNDING SOURCE;

(k) THE SYSTEM SHOULD RESULT IN LONG-TERM COST SAVINGS, WITH SUCH SAVINGS REINVESTED INTO PRIORITY PROGRAMS OR SERVICES;

(l) THE SYSTEM SHOULD ENCOURAGE INNOVATION AND SHOULD INCLUDE CHANGES PROPOSED BY LOCAL ENTITIES WHICH ARE RESPONSIVE TO THE VARIETY OF LOCAL NEEDS AND RESOURCES.

24-1.7-104. Legislative restructuring oversight committee. (1) THE JOINT DEPARTMENTS SHALL SOLICIT RECOMMENDATIONS FROM AND SHALL CONSULT WITH THE FOLLOWING MEMBERS OF THE GENERAL ASSEMBLY ON A REGULAR BASIS FOR THE DURATION OF THE STUDY AND PLANNING PROCESSES ESTABLISHED IN PART 2 AND 3 OF THIS ARTICLE:

(a) THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, ONE OF WHOM SHALL BE A MEMBER OF THE MINORITY PARTY;

(b) THREE MEMBERS OF THE SENATE TO BE APPOINTED BY THE PRESIDENT OF THE SENATE, ONE OF WHOM SHALL BE A MEMBER OF THE MINORITY PARTY.

24-1.7-105. Restructuring steering committee. (1) THERE IS HEREBY ESTABLISHED IN THE OFFICE OF THE GOVERNOR A RESTRUCTURING STEERING COMMITTEE. THE COMMITTEE SHALL CONSIST OF TWENTY-ONE MEMBERS AS FOLLOWS:

(a) SIXTEEN MEMBERS APPOINTED BY THE GOVERNOR. OF THESE MEMBERS, FIVE SHALL BE REPRESENTATIVES OF THE PRINCIPAL DEPARTMENTS AFFECTED BY RESTRUCTURING INCLUDING, BUT NOT LIMITED TO, THE JOINT DEPARTMENTS AND ELEVEN SHALL BE REPRESENTATIVES OF STAKEHOLDER GROUPS. IN MAKING THESE APPOINTMENTS, CONSIDERATION SHALL BE GIVEN TO THE DIVERSITIES OF GEOGRAPHY, DISCIPLINES, AND APPROACHES TO THE DELIVERY OF SERVICES THROUGHOUT THE STATE.

(b) FIVE LOCAL GOVERNMENT REPRESENTATIVE MEMBERS APPOINTED BY THE LEGISLATIVE RESTRUCTURING OVERSIGHT COMMITTEE.

(2) EVERY MEMBER OF THE RESTRUCTURING STEERING COMMITTEE SHALL SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY. MEMBERS SHALL SERVE WITHOUT COMPENSATION.

(3) THE COMMITTEE SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(a) TO PROVIDE GUIDANCE AND OVERSIGHT IN THE PROCESS AND DEVELOPMENT OF THE RESTRUCTURING OF HEALTH AND HUMAN SERVICES DELIVERY SYSTEMS AS REQUIRED PURSUANT TO PARTS 2 AND 3 OF THIS ARTICLE;

(b) TO BE RESPONSIBLE FOR INVOLVEMENT AND COMMUNICATION BETWEEN STAKEHOLDER GROUPS IN CONNECTION WITH THE PLANNING AND STUDY PROGRAMS ESTABLISHED IN PARTS 2 AND 3 OF THIS ARTICLE;

(c) TO DETERMINE AND IMPLEMENT PLANNING STRATEGIES AS NECESSARY TO SUCCESSFULLY COMPLETE THE PLANNING PROCESSES ESTABLISHED IN PARTS 2 AND 3 OF THIS ARTICLE WITHIN THE REQUIRED TIME LIMITS;

(d) TO CREATE SUBCOMMITTEES OR SUBGROUPS AS NECESSARY, WHICH GROUPS MAY INCLUDE INDIVIDUALS NOT SERVING ON THE STEERING COMMITTEE, IN ORDER TO AID IN THE COMPLETION OF THE STUDY AND PLANNING PROCESSES;

(e) TO REPORT AT LEAST MONTHLY TO THE MEMBERS OF THE LEGISLATIVE RESTRUCTURING OVERSIGHT COMMITTEE ESTABLISHED PURSUANT TO SECTION 24-1.7-104.

24-1.7-106. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 1999.

PART 2 RESTRUCTURING PLAN

24-1.7-201. Development of plan. THE EXECUTIVE DIRECTORS OF THE JOINT DEPARTMENTS, IN COOPERATION WITH THE RESTRUCTURING STEERING COMMITTEE, SHALL JOINTLY DEVELOP A PLAN THAT REFORMS THE HEALTH AND HUMAN SERVICES DELIVERY SYSTEM IN THIS STATE AT BOTH THE STATE AND LOCAL LEVELS WITHIN THE TIME FRAMES SET FORTH IN THIS PART 2. THE REFORMED SYSTEM SHALL RESULT IN THE EFFECTIVE AND EFFICIENT DELIVERY OF HEALTH AND HUMAN SERVICES. THE REFORMED SYSTEM SHALL ADDRESS THE RESTRUCTURING OF ADMINISTRATIVE FUNCTIONS OF STATE AGENCIES, THE ROLE OF LOCAL ENTITIES IN THE PROVISION OF HEALTH AND HUMAN SERVICES, AND THE ADOPTION OF A METHOD FOR FINANCING HEALTH AND HUMAN SERVICES BASED ON THE INTEGRATION OR SEPARATION OF FUNDING SOURCES. THE PLAN SHALL BE BASED ON THE PRINCIPLES SET FORTH IN SECTION 24-1.7-103 AND SHALL PROVIDE FOR THE INCREMENTAL IMPLEMENTATION OF SPECIFIC COMPONENTS OF A RESTRUCTURED SYSTEM IN ACCORDANCE WITH THIS PART 2.

24-1.7-202. Restructuring plan - completion deadlines - reporting. (1) THE FOLLOWING TASKS SHALL BE COMPLETED AND SUBMITTED IN WRITING TO THE LEGISLATIVE RESTRUCTURING OVERSIGHT COMMITTEE ON OR BEFORE SEPTEMBER 1, 1993:

(a) THE JOINT DEPARTMENTS, IN COOPERATION WITH THE RESTRUCTURING STEERING COMMITTEE, SHALL JOINTLY CREATE AND SUBMIT A PLAN TO ELIMINATE, ALTER, OR CONSOLIDATE ADMINISTRATIVE FUNCTIONS AT THE STATE AND LOCAL LEVEL FOR THE PURPOSES AND BASED ON THE PRINCIPLES SET FORTH IN SECTION 24-1.7-103. SAID PLAN SHALL BE FORMULATED WITH AN EMPHASIS ON THE PROVISION OF SERVICES AT THE LOCAL LEVEL AND SHALL INCLUDE SPECIFIC RECOMMENDATIONS REGARDING THE RESPONSIBILITY, ORGANIZATION, AND STATE AND LOCAL COSTS IN CONNECTION WITH THE REORGANIZATION OF THE DELIVERY OF HEALTH AND HUMAN SERVICES. SAID PLAN SHALL INCLUDE A PROCESS FOR

IMPLEMENTATION OF ANY LOCAL LEVEL REORGANIZATION WHICH SHALL BE SUBJECT TO APPROVAL BY THE GENERAL ASSEMBLY THROUGH THE LEGISLATION REQUIRED PURSUANT TO SECTION 24-1.7-203.

(b) THE EXECUTIVE DIRECTORS OF THE JOINT DEPARTMENTS SHALL PROVIDE RECOMMENDATIONS TO THE LEGISLATIVE RESTRUCTURING OVERSIGHT COMMITTEE CONCERNING APPROPRIATE MECHANISMS FOR ORGANIZATION AND RULE-MAKING WITHIN THE DEPARTMENTS OF PUBLIC HEALTH AND ENVIRONMENT, HEALTH CARE POLICY AND FINANCING, AND HUMAN SERVICES. SAID RECOMMENDATIONS SHALL CLARIFY THE COORDINATION OF POLICY, BUDGET, AND PROGRAM RESPONSIBILITIES OF THE DEPARTMENTS OF HEALTH CARE POLICY AND FINANCING AND HUMAN SERVICES IN THOSE AREAS IN WHICH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE DEPARTMENT OF HUMAN SERVICES ARE PROVIDING SERVICES TO THE SAME POPULATION. THIS CLARIFICATION SHALL ASSURE THAT LOCAL PROVIDERS AND CONSUMERS CAN ADDRESS AND RESOLVE ISSUES THROUGH ONE LEAD STATE AGENCY. THE EXECUTIVE DIRECTORS OF THE JOINT DEPARTMENTS SHALL CONSULT WITH THE RESTRUCTURING STEERING COMMITTEE IN ESTABLISHING RECOMMENDATIONS CONCERNING RULE-MAKING AND THE ROLE, CREATION, AND COMPOSITION OF BOARDS AND COMMITTEES WITHIN THE DEPARTMENTS OF PUBLIC HEALTH AND ENVIRONMENT, HEALTH CARE POLICY AND FINANCING, AND HUMAN SERVICES.

(2) THE FOLLOWING TASKS SHALL BE COMPLETED BY NOVEMBER 1, 1993:

(a) THE JOINT DEPARTMENTS AND THE RESTRUCTURING STEERING COMMITTEE SHALL MEET WITH THE LEGISLATIVE RESTRUCTURING OVERSIGHT COMMITTEE FOR REVIEW OF THE PLAN SUBMITTED PURSUANT TO SUBSECTION (1) OF THIS SECTION;

(b) UNDER THE DIRECTION OF THE LEGISLATIVE RESTRUCTURING OVERSIGHT COMMITTEE, THE JOINT DEPARTMENTS AND THE RESTRUCTURING STEERING COMMITTEE SHALL DISTRIBUTE THE PLAN TO STAKEHOLDER GROUPS FOR THE PURPOSE OF COMMENT; AND

(c) THE JOINT DEPARTMENTS AND THE RESTRUCTURING STEERING COMMITTEE SHALL PREPARE AND SUBMIT A FINAL REPORT RECOMMENDING STATUTORY CHANGES AND OTHER LEGISLATION NECESSARY FOR IMPLEMENTATION OF THE PLAN.

24-1.7-203. Restructuring legislation - local concerns. (1) THE MEMBERS OF THE LEGISLATIVE RESTRUCTURING OVERSIGHT COMMITTEE SHALL SUBMIT LEGISLATION FOR RESTRUCTURING THE HEALTH AND HUMAN SERVICES DELIVERY SYSTEM BASED ON THE RESULTS OF THE PLANNING PROCESSES ESTABLISHED IN THIS ARTICLE NO LATER THAN JANUARY 31, 1994. THE MEMBERS OF THE GENERAL ASSEMBLY SHALL BE PROVIDED WITH A STATEMENT OF LOCAL FISCAL IMPACT IN CONNECTION WITH SAID LEGISLATION.

(2) UNTIL SUCH TIME AS THE STUDY AND PLAN ESTABLISHED IN THIS PART 2 ARE COMPLETED, AND IN AN EFFORT TO LIMIT THE INCREASE IN THE FINANCIAL RESPONSIBILITY OF THE COUNTIES IN THIS STATE FOR HUMAN SERVICES DELIVERY SYSTEMS, THE GENERAL ASSEMBLY HAS ENACTED SECTION 26-1-122.5, C.R.S. THE LIMITATION CONTAINED IN SECTION 26-1-122.5, C.R.S., IS A SHORT-TERM SOLUTION TO THE FINANCIAL DIFFICULTIES THE COUNTIES HAVE BEEN SUFFERING DUE TO THE

INCREASES IN SOCIAL SERVICES PROGRAMS. BY MAKING FUNDS AVAILABLE, THE STATE IS ENCOURAGING COUNTIES NOT TO EXERCISE ANY RIGHT A COUNTY MAY HAVE PURSUANT TO SECTION 20 (9) OF ARTICLE X OF THE COLORADO CONSTITUTION TO REDUCE OR END ITS FINANCIAL RESPONSIBILITIES IN CONNECTION WITH SOCIAL SERVICES PROGRAMS FOR A THREE-YEAR PERIOD COMMENCING WITH FISCAL YEAR 1993-94. NOTHING IN THIS SECTION OR SECTION 26-1-122.5, C.R.S., SHALL BE CONSTRUED TO LIMIT THE ABILITY OF THE RESTRUCTURING STEERING COMMITTEE TO CONSIDER AND RECOMMEND OPTIONS FOR RESTRUCTURING THE DELIVERY OF HUMAN SERVICES.

PART 3 FEASIBILITY STUDY

24-1.7-301. Feasibility study. (1) THE EXECUTIVE DIRECTORS OF THE JOINT DEPARTMENTS, IN COOPERATION WITH THE RESTRUCTURING STEERING COMMITTEE, SHALL CONDUCT A FEASIBILITY STUDY OF THE METHODS FOR RESTRUCTURING STATE AND LOCAL GOVERNMENT SO AS TO INCREASE CONSUMER ACCESS TO HEALTH AND HUMAN SERVICES, TO INCREASE ECONOMIC EFFICIENCY, AND TO ELIMINATE DUPLICATIVE AND UNNECESSARY ADMINISTRATIVE FUNCTIONS IN CONNECTION WITH THE ADMINISTRATION AND DELIVERY OF HEALTH AND HUMAN SERVICES. SAID STUDY SHALL BE BASED UPON THE PRINCIPLES SET FORTH IN SECTION 24-1.7-103 AND MAY INCLUDE METHODS OF REORGANIZATION WHICH AFFECT STATE DEPARTMENTS OTHER THAN THE JOINT DEPARTMENTS.

(2) THE STUDY SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, AN EVALUATION OF THE MOST EFFICIENT AND EFFECTIVE OPERATION OF THE FOLLOWING:

- (a) ENVIRONMENTAL PROGRAMS AND FUNCTIONS;
- (b) REGULATORY FUNCTIONS;
- (c) WORKERS' COMPENSATION AND HEALTH CARE BENEFIT PROGRAMS;

(d) ANY OTHER ISSUES RELATED TO THE PURPOSE OF THE STUDY AS SET FORTH IN SUBSECTION (1) OF THIS SECTION.

(3) THE EXECUTIVE DIRECTORS OF THE JOINT DEPARTMENTS ARE HEREBY AUTHORIZED TO ACCEPT ANY CONTRIBUTIONS, GRANTS, OR IN-KIND DONATIONS FROM PUBLIC OR PRIVATE SOURCES ON BEHALF OF THEIR RESPECTIVE DEPARTMENTS FOR THE PURPOSE OF IMPLEMENTING THIS SECTION.

(4) THE JOINT DEPARTMENTS ARE AUTHORIZED TO CONTRACT WITH ANY PRIVATE OR PUBLIC AGENCY, ANY INDIVIDUAL, OR ANY ORGANIZATION WHERE NECESSARY TO CONDUCT THE FEASIBILITY STUDY REQUIRED BY THIS PART 3.

24-1.7-302. Reports. THE EXECUTIVE DIRECTORS OF THE JOINT DEPARTMENTS, IN CONSULTATION WITH THE RESTRUCTURING STEERING COMMITTEE, SHALL SUBMIT A PRELIMINARY STATUS REPORT TO THE LEGISLATIVE RESTRUCTURING OVERSIGHT COMMITTEE NO LATER THAN JULY 1, 1994, AND A FINAL REPORT NO LATER THAN JANUARY 1, 1995, DETAILING THE RESULTS OF THE FEASIBILITY STUDY REQUIRED BY THIS PART 3. THE REPORT SHALL EVALUATE ALL PROPOSALS UNDERTAKEN BY THE

STUDY AND SHALL INCLUDE RECOMMENDATIONS FOR RESTRUCTURING BASED ON SUCH EVALUATIONS.

TITLE 24 - ADMINISTRATIVE ORGANIZATION

SECTION 3. 24-1-110, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-1-110. Principal departments. (1) In accordance with the provisions of section 22 of article IV of the state constitution, all executive and administrative offices, agencies, and instrumentalities of the executive department of the state government and their respective functions, powers, and duties, except as otherwise provided by law, are allocated among and within the following principal departments created by this article:

- (a) Department of state;
- (b) Department of the treasury;
- (c) Department of law;
- (d) Department of higher education;
- (e) Department of education;
- (f) Department of administration;
- (g) Department of revenue;
- (h) ~~Department of institutions;~~
- (i) Department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT;
- (j) ~~Department of social services;~~
- (k) Department of labor and employment;
- (l) Department of regulatory agencies;
- (m) Department of agriculture;
- (n) Department of natural resources;
- (o) Department of local affairs;
- (p) (Deleted by amendment, L. 91, p. 1054, § 4, effective July 1, 1991.)
- (q) Department of military affairs;
- (r) Department of personnel;

- (s) Repealed, L. 83, p. 971, section 28, effective July 1, 1984.
- (t) Department of corrections;
- (u) Department of public safety;
- (v) Department of transportation;
- (w) DEPARTMENT OF HUMAN SERVICES;
- (x) DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

SECTION 4. 24-1-118, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-1-118. Department of institutions - creation. ~~(1) There is hereby created a department of institutions, the head of which shall be the executive director of the department of institutions, who shall be appointed by the governor, with the consent of the senate, and who shall serve at the pleasure of the governor. The reappointment of an executive director after initial election of a governor shall be subject to the provisions of section 24-20-109.~~

~~(2) The department of institutions and the office of director of institutions, created by article 1 of title 27, C.R.S., and their powers, duties, and functions are transferred by a **type 2** transfer to the department of institutions created by this section.~~

~~(3) The department of institutions shall supervise and control the following institutions which are transferred by a **type 2** transfer to the department of institutions:~~

- ~~(a) and (b) Repealed, L. 77, p. 955, § 37, effective August 1, 1977.~~
- ~~(c) Colorado mental health institute at Pueblo;~~
- ~~(d) Wheat Ridge regional center;~~
- ~~(e) Grand Junction regional center;~~
- ~~(f) Pueblo regional center;~~
- ~~(g) Lookout Mountain school, at Golden;~~
- ~~(h) Mount View school, at Morrison;~~
- ~~(i) Colorado mental health institute at Fort Logan, in Denver.~~
- ~~(j) and (k) Repealed, L. 88, p. 1431, § 10, effective June 11, 1988.~~
- ~~(l) Repealed, L. 77, p. 1095, § 5, effective July 1, 1977.~~
- ~~(m) Repealed, L. 77, p. 955, § 37, effective August 1, 1977.~~

~~(n) Repealed, L. 77, p. 293, § 7, effective May 26, 1977.~~

~~(4) Repealed, L. 77, p. 1095, § 5, effective July 1, 1977.~~

~~(5)(a) The department of institutions shall include the division of juvenile parole, created by part 12 of article 2 of title 19, C.R.S. The division of juvenile parole and the office of the director of juvenile parole shall exercise their powers and perform their duties and functions under the department of institutions as if transferred by a **type 2** transfer to the department as a division thereof.~~

~~(b) Repealed, L. 89, p. 922, § 9, effective July 1, 1989.~~

~~(5.5) The department of institutions shall include the juvenile parole board, created by part 12 of article 2 of title 19, C.R.S. The juvenile parole board shall exercise its power and perform its duties and functions under the department of institutions as if transferred by a **type 1** transfer to the department as a division thereof.~~

~~(6) The state council on developmental disabilities, created by part 2 of article 10.5 of title 27, C.R.S., shall exercise its powers and perform its duties and functions in the department of institutions as if it were transferred thereto by a **type 1** transfer.~~

SECTION 5. 24-1-119, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-1-119. Department of public health and environment - creation. (1) There is hereby created a department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT. The head of the department shall be the executive director of the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT. The governor shall appoint said executive director, with the consent of the senate, and the executive director shall serve at the pleasure of the governor. The reappointment of an executive director after initial election of a governor shall be subject to the provisions of section 24-20-109.

(2) The state board of health, created by part 1 of article 1 of title 25, C.R.S., and its powers, duties, and functions are transferred by a **type 1** transfer to the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT as the state board of health.

(3) The state water quality control commission, created by part 2 of article 8 of title 25, C.R.S., and its powers, duties, and functions are transferred by a **type 1** transfer to the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT as the state water quality control commission. Anything in this article to the contrary notwithstanding, the state board of health shall have no powers, duties, or functions with respect to water pollution control.

(4) Except for the state board of health, the state department of public health and the office of the executive director thereof, created by part 1 of article 1 of title 25, C.R.S., and their powers, duties, and functions are transferred by a **type 2** transfer to the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT.

(5) The department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT shall consist of the following divisions:

(a) Division of administration. The division of administration, created by part 1 of article 1 of title 25, C.R.S., except for the office of the executive director of the state department of public health, and its powers, duties, and functions are transferred by a **type 2** transfer to the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT as the division of administration.

~~(b) (f) Division of alcohol and drug abuse. The division of alcohol and drug abuse, created pursuant to part 1 of article 1 of title 25, C.R.S., and its powers, duties, and functions are transferred by a **type 2** transfer to the department of health as the division of alcohol and drug abuse.~~

~~(H) The powers, duties, and functions relating to the alcohol and drug driving safety program specified in section 42-4-1202 (5), C.R.S., formerly vested in the division of highway safety in the state department of highways, are transferred by a **type 2** transfer to the division of alcohol and drug abuse.~~

(6) The division of administration shall include the following:

(a) The office of state chemist, created by part 4 of article 1 of title 25, C.R.S. Said office and its powers, duties, and functions are transferred by a **type 2** transfer to the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT and allocated to the division of administration as a section thereof.

(b) The office of state registrar of vital statistics, created by article 2 of title 25, C.R.S. Said office and its powers, duties, and functions are transferred by a **type 2** transfer to the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT and allocated to the division of administration as a section thereof.

(c) Repealed, L. 74, p. 277, § 6, effective July 1, 1974.

(d) The plant operators certification board, created by article 9 of title 25, C.R.S.

(7) (a) The air quality control commission, created by article 7 of title 25, C.R.S., shall exercise its powers and perform its duties and functions as if the same were transferred by a **type 1** transfer to the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT. Anything in this article to the contrary notwithstanding, the state board of health shall have no powers, duties, or functions with respect to air pollution other than as provided in section 25-7-111 (1), C.R.S.

(b) Repealed, L. 84, p. 768, § 1, effective July 1, 1984.

(c) The office of technical secretary, created by article 7 of title 25, C.R.S., shall exercise its powers and perform its duties and functions as if the same were transferred by a **type 1** transfer to the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT and allocated to the air quality control commission.

(8) The hazardous waste commission, created in part 3 of article 15 of title 25, C.R.S., shall exercise its powers and perform its duties and functions as if the same were transferred by a **type 1** transfer to the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT.

SECTION 6. Article 1 of title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

24-1-119.5. Department of health care policy and financing - creation.

(1) THERE IS HEREBY CREATED A DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE HEAD OF WHICH SHALL BE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, WHICH OFFICE IS HEREBY CREATED. THE GOVERNOR SHALL APPOINT THE EXECUTIVE DIRECTOR, WITH THE CONSENT OF THE SENATE, AND THE EXECUTIVE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. THE REAPPOINTMENT OF AN EXECUTIVE DIRECTOR AFTER INITIAL ELECTION OF A GOVERNOR SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 24-20-109.

(2) THE POWERS, DUTIES, AND FUNCTIONS RELATING TO THE "COLORADO MEDICAL ASSISTANCE ACT", AS SPECIFIED IN ARTICLE 4 OF TITLE 26, C.R.S., ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

(3) THE COLORADO HEALTH DATA COMMISSION, CREATED BY ARTICLE 28 OF TITLE 25, C.R.S., AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

(4) THE POWERS, DUTIES, AND FUNCTIONS RELATING TO THE "REFORM ACT FOR THE PROVISION OF HEALTH CARE FOR THE MEDICALLY INDIGENT", AS SPECIFIED IN ARTICLE 15 OF TITLE 26, C.R.S., ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

SECTION 7. 24-1-120, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

24-1-120. Department of human services - creation. (1) THERE IS HEREBY CREATED A DEPARTMENT OF HUMAN SERVICES, THE HEAD OF WHICH SHALL BE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, WHICH OFFICE IS HEREBY CREATED. THE GOVERNOR SHALL APPOINT THE EXECUTIVE DIRECTOR, WITH THE CONSENT OF THE SENATE, AND THE EXECUTIVE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. THE REAPPOINTMENT OF AN EXECUTIVE DIRECTOR AFTER INITIAL ELECTION OF A GOVERNOR SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 24-20-109.

(2) EXCEPT AS OTHERWISE PROVIDED IN TITLE 26, C.R.S., THE POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF SOCIAL SERVICES AND THE DEPARTMENT OF INSTITUTIONS ARE TRANSFERRED BY A **TYPE 3** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES, AND THE DEPARTMENT OF SOCIAL SERVICES AND THE DEPARTMENT OF INSTITUTIONS ARE ABOLISHED.

(3) THE STATE BOARD OF SOCIAL SERVICES, CREATED BY ARTICLE 1 OF TITLE 26, C.R.S., AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES AS THE STATE BOARD OF HUMAN SERVICES.

(4) UNLESS OTHERWISE TRANSFERRED TO THE DEPARTMENT OF HEALTH CARE

POLICY AND FINANCING OR THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE DEPARTMENT OF HUMAN SERVICES SHALL EXERCISE THE FOLLOWING POWERS AND PERFORM THE FOLLOWING DUTIES:

(a) POWERS, DUTIES, AND FUNCTIONS RELATING TO PUBLIC ASSISTANCE AND WELFARE, WHICH ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES;

(b) POWERS, DUTIES, AND FUNCTIONS RELATING TO VOCATIONAL REHABILITATION, WHICH ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

(5) THE DEPARTMENT OF HUMAN SERVICES SHALL INCLUDE THE FOLLOWING:

(a) THE COLORADO COMMISSION ON THE AGING AND THE OFFICE OF THE DIRECTOR THEREOF. SAID OFFICE AND DIRECTOR AND THEIR POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

(b) THE TRINIDAD STATE NURSING HOME AND THE COLORADO STATE VETERANS CENTER, WHICH ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES;

(c) THE COLORADO STATE VETERANS NURSING HOMES, CREATED BY PART 4 OF ARTICLE 12 OF TITLE 26, C.R.S., WHICH ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES;

(d) THE MERIT SYSTEM COUNCIL, CREATED BY ARTICLE 1 OF TITLE 26, C.R.S. SAID COUNCIL AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

(e) THE POWERS, DUTIES, AND FUNCTIONS REGARDING THE STATE INFORMATION AGENCY UNDER THE "REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT", CREATED BY ARTICLE 5 OF TITLE 14, C.R.S. SAID POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

(f) THE STATE OFFICE ON AGING, CREATED BY PART 2 OF ARTICLE 11 OF TITLE 26, C.R.S. SAID STATE OFFICE AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

(g) THE ADOPTION INTERMEDIARY COMMISSION, CREATED BY PART 3 OF ARTICLE 5 OF TITLE 19, C.R.S. SAID COMMISSION AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

(6) THE DEPARTMENT SHALL CONSIST OF THE FOLLOWING DIVISIONS:

(a) THE DIVISION OF VETERANS AFFAIRS AND THE COLORADO BOARD OF VETERANS AFFAIRS. SAID DIVISION AND BOARD AND THEIR POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

(b) THE DIVISION OF JUVENILE PAROLE, CREATED BY PART 12 OF ARTICLE 2 OF

TITLE 19, C.R.S. THE DIVISION OF JUVENILE PAROLE AND THE OFFICE OF THE DIRECTOR OF JUVENILE PAROLE AND THEIR POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

(c) THE JUVENILE PAROLE BOARD, CREATED BY PART 12 OF ARTICLE 2 OF TITLE 19, C.R.S. THE JUVENILE PAROLE BOARD AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES AS A DIVISION THEREOF.

(d) THE DIVISION OF ALCOHOL AND DRUG ABUSE, CREATED PURSUANT TO PART 1 OF ARTICLE 1 OF TITLE 25, C.R.S. THE DIVISION OF ALCOHOL AND DRUG ABUSE AND ITS POWERS, DUTIES, AND FUNCTIONS, INCLUDING THE POWERS, DUTIES, AND FUNCTIONS RELATING TO THE ALCOHOL AND DRUG DRIVING SAFETY PROGRAM SPECIFIED IN SECTION 42-4-1202 (5), C.R.S., ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

(7) THE DEPARTMENT OF HUMAN SERVICES SHALL SUPERVISE AND CONTROL THE FOLLOWING INSTITUTIONS WHICH ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES:

- (a) COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO;
 - (b) WHEAT RIDGE REGIONAL CENTER;
 - (c) GRAND JUNCTION REGIONAL CENTER;
 - (d) PUEBLO REGIONAL CENTER;
 - (e) LOOKOUT MOUNTAIN SCHOOL AT GOLDEN;
 - (f) MOUNT VIEW SCHOOL AT MORRISON;
 - (g) COLORADO MENTAL HEALTH INSTITUTE AT FORT LOGAN, IN DENVER;
 - (h) ADAMS YOUTH SERVICES CENTER AT BRIGHTON;
 - (i) GILLIAM YOUTH SERVICES CENTER AT DENVER;
 - (j) GRAND MESA YOUTH SERVICES CENTER AT GRAND JUNCTION;
 - (k) PUEBLO YOUTH SERVICES CENTER;
 - (l) ZEBULON PIKE YOUTH SERVICES CENTER AT COLORADO SPRINGS;
 - (m) LOOKOUT MOUNTAIN YOUTH SERVICES CENTER AT GOLDEN;
 - (n) MOUNT VIEW YOUTH SERVICES CENTER AT DENVER;
 - (o) LATHROP PARK YOUTH CAMP AT WALSENBERG.
- (8) THE STATE PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES, CREATED BY

PART 2 OF ARTICLE 10.5 OF TITLE 27, C.R.S., AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

SECTION 8. 24-1-125 (5), Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

24-1-125. Department of local affairs - creation. (5) ~~The Colorado health data commission, created by article 28 of title 25, C.R.S., shall exercise its powers and perform its duties and functions as if the same were transferred by a **type 1** transfer to the department of local affairs as the Colorado health data commission.~~

TITLE 25 - THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

SECTION 9. 25-1-101, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-1-101. Construction of terms. (1) When any law of this state refers to the executive director of the state department of public health OR OF THE DEPARTMENT OF HEALTH, said law shall be construed as referring to the executive director of the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT.

(2) Whenever any law of this state refers to the state department of public health OR TO THE DEPARTMENT OF HEALTH, said law shall be construed as referring to the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT.

SECTION 10. Part 1 of article 1 of title 25, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

25-1-101.5. Authority of revisor of statutes to amend references to department - affected statutory provisions. THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO CHANGE ALL REFERENCES IN THE COLORADO REVISED STATUTES TO THE DEPARTMENT OF HEALTH FROM SAID REFERENCE TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AS APPROPRIATE. IN CONNECTION WITH SUCH AUTHORITY, THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO AMEND OR DELETE PROVISIONS OF THE COLORADO REVISED STATUTES SO AS TO MAKE THE STATUTES CONSISTENT WITH THE RENAMING OF THE DEPARTMENT TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

SECTION 11. 25-1-102, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-1-102. Department created - executive director - divisions. (1) There is hereby created a department of ~~health~~ PUBLIC HEATH AND ENVIRONMENT, referred to in this part 1 as the "department". The head of the department shall be the executive director of the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT, which office is hereby created. The governor shall appoint said executive director, with the consent of the senate, and the executive director shall serve at the pleasure of the governor. The reappointment of an executive director after initial election of a

governor shall be subject to the provisions of section 24-20-109, C.R.S. The executive director shall administer the department, subject to the authority of the state board of health, the air quality control commission, the state water quality control commission, and the hazardous waste commission.

(2) The department shall consist of the following divisions:

(a) The division of administration, and such sections and units established as provided by law;

~~(b) The division of alcohol and drug abuse.~~

SECTION 12. 25-1-107 (1) (l), Colorado Revised Statutes, 1989 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

25-1-107. Powers and duties of the department. (1) The department has, in addition to all other powers and duties imposed upon it by law, the following powers and duties:

(l) (II.5) TO PROMULGATE RULES AND REGULATIONS CONCERNING ADULT FOSTER CARE FACILITIES AND THE CERTIFICATION OF ADULT FOSTER CARE FACILITIES AS SET FORTH IN SECTION 26-2-122.3, C.R.S.

SECTION 13. 25-1-107 (1) (u), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-1-107. Powers and duties of the department. (1) The department has, in addition to all other powers and duties imposed upon it by law, the following powers and duties:

~~(u) (I) To study the problem of alcoholism, including methods and facilities available for the care, custody, detention, treatment, employment, and rehabilitation of persons addicted to the intemperate use of spirituous or intoxicating liquors. It shall develop information on the subject of alcoholism for the assistance and guidance of courts, welfare agencies, hospitals, and the public. Such information shall include information on existing private agencies and services which are available to persons suffering from alcoholism. The department shall from time to time submit, together with its annual report, a special report containing the following:~~

~~(A) The financial cost to the state and its political subdivisions directly or indirectly attributable to alcoholism;~~

~~(B) The feasibility and need of establishing state-supported institutions to provide for the care, custody, and treatment of alcoholics;~~

~~(C) If the establishment of state institutions for the care of alcoholics is recommended, specific recommendations in detail concerning: The type of institution; location, cost of acquisition or construction, required staffing, costs of operation; source of funds, and such other information as may be deemed necessary to present concrete legislative prospects to the general assembly upon the subject of the responsibility, care, and treatment of residents of Colorado affected with alcoholism;~~

~~(D) Recommendations on statutory procedure to govern the admittance, commitment, parole, transfer, and discharge of voluntary and involuntary alcoholic patients:~~

~~(II) The department may~~ To accept or refuse to accept, on behalf of and in the name of the state, gifts, donations, and grants for any purpose connected with the work and ~~program~~ PROGRAMS of the department. Any such property so given shall be held by the state treasurer, but the department ~~with the approval of the governor,~~ shall have the power to direct the disposition of any property so given for any purpose consistent with the terms and conditions under which such gift was created.

~~(III) The executive director shall establish within the department a separate division which shall administer the duties imposed upon the department by this paragraph (u):~~

SECTION 14. Part 1 of article 1 of title 25, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

25-1-123. Restructure of health and human services - development of plan - participation of department required. THE DEPARTMENT, IN COOPERATION WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE DEPARTMENT OF HUMAN SERVICES, SHALL DEVELOP A PLAN FOR THE RESTRUCTURING OF THE HEALTH AND HUMAN SERVICES DELIVERY SYSTEM IN THE STATE IN ACCORDANCE WITH ARTICLE 1.7 OF TITLE 24, C.R.S.

TITLE 25.5 - THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING

SECTION 15. Vol. 11A, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW TITLE to read:

TITLE 25.5 HEALTH CARE POLICY AND FINANCING

ARTICLE 1 Department of Health Care Policy and Financing

PART 1 GENERAL PROVISIONS

25.5-1-101. Short title. THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS THE "STATE HEALTH CARE POLICY AND FINANCING ACT".

25.5-1-102. Legislative declaration. (1) THE GENERAL ASSEMBLY DECLARES THAT STATE AND LOCAL POLICYMAKERS AND HEALTH AND HUMAN SERVICES ADMINISTRATORS RECOGNIZE THAT THE MANAGEMENT OF AND THE DELIVERY SYSTEM FOR HEALTH AND HUMAN SERVICES HAVE BECOME COMPLEX, FRAGMENTED, AND COSTLY AND THAT THE HEALTH AND HUMAN SERVICES DELIVERY SYSTEM IN THIS STATE SHOULD BE RESTRUCTURED TO ADEQUATELY ADDRESS THE NEEDS OF COLORADO CITIZENS.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT A CONTINUING BUDGET CRISIS MAKES IT UNLIKELY THAT FUNDING SOURCES WILL KEEP PACE WITH THE INCREASING DEMANDS OF HEALTH AND HUMAN SERVICES.

(3) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS APPROPRIATE TO RESTRUCTURE PRINCIPAL DEPARTMENTS RESPONSIBLE FOR OVERSEEING THE DELIVERY OF HEALTH AND HUMAN SERVICES AND TO REFORM THE STATE'S HEALTH AND HUMAN SERVICES ADMINISTRATION AND DELIVERY SYSTEM, USING GUIDING PRINCIPLES AND WITHIN THE TIME FRAMES SET FORTH IN ARTICLE 1.7 OF TITLE 24, C.R.S. IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE DEPARTMENTS OF PUBLIC HEALTH AND ENVIRONMENT, HEALTH CARE POLICY AND FINANCING, AND HUMAN SERVICES BE OPERATIONAL, EFFECTIVE JULY 1, 1994.

25.5-1-103. Definitions. AS USED IN THIS TITLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE COLORADO HEALTH DATA COMMISSION CREATED IN ARTICLE 28 OF TITLE 25, C.R.S.

(2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

(3) "STATE DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

25.5-1-104. Department of health care policy and financing created - executive director - powers, duties, and functions. (1) THERE IS HEREBY CREATED THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE HEAD OF WHICH SHALL BE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, WHICH OFFICE IS HEREBY CREATED. THE EXECUTIVE DIRECTOR SHALL BE APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF THE SENATE, AND SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. THE REAPPOINTMENT OF AN EXECUTIVE DIRECTOR AFTER AN INITIAL ELECTION OF A GOVERNOR SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 24-20-109, C.R.S. THE EXECUTIVE DIRECTOR HAS THOSE POWERS, DUTIES, AND FUNCTIONS PRESCRIBED FOR THE HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S., AND ANY POWERS, DUTIES, AND FUNCTIONS SET FORTH IN THIS TITLE.

(2) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL CONSIST OF AN EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE COLORADO HEALTH DATA COMMISSION, AND SUCH DIVISIONS, SECTIONS, AND OTHER UNITS AS SHALL BE ESTABLISHED BY THE EXECUTIVE DIRECTOR PURSUANT TO THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION.

(3) THE EXECUTIVE DIRECTOR MAY ESTABLISH SUCH DIVISIONS, SECTIONS, AND OTHER UNITS WITHIN THE STATE DEPARTMENT AS ARE NECESSARY FOR THE PROPER AND EFFICIENT DISCHARGE OF THE POWERS, DUTIES, AND FUNCTIONS OF THE STATE DEPARTMENT; EXCEPT THAT SUCH ACTION BY THE EXECUTIVE DIRECTOR SHALL NOT CONFLICT WITH THE IMPLEMENTATION REQUIREMENTS FOR THE PLAN FOR RESTRUCTURING THE DELIVERY OF HEALTH AND HUMAN SERVICES IN THIS STATE, AS

SET FORTH IN ARTICLE 1.7 OF TITLE 24, C.R.S.

(4) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL BE RESPONSIBLE FOR THE ADMINISTRATION OF THE FUNCTIONS AND PROGRAMS AS SET FORTH IN PART 2 OF THIS ARTICLE.

25.5-1-105. Transfer of functions - employees - property - records. (1) THE STATE DEPARTMENT SHALL, ON AND AFTER JULY 1, 1994, EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED PRIOR TO JULY 1, 1994, IN THE COLORADO HEALTH DATA COMMISSION WITHIN THE DEPARTMENT OF LOCAL AFFAIRS; THE DEPARTMENT OF SOCIAL SERVICES CONCERNING THE "COLORADO MEDICAL ASSISTANCE ACT", ADULT FOSTER CARE, HOME CARE ALLOWANCE, AND THE TREATMENT PROGRAM FOR HIGH-RISK PREGNANT WOMEN; THE DEPARTMENT OF REGULATORY AGENCIES CONCERNING "THE COLORADO CARE HEALTH INSURANCE PROGRAM"; AND THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER CONCERNING HEALTH CARE FOR THE MEDICALLY INDIGENT.

(2) (a) ON AND AFTER JULY 1, 1994, ALL POSITIONS OF EMPLOYMENT IN THE DEPARTMENT OF LOCAL AFFAIRS, THE DEPARTMENT OF SOCIAL SERVICES, AND THE DEPARTMENT OF REGULATORY AGENCIES CONCERNING THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING PURSUANT TO THIS ARTICLE AND DETERMINED TO BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS ARTICLE BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL BE TRANSFERRED TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND SHALL BECOME EMPLOYMENT POSITIONS THEREIN. THE EXECUTIVE DIRECTOR SHALL APPOINT SUCH EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE DUTIES AND EXERCISE THE POWERS CONFERRED BY LAW UPON THE STATE DEPARTMENT AND THE EXECUTIVE DIRECTOR. ON AND AFTER JULY 1, 1994, ANY APPOINTMENT OF EMPLOYEES AND ANY CREATION OR ELIMINATION OF POSITIONS OF EMPLOYMENT SHALL BE CONSISTENT WITH THE PLAN FOR RESTRUCTURING HEALTH AND HUMAN SERVICES AS SET FORTH IN ARTICLE 1.7 OF TITLE 24, C.R.S. APPOINTING AUTHORITY MAY BE DELEGATED BY THE EXECUTIVE DIRECTOR AS APPROPRIATE.

(b) ON AND AFTER JULY 1, 1994, ALL EMPLOYEES OF THE DEPARTMENT OF LOCAL AFFAIRS, THE DEPARTMENT OF SOCIAL SERVICES, AND THE DEPARTMENT OF REGULATORY AGENCIES WHOSE DUTIES AND FUNCTIONS CONCERNED THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING PURSUANT TO THIS ARTICLE, REGARDLESS OF WHETHER THE POSITION OF EMPLOYMENT IN WHICH THE EMPLOYEE SERVED WAS TRANSFERRED, SHALL BE CONSIDERED EMPLOYEES OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR PURPOSES OF SECTION 24-50-124, C.R.S. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS UNDER THE STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED CONTINUOUS.

(3) ON JULY 1, 1994, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE DEPARTMENT OF LOCAL AFFAIRS, THE DEPARTMENT OF SOCIAL SERVICES, AND THE DEPARTMENT OF REGULATORY AGENCIES PERTAINING TO THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING ARE

TRANSFERRED TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND SHALL BECOME THE PROPERTY THEREOF.

(4) ON AND AFTER JULY 1, 1994, WHENEVER THE DEPARTMENT OF LOCAL AFFAIRS, THE DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT OF REGULATORY AGENCIES, OR THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER IS REFERRED TO OR DESIGNATED BY ANY CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING. ALL CONTRACTS ENTERED INTO BY THE SAID DEPARTMENTS PRIOR TO JULY 1, 1994, IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING ARE HEREBY VALIDATED, WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SUCCEEDING TO ALL RIGHTS AND OBLIGATIONS UNDER SUCH CONTRACTS. ANY CASH FUNDS, CUSTODIAL FUNDS, TRUSTS, GRANTS, AND ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED UNDER SUCH CONTRACTS SHALL BE TRANSFERRED AND APPROPRIATED TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR THE PAYMENT OF SUCH OBLIGATIONS.

(5) ON AND AFTER JULY 1, 1994, UNLESS OTHERWISE SPECIFIED, WHENEVER ANY PROVISION OF LAW REFERS TO THE DEPARTMENT OF LOCAL AFFAIRS WITH RESPECT TO THE COLORADO HEALTH DATA COMMISSION; TO THE STATE DEPARTMENT OR STATE DEPARTMENT OF SOCIAL SERVICES IN CONNECTION WITH THE "COLORADO MEDICAL ASSISTANCE ACT", ADULT FOSTER CARE, HOME CARE ALLOWANCE, OR THE TREATMENT PROGRAM FOR HIGH-RISK PREGNANT WOMEN; TO THE DEPARTMENT OF REGULATORY AGENCIES CONCERNING "THE COLORADO CARE HEALTH INSURANCE PROGRAM"; OR TO THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER IN CONNECTION WITH HEALTH CARE FOR THE MEDICALLY INDIGENT; SAID LAW SHALL BE CONSTRUED AS REFERRING TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

(6) ALL RULES, REGULATIONS, AND ORDERS OF THE DEPARTMENT OF LOCAL AFFAIRS, THE STATE DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT OF REGULATORY AGENCIES, AND THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER ADOPTED PRIOR TO JULY 1, 1994, IN CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW. ON AND AFTER JULY 1, 1994, THE EXECUTIVE DIRECTOR SHALL ADOPT RULES NECESSARY FOR THE ADMINISTRATION OF THE STATE DEPARTMENT AND THE ADMINISTRATION OF THE PROGRAMS SET FORTH IN PART 2 OF THIS ARTICLE. ANY RULES ADOPTED BY THE EXECUTIVE DIRECTOR ON AND AFTER JULY 1, 1994, SHALL BE CONSISTENT WITH THE PLAN FOR RESTRUCTURING THE HEALTH AND HUMAN SERVICES DELIVERY SYSTEM, AS SET FORTH IN ARTICLE 1.7 OF TITLE 24, C.R.S.

(7) NO SUIT, ACTION, OR OTHER JUDICIAL OR ADMINISTRATIVE PROCEEDING LAWFULLY COMMENCED PRIOR TO JULY 1, 1994, OR WHICH COULD HAVE BEEN COMMENCED PRIOR TO SUCH DATE, BY OR AGAINST THE DEPARTMENT OF LOCAL AFFAIRS, THE STATE DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT OF REGULATORY AGENCIES, OR THE UNIVERSITY OF COLORADO HEALTH SCIENCES

CENTER, OR ANY OFFICER THEREOF IN SUCH OFFICER'S OFFICIAL CAPACITY OR IN RELATION TO THE DISCHARGE OF THE OFFICIAL'S DUTIES, SHALL ABATE BY REASON OF THE TRANSFER OF DUTIES AND FUNCTIONS FROM SAID DEPARTMENTS TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

(8) THE EXECUTIVE DIRECTOR, OR A DESIGNEE OF THE EXECUTIVE DIRECTOR, MAY ACCEPT, ON BEHALF OF AND IN THE NAME OF THE STATE, GIFTS, DONATIONS, AND GRANTS FOR ANY PURPOSE CONNECTED WITH THE WORK AND PROGRAMS OF THE STATE DEPARTMENT. ANY PROPERTY SO GIVEN SHALL BE HELD BY THE STATE TREASURER, BUT THE EXECUTIVE DIRECTOR, OR THE DESIGNEE THEREFOR, SHALL HAVE THE POWER TO DIRECT THE DISPOSITION OF ANY PROPERTY SO GIVEN FOR ANY PURPOSE CONSISTENT WITH THE TERMS AND CONDITIONS UNDER WHICH SUCH GIFT WAS CREATED.

(9) THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO CHANGE ALL REFERENCES IN THE COLORADO REVISED STATUTES TO THE DEPARTMENT OF LOCAL AFFAIRS, THE STATE DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT OF REGULATORY AGENCIES, AND THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER FROM SAID REFERENCES TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AS APPROPRIATE AND WITH RESPECT TO THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING. IN CONNECTION WITH SUCH AUTHORITY, THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO AMEND OR DELETE PROVISIONS OF THE COLORADO REVISED STATUTES SO AS TO MAKE THE STATUTES CONSISTENT WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED PURSUANT TO THIS SECTION.

25.5-1-106. Restructure of health and human services - development of plan - participation of department required. THE STATE DEPARTMENT, IN COOPERATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF HUMAN SERVICES, SHALL DEVELOP A PLAN FOR THE RESTRUCTURING OF THE HEALTH AND HUMAN SERVICES DELIVERY SYSTEM IN THE STATE IN ACCORDANCE WITH ARTICLE 1.7 OF TITLE 24, C.R.S.

25.5-1-107. Final agency action - administrative law judge - authority of executive director - direction to seek waiver of single state agency requirement.
(1) (a) THE EXECUTIVE DIRECTOR MAY APPOINT ONE OR MORE PERSONS TO SERVE AS ADMINISTRATIVE LAW JUDGES FOR THE STATE DEPARTMENT PURSUANT TO SECTION 24-4-105, C.R.S., AND PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., SUBJECT TO APPROPRIATIONS MADE TO THE DEPARTMENT OF ADMINISTRATION. EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, HEARINGS CONDUCTED BY THE ADMINISTRATIVE LAW JUDGE SHALL BE CONSIDERED INITIAL DECISIONS OF THE STATE DEPARTMENT WHICH SHALL BE REVIEWED BY THE EXECUTIVE DIRECTOR OR A DESIGNEE OF SUCH EXECUTIVE DIRECTOR PURSUANT TO SECTION 24-4-105, C.R.S. REVIEW BY THE EXECUTIVE DIRECTOR SHALL CONSTITUTE FINAL AGENCY ACTION. THE ADMINISTRATIVE LAW JUDGE MAY CONDUCT HEARINGS ON APPEALS FROM DECISIONS OF COUNTY DEPARTMENTS OF SOCIAL SERVICES BROUGHT BY RECIPIENTS OF AND APPLICANTS FOR PUBLIC ASSISTANCE AND WELFARE WHICH ARE REQUIRED BY LAW IN ORDER FOR THE STATE TO QUALIFY FOR FEDERAL FUNDS, AND THE ADMINISTRATIVE LAW JUDGE MAY CONDUCT OTHER HEARINGS FOR THE STATE DEPARTMENT. NOTICE OF ANY SUCH HEARING SHALL BE SERVED AT LEAST TEN DAYS PRIOR TO SUCH HEARING.

(b) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE CONSTRUED TO AUTHORIZE REVIEW OF DECISIONS RENDERED PURSUANT TO SECTION 26-1-120, C.R.S.

(c) THE STATE DEPARTMENT, IN CONSULTATION WITH THE DIVISION OF ADMINISTRATIVE HEARINGS IN THE DEPARTMENT OF ADMINISTRATION, IS DIRECTED BY THE GENERAL ASSEMBLY TO REQUEST ANY WAIVERS FROM THE APPROPRIATE FEDERAL AUTHORITIES OR AGENCIES WHICH HAVE THE AUTHORITY TO WAIVE THE SINGLE STATE AGENCY REQUIREMENT FOR THE ADMINISTRATION OF A GRANT PROGRAM WITH RESPECT TO THE PROCEDURES FOR FINAL AGENCY ACTION THAT ARE SET FORTH IN SUBSECTION (2) OF THIS SECTION. IN DEVELOPING THE WAIVER REQUEST AS REQUIRED UNDER THIS SECTION, THE STATE DEPARTMENT SHALL CONSULT WITH ANY APPROPRIATE ADVISORY COMMITTEES AND OTHER INTERESTED PARTIES REGARDING THE CONTENTS OF SUCH WAIVER REQUEST.

(2) HEARINGS INITIATED BY A LICENSED OR CERTIFIED PROVIDER OR VENDOR OF SERVICES SHALL BE CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE FOR THE STATE DEPARTMENT AND SHALL BE CONSIDERED FINAL AGENCY ACTION AND SUBJECT TO JUDICIAL REVIEW IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-4-106, C.R.S.

PART 2

PROGRAMS TO BE ADMINISTERED BY THE DEPARTMENT

25.5-1-201. Programs to be administered by the department of health care policy and financing. (1) PROGRAMS TO BE ADMINISTERED AND FUNCTIONS TO BE PERFORMED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL BE AS FOLLOWS:

(a) "THE COLORADO CARE HEALTH INSURANCE PROGRAM", AS SPECIFIED IN ARTICLE 21 OF TITLE 10, C.R.S.;

(b) THE "COLORADO HEALTH DATA COMMISSION ACT", AS SPECIFIED IN ARTICLE 28 OF TITLE 25, C.R.S.;

(c) THE "COLORADO MEDICAL ASSISTANCE ACT", AS SPECIFIED IN ARTICLE 4 OF TITLE 26, C.R.S.;

(d) THE "REFORM ACT FOR THE PROVISION OF HEALTH CARE FOR THE MEDICALLY INDIGENT", AS SPECIFIED IN ARTICLE 15 OF TITLE 26, C.R.S.;

(e) ADULT FOSTER CARE, AS SPECIFIED IN SECTION 26-2-122.3, C.R.S.;

(f) HOME CARE ALLOWANCE, AS SPECIFIED IN SECTION 26-2-122.3, C.R.S.; AND

(g) THE TREATMENT PROGRAM FOR HIGH-RISK PREGNANT WOMEN CREATED PURSUANT TO SECTION 25-1-212, C.R.S., AND AS SPECIFIED IN SECTION 26-4-508.4, C.R.S.

TITLE 26 - THE DEPARTMENT OF HUMAN SERVICES

SECTION 16. 26-1-101, Colorado Revised Statutes, 1989 Repl. Vol., is amended

to read:

26-1-101. Short title. This title shall be known and may be cited as the "Colorado ~~Social~~ HUMAN Services Code".

SECTION 17. 26-1-102, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-1-102. Legislative declaration. ~~(1) It is the purpose of this title to promote the public health and welfare of the people of the state of Colorado by providing, through the state department and through the county departments or other state designated agencies in accordance with state department rules and regulations, programs relating to public assistance and welfare, including but not limited to assistance payments, food stamps (except the value of food stamp coupons), and social services; medical assistance; child welfare services; child care; protective services for the mentally retarded; programs for the aging; rehabilitation; and veterans' affairs. Such programs are intended to assist individuals and families to attain or retain their capabilities for independence, self-care, and self-support insofar as possible. The state department is authorized and directed to cooperate with and utilize the available resources of the federal government and private individuals and organizations for these programs.~~

~~(2) In providing for such programs relating to public assistance and welfare, the general assembly finds that recipients of social services qualify under the various state and federal programs without regard to the adequacy or inadequacy of funds available for such services. Recognizing this fundamental fact and, further, recognizing that the state department, not the several county departments or other state designated agencies, is the principal in all federal-state social services programs covered in this title, the general assembly further finds that the monetary limit prescribed in this article for the county department participation shall be deemed a precise limit beyond which no county can operate or be required to operate by virtue of any statutory or regulatory provision.~~ (1) THE GENERAL ASSEMBLY DECLARES THAT STATE AND LOCAL POLICYMAKERS AND HEALTH AND HUMAN SERVICES ADMINISTRATORS RECOGNIZE THAT THE MANAGEMENT OF AND THE DELIVERY SYSTEM FOR HEALTH AND HUMAN SERVICES HAVE BECOME COMPLEX, FRAGMENTED, AND COSTLY AND THAT THE HEALTH AND HUMAN SERVICES DELIVERY SYSTEM IN THIS STATE SHOULD BE RESTRUCTURED TO ADEQUATELY ADDRESS THE NEEDS OF COLORADO CITIZENS.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT A CONTINUING BUDGET CRISIS MAKES IT UNLIKELY THAT FUNDING SOURCES WILL KEEP PACE WITH THE INCREASING DEMANDS OF HEALTH AND HUMAN SERVICES.

(3) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS APPROPRIATE TO RESTRUCTURE THE PRINCIPAL DEPARTMENTS RESPONSIBLE FOR OVERSEEING THE DELIVERY OF HEALTH AND HUMAN SERVICES AND TO REFORM THE STATE'S HEALTH AND HUMAN SERVICES DELIVERY SYSTEM, USING GUIDING PRINCIPLES AND WITHIN THE TIME FRAMES SET FORTH IN ARTICLE 1.7 OF TITLE 24, C.R.S. IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE DEPARTMENTS OF PUBLIC HEALTH AND ENVIRONMENT, HEALTH CARE POLICY AND FINANCING, AND HUMAN SERVICES BE OPERATIONAL, EFFECTIVE JULY 1, 1994.

SECTION 18. 26-1-103 (4), (5), and (6), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

26-1-103. Definitions. As used in this title, unless the context otherwise requires:

(4) "Executive director" means the executive director of the department of ~~social~~ HUMAN services; EXCEPT THAT "EXECUTIVE DIRECTOR" FOR THE PURPOSES OF ARTICLES 4 AND 15 OF THIS TITLE AND IN CONNECTION WITH THE ADULT FOSTER CARE PROGRAM, THE HOME CARE ALLOWANCE PROGRAM, AND THE TREATMENT PROGRAM FOR HIGH-RISK PREGNANT WOMEN MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

(5) "State board" means the state board of ~~social~~ HUMAN services AUTHORIZED TO ACT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 26-1-107.

(6) "State department" means the department of ~~social~~ HUMAN services; EXCEPT THAT "STATE DEPARTMENT" FOR THE PURPOSES OF ARTICLES 4 AND 15 OF THIS TITLE AND IN CONNECTION WITH THE ADULT FOSTER CARE PROGRAM, THE HOME CARE ALLOWANCE PROGRAM, AND THE TREATMENT PROGRAM FOR HIGH-RISK PREGNANT WOMEN MEANS THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

SECTION 19. 26-1-104, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-1-104. Construction of terms. (1) Whenever any law of this state refers to the state department of public welfare OR THE STATE DEPARTMENT OF SOCIAL SERVICES, or to the director of ~~said~~ EITHER department, said law shall be construed as referring to the department of ~~social~~ HUMAN services or to the executive director of the department of ~~social~~ HUMAN services, as the case may be; EXCEPT THAT SAID REFERENCES IN CONNECTION WITH ANY PROVISION OF LAW CONCERNING THE "COLORADO MEDICAL ASSISTANCE ACT", HEALTH CARE FOR THE MEDICALLY INDIGENT, ADULT FOSTER CARE, HOME CARE ALLOWANCE, OR THE TREATMENT PROGRAM FOR HIGH-RISK PREGNANT WOMEN SHALL BE CONSTRUED AS REFERRING TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OR TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING. Whenever any law of this state refers to the division of public assistance, or to the division of children and youth, or to any other division of the state department, said law shall be construed as referring to the department of ~~social~~ HUMAN services.

(2) Whenever any law of this state refers to the state board of public welfare OR TO THE STATE BOARD OF SOCIAL SERVICES, said law shall be construed as referring to the state board of ~~social~~ HUMAN services; EXCEPT THAT SAID REFERENCES IN CONNECTION WITH ANY PROVISION OF LAW CONCERNING THE "COLORADO MEDICAL ASSISTANCE ACT", HEALTH CARE FOR THE MEDICALLY INDIGENT, ADULT FOSTER CARE, HOME CARE ALLOWANCE, OR THE TREATMENT PROGRAM FOR HIGH-RISK PREGNANT WOMEN SHALL BE CONSTRUED AS REFERRING TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

SECTION 20. 26-1-105, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-1-105. Department of human services created - executive director - powers, duties, and functions. (1) EFFECTIVE JULY 1, 1994, THERE IS HEREBY CREATED A DEPARTMENT OF HUMAN SERVICES, THE HEAD OF WHICH SHALL BE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, WHICH OFFICE IS HEREBY CREATED. THE EXECUTIVE DIRECTOR SHALL BE APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF THE SENATE, AND SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. THE REAPPOINTMENT OF AN EXECUTIVE DIRECTOR AFTER AN INITIAL ELECTION OF A GOVERNOR SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 24-20-109, C.R.S. THE EXECUTIVE DIRECTOR HAS THOSE POWERS, DUTIES, AND FUNCTIONS PRESCRIBED FOR THE HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

~~(1)~~ (1.5) The department of ~~social~~ HUMAN services ~~created by section 24-1-120, C.R.S.~~, shall consist of a state board of ~~social~~ HUMAN services, an executive director of the department of ~~social~~ HUMAN services, and such divisions, sections, and other units as ~~shall~~ MAY be established by the executive director pursuant to the provisions of subsection (2) of this section.

(2) (a) The executive director ~~shall~~ MAY establish such divisions, sections, and other units within the state department as are necessary for the proper and efficient discharge of the powers, duties, and functions of the state department. The executive director ~~shall~~ MAY allocate the powers, duties, and functions previously assigned to statutorily created divisions or sections of the state department OF SOCIAL SERVICES AND THE DEPARTMENT OF INSTITUTIONS to the divisions, sections, and other units established pursuant to this subsection (2). ~~such allocation to take effect July 1, 1973.~~ THE EXECUTIVE DIRECTOR IS AUTHORIZED TO CREATE, ELIMINATE, OR ALTER SUCH SECTIONS AND UNITS WITHIN THE STATE DEPARTMENT AS THE EXECUTIVE DIRECTOR DETERMINES ARE NECESSARY TO EFFECTIVELY AND EFFICIENTLY OPERATE CONSISTENT WITH THE PLAN FOR RESTRUCTURING HEALTH AND HUMAN SERVICES, AS SET FORTH IN ARTICLE 1.7 OF TITLE 24, C.R.S.

(b) ~~Each division, section, or other unit to which powers, duties, and functions of a statutorily created division or section are allocated pursuant to this subsection (2) shall be the successor in every way with respect to such powers, duties, and functions of the division or section in which such powers, duties, and functions were vested prior to July 1, 1973. Each division, section, or other unit established pursuant to this section shall succeed to all property and records which were used for or pertain to the powers, duties, and functions allocated thereto.~~

(3) THE DEPARTMENT OF HUMAN SERVICES SHALL BE RESPONSIBLE FOR THE ADMINISTRATION OF HUMAN SERVICES PROGRAMS AS SET FORTH IN PART 2 OF THIS ARTICLE.

SECTION 21. Article 1 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

26-1-105.5. Transfer of functions - employees - property - records.
 (1) (a) THE DEPARTMENT SHALL, ON AND AFTER JULY 1, 1994, EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED PRIOR TO JULY 1, 1994, IN THE DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT OF INSTITUTIONS, AND THE DEPARTMENT OF HEALTH

CONCERNING THE ADMINISTRATION OF ALCOHOL AND DRUG ABUSE PROGRAMS.

(b) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE FUNCTIONS, EMPLOYEES, AND PROPERTY TRANSFERRED UNDER THE PROVISIONS OF SECTIONS 24-1-119.5, C.R.S., AND 25.5-1-105, C.R.S., CONCERNING THE "COLORADO MEDICAL ASSISTANCE ACT", HEALTH CARE FOR THE MEDICALLY INDIGENT, ADULT FOSTER CARE, HOME CARE ALLOWANCE, AND THE TREATMENT PROGRAM FOR HIGH-RISK PREGNANT WOMEN.

(2) (a) ON AND AFTER JULY 1, 1994, ALL POSITIONS OF EMPLOYMENT IN THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF SOCIAL SERVICES, AND THE DEPARTMENT OF INSTITUTIONS CONCERNING THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO THIS ARTICLE AND DETERMINED TO BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS ARTICLE BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL BE TRANSFERRED TO THE DEPARTMENT OF HUMAN SERVICES AND SHALL BECOME EMPLOYMENT POSITIONS THEREIN. THE EXECUTIVE DIRECTOR SHALL APPOINT SUCH EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE DUTIES AND EXERCISE THE POWERS CONFERRED BY LAW UPON THE STATE DEPARTMENT AND THE EXECUTIVE DIRECTOR. ON AND AFTER JULY 1, 1994, ANY APPOINTMENT OF EMPLOYEES AND ANY CREATION OR ELIMINATION OF POSITIONS OF EMPLOYMENT SHALL BE CONSISTENT WITH THE PLAN FOR RESTRUCTURING HEALTH AND HUMAN SERVICES AS SET FORTH IN ARTICLE 1.7 OF TITLE 24, C.R.S. APPOINTING AUTHORITY MAY BE DELEGATED BY THE EXECUTIVE DIRECTOR AS APPROPRIATE.

(b) ON AND AFTER JULY 1, 1994, ALL EMPLOYEES OF THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF SOCIAL SERVICES, AND THE DEPARTMENT OF INSTITUTIONS WHOSE DUTIES AND FUNCTIONS CONCERNED THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO THIS ARTICLE, REGARDLESS OF WHETHER THE POSITION OF EMPLOYMENT IN WHICH THE EMPLOYEE SERVED WAS TRANSFERRED, SHALL BE CONSIDERED EMPLOYEES OF THE DEPARTMENT OF HUMAN SERVICES FOR PURPOSES OF SECTION 24-50-124, C.R.S. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS UNDER THE STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED CONTINUOUS.

(3) ON JULY 1, 1994, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE DEPARTMENTS OF HEALTH, SOCIAL SERVICES, AND INSTITUTIONS PERTAINING TO THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HUMAN SERVICES ARE TRANSFERRED TO THE DEPARTMENT OF HUMAN SERVICES AND SHALL BECOME THE PROPERTY THEREOF.

(4) ON AND AFTER JULY 1, 1994, WHENEVER THE DEPARTMENT OF HEALTH, SOCIAL SERVICES, OR INSTITUTIONS IS REFERRED TO OR DESIGNATED BY ANY CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HUMAN SERVICES, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO THE DEPARTMENT OF HUMAN SERVICES. ALL CONTRACTS ENTERED INTO BY THE SAID DEPARTMENTS PRIOR TO JULY 1, 1994, IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HUMAN SERVICES ARE HEREBY VALIDATED, WITH THE DEPARTMENT OF HUMAN SERVICES

SUCCEEDING TO ALL RIGHTS AND OBLIGATIONS UNDER SUCH CONTRACTS. ANY CASH FUNDS, CUSTODIAL FUNDS, TRUSTS, GRANTS, AND ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED UNDER SUCH CONTRACTS SHALL BE TRANSFERRED AND APPROPRIATED TO THE DEPARTMENT OF HUMAN SERVICES FOR THE PAYMENT OF SUCH OBLIGATIONS.

(5) ON AND AFTER JULY 1, 1994, UNLESS OTHERWISE SPECIFIED, WHENEVER ANY PROVISION OF LAW REFERS TO THE DEPARTMENT OF HEALTH, SOCIAL SERVICES, OR INSTITUTIONS, IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HUMAN SERVICES, SAID LAW SHALL BE CONSTRUED AS REFERRING TO THE DEPARTMENT OF HUMAN SERVICES.

(6) ALL RULES, REGULATIONS, AND ORDERS OF THE DEPARTMENTS OF HEALTH, SOCIAL SERVICES, AND INSTITUTIONS ADOPTED PRIOR TO JULY 1, 1994, IN CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HUMAN SERVICES, SHALL CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW. THE EXECUTIVE DIRECTOR SHALL ADOPT RULES NECESSARY FOR THE ADMINISTRATION OF THE STATE DEPARTMENT AND AS OTHERWISE AUTHORIZED BY THIS TITLE. ANY RULES ADOPTED ON AND AFTER JULY 1, 1994, SHALL BE CONSISTENT WITH THE PLAN FOR RESTRUCTURING HEALTH AND HUMAN SERVICES, AS SET FORTH IN ARTICLE 1.7 OF TITLE 24, C.R.S.

(7) NO SUIT, ACTION, OR OTHER PROCEEDING, JUDICIAL OR ADMINISTRATIVE, LAWFULLY COMMENCED PRIOR TO JULY 1, 1994, OR WHICH COULD HAVE BEEN COMMENCED PRIOR TO SUCH DATE, BY OR AGAINST THE DEPARTMENT OF HEALTH, SOCIAL SERVICES, OR INSTITUTIONS, OR ANY OFFICER THEREOF IN SUCH OFFICER'S OFFICIAL CAPACITY OR IN RELATION TO THE DISCHARGE OF THE OFFICIAL'S DUTIES, SHALL ABATE BY REASON OF THE TRANSFER OF DUTIES AND FUNCTIONS FROM THE SAID DEPARTMENT TO THE DEPARTMENT OF HUMAN SERVICES.

(8) THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO CHANGE ALL REFERENCES IN THE COLORADO REVISED STATUTES TO THE DEPARTMENT OF SOCIAL SERVICES AND THE DEPARTMENT OF INSTITUTIONS FROM SAID REFERENCES TO THE DEPARTMENT OF HUMAN SERVICES, AS APPROPRIATE AND UNLESS OTHERWISE TRANSFERRED TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING PURSUANT TO SECTION 25.5-1-105, C.R.S. IN CONNECTION WITH SUCH AUTHORITY, THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO AMEND OR DELETE PROVISIONS OF THE COLORADO REVISED STATUTES SO AS TO MAKE THE STATUTES CONSISTENT WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED PURSUANT TO THIS SECTION.

SECTION 22. 26-1-107, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-1-107. State board of human services - powers and duties. (1) (a) There is hereby created the state board of ~~social~~ HUMAN services. The state board shall consist of nine members, each of whom shall be appointed by the governor, with the consent of the senate, for terms of four years each.

(b) As vacancies occur, on and after July 1, 1973, appointments shall be made so

that three of the members of the state board shall be appointed from among persons who are serving as county commissioners in this state. Whenever a county commissioner serving as a member of the state board ceases to hold the office of county commissioner, a vacancy on the state board shall occur, and the governor shall fill the vacancy by the appointment of a person who at the time is serving as a county commissioner. A county commissioner shall not vote on any matter coming before the state board which affects the county in which he is serving as commissioner in a manner different from other counties.

(2) No recipient of a pension under the Colorado old age pension statutes shall be eligible ~~to~~ FOR appointment to the state board.

(3) The members of the state board shall serve without compensation, with the exception of necessary actual traveling expenses.

(4) THE STATE BOARD SHALL ACT ONLY BY RESOLUTION ADOPTED AT A DULY CALLED MEETING OF THE STATE BOARD, AND NO INDIVIDUAL MEMBER OF THE STATE BOARD SHALL EXERCISE ADMINISTRATIVE AUTHORITY WITH RESPECT TO THE DEPARTMENT.

(5) "BOARD RULES" ARE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD GOVERNING:

(a) PROGRAM SCOPE AND CONTENT;

(b) REQUIREMENTS, OBLIGATIONS, AND RIGHTS OF CLIENTS, RECIPIENTS, VENDORS, PROVIDERS, AND OTHER PERSONS AFFECTED BY ACTS OF THE STATE DEPARTMENT.

(6) THE STATE BOARD SHALL:

(a) ADOPT BOARD RULES;

(b) HOLD HEARINGS RELATING TO THE FORMULATION AND REVISION OF THE POLICIES OF THE STATE DEPARTMENT;

(c) ADVISE THE EXECUTIVE DIRECTOR AS TO ANY MATTERS THAT THE EXECUTIVE DIRECTOR MAY BRING BEFORE THE STATE BOARD;

(d) MEET AS IS NECESSARY TO ADJUST THE MINIMUM AWARD FOR OLD AGE PENSIONS FOR CHANGES IN THE COST OF LIVING PURSUANT TO SECTION 26-2-114 (1); EXCEPT THAT THE STATE BOARD SHALL MEET FOR SUCH A PURPOSE WHENEVER THE MONTHLY INDEX OF CONSUMER PRICES, PREPARED BY THE BUREAU OF LABOR STATISTICS OF THE UNITED STATES DEPARTMENT OF LABOR, INCREASES OR DECREASES BY AN AMOUNT WARRANTING AN INCREASE OR DECREASE OVER THE PREVIOUS ADJUSTMENT AND THE UNITED STATES SOCIAL SECURITY ADMINISTRATION INCREASES BENEFITS SIMILARLY ADJUSTED FOR CHANGES IN THE COST OF LIVING. SUCH A MEETING SHALL BE HELD WITHIN TWENTY DAYS OF THE PUBLICATION OF THE MONTHLY INDEX WHICH FIRST EXCEEDS THE PREVIOUS LEVEL BY SAID AMOUNT.

(e) ADOPT RULES AND REGULATIONS FOR THE PURPOSE OF ESTABLISHING GUIDELINES FOR THE PLACEMENT OF CHILDREN FROM LOCATIONS OUTSIDE OF

COLORADO INTO THIS STATE FOR FOSTER CARE OR ADOPTION PURSUANT TO SECTION 19-5-203, C.R.S., OR SECTION 26-6-104 OR THE TERMS OF THE "INTERSTATE COMPACT ON PLACEMENT OF CHILDREN" AS SET FORTH IN PART 18 OF ARTICLE 60 OF TITLE 24, C.R.S.;

(f) ADOPT RULES GOVERNING THE OPERATIONS OF THE STATEWIDE ADOPTION RESOURCE REGISTRY AS DESCRIBED IN SECTION 26-1-111 (4).

(7) WHEN FEDERAL STATUTE OR REGULATION REQUIRES, AS A CONDITION FOR THE RECEIPT OF FEDERAL PARTICIPATION IN ANY STATE DEPARTMENT ADMINISTERED OR SUPERVISED PUBLIC ASSISTANCE OR WELFARE PROGRAM, THAT SPECIFIC FORMS OF INCOME TO RECIPIENTS AND APPLICANTS OR OTHER PERSONS WHOSE INCOME WOULD OTHERWISE BE CONSIDERED BE DISREGARDED, SUCH INCOME SHALL BE DISREGARDED AND THE RULES AND REGULATIONS OF THE STATE BOARD SHALL INCLUDE PROVISIONS TO EFFECT SUCH REQUIREMENTS.

(8) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY SPECIFIC STATUTORY PROVISION GRANTING RULE-MAKING AUTHORITY IN RELATION TO A SPECIFIC PROGRAM TO THE STATE BOARD.

(9) ON AND AFTER JULY 1, 1994, THE STATE BOARD SHALL HAVE NO AUTHORITY OVER THE "COLORADO MEDICAL ASSISTANCE ACT", THE "REFORM ACT FOR THE PROVISION OF HEALTH CARE FOR THE MEDICALLY INDIGENT", THE ADULT FOSTER CARE PROGRAM, THE HOME CARE ALLOWANCE PROGRAM, OR THE TREATMENT PROGRAM FOR HIGH-RISK PREGNANT WOMEN. ANY REFERENCE TO THE STATE BOARD IN CONNECTION WITH SAID PROGRAMS SHALL BE DEEMED TO REFER TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

SECTION 23. 26-1-108, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-1-108. Powers and duties of the executive director - rules. (1) ~~(a) The rules of the state department shall be of two types: "Executive director rules" are~~ SHALL BE SOLELY WITHIN THE PROVINCE OF THE EXECUTIVE DIRECTOR AND SHALL INCLUDE THE FOLLOWING:

~~(a) Rules and regulations promulgated by the executive director governing matters of internal administration in the state department and the several county departments, including organization, staffing, records, reports, systems, and procedures, and also governing fiscal and personnel administration for the state department and establishing accounting and fiscal reporting rules and regulations for disbursement of federal funds, contingency funds, and proration of available appropriations except those determinations precluded by authority granted in paragraph (b) of this subsection (1), and such rules shall be solely the province of the executive director, subject to the direction of the governor.~~ TO THE STATE BOARD;

~~(b) "Board rules" are rules and regulations promulgated by the state board governing:~~

~~(f) Program scope and content;~~

~~(H) Requirements, obligations, and rights of clients, recipients, vendors, providers, and other persons affected by acts of the state department;~~

~~(III) Such other matters as the state board shall, at its discretion, hold to be matters of public policy. RULES WHICH THE STATE BOARD OF HUMAN SERVICES IS NOT OTHERWISE AUTHORIZED TO ADOPT, INCLUDING, BUT NOT LIMITED TO, RULES CONCERNING THE IMPLEMENTATION OF THE PROVISIONS OF TITLE 27, C.R.S.;~~

~~(c) The state board shall:~~

~~(I) Adopt board rules;~~

~~(H) Hold hearings relating to the formulation and revision of the policies of the state department;~~

~~(III) Advise the executive director as to any matters that he, at his discretion, may bring before the state board;~~

~~(IV) Adopt rules governing fiscal and personnel administration for county departments;~~

~~(V) Meet as is necessary to adjust the minimum award for old age pensions for changes in the cost of living pursuant to section 26-2-114 (1); except that the board shall meet for such a purpose whenever the monthly index of consumer prices, prepared by the bureau of labor statistics of the United States department of labor, increases or decreases by an amount warranting an increase or decrease over the previous adjustment and the United States social security administration increases benefits similarly adjusted for changes in the cost of living. Such a meeting shall be held within twenty days of the publication of the monthly index which first exceeds the previous level by said amount.~~

(1.5) Nothing in this section shall be construed to affect any specific statutory provision granting rule-making authority in relation to a specific program to the state board or the executive director.

(2) The state board EXECUTIVE DIRECTOR shall fix minimum standards and qualifications for personnel based upon training and experience deemed necessary to fulfill the requirements and responsibilities for each position, and establish salary schedules based upon prevailing wages for comparable work within each county or district or region where such data is available and is collected and compiled in a manner approved by the state personnel director. The rules and regulations issued by the executive director pursuant to law shall not be in conflict with board rules. The rules of the state department shall be binding upon the several county departments. At any public hearing relating to a proposed rule making, interested persons shall have the right to present their data, views, or arguments orally. The rules and regulations of the state board lawfully adopted prior to July 1, 1973, shall continue to be effective until revised, amended, repealed, or nullified pursuant to law. Proposed rules of both the state board and executive director shall be subject to the provisions of section 24-4-103, C.R.S.

(3) The state board shall act only by resolution adopted at a duly called meeting

~~of the state board, and no individual of the state board shall exercise individually any administrative authority with respect to the state department.~~

SECTION 24. 26-1-111 (1), the introductory portion to 26-1-111 (2), and 26-1-111 (2) (c), (2) (d) (I), (2) (h), (2) (j), (2) (k), (2) (n), (2) (o), (3), (4) (b), and (4) (c), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended, and the said 26-1-111 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

26-1-111. Activities of the state department under the supervision of the executive director. (1) The state department, UNDER THE SUPERVISION OF THE EXECUTIVE DIRECTOR, is charged with the administration or supervision of all the public assistance and welfare activities of the state, including but not limited to assistance payments, food stamps, social services, ~~medical assistance~~, child welfare services, rehabilitation, and programs for the aging and for veterans, which activities as enumerated are declared to be state as well as county purposes.

(2) The state department, UNDER THE SUPERVISION OF THE EXECUTIVE DIRECTOR, shall:

(c) Administer the establishment, extension, and strengthening of ~~medical assistance for the categorically needy~~, rehabilitation programs and services, programs and services for the aging, and veterans' affairs activities in cooperation with the federal department of health, education, and welfare and other state or federal agencies;

(d) (I) Provide services to county governments including the organization and supervision of county departments for the effective administration of public assistance and welfare functions as set out in the rules ~~and regulations~~ of the ~~state department~~ EXECUTIVE DIRECTOR AND THE RULES OF THE STATE BOARD PURSUANT TO SECTION 26-1-107 AS TO PROGRAM SCOPE AND CONTENT, including assistance payments, food stamps, and social services, and compilation of statistics and necessary information relative to assistance payments, food stamps, social services, ~~medical assistance~~, child welfare services, including out-of-home placement services, rehabilitation, programs for the aging, and veterans' ~~problems~~ PROGRAMS throughout the state, and obtaining federal reimbursement moneys available under the Title IV-E program created under the federal "Social Security Act", as amended, based on out-of-home placements and alternative care treatment by county departments of children eligible for Title IV-E federal assistance, which moneys shall be allocated to counties to help defray the costs of performing its functions; except that nothing in this paragraph (d) shall be construed to allow counties to continue to receive an amount equal to the increased funding in the event the said funding is no longer available from the federal government.

(h) Act as the agent of the federal government in public assistance and welfare activities, including but not limited to assistance payments, food stamps, social services, ~~medical assistance~~, child welfare services, rehabilitation, and programs for the aging, in matters of mutual concern in conformity with this title and in the administration of any federal funds granted to the state to aid in the furtherance of any functions of the state department;

(j) ~~Promulgate rules and regulations concerning adult foster care and the certification of adult foster care facilities by the county departments. Adult foster care is that care and service which in addition to room and board may include, but is not limited to, personal services, recreational opportunities, transportation, utilization of volunteer services, and special diets. Such care may include the administration or monitoring of medications to persons receiving care if done in conformity with section 25-1-107 (1) (ee), C.R.S. Such care is provided to recipients of federal supplemental security income benefits who are also eligible for the Colorado supplement program for aid to the needy disabled and aid to the blind who do not require skilled nursing care or intermediate health care and cannot remain in or return to their residences but who need to reside in a supervised nonmedical setting on a twenty-four-hour basis. Those persons with developmental disabilities as defined in section 27-10.5-102, C.R.S., or who are receiving or are eligible to receive services in programs administered by the department of institutions do not qualify for adult foster care under this paragraph (j).~~

(k) ~~Promulgate rules and regulations for the purpose of establishing guidelines for the placement of children from locations outside of Colorado into this state for foster care or adoption pursuant to section 19-5-203, C.R.S., or section 26-6-104 or the terms of the "Interstate Compact on Placement of Children" set forth in part 18 of article 60 of title 24, C.R.S.~~

(n) ~~Promulgate any rules or regulations which are necessary to carry out the purposes of the treatment program for high-risk pregnant women created pursuant to section 25-1-212, C.R.S.~~

(o) ~~(f) Promulgate rules and regulations concerning the state home care allowance program. Said program provides payments, subject to available appropriations, to functionally impaired persons who are, or who would be but for their income, eligible to receive old age pension pursuant to section 26-2-114, aid to the needy disabled pursuant to section 26-2-119, or aid to the blind pursuant to section 26-2-120. To be eligible for a home care allowance, a person's monthly gross income shall be less than the applicable monthly grant standard for the old age pension, aid to the needy disabled, or aid to the blind programs, plus the person's authorized monthly home care allowance grant as determined in accordance with rules promulgated pursuant to this paragraph (o). The payments allow recipients who are in need of long-term care to purchase community-based services as defined in section 26-4-507 (2) (e). Such services may include, but need not be limited to, the supervision of self-administered medications, assistance with activities of daily living as defined in section 26-4-507 (2) (a), and assistance with instrumental activities of daily living as defined in section 26-4-507 (2) (g). The rules adopted by the state department shall specify, in accordance with the provisions of this section, the services available under the program and shall address eligibility criteria for the home care allowance program which shall be in addition to the eligibility criteria for the old age pension, aid to the needy disabled, or aid to the blind programs. In addition, the rules shall specifically provide for a determination as to the person's functional impairment, the person's unmet need for paid care, and shall address amounts awarded to persons eligible for home care allowance. The rules shall require that eligibility be determined through the use of a comprehensive and uniform client assessment instrument as defined in section 26-4-507. The state board may adjust income eligibility criteria, the functional impairment standard, or the amounts awarded to eligible persons or may~~

~~limit or suspend enrollments as necessary to manage the home care allowance program within the funds appropriated by the general assembly. In addition, the board may adjust which services are available under the program; except that such adjustment shall be consistent with the provision of this paragraph (o).~~

~~(H) This paragraph (o) is repealed, effective July 1, 1993. Prior to December 1, 1992, the department of social services shall report to the general assembly on how many persons were denied access to the home care allowance program, how many persons denied such access were placed in other long-term care programs, and the client characteristics of the home care allowance program and the home and community-based services program.~~

~~(3) When required by federal statute or regulation as a condition for the receipt of federal participation in any state department administered or supervised public assistance or welfare program that specific forms of income to recipients and applicants or other persons whose income would otherwise be considered be disregarded, such income shall be disregarded and the rules and regulations of the state department shall include provisions to effect such requirements.~~

~~(4) (b) The state board shall promulgate regulations governing the operations of the statewide adoption resource registry in accordance with section 24-4-103, C.R.S.~~

(c) UNLESS OTHERWISE EXEMPTED PURSUANT TO RULES ADOPTED BY THE STATE BOARD, each authorized or licensed child placement agency shall refer to the statewide adoption resource registry within ninety days of the termination of the parent-child legal relationship the name and a photograph and description of each child in its care, as required by regulations of the state board, who has been legally freed for adoption by the termination of the parent-child legal relationship and for whom no adoptive home has been found. The state board, IN ACCORDANCE WITH SECTION 26-1-107 (6) (f), shall establish criteria by which an authorized or licensed child placement agency may determine that a child need not be listed with the registry. Such a child's name shall be forwarded to the state department by the authorized or licensed child placement agency, with reference to the specific reason for which the child was not placed with the registry. The state board shall establish procedures for periodic review of the status of such children IN ACCORDANCE WITH SECTION 26-1-107 (6) (f). If the state department, in accordance with the criteria established BY THE STATE BOARD, determines that adoption would be appropriate for a child not placed with the registry, the agency shall forthwith list the child. Each authorized or licensed child placement agency may voluntarily refer any child who has been legally freed for adoption.

(5) THE STATE DEPARTMENT, THROUGH THE DIVISION OF ALCOHOL AND DRUG ABUSE, SHALL ADMINISTER ALCOHOL AND DRUG ABUSE PROGRAMS SET FORTH IN PARTS 2, 3, AND 11 OF ARTICLE 1 OF TITLE 25, C.R.S., AND APPLICABLE PROVISIONS OF ARTICLE 22 OF TITLE 12, C.R.S.

(6) THE STATE DEPARTMENT SHALL COOPERATE WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN ADMINISTERING THE DELIVERY OF MEDICAL ASSISTANCE BY COUNTY DEPARTMENTS OF SOCIAL SERVICES OR ANY OTHER PUBLIC OR PRIVATE ENTITIES PARTICIPATING IN THE DELIVERY OF MEDICAL ASSISTANCE PURSUANT TO ARTICLE 4 OF THIS TITLE.

SECTION 25. Part 1 of article 2 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

26-2-122.3. Adult foster care and home care allowance as services under certain public assistance programs - administered by department of health care policy and financing. (1) (a) IN ADDITION TO THE AMOUNT OF ASSISTANCE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS ARTICLE, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, WITH THE CONSENT OF THE GENERAL ASSEMBLY AND SUBJECT TO AVAILABLE FUNDS, MAY PROVIDE ADULT FOSTER CARE FOR PERSONS ELIGIBLE TO RECEIVE AID TO THE NEEDY DISABLED OR AID TO THE BLIND. FOR PURPOSES OF THIS PARAGRAPH (a), "ADULT FOSTER CARE" MEANS THAT CARE AND SERVICE WHICH, IN ADDITION TO ROOM AND BOARD, MAY INCLUDE, BUT IS NOT LIMITED TO, PERSONAL SERVICES, RECREATIONAL OPPORTUNITIES, TRANSPORTATION, UTILIZATION OF VOLUNTEER SERVICES, AND SPECIAL DIETS. SUCH CARE IS PROVIDED TO RECIPIENTS OF FEDERAL SUPPLEMENTAL SECURITY INCOME BENEFITS WHO ARE ALSO ELIGIBLE FOR THE COLORADO SUPPLEMENT PROGRAM FOR AID TO THE NEEDY DISABLED OR AID TO THE BLIND AND WHO DO NOT REQUIRE SKILLED NURSING CARE OR INTERMEDIATE HEALTH CARE AND CANNOT REMAIN IN OR RETURN TO THEIR RESIDENCES BUT WHO NEED TO RESIDE IN A SUPERVISED NONMEDICAL SETTING ON A TWENTY-FOUR-HOUR BASIS. THOSE PERSONS WITH DEVELOPMENTAL DISABILITIES AS DEFINED IN SECTION 27-10.5-102, C.R.S., OR WHO ARE RECEIVING OR ELIGIBLE TO RECEIVE SERVICES PURSUANT TO ANY PROVISION OF TITLE 27, C.R.S., DO NOT QUALIFY FOR ADULT FOSTER CARE UNDER THIS PARAGRAPH (a).

(b) IN ADDITION TO THE AMOUNT OF ASSISTANCE AVAILABLE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, WITH THE CONSENT OF THE GENERAL ASSEMBLY AND SUBJECT TO AVAILABLE FUNDS, MAY PROVIDE A HOME CARE ALLOWANCE FOR PERSONS ELIGIBLE TO RECEIVE OLD AGE PENSION, AID TO THE NEEDY DISABLED, OR AID TO THE BLIND. FOR THE PURPOSES OF THIS PARAGRAPH (b), "HOME CARE ALLOWANCE" IS A PROGRAM THAT PROVIDES PAYMENTS, SUBJECT TO AVAILABLE APPROPRIATIONS, TO FUNCTIONALLY IMPAIRED PERSONS WHO ARE, OR WHO WOULD BE BUT FOR THEIR INCOME, ELIGIBLE TO RECEIVE OLD AGE PENSION PURSUANT TO SECTION 26-2-114, AID TO THE NEEDY DISABLED PURSUANT TO SECTION 26-2-119, OR AID TO THE BLIND PURSUANT TO SECTION 26-2-120. TO BE ELIGIBLE FOR A HOME CARE ALLOWANCE, A PERSON'S MONTHLY GROSS INCOME SHALL BE LESS THAN THE APPLICABLE MONTHLY GRANT STANDARD FOR THE OLD AGE PENSION, AID TO THE NEEDY DISABLED, OR AID TO THE BLIND PROGRAMS, PLUS THE PERSON'S AUTHORIZED MONTHLY HOME CARE ALLOWANCE GRANT, AS DETERMINED IN ACCORDANCE WITH RULES PROMULGATED PURSUANT TO THIS PARAGRAPH (b). THE PAYMENTS ALLOW RECIPIENTS WHO ARE IN NEED OF LONG-TERM CARE TO PURCHASE COMMUNITY-BASED SERVICES AS DEFINED IN SECTION 26-4-507 (2) (c). SUCH SERVICES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE SUPERVISION OF SELF-ADMINISTERED MEDICATIONS, ASSISTANCE WITH ACTIVITIES OF DAILY LIVING AS DEFINED IN SECTION 26-4-507 (2) (a), AND ASSISTANCE WITH INSTRUMENTAL ACTIVITIES OF DAILY LIVING AS DEFINED IN SECTION 26-4-507 (2) (g). THE RULES ADOPTED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL SPECIFY, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, THE SERVICES AVAILABLE UNDER THE PROGRAM AND SHALL ADDRESS ELIGIBILITY CRITERIA FOR THE HOME CARE ALLOWANCE PROGRAM

WHICH SHALL BE IN ADDITION TO THE ELIGIBILITY CRITERIA FOR THE OLD AGE PENSION, AID TO THE NEEDY DISABLED, OR AID TO THE BLIND PROGRAMS. IN ADDITION, THE RULES SHALL SPECIFICALLY PROVIDE FOR A DETERMINATION AS TO THE PERSON'S FUNCTIONAL IMPAIRMENT, THE PERSON'S UNMET NEED FOR PAID CARE, AND SHALL ADDRESS AMOUNTS AWARDED TO PERSONS ELIGIBLE FOR HOME CARE ALLOWANCE. THE RULES SHALL REQUIRE THAT ELIGIBILITY BE DETERMINED THROUGH THE USE OF A COMPREHENSIVE AND UNIFORM CLIENT ASSESSMENT INSTRUMENT AS DEFINED IN SECTION 26-4-507. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING MAY ADJUST INCOME ELIGIBILITY CRITERIA, THE FUNCTIONAL IMPAIRMENT STANDARD, OR THE AMOUNTS AWARDED TO ELIGIBLE PERSONS OR MAY LIMIT OR SUSPEND ENROLLMENTS AS NECESSARY TO MANAGE THE HOME CARE ALLOWANCE PROGRAM WITHIN THE FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY. IN ADDITION, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING MAY ADJUST WHICH SERVICES ARE AVAILABLE UNDER THE PROGRAM; EXCEPT THAT SUCH ADJUSTMENT SHALL BE CONSISTENT WITH THE PROVISIONS OF THIS SUBSECTION (1).

(2) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL ADMINISTER THE ADULT FOSTER CARE PROGRAM AND THE HOME CARE ALLOWANCE PROGRAM. THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

SECTION 26. 26-1-122 (1) (a), (3) (b), and (4) (b), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

26-1-122. County appropriations and expenditures - advancements - procedures. (1) (a) EXCEPT AS PROVIDED IN SECTION 26-1-122.5, the board of county commissioners in each county of this state shall annually appropriate as provided by law such funds as shall be necessary to defray the county department's twenty percent share of the overall cost of providing the assistance payments, food stamps (except the value of food stamp coupons), and social services activities delivered in the county, including the costs allocated to the administration of each, and shall include in the tax levy for such county the sums appropriated for that purpose. Such appropriation shall be based upon the county social services budget prepared by the county department pursuant to section 26-1-124, after taking into account state advancements provided for in this section.

(3) (b) EXCEPT AS PROVIDED IN SECTION 26-1-122.5, if the county departments are administered in accordance with the policies and rules of the state department for the administration of county departments, eighty percent of the costs of administering assistance payments, food stamps, and social services in the county departments shall be advanced to the county by the state treasurer from funds appropriated or made available for such purpose, upon authorization of the state department, but in no event shall the state department authorize expenditures greater than the annual appropriation by the general assembly for the state's share of such administrative costs of the county departments. As funds are advanced, adjustment shall be made from subsequent monthly payments for those purposes.

(4) (b) Except as provided in paragraph (d) of this subsection (4), eighty percent of the amount expended for assistance payments program costs and social services program costs OR THE AMOUNT EQUAL TO THE STATE'S SHARE OF THE AMOUNT

EXPENDED AS DETERMINED PURSUANT TO SECTION 26-1-122.5 shall be advanced to the county by the state treasurer from funds appropriated or made available for such purpose upon authorization of the state department pursuant to the provisions of this title. As funds are advanced, adjustment shall be made from subsequent monthly payments for those purposes.

SECTION 27. Article 1 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

26-1-122.5. County appropriation increases - limitations. (1) BEGINNING IN CALENDAR FISCAL YEAR 1994 AND FOR EACH CALENDAR FISCAL YEAR THEREAFTER TO AND INCLUDING CALENDAR FISCAL YEAR 1997, THE BOARD OF COUNTY COMMISSIONERS IN EACH COUNTY OF THIS STATE SHALL ANNUALLY APPROPRIATE FUNDS FOR THE COUNTY SHARE OF THE ADMINISTRATIVE COSTS AND PROGRAM COSTS OF PUBLIC ASSISTANCE, MEDICAL ASSISTANCE, AND FOOD STAMPS IN THE COUNTY IN AN AMOUNT EQUAL TO THE ACTUAL COUNTY SHARE FOR THE PREVIOUS FISCAL YEAR ADJUSTED BY AN AMOUNT EQUAL TO THE ACTUAL COUNTY SHARE FOR THE PREVIOUS FISCAL YEAR MULTIPLIED BY THE PERCENTAGE OF CHANGE IN PROPERTY TAX REVENUE.

(2) FOR THE PURPOSES OF THIS SECTION:

(a) "COUNTY SHARE" MEANS THE ACTUAL AMOUNT OF THE COUNTY SHARE FOR THE PREVIOUS FISCAL YEAR. "COUNTY SHARE" SHALL NOT INCLUDE:

(I) THE AMOUNT EXPENDED BY THE COUNTY FROM THE COUNTY CONTINGENCY FUND PURSUANT TO SECTION 26-1-126;

(II) THE AMOUNT EXPENDED BY THE COUNTY FOR GENERAL ASSISTANCE PURSUANT TO PART 1 OF ARTICLE 17 OF TITLE 30, C.R.S.; AND

(III) THE AMOUNT EXPENDED BY THE COUNTY FOR PROGRAMS OR SERVICES PROVIDED BY THE COUNTY ON ITS OWN, WITHOUT REQUIREMENTS OR FUNDING FROM ANY OTHER GOVERNMENTAL AGENCY.

(b) "PERCENTAGE OF CHANGE IN PROPERTY TAX REVENUE" MEANS THE DIFFERENCE BETWEEN THE TOTAL PROPERTY TAX LEVIED FOR THE PREVIOUS FISCAL YEAR LESS THE AMOUNT LEVIED FOR DEBT SERVICE FOR THE PREVIOUS FISCAL YEAR AND THE TOTAL PROPERTY TAX LEVIED FOR THE YEAR FOR WHICH THE PERCENTAGE OF CHANGE IN TAX REVENUE IS BEING CALCULATED LESS THE AMOUNT LEVIED FOR DEBT SERVICE FOR THE YEAR IN WHICH THE PERCENTAGE OF CHANGE IN TAX REVENUE IS BEING CALCULATED DIVIDED BY THE TOTAL PROPERTY TAX LEVIED FOR THE PREVIOUS FISCAL YEAR LESS THE AMOUNT LEVIED FOR DEBT SERVICE FOR THE PREVIOUS FISCAL YEAR.

(3) NOTWITHSTANDING THE PROVISIONS OF SECTION 26-1-122, NO COUNTY IN THE STATE SHALL BE REQUIRED TO CONTRIBUTE MORE THAN THE AMOUNT SET FORTH IN SUBSECTION (1) OF THIS SECTION IN ANY FISCAL YEAR. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE ABILITY OF A COUNTY TO ESTABLISH PROGRAMS OR SERVICES PROVIDED BY THE COUNTY ON ITS OWN, WITHOUT REQUIREMENTS OR FUNDING FROM ANY OTHER GOVERNMENTAL AGENCY.

(4) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, NO COUNTY IN THIS STATE SHALL BE REQUIRED TO CONTRIBUTE AN AMOUNT WHICH EXCEEDS THE TOTAL SOCIAL SERVICES MILL LEVY THE COUNTY MAY ASSESS PURSUANT TO SECTION 26-1-125.

(5) ANY AMOUNTS REMAINING IN THE COUNTY SOCIAL SERVICES FUND CREATED IN SECTION 26-1-123 AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE COUNTY FUND FOR EXPENDITURE AS DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS FOR ADMINISTRATIVE COSTS AND PROGRAM COSTS OF PUBLIC ASSISTANCE, MEDICAL ASSISTANCE, AND FOOD STAMPS.

(6) THE LIMITATION SET FORTH IN THIS SECTION ON THE INCREASE IN THE COUNTY SHARE OF THE ADMINISTRATIVE COSTS AND PROGRAM COSTS OF PUBLIC ASSISTANCE, MEDICAL ASSISTANCE, AND FOOD STAMPS WILL RESULT IN INCREASED COSTS TO THE STATE. BY MAKING STATE FUNDS AVAILABLE, THE STATE IS ENCOURAGING COUNTIES NOT TO EXERCISE ANY RIGHT A COUNTY MAY HAVE PURSUANT TO SECTION 20 (9) OF ARTICLE X OF THE COLORADO CONSTITUTION TO REDUCE OR END ITS SHARE OF THE COSTS OF PUBLIC ASSISTANCE, MEDICAL ASSISTANCE, AND FOOD STAMPS FOR THE COUNTY FOR THREE FISCAL YEARS FOLLOWING THE FISCAL YEAR IN WHICH THE STATE FUNDS ARE RECEIVED. IF A COUNTY ACCEPTS FUNDS FROM THE STATE BASED ON THE LIMITATION PROVIDED IN THIS SECTION FOR ANY FISCAL YEAR, THE COUNTY AGREES NOT TO EXERCISE ANY RIGHTS THE COUNTY MAY HAVE TO REDUCE OR END ITS SHARE OF THE COSTS OF PUBLIC ASSISTANCE, MEDICAL ASSISTANCE, AND FOOD STAMPS FOR THE FISCAL YEAR IN WHICH THE FUNDS ARE ACCEPTED. NOTHING IN THIS SUBSECTION (6) OR ANY AGREEMENT PURSUANT TO THIS SUBSECTION (6) SHALL BE CONSTRUED TO AFFECT THE EXISTENCE OR STATUS OF ANY RIGHTS ACCRUING TO THE STATE OR ANY COUNTY PURSUANT TO SECTION 20 (9) OF ARTICLE X OF THE COLORADO CONSTITUTION.

SECTION 28. Article 1 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

PART 2
PROGRAMS ADMINISTERED BY THE DEPARTMENT

26-1-201. Programs administered - services provided - department of human services. (1) THIS SECTION SPECIFIES THE PROGRAMS TO BE ADMINISTERED AND THE SERVICES TO BE PROVIDED BY THE DEPARTMENT OF HUMAN SERVICES. THESE PROGRAMS AND SERVICES INCLUDE THE FOLLOWING:

(a) ALCOHOL AND DRUG ABUSE PROGRAMS, AS SPECIFIED IN PART 2 OF ARTICLE 1 OF TITLE 25, C.R.S.;

(b) ALCOHOLISM AND INTOXICATION TREATMENT PROGRAMS, AS SPECIFIED IN PART 3 OF ARTICLE 1 OF TITLE 25, C.R.S.;

(c) DRUG ABUSE PREVENTION, EDUCATION, AND TREATMENT PROGRAMS, AS SPECIFIED IN PART 11 OF ARTICLE 1 OF TITLE 25, C.R.S.;

(d) PUBLIC ASSISTANCE PROGRAMS, AS SPECIFIED IN ARTICLE 2 OF THIS TITLE; EXCEPT THAT ADULT FOSTER CARE AND HOME CARE ALLOWANCE AND THE

TREATMENT PROGRAM FOR HIGH-RISK PREGNANT WOMEN SHALL BE ADMINISTERED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;

(e) PROTECTIVE SERVICES FOR ADULTS AT RISK OF MISTREATMENT OR SELF-NEGLECT, AS SPECIFIED IN ARTICLE 3.1 OF THIS TITLE;

(f) CHILD WELFARE SERVICES, AS SPECIFIED IN ARTICLE 5 OF THIS TITLE;

(g) THE "COLORADO FAMILY PRESERVATION ACT", AS SPECIFIED IN ARTICLE 5.5 OF THIS TITLE;

(h) THE "CHILD CARE ACT", AS SPECIFIED IN ARTICLE 6 OF THIS TITLE;

(i) THE SUBSIDIZATION OF ADOPTION PROGRAM, AS SPECIFIED IN ARTICLE 7 OF THIS TITLE;

(j) THE DOMESTIC ABUSE PROGRAMS, AS SPECIFIED IN ARTICLE 7.5 OF THIS TITLE;

(k) THE HOMELESS PREVENTION ACTIVITIES PROGRAM, AS SPECIFIED IN ARTICLE 7.8 OF THIS TITLE;

(l) THE VOCATIONAL REHABILITATION PROGRAMS, AS SPECIFIED IN ARTICLE 8 OF THIS TITLE;

(m) INDEPENDENT LIVING REHABILITATION PROGRAMS, AS SPECIFIED IN ARTICLE 8.1 OF THIS TITLE;

(n) THE PRODUCTS OF THE REHABILITATION CENTER FOR THE VISUALLY IMPAIRED PROGRAM, AS SPECIFIED IN ARTICLE 8.2 OF THIS TITLE;

(o) THE BLIND-MADE PRODUCTS PROGRAM, AS SPECIFIED IN ARTICLE 8.3 OF THIS TITLE;

(p) THE VENDING FACILITIES IN STATE BUILDINGS PROGRAM, AS SPECIFIED IN ARTICLE 8.5 OF THIS TITLE;

(q) PROVISIONS REGARDING VETERANS SERVICE OFFICES AND OFFICERS, AS SPECIFIED IN ARTICLE 9 OF THIS TITLE;

(r) VETERANS AFFAIRS, AS SPECIFIED IN ARTICLE 10 OF THIS TITLE;

(s) THE "OLDER COLORADANS' ACT", AS SPECIFIED IN ARTICLE 11 OF THIS TITLE;

(t) THE "COLORADO LONG-TERM CARE OMBUDSMAN ACT", AS SPECIFIED IN ARTICLE 11.5 OF THIS TITLE;

(u) THE STATE HOMES FOR THE AGED, AS SPECIFIED IN ARTICLE 12 OF THIS TITLE;

(v) THE "COLORADO CHILD SUPPORT ENFORCEMENT ACT", AS SPECIFIED IN ARTICLE 13 OF THIS TITLE;

(w) THE "COLORADO ADMINISTRATIVE PROCEDURE ACT FOR THE ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT", AS SPECIFIED IN ARTICLE 13.5 OF THIS TITLE;

(x) PROGRAMS FOR THE CARE AND TREATMENT OF THE MENTALLY ILL, AS SPECIFIED IN ARTICLE 10 OF TITLE 27, C.R.S.;

(y) PROGRAMS FOR THE CARE AND TREATMENT OF THE DEVELOPMENTALLY DISABLED, AS SPECIFIED IN ARTICLE 10.5 OF TITLE 27, C.R.S.;

(z) CHARGES FOR PATIENTS, AS SET FORTH IN ARTICLE 12 OF TITLE 27, C.R.S.;

(aa) THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO, AS SPECIFIED IN ARTICLE 13 OF TITLE 27, C.R.S.; AND

(bb) THE COLORADO MENTAL HEALTH INSTITUTE AT FORT LOGAN, AS SPECIFIED IN ARTICLE 15 OF TITLE 27, C.R.S.

SECTION 29. 27-1-101, Colorado Revised Statutes, 1989 Repl. Vol., is repealed as follows:

27-1-101. Legislative declaration. ~~In order to utilize at maximum efficiency the resources of state government in a coordinated effort to restore the physically or mentally disabled, to sustain the vigor and dignity of the aged, to provide for children in need of temporary protection or correctional counselling, to train children of limited capacity to their best potential, and to rededicate the resources of the state to the productive independence of its dependent citizens, the department of institutions is hereby reorganized within the executive branch of the state government.~~

SECTION 30. 27-1-102 (1) and (2) (a), Colorado Revised Statutes, 1989 Repl. Vol., are repealed as follows:

27-1-102. Executive director - division heads - interagency council - advisory boards. (1) ~~The governor, with the consent of the senate, shall appoint an executive director of the department of institutions, who shall serve at the pleasure of the governor; and said executive director shall be competent and experienced in public administration. The reappointment of an executive director after initial election of a governor shall be subject to the provisions of section 24-20-109, C.R.S. Whenever any law of this state refers to the director of institutions, said law shall be construed as referring to the executive director of the department of institutions.~~

(2) (a) ~~The executive director, with the approval of the governor, shall appoint, subject to the state personnel system laws of the state, the heads of such administrative divisions within the department and such other personnel within the appropriations made for the department as in his opinion are necessary to perform the duties of his office and to carry out the purposes of this part 1.~~

SECTION 31. 27-1-109, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-1-109. Rules and regulations. Pursuant to section 24-1-103, C.R.S., the executive director of the department of ~~institutions~~ HUMAN SERVICES shall promulgate

such rules and regulations as are necessary to implement the provisions of this part 1 and the procedures specified in sections 19-2-204, 19-2-701, 19-2-1103, 19-2-1104, 19-3-403, 19-3-506, 19-3-507, and 19-3-508, C.R.S., regarding children who are in detention or who are or may be mentally ill or who have or may have developmental disabilities.

SECTION 32. 27-10.5-103 (1) (f), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is repealed as follows:

27-10.5-103. Duties of the executive director - rules and regulations.

(1) (f) ~~Implement the provision of home and community-based services to eligible persons with developmental disabilities and may pursue other medicaid-funded services determined by the department to be appropriate for persons with developmental disabilities, in cooperation with the department of social services, pursuant to subparts 2 and 4 of part 6 of article 4 of title 26, C.R.S., and subject to available appropriations; and~~

ALCOHOL AND DRUG ABUSE CONFORMING AMENDMENTS

SECTION 33. 12-22-303 (9), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-22-303. Definitions. As used in this part 3, unless the context otherwise requires:

(9) "Department" means the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT.

SECTION 34. The introductory portion to 12-22-319 (3), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-22-319. Enforcement and cooperation. (3) The department OF HUMAN SERVICES shall cooperate with all agencies charged with the enforcement of the laws of this state, all other states, and the United States relating to controlled substances. To this end, the department shall:

SECTION 35. 12-22-321 (1) and (2) (b), Colorado Revised Statutes, 1991 Repl. Vol., as amended, are amended to read:

12-22-321. Rules and regulations. (1) The department OF HUMAN SERVICES ~~and the board~~ shall promulgate rules and regulations to implement the provisions of this part 3 pursuant to the procedures of article 4 of title 24, C.R.S.

(2) (b) ~~Rules and regulations promulgated pursuant to this section and sections 12-22-304 (2.5) and (5.6) and 12-22-318 to implement the provisions of this article relating to the control of drug precursors shall be promulgated no later than July 1, 1992.~~

SECTION 36. 12-22-322, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-22-322. Department to promulgate rules and regulations. The department OF HUMAN SERVICES shall promulgate rules and regulations for research programs and for the conduct of detoxification treatment, maintenance treatment, and withdrawal treatment programs for controlled substance addiction. Such rules and regulations shall be promulgated in accordance with the provisions of article 4 of title 24, C.R.S.

SECTION 37. 25-1-201 (2) and (4), Colorado Revised Statutes, 1989 Repl. Vol., are amended, and the said 25-1-201 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

25-1-201. Definitions. As used in this part 2, unless the context otherwise requires:

(2) "Department" means the department of ~~health~~ HUMAN SERVICES.

(3.5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES.

(4) "Public program" means a program concerning the problems of alcohol or drug abuse sponsored by a local or regional health department, ~~welfare~~ COUNTY department OF SOCIAL SERVICES, court, probation department, law enforcement agency, school, school system, board of cooperative services, Indian tribal reservation, or state agency.

SECTION 38. 25-1-211, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-1-211. Counselor certification - fund created. (1) ~~The state board of health~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES shall establish by rule and regulation fees to be charged for alcohol and drug abuse counselor certification and renewal and fees for related testing and training of counselors. The amount assessed shall be sufficient to cover a portion of the costs of administering such certification, testing, and training, and the moneys collected therefor shall be deposited in the alcohol and drug abuse counselor certification fund. Additional funding may be obtained from general, cash, or federal funds otherwise appropriated to the division.

(2) There is hereby created in the office of the state treasurer the alcohol and drug abuse counselor certification fund. Moneys collected pursuant to subsection (1) of this section shall be deposited in the fund. The moneys in the fund shall be subject to annual appropriation by the general assembly to the department of ~~health~~ HUMAN SERVICES for allocation to the division of alcohol and drug abuse for the administration of alcohol and drug abuse counselor certification requirements established by rules and regulations of the department of ~~health~~ HUMAN SERVICES pursuant to section 25-1-207 (1) (d). Moneys in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund.

SECTION 39. 25-1-214, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-1-214. Treatment program for high-risk pregnant women - cooperation with private entities. The department of ~~health~~ HUMAN SERVICES and the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING shall cooperate with any private entities which desire to assist such departments in the provision of services connected with the treatment program for high-risk pregnant women. Private entities may provide services which are not provided to persons pursuant to the treatment program for high-risk pregnant women and articles 2 and 4 of title 26, C.R.S., which may include, but shall not be limited to, needs assessment services, preventive services, rehabilitative services, care coordination, nutrition assessment, psychosocial counseling, intensive health education, home visits, transportation, development of provider training, child care, and other necessary components of residential or outpatient treatment or care.

SECTION 40. 25-1-215, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-1-215. Treatment program for high-risk pregnant women - data collection. The department of ~~health~~ HUMAN SERVICES, in cooperation with the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING, shall create a data collection mechanism regarding persons receiving services pursuant to the treatment program for high-risk pregnant women which shall include the collection of data on cost-effectiveness, success of the program, and other data such departments deem appropriate.

SECTION 41. 25-1-302 (4) and (6), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

25-1-302. Definitions. As used in this part 3, unless the context otherwise requires:

(4) "Department" means the department of ~~health~~ HUMAN SERVICES.

(6) "Division" means the division of alcohol and drug abuse within the department. ~~established under section 25-1-102.~~

SECTION 42. 25-1-1101 (5) and (7), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

25-1-1101. Definitions. As used in this part 11, unless the context otherwise requires:

(5) "Department" means the department of ~~health~~ HUMAN SERVICES.

(7) "Division" means the division of alcohol and drug abuse within the department. ~~established under section 25-1-102.~~

SECTION 43. 26-4-513 (4), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-513. Clinic services. (4) "Clinic services" also means preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services that are furnished

to a pregnant woman who is enrolled for services pursuant to section 26-2-118 or section 26-4-508 in a facility which is not a part of a hospital but is organized and operated as a freestanding alcohol or drug treatment program approved and certified by the division of alcohol and drug abuse of the department of ~~health~~ HUMAN SERVICES pursuant to section 25-1-207 (1) (c), C.R.S. ~~The department of health and the department of institutions shall cooperate in the development and provision of alcohol and drug treatment services pursuant to this subsection (4).~~

SECTION 44. 41-2-102 (5) and (8), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

41-2-102. Operating an aircraft under the influence - operating an aircraft with excessive alcoholic content - tests - penalties - useful public service program. (5) Following the lawful contact with a person who has been operating an aircraft, and when a law enforcement officer reasonably suspects that a person was operating an aircraft while under the influence of alcohol, such law enforcement officer may conduct a preliminary screening test using a device approved by the executive director of the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT after first advising the operator that the operator may either refuse or agree to provide a sample of the operator's breath for such preliminary test. The results of this preliminary screening test may be used by a law enforcement officer in determining whether probable cause exists to believe such person was operating an aircraft in violation of subsection (1) or (2) of this section and whether to administer a test pursuant to paragraph (a) of subsection (6) of this section. Neither the results of such preliminary screening test nor the fact that the person refused such test shall be used in any court action except in a hearing outside of the presence of a jury, when such hearing is held to determine if a law enforcement officer had probable cause to believe that the operator committed a violation of subsection (1) or (2) of this section. The results of such preliminary screening test shall be made available to the operator or his attorney on request. The preliminary screening test shall not substitute for or qualify as the test or tests required by paragraph (a) of subsection (6) of this section.

(8) The division of alcohol and drug abuse in the department of ~~health~~ HUMAN SERVICES shall provide presentence alcohol and drug evaluations on all persons convicted of a violation of subsection (1) or (2) of this section, in the same manner as described in section 42-4-1202 (5), C.R.S.

SECTION 45. 42-2-123 (13) (a), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-2-123. Authority to suspend license - to deny license - type of conviction - points. (13) (a) If there is no other statutory reason for denial of a probationary license, any individual who has had his license suspended by the department because of, at least in part, a conviction of an offense specified in paragraph (b) of subsection (5) of this section may be entitled to a probationary license pursuant to subsection (11) of this section for the purpose of driving for reasons of employment, education, health, or alcohol and drug education or treatment; but such individual, if ordered by the court which convicted him, must be enrolled in a program of alcohol and drug traffic driving education or treatment certified by the division of alcohol and drug abuse in the department of ~~health~~ HUMAN SERVICES. Such a probationary license shall contain any other restrictions as the department deems reasonable and

necessary, shall be subject to cancellation for violation of any such restrictions, including absences from alcohol and drug education or treatment sessions or failure to complete alcohol and drug education or treatment programs, and shall be issued for the entire period of suspension. No individual issued a probationary license in accordance with this subsection (13) shall be issued a second such probationary license within a five-year period.

SECTION 46. 42-4-1202 (3) (c) and (5) (a), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

42-4-1202. Driving under the influence - driving while impaired - driving with excessive alcoholic content - tests - penalties - useful public service program - alcohol and drug driving safety program. (3) (c) Any person who is dead or unconscious shall be tested to determine the alcohol or drug content of his blood or any drug content within his system as provided in this subsection (3). If a test cannot be administered to a person who is unconscious, hospitalized, or undergoing medical treatment because the test would endanger the person's life or health, the law enforcement agency shall be allowed to test any blood, urine, or saliva which was obtained and not utilized by a health care provider and shall have access to that portion of the analysis and results of any tests administered by such provider which shows the alcohol or drug content of the person's blood, urine, or saliva or any drug content within his system. Such test results shall not be considered privileged communications, and the provisions of section 13-90-107, C.R.S., relating to the physician-patient privilege shall not apply. Any person who is dead, in addition to the tests prescribed, shall also have his blood checked for carbon monoxide content and for the presence of drugs, as prescribed by the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT. Such information obtained shall be made a part of the accident report.

(5) (a) The division of alcohol and drug abuse in the department of ~~health~~ HUMAN SERVICES shall establish in each judicial district an alcohol and drug driving safety program which provides presentence alcohol and drug evaluations on all persons convicted of a violation of subsection (1) or (1.5) of this section. The alcohol and drug driving safety program shall further provide supervision and monitoring of all such persons whose sentences or terms of probation require completion of a program of alcohol and drug driving safety education or treatment.

SECTION 47. 42-4-1211 (1) and (3), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

42-4-1211. Samples of blood or other bodily substance - duties of department of public health and environment. (1) The department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT shall establish a system for obtaining samples of blood or other bodily substance from the bodies of all pilots in command, motorboat or sailboat operators in command, or drivers and pedestrians fifteen years of age or older who die within four hours after involvement in a crash involving a motor vehicle, a motorboat, a sailboat, or an aircraft. No person having custody of the body of such deceased shall perform any internal embalming procedure until a blood and urine specimen to be tested for alcohol, drug, and carbon monoxide concentrations has been taken by an appropriately trained person certified by the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT. Whenever the driver of the vehicle

cannot be immediately determined, such samples shall be obtained from all deceased occupants of the vehicle.

(3) All samples shall be tested and analyzed in the laboratories of the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT, or in any other laboratory approved for this purpose by the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT, to determine the amount of alcohol, drugs, and carbon monoxide contained in such samples or the amount of any other substance contained therein as deemed advisable by the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT.

SECTION 48. 43-4-402 (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

43-4-402. Source of revenues - allocation of moneys. (2) The general assembly shall make an annual appropriation out of the moneys in the fund to the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT in an amount sufficient to pay for the costs of laboratory services and implied consent specialists which costs were previously paid out of the highway users tax fund. Of the moneys remaining in the fund, eighty percent shall be appropriated by the general assembly to the office of transportation safety which shall allocate such moneys in accordance with the provisions of section 43-4-404 (1) and (2). The remaining twenty percent shall be appropriated to the division of alcohol and drug abuse in the department of ~~health~~ HUMAN SERVICES which shall use such moneys for the purposes stated in section 43-4-404 (3). The office of transportation safety and the division of alcohol and drug abuse may use such amounts from the moneys appropriated to them by this subsection (2) as may be necessary for the purpose of paying the costs incurred by said divisions in administering the programs established pursuant to this part 4; except that neither the office of transportation safety nor the division of alcohol and drug abuse may use for such purpose an amount which exceeds eight percent of the moneys appropriated to either division.

SECTION 49. 43-4-404 (3), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

43-4-404. Formula for allocation of moneys. (3) The moneys in the fund appropriated to the division of alcohol and drug abuse in the department of ~~health~~ HUMAN SERVICES pursuant to section 43-4-402 (2) shall be used to establish a statewide program for the prevention of driving after drinking, which includes educating the public in the problems of driving after drinking, training of teachers, health professionals, and law enforcement in the dangers of driving after drinking, preparing and disseminating educational materials dealing with the effects of alcohol and other drugs on driving behavior, and preparing and disseminating education curriculum materials thereon for use at all levels of school. The division of alcohol and drug abuse is authorized to contract with a qualified private corporation to provide all or part of these services and shall promulgate standards for said program.

COLORADO CARE HEALTH INSURANCE PROGRAM CONFORMING AMENDMENTS

SECTION 50. 10-21-103 (1) (a), (3), and (4), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

10-21-103. Feasibility study. (1) (a) The executive director of the department of ~~regulatory agencies~~ HEALTH CARE POLICY AND FINANCING, in consultation with and with the recommendations and assistance of other state agencies and the Colorado health policy council established as a result of Senate Joint Resolution 90-25, is hereby authorized to contract for or conduct a feasibility study of Colorado care. The Colorado care program to be studied shall be a universal health insurance plan which would provide comprehensive private health insurance coverage for all Colorado residents.

(3) The director of the department of ~~regulatory agencies~~ HEALTH CARE POLICY AND FINANCING shall submit an interim feasibility report regarding the study to the general assembly on or before December 1, 1992. The department, in such report, shall make a recommendation concerning the implementation of the demonstration program described in section 10-21-104. No program shall be implemented unless the general assembly, based on such recommendation, acts by bill to authorize the implementation of the demonstration program. The department OF HEALTH CARE POLICY AND FINANCING shall submit a final feasibility report to the general assembly no later than July 31, 1993.

(4) The director of the department OF HEALTH CARE POLICY AND FINANCING shall consult with and obtain the recommendations of the Colorado health policy council created as a result of Senate Joint Resolution 90-25, in connection with the preparation of the interim and final feasibility reports under subsection (3) of this section.

SECTION 51. 10-21-104, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

10-21-104. Demonstration programs. (1) The department of ~~regulatory agencies~~ HEALTH CARE POLICY AND FINANCING may provide assistance to counties which volunteer to participate in a demonstration program. A demonstration program may employ some or all of the features of Colorado care at the county level. In addition, the department shall evaluate such demonstration programs and shall submit a report of its evaluation in accordance with subsection (2) of this section. Notwithstanding any other law to the contrary, no county shall be authorized to impose any tax described in section 10-21-103 (1) (b) (V) for the purpose of conducting a demonstration program pursuant to this section.

(2) On or before November 30, 1993, and each year thereafter so long as the demonstration programs shall be in place, the department OF HEALTH CARE POLICY AND FINANCING shall report as to the results of the demonstration programs to the house and senate committees on health, environment, welfare, and institutions.

(3) The implementation of this section is conditioned upon approval by the general assembly, based on the interim report by the department of regulatory agencies AND THE FINAL REPORT OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, in accordance with section 10-21-103 (3).

SECTION 52. 10-21-105 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

10-21-105. Executive director - authority to accept grants and donations - contract or solicitation for assistance. (1) The department of ~~regulatory agencies~~ HEALTH CARE POLICY AND FINANCING may contract with any individual or public or private agency or organization in carrying out the duties required by this article.

MEDICALLY INDIGENT PROGRAM CONFORMING AMENDMENTS

SECTION 53. 26-15-103, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

26-15-103. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

(4.5) "STATE DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

SECTION 54. 26-15-104, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-15-104. Program for the medically indigent established. A program for the medically indigent is hereby established, to commence July 1, 1983, which shall be administered by the ~~health sciences center~~ DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, to provide payment to providers for the provision of medical services to eligible persons who are medically indigent. The ~~health sciences center~~ DEPARTMENT OF HEALTH CARE POLICY AND FINANCING may promulgate such rules and regulations as are necessary for the implementation of this article in accordance with article 4 of title 24, C.R.S.

SECTION 55. The introductory portion to 26-15-105 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-15-105. Report concerning the program. (1) The ~~health sciences center~~ EXECUTIVE DIRECTOR shall prepare an annual report to the joint review committee created pursuant to section 26-15-107 concerning the medically indigent program. The report shall be prepared following consultation with contract providers in the program, state department personnel, and other agencies, organizations, or individuals as it deems appropriate in order to obtain comprehensive and objective information about the program. The report shall contain a plan for a delivery system to provide medical services to medically indigent persons of Colorado in a manner which assures access to services, appropriateness of care, prudent utilization of state resources, and accountability to the general assembly. The ~~health sciences center~~ EXECUTIVE DIRECTOR shall submit the report to the general assembly no later than February 1 of each year. The report shall include recommendations regarding the following:

SECTION 56. 26-15-106, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-15-106. Responsibility of the department of health care policy and financing - provider contracts. (1) The ~~health sciences center~~ STATE DEPARTMENT shall be responsible for:

(a) Execution of such contracts with providers for payment of costs of medical services rendered to the medically indigent as the ~~health sciences center~~ STATE DEPARTMENT shall determine are necessary for the program;

(b) Promulgation of such reasonable rules and regulations as are necessary for the program, including but not limited to matters enumerated in section 26-15-105 and program scope and content concerning community maternity programs; and

(c) Submission of the report required in section 26-15-105 (1).

(2) The contracts required by paragraph (a) of subsection (1) of this section shall be negotiated between the ~~health sciences center~~ STATE DEPARTMENT and the providers and shall include contracts with providers to provide tertiary or specialized services. The center may award such contracts upon a determination that it would not be cost effective nor result in adequate quality of care for such services to be developed by the contract providers, or upon a determination that the contract providers are unable or unwilling to provide such services.

(3) Every contract between the ~~health sciences center~~ STATE DEPARTMENT and a provider shall provide for proof of indigency to be submitted by the person seeking assistance, but the provider shall be responsible for the determination of eligibility.

(4) Contracts with providers shall reflect medical services rendered to the medically indigent in different regions of the state on a geographic basis.

(5) (a) The responsibilities of providers who provide medical care through the program for the medically indigent are as follows:

(I) Denver health and hospitals, including associated physicians, shall, up to its physical, staff, and financial capabilities as provided for under this program, be designated by contract as the primary providers of medical services to the medically indigent for the city and county of Denver.

(II) (A) University hospital, including associated physicians, shall, up to its physical, staff, and financial capabilities as provided for under this program, be the primary provider of medical services to the medically indigent for the Denver primary metropolitan statistical area.

(B) University hospital, including associated physicians, shall be the primary provider of such complex care as is not available or is not contracted for in the remaining areas of the state up to its physical, staff, and financial capabilities as provided for under this program.

(C) When acting in the capacity of a provider, university hospital shall comply with all requirements of this article relating to contracts with providers.

(b) Any two or more providers awarded contracts may, with the approval of the

~~health sciences center~~ STATE DEPARTMENT, redistribute their respective populations and associated funds.

(5.5) Denver health and hospitals shall provide to the joint budget committee and the chairmen of the senate and house health, environment, welfare, and institutions committees a final report provided by any management companies that provide management services under contract with Denver health and hospitals for the management of Denver general hospital.

(6) (a) Contracts with providers shall specify the aggregate level of funding which will be available for the care of the medically indigent. However, providers will not be funded at a level exceeding actual costs. Each year, funds will be allocated to providers based on the anticipated utilization of services in the respective region, giving due consideration to actual utilization of comparable services within the program (including specialty and tertiary services) in the respective region, for the prior fiscal year.

(b) The contract amounts for the provision of services to the medically indigent shall be those identified in the general appropriation bill as follows: The Denver indigent care program; the out-state indigent care program; the specialty indigent care program; the university hospital indigent care program; and indigent care program administration.

(7) Providers shall receive interim monthly checks in the amount of one-twelfth of their level of funding.

(8) Each provider contract shall specify that:

(a) Contract dollars provided over the fiscal year will be managed to assure that funds are available to provide the emergency services as defined in this article; and

(b) Transfer of medically indigent patients to contracting providers shall be accomplished only with the prior agreement of the contracting provider.

(9) (a) Every provider awarded a contract pursuant to this section shall prioritize for each fiscal year the medical services which it will be able to render, within the limits of the funds which will be made available to it in the contracts. Each contract shall specify to the extent possible the services to be rendered.

(b) Such medical services shall be prioritized in the following order:

(I) Emergency care for the full year;

(II) Any additional medical care for those conditions the ~~health sciences center~~ STATE DEPARTMENT determines to be the most serious threat to the health of medically indigent persons;

(III) Any other additional medical care.

(10) A provider awarded a contract shall not be liable in civil damages for refusing to admit for treatment or for refusing to treat any medically indigent person for a

condition which the ~~health sciences center~~ STATE DEPARTMENT or the provider has determined to be outside of the scope of the program.

(11) Contracts with providers may include provisions for data collection expenses.

(12) The ~~health sciences center~~ STATE DEPARTMENT shall establish patient per diem standards for comparable care to be effective July 1, 1984.

(13) (a) Every contract shall require that a medically indigent person who wishes to be determined eligible for assistance under this article shall submit a signed application therefor to the provider or to the ~~health sciences center~~ STATE DEPARTMENT.

(b) By signing the application, the medically indigent person specifically authorizes the ~~health sciences center~~ STATE DEPARTMENT to:

(I) Use any information contained in the application for the purpose of verifying eligibility; and

(II) Obtain records pertaining to eligibility from a financial institution, as defined in section 15-15-201 (4), C.R.S., or from any insurance company.

(c) Application forms shall contain language clearly explaining the provisions of this subsection (13).

(14) With the approval of the ~~health sciences center~~ STATE DEPARTMENT, any provider awarded a contract may enter into subcontracts or other agreements for services related to the program.

(15) Providers awarded contracts shall, no less than quarterly, reimburse one another for the cost of emergency medical care rendered to residents of one another's respective regions, as well as any nonemergency care which the responsible provider approved in advance. In the event of disagreement, the finding of the ~~health sciences center~~ STATE DEPARTMENT shall be determinative.

(16) Providers awarded contracts shall not be paid from funds made available for this program up to the extent, if any, of their annual financial obligation under the Hill-Burton act.

SECTION 57. 26-15-107, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-15-107. Joint review committee for the medically indigent. In order to give guidance and direction to the ~~health sciences center~~ STATE DEPARTMENT in the development of the program for the medically indigent and to provide legislative overview of and advice concerning the development of the program, there is hereby established the joint review committee for the medically indigent. The membership of the committee shall consist of six representatives appointed by the speaker of the house of representatives and four senators appointed by the president of the senate, who shall be appointed no later than ten days after the convening of the first regular session of each general assembly; except that the members for the fifty-fourth general

assembly may be appointed at any time after June 12, 1983. The appointments shall include representation from each of the political parties. Commencing in January of 1991, the joint review committee for the medically indigent shall elect a chairman and vice-chairman and the chairmanship and vice-chairmanship shall alternate between a member from the house of representatives and a member from the senate with the first chairman being from the senate and the first vice-chairman being from the house of representatives. The person serving as chairman, or a member of the same house if such person is no longer a member thereof, shall serve as vice-chairman during the next legislative session, and the person serving as vice-chairman, or a member of the same house if such person is no longer a member thereof, shall serve as chairman during the next legislative session. The committee shall meet when necessary with providers and the ~~health sciences center~~ STATE DEPARTMENT to review progress in the development of the program. The committee may consult with such experts as may be necessary. The staffs of the legislative council and of the state auditor shall assist the committee. The joint review committee may request from time to time that a performance audit be conducted by the state auditor of the administration of the medically indigent program to be conducted in conjunction with any financial postaudit of the ~~health sciences center~~ STATE DEPARTMENT.

SECTION 58. 26-15-109, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-15-109. Community maternity services. Providers awarded contracts for community maternity services shall be reimbursed for low-risk deliveries at a single negotiated fee. Reimbursement for medically low-risk women who complicate prior to or during delivery or who have babies who require an extended newborn stay shall be at a variable negotiated fee. Patients must be receiving regular care and must be medically low risk, according to standards promulgated by rule by the ~~health sciences center~~ STATE DEPARTMENT.

SECTION 59. 26-15-110, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-15-110. Existing programs included - exceptions - appropriations. (1) ~~It is the intention of the general assembly to incorporate all state-funded programs for the medically indigent existing prior to July 1, 1983, except those programs funded through appropriations to the department of health, into the program established by this article.~~

(2) The general assembly shall make annual appropriations to the ~~health sciences center~~ STATE DEPARTMENT to accomplish the purposes of this article.

TREATMENT PROGRAM FOR HIGH-RISK PREGNANT WOMEN CONFORMING AMENDMENTS

SECTION 60. 25-1-214, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-1-214. Treatment program for high-risk pregnant women - cooperation with private entities. The department of health and the department of social services HEALTH CARE POLICY AND FINANCING shall cooperate with any private entities which

desire to assist such ~~departments~~ DEPARTMENT in the provision of services connected with the treatment program for high-risk pregnant women. Private entities may provide services which are not provided to persons pursuant to the treatment program for high-risk pregnant women and articles 2 and 4 of title 26, C.R.S., which may include, but shall not be limited to, needs assessment services, preventive services, rehabilitative services, care coordination, nutrition assessment, psychosocial counseling, intensive health education, home visits, transportation, development of provider training, child care, and other necessary components of residential or outpatient treatment or care.

SECTION 61. 25-1-215, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-1-215. Treatment program for high-risk pregnant women - data collection. The department of ~~health, in cooperation with the department of social services;~~ HEALTH CARE POLICY AND FINANCING shall create a data collection mechanism regarding persons receiving services pursuant to the treatment program for high-risk pregnant women which shall include the collection of data on cost-effectiveness, success of the program, and other data such departments deem appropriate.

SECTION 62. 26-4-508.4, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-508.4. Treatment program for high-risk pregnant women - cooperation with private entities. The department of ~~social services and the department of health~~ HEALTH CARE POLICY AND FINANCING shall cooperate with any private entities which desire to assist such ~~departments~~ DEPARTMENT in the provision of services connected with the treatment program for high-risk pregnant women. Private entities may provide services which are not provided to persons pursuant to this article or article 2 of this title which may include, but shall not be limited to, needs assessment services, preventive services, rehabilitative services, care coordination, nutrition assessment, psychosocial counseling, intensive health education, home visits, transportation, development of provider training, child care, and other necessary components of residential or outpatient treatment or care.

SECTION 63. 26-4-508.5, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-508.5. Treatment program for high-risk pregnant women - data collection. The department of ~~social services, in cooperation with the department of health;~~ HEALTH CARE POLICY AND FINANCING shall create a data collection mechanism regarding persons receiving services pursuant to the treatment program for high-risk pregnant women which shall include the collection of such data as such departments deem appropriate.

GENERAL CONFORMING AMENDMENTS

SECTION 64. 19-1-103 (22), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-1-103. Definitions. As used in this title, unless the context otherwise requires:

(22) "Placement out of the home" means placement for twenty-four-hour residential care in any facility or center operated or licensed by the department of ~~social services or the department of institutions~~ HUMAN SERVICES, but the term does not include any placement which is paid for totally by private moneys or any placement in a home for the purposes of adoption in accordance with section 19-5-205. "Placement out of the home" may be voluntary or court-ordered. "Placement out of the home" includes independent living.

SECTION 65. 19-1-107 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-1-107. Social study and other reports. (3) In any case where placement out of the home is recommended, the social study required by subsection (1) of this section shall include an evaluation for placement containing the information required by section 19-3-701 (5). Placement criteria shall be developed jointly by the department of education and the department of ~~social services, and the department of institutions~~ HUMAN SERVICES, to be used by the probation department or agency designated by the court to determine its recommendation about the need for placement.

SECTION 66. 19-1-116 (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-1-116. Funding - alternatives to placement out of the home. (4) The departments of ~~institutions, social services,~~ HUMAN SERVICES and education and the judicial department shall jointly develop guidelines for the content and submission of plans as described in paragraph (b) of subsection (2) of this section. Said guidelines shall include but not be limited to the information which is gathered by the commission, the general goals to be addressed by the plan, the form of the budget for expenditures which are to be made under the plan, the services which are to be provided which are intended to prevent or minimize placement out of the home and to what extent, and the method by which the plan may be amended during the year to meet the changing local conditions. Said guidelines shall then be submitted to the state board of ~~social services~~ HUMAN SERVICES, which shall promulgate rules for the submission of plans.

SECTION 67. 19-2-211 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-211. Common assessment instrument and common criteria for juveniles taken into temporary custody. (1) The ~~department of institutions, the~~ judicial department, the department of ~~social~~ HUMAN services, including representatives of the directors of county departments of social services, the department of education, representatives of district attorneys, sheriffs from each congressional district, and two representatives of communities, who shall be appointed by the governor, shall develop a common assessment instrument to evaluate and assess juveniles taken into temporary custody in a uniform and consistent manner and shall also develop common criteria and guidelines which shall be used to determine whether placement or release of a juvenile is appropriate based on the juvenile's assessment and, if a

juvenile is not released, to determine the appropriate level and type of placement for a juvenile based on his assessment. The common criteria and guidelines shall be designed to consider such factors as whether the juvenile is a danger to himself or to others and whether the juvenile constitutes a risk of escape and shall be used to determine what kind of security is appropriate for the particular juvenile, including the use of the least restrictive setting, whenever appropriate. Any variations from the common criteria and guidelines shall be approved by the court.

SECTION 68. 19-2-212 (1) and (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

19-2-212. Staff assessment required - development of common criteria. (1) A staff assessment concerning the appropriate placement and treatment of a juvenile pending adjudication is required to be conducted for any juvenile taken into temporary custody who is being detained and for whom transfer of temporary legal custody is being considered or who is in a nonsecure residential facility. Such staff assessment shall be performed jointly by the department of ~~institutions~~ HUMAN SERVICES and the county department of social services for the purpose of determining the appropriate level of care of the juvenile pending court disposition. When necessary, the staff assessment shall also include other relevant agencies, including but not limited to the probation department, the local school districts, and the appropriate mental health professionals if it appears that the juvenile may be in need of mental health services or the nearest community centered board if it appears that the juvenile may be developmentally disabled. The department with temporary legal custody of the juvenile shall notify relevant agencies of such staff assessments. The staff assessment shall be conducted no later than twelve days from the time the juvenile is taken into temporary custody.

(2) The staff assessment shall be based on common criteria and guidelines developed jointly by the department of ~~institutions, the department of social~~ HUMAN services, including representatives of the directors of county departments of social services, the judicial department, the department of education, representatives of district attorneys, sheriffs from each congressional district, and two representatives of communities, who shall be appointed by the governor. The assessment criteria shall be implemented on and after July 1, 1989. Before being implemented, the assessment criteria shall be approved by the department of ~~institutions, department of social~~ HUMAN services and judicial department. The assessment criteria shall be examined and reevaluated at least every two years. The criteria shall be designed to consider such factors as those considered pursuant to section 19-2-211 as well as the best interests of the child and the least restrictive setting appropriate for the particular juvenile. The assessment criteria shall not preclude maintaining the placement of a juvenile in the original placement if such placement is deemed appropriate for his needs.

SECTION 69. 19-2-402 (2) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-402. Advisement. (2) (b) If the court appoints counsel for the juvenile because of the refusal of the parents, guardian, or other legal custodian to retain counsel for the juvenile, the parents, guardian, or legal custodian, other than a county department of social services or the department of ~~institutions~~ HUMAN SERVICES, shall

be ordered to reimburse the court for the cost of the counsel unless the court finds there was good cause for such refusal.

SECTION 70. 19-2-703 (2) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-703. Juvenile delinquent - sentencing - disposition - restitution - parental liability. (2) (b) If the court sentences a juvenile to an out-of-home placement funded by the department of ~~social~~ HUMAN services or any county, or commits a juvenile to the department of ~~institutions~~ HUMAN SERVICES, and the receiving agency determines that such placement or commitment does not follow the criteria established pursuant to section 19-2-1602, the receiving agency may, after assessing such juvenile's needs, file a petition with the court for reconsideration of the placement or commitment. Any such petition shall be filed not later than thirty days after the placement or commitment. The court shall hear such petition and enter an order thereon not later than thirty days after the filing of the petition, and after notice to all agencies or departments which might be affected by the resolution of the petition, and all such agencies or departments have had an opportunity to participate in the hearing on the petition. Failure of any such agency or department to appear may be a basis for refusal to accept a subsequent petition by any such agency or department which had an opportunity to appear and be present at the original petition hearing. The notification to the parties required pursuant to this paragraph (b) shall be made by the petitioning party and proof of such service shall be filed with the court.

SECTION 71. The introductory portion to 19-2-1401 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-1401. Parental responsibility training programs - criteria. (1) The state department of ~~social~~ HUMAN services, after consultation with the state ~~departments~~ DEPARTMENT of ~~institutions~~ and public safety and the judicial department, shall establish standards and guidelines for parental responsibility training programs for the parent, guardian, or legal custodian of a juvenile or juvenile delinquent which shall include, but shall not be limited to, instruction in the following:

SECTION 72. 19-2-1601, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-1601. Legislative declaration. The general assembly hereby finds and declares that state funding for youth services is fragmented between several state agencies and the local counterparts of such agencies and that such fragmentation leads to duplication of bureaucracy, services, case management, and accountability. Such fragmentation also leads to a situation of cost unpredictability. The general assembly finds that an especially volatile situation involves services and programs for troubled youth. The current system of funding such services and programs can discourage the use of the most appropriate placement and may encourage inappropriate placement of juveniles in the custody of the department of ~~institutions~~ HUMAN SERVICES. Moreover, there is a need to consider local options and early intervention as alternatives to expensive building and maintenance of facilities. Therefore, in order to get a clear picture of the treatment of juvenile delinquents by the judicial department and the department of ~~social~~ HUMAN services and in order to

examine use of the facilities of the department of ~~institutions~~ HUMAN SERVICES, the general assembly hereby enacts this part 16.

SECTION 73. 19-2-1602, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-1602. Development of criteria for placement of juvenile offenders.

(1) The executive director of the department of ~~institutions~~ HUMAN SERVICES ~~the executive director of the department of social services,~~ and the state court administrator of the judicial department, or any designees of such persons, in consultation with the division of criminal justice of the department of public safety, the office of state planning and budgeting, the Colorado district attorneys council, law enforcement representatives, representatives of local and county governments, and the criminal justice commission and any subcommittee of such commission relating to juvenile issues, shall form a working group which shall carry out the following duties:

(a) The working group established pursuant to this subsection (1) shall propose a set of criteria determining which juvenile offenders are appropriate for placement in the physical OR LEGAL custody of the department of ~~institutions or in the custody of the department of social~~ HUMAN services. This set of criteria, when adopted by the department of ~~institutions, the department of social~~ HUMAN services and the judicial department, shall be used to promote a more uniform system of determining which juveniles should be placed in the physical custody of the department of ~~institutions~~ HUMAN SERVICES or in the LEGAL custody of the department of ~~social~~ HUMAN services so that decisions for such placement of a juvenile are made based upon a uniform set of criteria throughout the state. In developing such set of criteria, the working group shall utilize any existing risk scale devised by the division of youth services or any other measures to determine when it is appropriate to place a juvenile in the physical custody of the department of ~~institutions~~ HUMAN SERVICES or in the LEGAL custody of the department of ~~social~~ HUMAN services. The uniform set of criteria shall be developed and approved by the department of ~~institutions, the department of social~~ HUMAN services and the judicial department on or before July 1, 1992, and submitted to the criminal justice commission for analysis and evaluation. The criminal justice commission shall make a written report to the general assembly regarding analysis and evaluation of such criteria on or before December 31, 1992. Such report may contain any recommendations by the criminal justice commission regarding such criteria.

(b) The working group established pursuant to this subsection (1) shall propose a formula for the purpose of allocating funds to each county or city and county in the state of Colorado for alternative services to placing juveniles in the physical custody of the department of ~~institutions~~ HUMAN SERVICES or in the LEGAL custody of the department of ~~social~~ HUMAN services. Such allocation shall take into consideration such factors as the population of the county or city and county, the incidence of offenses committed by juveniles in such county or city and county, and such other factors as deemed appropriate. The working group shall consider and take into account whether any federal moneys or matching funds are available to cover the costs of juveniles within the system, including parent fees and third-party reimbursement as authorized by law or reimbursements under Title IV-E of the federal "Social Security Act", as amended. The working group shall propose such allocation formula in time for implementation on or before July 1, 1992. A written

report shall be made to the general assembly concerning such formula and the level of funding adequate for implementation of such formula on or before such date.

(2) Of the members of the working group established pursuant to ~~this subsection (1) OF THIS SECTION~~, the executive director of the department of ~~institutions, the executive director of the department of social~~ HUMAN services and the state court administrator of the judicial department, or any designees of such persons, shall have final authority to carry out the duty of creating the set of criteria pursuant to paragraph (a) of ~~this subsection (1) OF THIS SECTION~~ and creating the formula pursuant to paragraph (b) of ~~this subsection (1) OF THIS SECTION~~. This authority shall be exercised after working with and participating in the working group process established in this section.

SECTION 74. 19-2-1604, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-1604. Services to juveniles - allocation of resources. (1) On and after July 1, 1993, the general assembly shall appropriate moneys to the juvenile services fund created pursuant to section 19-2-1603 which shall thereafter be distributed to each county and city and county pursuant to the formula created pursuant to section 19-2-1602 (1) (b). On and after July 1, 1993, if the general assembly has appropriated adequate moneys to the juvenile services fund for the fiscal year affected, each county or city and county may refer for commitment TO or placement in the custody of the department of ~~social~~ HUMAN services any juvenile who meets the criteria created pursuant to section 19-2-1602 (1) (a) ~~to the custody of the department of institutions or the department of social services~~ without any cost being assessed to the county or city and county. However, on and after July 1, 1993, any county or city and county which refers for commitment to OR PLACEMENT in the custody of the department of ~~institutions or placement in the custody of the department of social~~ HUMAN services any juvenile who does not meet the criteria created pursuant to section 19-2-1602 (1) (a) shall be required to pay a per diem amount for the commitment of such juvenile which shall be established by the department of ~~institutions or the department of social~~ HUMAN services. Such payment may be made by such county or city and county from moneys received by such county or city and county pursuant to section 19-2-1603 or from the general fund of the county or city and county.

(2) If a petition has been filed and granted pursuant to section 19-2-703 (2) (b), any costs incurred by a county or city and county for any juvenile committed to OR PLACED IN the custody of the department of ~~institutions or placed in the custody of the department of social~~ HUMAN services, which commitment or placement is made contrary to the recommendations of the county or city and county or without consultation therewith, and which commitment or placement does not meet the criteria developed pursuant to section 19-2-1602 (1) (a), ~~for commitment to the department of institutions or placement with the department of social services~~, shall be reimbursed by the state of Colorado to such county or city and county. Removal of a juvenile from any such commitment or placement during the pendency of any action pursuant to section 19-2-703 (2) (b) shall not render such matter moot.

(3) If a petition has been filed and granted pursuant to section 19-2-703 (2) (b), any costs incurred by the state of Colorado for any juvenile committed to OR PLACED

IN the custody of the department of ~~institutions or placed in the custody of the department of social~~ HUMAN services, which commitment or placement is made contrary to the recommendations of the state of Colorado or without consultation therewith, and which commitment or placement does not meet the criteria developed pursuant to section 19-2-1602 (1) (a), ~~for commitment to the department of institutions or placement with the department of social services~~, shall be reimbursed by the committing or placing county to the state of Colorado. Removal of a juvenile from such commitment or placement during the pendency of any action pursuant to section 19-2-703 (2) (b) shall not render such matter moot.

SECTION 75. 19-3-701 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-701. Petition for review of need for placement. (1) Whenever it appears necessary that the placement of a child out of the home will be for longer than ninety days, which placement is voluntary and not court-ordered and which placement involves the direct expenditure of funds appropriated by the Colorado general assembly to the ~~departments of social services or institutions~~ DEPARTMENT OF HUMAN SERVICES, a petition for review of need for placement shall be filed by the department or agency with which the child has been placed before the expiration of ninety days in such placement. A decree providing for voluntary placement of a child with an agency in which public moneys are expended shall be renewable in circumstances where there is documentation that the child has an emotional, physical, or intellectual handicap which necessitates care and treatment of a longer duration than ninety days as provided pursuant to this subsection (1). The court shall not transfer or require relinquishment of legal custody of or otherwise terminate the parental rights with respect to a child with such an emotional, physical, or intellectual handicap who was voluntarily placed out of the home for the purposes of obtaining special treatment or care solely because the parent or legal guardian is unable to provide the treatment or care. Whenever a child fifteen years of age or older is consenting to placement in a mental health facility pursuant to section 27-10-103, C.R.S., the review under section 27-10-103 (3.3), C.R.S., shall be conducted in lieu of and shall fulfill the requirements for review under this subsection (1).

SECTION 76. 24-75-106 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-75-106. Transfers between departments of health care policy and financing and human services for medicaid programs. (1) Notwithstanding the effect of the "M" provision in the 1990-91 and subsequent general appropriation acts, the governor may transfer unlimited amounts of general fund appropriations to and from the ~~department of social~~ DEPARTMENTS OF HEALTH CARE POLICY AND FINANCING AND HUMAN services ~~and the department of institutions~~ when required by changes from the appropriated levels in the amount of medicaid cash funds earned through programs or services provided ~~or administered by~~ UNDER THE SUPERVISION OF the department of ~~institutions~~ HUMAN SERVICES.

SECTION 77. The introductory portion to 25-1-107 (1) (ee) (I) and 25-1-107 (1) (ee) (I) (C) and (1) (ee) (II.5) (D), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

25-1-107. Powers and duties of the department. (1) The department has, in addition to all other powers and duties imposed upon it by law, the following powers and duties:

(ee) (I) To establish and maintain by rule and regulation a program for the administration of medications in facilities, which program shall be developed and conducted ~~in cooperation with~~ BY the department of ~~social~~ HUMAN services ~~the department of institutions~~, and the department of corrections within the following guidelines:

(C) If either ~~the department of institutions~~, the department of ~~social~~ HUMAN services or the department of corrections wishes to use a different training curriculum and competency evaluation procedure for those who administer medications in the facilities whose operation is authorized by those departments, such department shall ensure that such training curriculum and competency evaluation procedure are first submitted to the department OF PUBLIC HEALTH AND ENVIRONMENT for its review. If after such review the department OF PUBLIC HEALTH AND ENVIRONMENT has no objection, the submitting department shall assume responsibility for the cost and implementation of such curriculum and evaluation in keeping with the other provisions of this medications administration program for those facilities whose operation is authorized by such department. Any department that administers competency evaluations shall maintain a list of those who have successfully completed such competency evaluation and shall forward a copy of such list to the department OF PUBLIC HEALTH AND ENVIRONMENT within forty-five days of administration of such evaluation.

(II.5) For purposes of this paragraph (ee), "facility" means:

(D) Adult foster care facilities provided for in section ~~26-1-111(2)(j)~~ 26-2-122.3, C.R.S.;

SECTION 78. 25-28-103 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-28-103. Health data commission - created. (1) There is hereby created, in the department of ~~local affairs~~ HEALTH CARE POLICY AND FINANCING, the Colorado health data commission, which shall act as a statewide health data clearinghouse for the acquisition, compilation, correlation, and dissemination of data from the state medicaid program and hospitals. In performing its duties under this article, it is the purpose of the commission to collect, analyze, and disseminate data, to serve as a source of objective information on health care for consumers, purchasers, providers, and the general public, and to encourage competition and informed decisions by users in the health care industry and not to evaluate or make recommendations with regard to any single provider or group of providers.

SECTION 79. 25-28-104 (3) (e) and (3) (f), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

25-28-104. General powers and duties of the commission. (3) (e) The commission shall require the executive director of the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT to adopt a system of uniform physician identification

numbers for use on the hospital discharge abstract forms.

(f) The commission may require the executive director of the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING to make available to the commission data and information on the medicaid program.

SECTION 80. 26-1-109 (1) and (2) (a), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

26-1-109. Cooperation with federal government - grants-in-aid. (1) The state department OF HUMAN SERVICES shall be the sole state agency for administering the state plans for "~~public assistance and welfare~~", ~~which term, as used in this title, includes but is not limited to~~ PUBLIC ASSISTANCE AND WELFARE, INCLUDING BUT NOT LIMITED TO assistance payments; food stamps; social services; health and medical assistance OTHER THAN THE HOME CARE ALLOWANCE PROGRAM, THE ADULT FOSTER CARE PROGRAM, AND PROGRAMS ESTABLISHED PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT" SET FORTH IN ARTICLE 4 OF THIS TITLE; child welfare services; rehabilitation; and programs for the aging in cooperation with the federal government; and any other state plan relating to such public assistance and welfare that requires state action which is not specifically the responsibility of some other state department, division, section, board, commission, or committee under the provisions of federal or state law.

(2) (a) The state department OF HUMAN SERVICES may accept on behalf of the state of Colorado the provisions and benefits of acts of congress designed to provide funds or other property for particular public assistance and welfare activities within the state, including but not limited to assistance payments; food stamps; social services; medical assistance OTHER THAN THE HOME CARE ALLOWANCE PROGRAM, THE ADULT FOSTER CARE PROGRAM, AND PROGRAMS ESTABLISHED PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT" SET FORTH IN ARTICLE 4 OF THIS TITLE; child welfare services; rehabilitation; and programs for the aging; which funds or other property are designated for such purposes within the function of the state department, and may accept on behalf of the state any offers which have been or may from time to time be made of funds or other property by any persons, agencies, or entities for particular public assistance and welfare activities within the state, which funds or other property are designated for such purposes within the function of the state department; but, unless otherwise expressly provided by law, such acceptance shall not be manifested unless and until the state department has recommended such acceptance to and received the written approval of the governor and the attorney general. Such approval shall authorize the acceptance of the funds or property in accordance with the restrictions and conditions and for the purpose for which funds or property are intended.

SECTION 81. 26-1-112 (1), (2), and (3) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-1-112. Locating violators - recoveries. (1) The executive director OF THE DEPARTMENT OF HUMAN SERVICES, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, or district attorneys may request and shall receive from departments, boards, bureaus, or other agencies of the state or any of its political subdivisions, and the same are authorized to provide, such assistance and

data as will enable the state department OF HUMAN SERVICES, THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, and county departments properly to carry out their powers and duties to locate and prosecute any person who has fraudulently obtained public assistance or medical assistance under this title. Any records established pursuant to the provisions of this section shall be available only to the state department OF HUMAN SERVICES, THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, the county departments, the attorney general, and the district attorneys, county attorneys, and courts having jurisdiction in fraud or recovery proceedings or actions.

(2) (a) All departments and agencies of the state and local governments shall cooperate in the location and prosecution of any person who has fraudulently obtained public assistance or medical assistance under this title, and, on request of the county board, the county director, the state department OF HUMAN SERVICES, THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, or the district attorney of any judicial district in this state, shall supply all information on hand relative to the location, employment, income, and property of such persons, notwithstanding any other provision of law making such information confidential, except the laws pertaining to confidentiality of any tax returns filed pursuant to law with the department of revenue. The department of revenue shall furnish at no cost to inquiring departments and agencies such information as may be necessary to effectuate the purposes of this article. The procedures whereby this information will be requested and provided shall be established by regulation of the APPROPRIATE state department. The state ~~department~~ DEPARTMENTS or county departments shall use such information only for the purposes of administering public assistance or medical assistance under this title, and the district attorney shall use it only for the prosecution of persons who have fraudulently obtained public assistance or medical assistance under this title, and he shall not use the information, or disclose it, for any other purpose.

(b) (I) Whenever the state department OF HUMAN SERVICES, THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, or a district attorney, for ~~the~~ EITHER state department, or the state ~~department~~ DEPARTMENTS on behalf of a county department ~~recovers~~ RECOVER any amount of fraudulently obtained public assistance or medical assistance funds, the federal government shall be entitled to a share proportionate to the amount of federal funds paid unless a different amount is otherwise provided by federal law, the state shall be entitled to a share proportionate to the amount of state funds paid and such additional amounts of federal funds recovered as provided by federal law, and the county department shall be entitled to a share proportionate to the amount of county funds paid unless a different amount is provided pursuant to federal law or this section.

(II) Whenever a county department, a county board, a district attorney, or ~~the~~ A state department on behalf of a county department recovers any amount of fraudulently obtained public assistance funds in the form of assistance payments or medical assistance, it shall be deposited in the county general fund and the federal government shall be entitled to a share proportionate to the amount of federal funds paid unless a different amount is provided for by federal law, the state shall be entitled to a share proportionate to one-half the amount of state funds paid, and the county shall be entitled to a share proportionate to the amount of county funds paid and, in addition, a share proportionate to one-half the amount of state funds paid. In the case of funds recovered from fraudulently obtained food stamp coupons by the

county department, the county board, the district attorney, or ~~the~~ A state department on behalf of a county department, the county shall be entitled to the share of the recovered funds provided by the federal "Food Stamp Act".

(3) (b) Whenever a county department, a county board, a district attorney, or ~~the~~ A state department on behalf of the county recovers any amount of public assistance payments or medical assistance funds which were obtained through unintentional client error, the federal government shall be entitled to a share proportionate to the amount of federal funds paid, unless a different amount is provided for by federal law, the state shall be entitled to a share proportionate to seventy-five percent of the amount of state funds paid, the county shall be entitled, except for the aid to families with dependent children program, to a share proportionate to the amount of county funds paid, if any, and, in addition, a share proportionate to twenty-five percent of the amount of state funds paid. In the aid to dependent children program, the county shall be entitled to a share proportionate to the amount of county funds paid and in addition, a share proportionate to one-half the amount of state funds paid.

SECTION 82. 26-1-114 (1), (3) (c) (I), (3) (c) (III), and (3) (c) (IV), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-1-114. Records confidential - authorization to obtain records of assets.

(1) The state department OF HUMAN SERVICES AND THE STATE DEPARTMENT OF HEALTHCARE POLICY AND FINANCING may establish reasonable rules and regulations to provide safeguards restricting the use or disclosure of information concerning applicants, recipients, and former and potential recipients of federally aided public assistance and welfare, including but not limited to assistance payments, food stamps, social services, medical assistance, and child welfare services, to purposes directly connected with the administration of such public assistance and welfare and related state department activities and covering the custody, use, and preservation of the records, papers, files, and communications of the state and county departments. Whenever, under provisions of law, names and addresses of applicants for, recipients of, or former and potential recipients of public assistance and welfare are furnished to or held by another agency or department of government, such agency or department shall be required to prevent the publication of lists thereof and their uses for purposes not directly connected with the administration of such public assistance and welfare.

(3) (c) (I) In order to determine if applicants for or recipients of public or medical assistance have assets within eligibility limits, the state department OF HUMAN SERVICES OR THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING may provide a list of information identifying these applicants or recipients to any financial institution, as defined in section 15-15-201 (4), C.R.S., or to any insurance company. This information may include identification numbers or social security numbers. The state department OF HUMAN SERVICES OR THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING may require any such financial institution or insurance company to provide a written statement disclosing any assets held on behalf of individuals adequately identified on the list provided. Before a termination notice is sent to the recipient, the county department in verifying the accuracy of the information obtained as a result of the match shall contact the recipient and inform him of the apparent results of the computer match and give the recipient the opportunity to explain or correct any erroneous information secured by the match. The requirement to run a computerized match shall apply only to information which

is entered in the financial institution's or insurance company's data processing system on the date the match is run and shall not be deemed to require any such institution or company to change its data or make new entries for the purpose of comparing identifying information. The cost of providing such computerized match shall be borne by the APPROPRIATE state department.

(III) The state department OF HUMAN SERVICES OR THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING may expend funds appropriated pursuant to subparagraph (II) of this paragraph (c) in an amount not to exceed the amount of annualized general fund savings that result from the termination of recipients from public or medical assistance specifically due to disclosure of assets pursuant to this subsection (3).

(IV) The state department OF HUMAN SERVICES AND THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING shall make quarterly reports concerning the value of computerized matches pursuant to this paragraph (c) to the general assembly and the joint budget committee. Such reports shall include, but need not be limited to, the number of individuals against whom computer matches were run, the number of resulting matches, and the resulting public or medical assistance case load reduction and corresponding savings to the RESPECTIVE state department.

SECTION 83. 26-1-119, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-1-119. County staff. The county director, with the approval of the county board, shall appoint such staff as may be necessary as determined by THE APPROPRIATE state department rules to administer public assistance and welfare, medical assistance, and child welfare activities within his county. Such staff shall be appointed and shall serve in accordance with the merit system established and maintained by the APPROPRIATE state department for the selection, retention, and promotion of county department employees pursuant to section 26-1-120. The salaries of the members of such staff shall be fixed in accordance with the rules and salary schedules prescribed by the APPROPRIATE state department.

SECTION 84. 26-1-121 (1) (a), (1) (b), and (3), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

26-1-121. Appropriations. (1) (a) For carrying out the duties and obligations of the state department OF HUMAN SERVICES, THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, and county departments under the provisions of this title and for matching such federal funds as may be available for public assistance and welfare activities in the state, including but not limited to assistance payments, food stamps (except the value of food stamp coupons), social services, medical assistance, child welfare services, rehabilitation, programs for the aging and for veterans, and related activities, the general assembly, in accordance with the constitution and laws of the state of Colorado, shall make adequate appropriations for the payment of such costs, pursuant to the budget prepared by the RESPECTIVE executive director.

(b) Subject to the provisions of section 26-1-109 (2), if the federal law shall provide federal funds, in cash or in another form such as food stamps, for public assistance and welfare activities, including but not limited to assistance payments,

food stamps, social services, medical assistance, and child welfare services, not otherwise provided for in this title, the APPROPRIATE state department is authorized to make such payments or offer such services in accordance with the requirements accompanying said federal funds within the limits of available state appropriations.

(3) The expenses of training personnel for special skills relating to public assistance and welfare activities, including but not limited to assistance payments, food stamps, social services, medical assistance, child welfare services, rehabilitation, and programs for the aging, as such expenses shall be determined and approved by the APPROPRIATE state department, may be paid from whatever state and federal funds are available for such training purposes.

SECTION 85. 26-1-122 (4) (e), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-1-122. County appropriations and expenditures - advancements - procedures. (4) (e) When a county department provides or purchases certain specialized social services for public assistance applicants, recipients, or others to accomplish self-support, self-care, or better family life, including but not limited to day care, homemaker services, foster care, and services to mentally retarded persons, in accordance with ~~state department~~ APPLICABLE rules, ~~and regulations~~, the state may advance funds to such county department at a rate in excess of eighty percent, within available appropriations, but not to exceed the amount expended by the county department for such services. The county department contribution shall be for the period from January 1, 1981, through June 30, 1981, ten percent, and beginning July 1, 1981, five percent for the aid to the needy disabled home care program, the special needs of the disabled program, aid to the blind home care program, the special needs of the blind program, the adult foster care program, and other programs providing public assistance in the form of social services required by the federal "Social Security Act", as amended, for the purpose of establishing services which promote self-sufficiency for adult clients. As funds are advanced, adjustment shall be made from subsequent monthly payments for those purposes. The expenses of training personnel to provide these services as determined and approved by the state department, shall be paid from whatever state and federal funds are available for such training purposes.

SECTION 86. 26-1-126 (2) and (5), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

26-1-126. County contingency fund - creation. (2) Notwithstanding the provisions of section 26-1-125 (1), and subject to available appropriations, the state department OF HUMAN SERVICES OR THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING shall make an advancement, in addition to that provided in section 26-1-122, out of the county contingency fund to any county if moneys equivalent to those raised by a levy as determined pursuant to subsection (2.1) of this section on the property valued for assessment in the county are less than twenty percent of the amount expended for administrative costs and program costs of public assistance, medical assistance, and food stamps.

(5) Each county eligible for county contingency funds pursuant to this section shall only be responsible for an amount equal to the county's pro rata share of the general

assembly's appropriation to the county contingency fund. If state and county appropriations are insufficient to meet the administrative and program costs of public assistance and the administrative costs of medical assistance and food stamps, then the executive director of the department of ~~social services~~ HUMAN SERVICES, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, and the state board of ~~social services~~ HUMAN SERVICES shall act pursuant to sections 26-1-121 (1) (c) and 26-1-122 (5) to reduce the rate of expenditure so that it matches the available funds.

SECTION 87. 26-2-114 (2) (a) (I) and (2) (a) (II) (A), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-2-114. Amount of assistance payments - old age pension. (2) (a) (I) The ~~state board~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, with the consent of the general assembly and subject to available funds, may provide adult foster care for persons eligible to receive old age pension. For the purposes of this subparagraph (I), "adult foster care" means the care and services defined in section ~~26-1-111(2)(j)~~ 26-2-122.3.

(II) (A) The ~~state board~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, with the consent of the general assembly and subject to available funds, may provide a home care allowance for persons eligible to receive old age pensions. For the purposes of this subparagraph (II), "home care allowance" means care and services defined in section ~~26-1-111(2)(o)(f)~~ 26-2-122.3.

SECTION 88. 26-2-119 (1.5) (a) (I) and (1.5) (a) (II) (A), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-2-119. Amount of assistance payments - aid to the needy disabled. (1.5) (a) (I) In addition to the amount of assistance available pursuant to subsection (1) of this section, the ~~state board~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, with the consent of the general assembly and subject to available funds, may provide adult foster care for persons eligible to receive aid to the needy disabled. For the purposes of this subparagraph (I), "adult foster care" means the care and services defined in section ~~26-1-111(2)(j)~~ 26-2-122.3.

(II) (A) In addition to the amount of assistance available pursuant to subsection (1) of this section, the ~~state board~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, with the consent of the general assembly and subject to available funds, may provide a home care allowance for persons eligible to receive aid to the needy disabled. For the purposes of this subparagraph (II), "home care allowance" means care and services defined in section ~~26-1-111(2)(o)(f)~~ 26-2-122.3.

SECTION 89. 26-2-129 (5) (a) (I) and the introductory portion to 26-2-129 (6), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-2-129. Funeral - burial - cremation expenses. (5) (a) Notwithstanding any other provision of law to the contrary, the disposition of a deceased public assistance or medical assistance recipient shall be in accordance with subparagraphs (I) or (II)

of this paragraph (a), as follows:

(I) A public assistance or medical assistance recipient may express, in writing and in accordance with a procedure established by the state department OF HUMAN SERVICES, a preference to be buried or cremated. Such expression shall be honored by the county department within the limits of costs and reimbursements specified in this section.

(6) The state department OF HUMAN SERVICES shall:

SECTION 90. 26-2-404 (1) and (8), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-2-404. Definitions. As used in this part 4, unless the context otherwise requires:

(1) "Action plan" means the plan which the county department of social services is required to submit to the state department of ~~social~~ HUMAN services and which outlines how the job opportunities and basic skills program is to be implemented within the county. Such plan must meet the provisions of section 26-2-406.

(8) "State department" means the state department of ~~social~~ HUMAN services.

SECTION 91. 26-2-405 (5), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-2-405. Creation of JOBS program - activities and services provided - role of the state department. (5) Beginning March 31, 1991, and each January 1 thereafter, the state department of ~~social~~ HUMAN services shall report to the health, environment, welfare, and institutions committees of the state house of representatives and the state senate on the effectiveness of the JOBS program in Colorado.

SECTION 92. The introductory portions to 26-2-409 (2) (b) and (2) (b) (III), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

26-2-409. Supportive services for families - transitional benefits. (2) Beginning April 1, 1990, in order to assist AFDC recipients in their transition from public assistance to self-sufficiency, the following "transitional benefits" shall be available to recipients who become ineligible for an AFDC grant due to increased earnings, increased hours of employment, or loss of income disregards, as long as the need for such benefits has been identified and documented:

(b) A family shall be eligible to receive transitional medical assistance, PURSUANT TO ARTICLE 4 OF THIS TITLE, for up to twelve months following AFDC grant ineligibility due to employment. Such medical assistance shall be provided as follows:

(III) The state department OF HEALTH CARE POLICY AND FINANCING IN COOPERATION WITH THE STATE DEPARTMENT OF HUMAN SERVICES shall promulgate any rules and regulations which are necessary to implement subparagraph (II) of this paragraph (b). Such rules and regulations shall include, but shall not be limited to,

the following:

SECTION 93. Part 1 of article 4 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

26-4-110. Cooperation with federal government - grants-in-aid - cooperation with the department of human services in delivery of services. (1) THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL BE THE SOLE STATE AGENCY FOR ADMINISTERING THE STATE PLANS FOR MEDICAL ASSISTANCE, INCLUDING BUT NOT LIMITED TO THE HOME CARE ALLOWANCE PROGRAM, THE ADULT FOSTER CARE PROGRAM, AND HEALTH AND MEDICAL ASSISTANCE PURSUANT TO THIS ARTICLE, AND ANY OTHER STATE PLAN RELATING TO MEDICAL ASSISTANCE THAT REQUIRES STATE ACTION WHICH IS NOT SPECIFICALLY THE RESPONSIBILITY OF SOME OTHER STATE DEPARTMENT, DIVISION, SECTION, BOARD, COMMISSION, OR COMMITTEE UNDER THE PROVISIONS OF FEDERAL OR STATE LAW.

(2) (a) THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING MAY ACCEPT ON BEHALF OF THE STATE OF COLORADO THE PROVISIONS AND BENEFITS OF ACTS OF CONGRESS DESIGNED TO PROVIDE FUNDS OR OTHER PROPERTY FOR PARTICULAR MEDICAL ASSISTANCE WITHIN THE STATE, WHICH FUNDS OR OTHER PROPERTY ARE DESIGNATED FOR SUCH PURPOSES WITHIN THE FUNCTION OF THE STATE DEPARTMENT, AND MAY ACCEPT ON BEHALF OF THE STATE ANY OFFERS WHICH HAVE BEEN OR MAY FROM TIME TO TIME BE MADE OF FUNDS OR OTHER PROPERTY BY ANY PERSONS, AGENCIES, OR ENTITIES FOR PARTICULAR MEDICAL ASSISTANCE ACTIVITIES WITHIN THE STATE, WHICH FUNDS OR OTHER PROPERTY ARE DESIGNATED FOR SUCH PURPOSES WITHIN THE FUNCTION OF THE STATE DEPARTMENT; BUT, UNLESS OTHERWISE EXPRESSLY PROVIDED BY LAW, SUCH ACCEPTANCE SHALL NOT BE MANIFESTED UNLESS AND UNTIL THE STATE DEPARTMENT HAS RECOMMENDED SUCH ACCEPTANCE TO AND RECEIVED THE WRITTEN APPROVAL OF THE GOVERNOR AND THE ATTORNEY GENERAL. SUCH APPROVAL SHALL AUTHORIZE THE ACCEPTANCE OF THE FUNDS OR PROPERTY IN ACCORDANCE WITH THE RESTRICTIONS AND CONDITIONS FOR THE PURPOSE FOR WHICH FUNDS OR PROPERTY ARE INTENDED.

(b) THE STATE TREASURER IS DESIGNATED AS EX OFFICIO CUSTODIAN OF ALL MEDICAL ASSISTANCE FUNDS RECEIVED BY THE STATE FROM THE FEDERAL GOVERNMENT AND FROM ANY OTHER SOURCE, IF THE APPROVAL PROVIDED FOR IN PARAGRAPH (a) OF THIS SUBSECTION (2) HAS BEEN OBTAINED.

(c) THE STATE TREASURER SHALL HOLD EACH SUCH FUND SEPARATE AND DISTINCT FROM STATE FUNDS AND IS AUTHORIZED TO MAKE DISBURSEMENTS FROM SUCH FUNDS FOR THE DESIGNATED PURPOSE OR FOR ADMINISTRATIVE COSTS, WHICH MAY BE PROVIDED IN SUCH GRANTS UPON WARRANTS ISSUED BY THE STATE CONTROLLER UPON THE VOUCHER OF THE STATE DEPARTMENT.

(3) THE STATE DEPARTMENT SHALL COOPERATE WITH THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER FEDERAL AGENCIES IN ANY REASONABLE MANNER, IN CONFORMITY WITH THE LAWS OF THIS STATE, WHICH MAY BE NECESSARY TO QUALIFY FOR FEDERAL AID, INCLUDING THE PREPARATION OF STATE PLANS, THE MAKING OF REPORTS IN SUCH FORM AND CONTAINING SUCH INFORMATION AS ANY FEDERAL AGENCY MAY FROM TIME TO TIME REQUIRE, AND THE COMPLIANCE

WITH SUCH PROVISIONS AS THE FEDERAL GOVERNMENT MAY FROM TIME TO TIME FIND NECESSARY TO ASSURE THE CORRECTNESS AND VERIFICATION OF THE REPORTS.

(4) THE RULES AND REGULATIONS OF THE STATE DEPARTMENT MAY INCLUDE PROVISIONS TO ACCOMMODATE REQUIREMENTS OF CONTRACTS ENTERED INTO BETWEEN THE STATE DEPARTMENT AND THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR STUDIES OF GUARANTEED ANNUAL INCOME OR OTHER FORMS OF INCOME MAINTENANCE RESEARCH PROJECTS; AND FOR SUCH PURPOSE, THE REQUIREMENTS OF THIS TITLE AS TO ELIGIBILITY FOR MEDICAL ASSISTANCE SHALL NOT APPLY FOR THE TERM OF AND IN ACCORDANCE WITH THE CONTRACT FOR SUCH PURPOSE.

(5) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE DEPARTMENT OF HUMAN SERVICES SHALL COOPERATE IN ADMINISTERING THE DELIVERY OF MEDICAL ASSISTANCE BY COUNTY DEPARTMENTS OF SOCIAL SERVICES OR ANY OTHER PUBLIC OR PRIVATE ENTITIES PARTICIPATING IN THE DELIVERY OF MEDICAL ASSISTANCE PURSUANT TO THIS ARTICLE.

SECTION 94. 26-4-416 (6), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-416. Vendor assessment plan created - purpose - conditional repeal.

(6) The department of ~~social services~~ HEALTH CARE POLICY AND FINANCING shall maintain records and compile an annual report on individual assessments, reallocated moneys, and corresponding federal funds generated under the vendor assessment plan, and shall also maintain records of individual vendor payments and other uses of moneys therefrom.

SECTION 95. 26-4-503 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-503. Definitions relating to reimbursement of rental allowance for capital-related assets. As used in this part 5, unless the context otherwise requires:

(2) "Appraised value" means the determination by a qualified appraiser who is a member of an institute of real estate appraisers or its equivalent of the depreciated cost of replacement of a capital-related asset to its current owner. The depreciated replacement appraisal shall be based on the "BoeCHK Commercial Underwriter's Valuation System for Nursing Homes", December 1985 edition. The depreciated cost of replacement appraisal shall be redetermined every four years by new appraisals of the nursing facilities. Such new appraisals shall be based upon rules and regulations promulgated by the ~~state board of social services~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING. ~~pursuant to section 26-1-108(1)(b)(II).~~

SECTION 96. 26-4-505 (3) (b) (I), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-505. Collection of penalties assessed against nursing facilities - creation of cash fund. (3) (b) (I) The moneys in the fund are subject to annual appropriation by the general assembly to the department of ~~social services~~ HEALTH CARE POLICY

AND FINANCING for the purposes set forth in section 25-1-107.5, C.R.S.

SECTION 97. 26-4-508.3, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-508.3. Department of health care policy and financing - application for waiver. If the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING, in administering the provision of services pursuant to section 26-4-302 (1) (s), determines that sufficient funds are not available to permit a statewide application of such section, the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING may, in its discretion, seek from the appropriate federal authorities or agencies any waivers necessary to allow the department to limit application of such section.

SECTION 98. 26-4-508.4, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-508.4. Treatment program for high-risk pregnant women - cooperation with private entities. The department of ~~social services~~ HEALTH CARE POLICY AND FINANCING and the ~~department~~ DEPARTMENTS of ~~health~~ HUMAN SERVICES AND PUBLIC HEALTH AND ENVIRONMENT shall cooperate with any private entities which desire to assist such departments in the provision of services connected with the treatment program for high-risk pregnant women. Private entities may provide services which are not provided to persons pursuant to this article or article 2 of this title which may include, but shall not be limited to, needs assessment services, preventive services, rehabilitative services, care coordination, nutrition assessment, psychosocial counseling, intensive health education, home visits, transportation, development of provider training, child care, and other necessary components of residential or outpatient treatment or care.

SECTION 99. 26-4-508.5, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-508.5. Treatment program for high-risk pregnant women - data collection. The department of ~~social services~~ HEALTH CARE POLICY AND FINANCING, in cooperation with the department of ~~health~~ HUMAN SERVICES, shall create a data collection mechanism regarding persons receiving services pursuant to the treatment program for high-risk pregnant women which shall include the collection of such data as such departments deem appropriate.

SECTION 100. 26-4-514 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-514. Clinic services - children and pregnant women - utilization of certain providers. (1) The state department shall utilize, to the extent possible and appropriate, county or regional health departments or local boards of health established pursuant to part 5, 6, or 7 of article 1 of title 25, C.R.S., that are certified by the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT as qualified to receive payments pursuant to this article, and that meet the requirements and standards set forth in rules and regulations promulgated by the ~~state board~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING pursuant to ~~sections~~ SECTION ~~26-1-108~~ and 26-4-104 to provide clinic services to patients who

are children under age seven or patients who are pregnant women.

SECTION 101. 26-4-519 (5), (9) (a), and (11), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-4-519. Program of all-inclusive care for the elderly - services - eligibility - repeal. (5) For purposes of this section, "eligible person" means a frail elderly individual who voluntarily enrolls in the PACE program and whose gross income does not exceed three hundred percent of the current federal supplemental security income benefit level, whose resources do not exceed the limit established by the state department OF HUMAN SERVICES for individuals receiving a mandatory minimum state supplementation of SSI benefits pursuant to section 26-2-204, and for whom a physician licensed pursuant to article 36 of title 12, C.R.S., certifies that such a program provides an appropriate alternative to institutionalized care. The term "frail elderly" means an individual who meets functional eligibility requirements, as established by the state department, for nursing home care and who is sixty-five years of age or older.

(9) (a) The state department of ~~social services~~ HEALTH CARE POLICY AND FINANCING shall apply in a joint application with the nonprofit organization providing the PACE program to the federal health care policy and financing administration for those medicaid and medicare waivers necessary to implement the PACE program set forth in this section. Application for the waivers shall be made only if the state department determines from the evaluation specified in paragraph (b) of this subsection (9) that the PACE program is cost-effective. Prior to any application to the federal health care policy and financing administration for waivers to implement the PACE program, the state department of ~~social services~~ HEALTH CARE POLICY AND FINANCING shall consult with the joint budget committee.

(11) The general assembly shall make appropriations to the state department of ~~social services~~ HEALTH CARE POLICY AND FINANCING to fund services under this section provided at a monthly capitated rate. The state department of ~~social services~~ HEALTH CARE POLICY AND FINANCING shall annually renegotiate a monthly capitated rate for the contracted services based on the ninety-five percent of the medicaid fee-for-service costs of an actuarially similar population.

SECTION 102. 26-4-526 (3) and (5), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-4-526. Purchase access to medicaid program. (3) The department of ~~social services~~ HEALTH CARE POLICY AND FINANCING is hereby authorized and directed to apply for a grant under section 4745 of the federal "Omnibus Budget Reconciliation Act of 1990" to conduct a demonstration project to study the effect on access to, and the costs of, health care of eliminating the categorical eligibility requirement for medicaid benefits for certain low-income individuals through a program of purchase access as described in this section. The approach to be studied in the demonstration project would allow persons normally not eligible for medicaid to "buy-in" to medicaid and would permit the state to collect premiums, deductibles, and coinsurance.

(5) The state department of ~~social services~~ HEALTH CARE POLICY AND FINANCING

is authorized to accept and expend private gifts or donations, including in-kind services, and any federal funds available, including demonstration grant moneys, for the purpose of conducting a demonstration grant study of a purchase access to medicaid program.

SECTION 103. 26-4-622 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-622. Legislative declaration. (2) The general assembly intends that the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING and the department of ~~institutions~~ HUMAN SERVICES shall cooperate to the maximum extent possible in designing, implementing, and administering the programs authorized under this subpart 2.

SECTION 104. 26-4-624, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-624. Duties of the department of health care policy and financing.

(1) The department of ~~social services~~ HEALTH CARE POLICY AND FINANCING and the department of ~~institutions~~ HUMAN SERVICES shall provide a system of reimbursement for services provided pursuant to this subpart 2 which encourages the most cost-effective provision of services.

(1.5) The department of ~~social services~~ HEALTH CARE POLICY AND FINANCING and the department of ~~institutions~~ HUMAN SERVICES shall, subject to appropriation, utilize any available federal, state, local, or private funds, including but not limited to, medicaid funds available under Title XIX of the federal "Social Security Act", as amended, such as medicaid home and community-based waivers and model 200 waivers, to carry out the purposes of this subpart 2.

(2) The department of ~~social services~~ HEALTH CARE POLICY AND FINANCING may contract with the department of ~~institutions~~ HUMAN SERVICES to certify agencies providing services under this subpart 2 as eligible medicaid providers, to adopt fiscal and administrative procedures, to review plans of care, to set rates, and to make and implement recommendations regarding the scope, duration, and content of programs and the eligibility of persons for specific services provided pursuant to this subpart 2, and to fulfill any other responsibilities necessary to implement this subpart 2 which are consistent with the single state agency designation set out in section 26-4-104.

(3) The ~~state board of social services~~ DEPARTMENT OF HEALTH CARE POLICY AND FINANCING shall promulgate such rules and regulations regarding this subpart 2 as are necessary to fulfill the obligations of the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING as the single state agency to administer medical assistance programs in accordance with Title XIX of the federal "Social Security Act", as amended. Such rules and regulations may include, but shall not be limited to, determination of the level of care requirements for long-term care, patient payment requirements, clients' rights, medicaid eligibility, and appeal rights associated with these requirements.

(4) The department of ~~institutions~~ HUMAN SERVICES shall promulgate such rules and regulations as are necessary to implement the provisions of this subpart 2 and to

fulfill the responsibilities and duties set out in article 10.5 of title 27, C.R.S. Such rules and regulations shall be promulgated pursuant to section 24-4-103, C.R.S.

(5) In the event that a direct conflict arises between the rules and regulations of the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING promulgated pursuant to subsection (3) of this section and the rules and regulations of the department of ~~institutions~~ HUMAN SERVICES promulgated pursuant to subsection (4) of this section, regarding implementation of this subpart 2, the rules and regulations of the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING shall control.

SECTION 105. 26-4-627, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-627. Gifts - grants. The department of ~~social services~~ HEALTH CARE POLICY AND FINANCING and the department of ~~institutions~~ HUMAN SERVICES, acting on behalf of the state, may receive and accept title to gifts or grants from any source, including the federal government. Both departments shall deposit all grants, grants-in-aid, and gifts with the state treasurer, who shall credit them to the general fund. These moneys shall remain available for appropriation to either department to carry out the purposes of this subpart 2.

SECTION 106. 26-4-628, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-628. Eligibility - fees. (1) Subject to the availability of federal financial participation, services shall be provided to eligible persons pursuant to this subpart 2.

(2) Any eligible person who accepts and receives services pursuant to this subpart 2 shall pay to the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING, or to an agent designated by the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING, an amount determined pursuant to federal regulations construing the federal "Social Security Act", as amended, concerning the application of patient income to the cost of services.

SECTION 107. 26-4-629 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-629. Services for persons with developmental disabilities. (2) Services for the developmentally disabled provided through this program shall be delivered under the provisions of a statewide services plan developed by the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING and the department of ~~institutions~~ HUMAN SERVICES. This plan shall include the specific services to be offered, a plan for the delivery of such services through community centered boards or other service agencies approved pursuant to article 10.5 of title 27, C.R.S., utilizing where appropriate the provision of in-home services, the expected costs of such services, the expected benefits of providing those services, and the administrative provisions which shall govern the implementation of the plan. The plan shall provide for all necessary safeguards to insure the health and welfare of any eligible persons. The average per capita expenditure for services under this plan shall

not exceed the average per capita expenditure the department of ~~institutions~~ HUMAN SERVICES or the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING would have made for services otherwise available without this plan.

SECTION 108. 26-4-630, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-630. Qualification for federal funding. Nothing in this subpart 2 shall prevent the department of ~~social services~~ HEALTH CARE POLICY AND FINANCING or the department of ~~institutions~~ HUMAN SERVICES from complying with federal requirements in order for the state of Colorado to qualify for federal funds under Title XIX of the federal "Social Security Act", as amended.

SECTION 109. The introductory portion to 26-5.5-103 (2) and 26-5.5-103 (3) (b), (4), and (5), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-5.5-103. Family preservation system - creation - pilot project. (2) The executive directors of the departments of ~~social services, health, and institutions~~ HEALTH CARE POLICY AND FINANCING, HUMAN SERVICES, AND PUBLIC HEALTH AND ENVIRONMENT and the commissioner of education, or the designees of such persons, in unanimity, after consultation with care providers in the private sector and members of the commission on families and children, as established by an executive order of the governor, may:

(3) The study in subsection (2) (d) of this section shall include, at a minimum, an evaluation of the following:

(b) The identification of the cost avoidance to out-of-home placement line items of the ~~departments of social services and institutions~~ DEPARTMENT OF HUMAN SERVICES in the general appropriation bill;

(4) The executive director of the state department of ~~social services~~ HUMAN SERVICES may allocate to a pilot county or counties designated under subsection (2) (a) of this section moneys appropriated to the department for child welfare placement alternatives to support successful programs developed under the provisions of this article.

(5) The departments of ~~social services, institutions, health~~ HEALTH CARE POLICY AND FINANCING, HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, and education shall develop a plan to incorporate successful programs developed under the provisions of this section into their ongoing budgets rather than more costly alternatives.

SECTION 110. 26-5.5-104 (1), (2) (b), and (3), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-5.5-104. Family preservation fund - creation. (1) There is hereby created in the state treasury a fund to be known as the family preservation fund, which shall be administered by the executive directors of the departments of ~~social services, health, and institutions~~ HEALTH CARE POLICY AND FINANCING, HUMAN SERVICES, AND

PUBLIC HEALTH AND ENVIRONMENT and the commissioner of education, or the designees of such persons, in consultation with care providers in the private sector and members of the commission on families and children.

(2) (b) The departments of education, ~~health, institutions, and social services~~ PUBLIC HEALTH AND ENVIRONMENT, HUMAN SERVICES, AND HEALTH CARE POLICY AND FINANCING shall prepare in unanimity an annual budget request for public sector financing of the family preservation fund.

(3) The general assembly may make annual appropriations out of the moneys in the fund to the departments of education, ~~health, institutions, and social services~~ PUBLIC HEALTH AND ENVIRONMENT, HUMAN SERVICES, AND HEALTH CARE POLICY AND FINANCING for the direct and indirect costs incurred in administering the provisions of this article.

SECTION 111. 26-5.5-105, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-5.5-105. Funding separation. No moneys from the family preservation fund shall be used to fund county staffs. In addition, said moneys shall be kept separate and distinct from the moneys appropriated in the general appropriation bill to the department of ~~social services~~ HUMAN SERVICES for child welfare placement alternatives.

SECTION 112. 26-6-102 (3), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

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

(3) "Department" means the department of ~~social services~~ HUMAN SERVICES.

SECTION 113. 26-7-101 (1) and (3), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

26-7-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Board" means the state board of ~~social services~~ HUMAN SERVICES, or its designated representative.

(3) "Department" means the department of ~~social services~~ HUMAN SERVICES.

SECTION 114. 26-7-102, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-7-102. Payments authorized. The department of ~~social services~~ HUMAN SERVICES may make payments to adoptive parents on behalf of a child placed for adoption by a department or licensed nonprofit child placement agency.

SECTION 115. 26-7.6-102 (1) (e), Colorado Revised Statutes, 1989 Repl. Vol.,

as amended, is amended to read:

26-7.6-102. Task force on family issues - creation - membership. (1) In order to provide a legislative overview of and a study of issues affecting families in this state and to develop recommendations for legislation to improve and strengthen families in this state, there is hereby created a task force on family issues. The membership of the task force shall consist of twenty members, as follows:

(e) The executive directors of the departments of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT, law, ~~social services~~ HEALTH CARE POLICY AND FINANCING, higher education, public safety, and ~~institutions~~ HUMAN SERVICES and the commissioner of education or the designees of such executive directors and commissioner; and

SECTION 116. 26-7.8-102 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-7.8-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Executive director" means the executive director of the department of ~~social services~~ HUMAN SERVICES.

SECTION 117. The introductory portion to 26-8-104 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-8-104. Administration. (1) The EXECUTIVE DIRECTOR OF THE state department shall, in accordance with section 26-1-108:

SECTION 118. 26-8.2-102 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-8.2-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Center" means the rehabilitation center for the visually impaired of the state department of ~~social services~~ HUMAN SERVICES.

SECTION 119. 26-10-102 (3.5), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-10-102. Definitions. As used in this article, unless the context otherwise requires:

(3.5) "Division" means the division of veterans affairs within the department of ~~social services~~ HUMAN SERVICES.

SECTION 120. 27-1-102 (3), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-1-102. Executive director - division heads - interagency council - advisory boards. (3) The governor may appoint an interagency council to serve at his

pleasure, to be composed of such representatives as he may select from the departments of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT, labor and employment, ~~social services~~ HEALTH CARE POLICY AND FINANCING, ~~institutions~~ HUMAN SERVICES, personnel, and such other state officers and officials as he may deem appropriate.

SECTION 121. The introductory portion to 27-1-103 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-1-103. Duties of executive director - governor acquire water rights.

(1) The duties of the executive director of the department of ~~institutions~~ HUMAN SERVICES shall be:

SECTION 122. 27-1-106 (2), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-1-106. Transfer of functions. (2) Except where the context plainly requires otherwise, "board" or "boards of control", with reference to the institutions and the division listed in subsection (1) of this section, means and refers to the department of ~~institutions~~ HUMAN SERVICES.

SECTION 123. 27-1-108, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-1-108. Department may accept gifts, donations, and grants. The department of ~~institutions~~ HUMAN SERVICES or any institution managed, supervised, and controlled by the department may accept or refuse to accept, on behalf of and in the name of the state, gifts, donations, and grants, including grants of federal funds, for any purpose connected with the work or programs of the department or of any such institution. The executive director of the department, with the approval of the governor, has the power to direct the disposition of any such gift, donation, and grant so accepted for any purpose consistent with the terms and conditions under which given.

SECTION 124. 27-1-109, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-1-109. Rules and regulations. Pursuant to section ~~24-1-103~~; 24-4-103, C.R.S., the executive director of the department of ~~institutions~~ HUMAN SERVICES shall promulgate such rules and regulations as are necessary to implement the provisions of this part 1 and the procedures specified in sections 19-2-204, 19-2-701, 19-2-1103, 19-2-1104, 19-3-403, 19-3-506, 19-3-507, and 19-3-508, C.R.S., regarding children who are in detention or who are or may be mentally ill or who have or may have developmental disabilities.

SECTION 125. 27-1-202, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-1-202. Administration - rules and regulations. (1) The executive director of the department of ~~institutions~~ HUMAN SERVICES has the following powers and duties:

(a) To administer and enforce the provisions of this part 2;

(b) To adopt reasonable and proper standards, rules, and regulations to implement this part 2 in accordance with the provisions of section 24-4-103, C.R.S.

SECTION 126. 27-1-203, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-1-203. Community mental health services - purchase program. In order to encourage the development of preventive, treatment, and rehabilitative services through new community mental health programs, the improvement and expansion of existing community mental health services, and the integration of community with state mental health services, there is established a program to purchase community mental health services by the department of ~~institutions~~ HUMAN SERVICES.

SECTION 127. 27-1-204 (1), the introductory portion to 27-1-204 (2), and 27-1-204 (4) (b), (5), (6), and (7), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

27-1-204. Types of services purchased - limitation on payments.
(1) Community mental health services may be purchased from clinics, community mental health centers, local general or psychiatric hospitals, and other agencies which have been approved by the executive director of the department of ~~institutions~~ HUMAN SERVICES for such purchase.

(2) Each year the general assembly shall appropriate, on a per capita basis for the area covered by such services, funds for purchase of outpatient care provided by clinics and other activities of such clinics approved by the executive director of the department of ~~institutions~~ HUMAN SERVICES, including but not limited to:

(4) (b) The funds appropriated for the purposes of this subsection (4) shall be distributed by the executive director of the department of ~~institutions~~ HUMAN SERVICES to approved community mental health centers and other agencies on the basis of need and in accordance with the services provided.

(5) Each year the general assembly may appropriate funds in addition to those appropriated for purposes of subsections (2), (3), and (4) of this section which may be used by the executive director of the department of ~~institutions~~ HUMAN SERVICES, without regard to the limitations contained in subsection (3) of this section, to assist community mental health clinics and centers in instituting innovative programs, in providing mental health services to impoverished areas, and in dealing with crisis situations. The executive director of the department of ~~institutions~~ HUMAN SERVICES shall require that any innovative or crisis programs for which funds are allocated under this subsection (5) be clearly defined in terms of services to be rendered, program objectives, scope and duration of the program, and the maximum amount of funds to be provided and shall make an annual report to the general assembly concerning the distribution and expenditure of funds appropriated under the provisions of this subsection (5).

(6) If there is a reduction in the financial support of local governmental bodies for community mental health services, the executive director of the department of

~~institutions~~ HUMAN SERVICES is authorized to reduce state payments for services in an amount proportional to the reduction in such local financial support.

(7) Of the amounts authorized in subsection (2) of this section, a sum not to exceed ten percent of such amounts may be used by the office of the executive director of the department of ~~institutions~~ HUMAN SERVICES for the purpose of purchasing community mental health services provided by clinics without regard to matching requirements or per capita limitations.

SECTION 128. The introductory portion to 27-1-205 (1), 27-1-205 (1) (d), the introductory portion to 27-1-205 (2), and 27-1-205 (2) (d) and (3), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

27-1-205. Standards for approval. (1) In approving or rejecting community mental health clinics for the purchase of mental health services, the executive director of the department of ~~institutions~~ HUMAN SERVICES shall:

(d) Require that the clinic staff include, wherever feasible, other professional staff workers, such as psychologists, social workers, educational consultants, and nurses, with such qualifications, responsibilities, and time on the job as correspond with the size and capacity of the clinic. The clinic staff may include, with the approval of the executive director of the department of ~~institutions~~ HUMAN SERVICES, such other nonprofessional persons as may be deemed necessary by the clinic board for the proper discharge of its functions.

(2) In approving or rejecting local general or psychiatric hospitals, community mental health centers, and other agencies for the purchase of services not provided by local mental health clinics, including, but not limited to, twenty-four-hour and partial hospitalization, the executive director of the department of ~~institutions~~ HUMAN SERVICES shall consider the following factors:

(d) The licensure by the department of ~~health~~ PUBLIC HEALTH AND ENVIRONMENT or another state agency where applicable;

(3) In the purchase of services from community mental health centers, the executive director of the department of ~~institutions~~ HUMAN SERVICES shall specify levels and types of inpatient, outpatient, consultation, education, and training services and expenditures and shall establish minimum standards for other programs of such centers that are to be supported with state funds.

SECTION 129. 27-1-206, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-1-206. Federal grants-in-aid - administration. The department of ~~institutions~~ HUMAN SERVICES is designated the official mental health and mental retardation authority, and is authorized to receive grants-in-aid from the federal government under the provisions of 42 U.S.C. 246, and shall administer said grants in accordance therewith.

SECTION 130. 27-1-208, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-1-208. Institutes and training programs. The department of ~~institutions~~ HUMAN SERVICES may, from time to time during each year, provide such consultation and conduct such institutes and training programs on a state, regional, district, county, or community level as may be necessary to coordinate, inform, and assist in the training of staff members of the various approved community mental health programs of the state. The department of ~~institutions~~ HUMAN SERVICES may reimburse such staff members for reasonable and necessary expenses incurred in attending such institutes and training programs.

SECTION 131. 27-10-102 (3), (4), and (11.5), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

27-10-102. Definitions. As used in this article, unless the context otherwise requires:

(3) "Department" means the department of ~~institutions~~ HUMAN SERVICES.

(4) "Executive director" means the executive director of the department of ~~institutions~~ HUMAN SERVICES.

(11.5) "Residential child care facility" means a facility licensed by the state department of ~~social services~~ HUMAN SERVICES pursuant to article 6 of title 26, C.R.S., to provide group care and treatment for children as such facility is defined in section 26-6-102 (8), C.R.S. A residential child care facility may be eligible for designation by the executive director of the department of ~~institutions~~ HUMAN SERVICES pursuant to this article.

SECTION 132. 27-10.5-102 (8) and (14), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

27-10.5-102. Definitions. As used in this article, unless the context otherwise requires:

(8) "Department" means the department of ~~institutions~~ HUMAN SERVICES.

(14) "Executive director" means the executive director of the department of ~~institutions~~ HUMAN SERVICES.

SECTION 133. 27-10.5-103 (1) (f), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

27-10.5-103. Duties of the executive director - rules and regulations. (1) In order to implement the provisions of this article, the executive director shall, subject to available appropriations, carry out the following duties:

(f) Implement the provision of home and community-based services to eligible persons with developmental disabilities and may pursue other medicaid-funded services determined by the department to be appropriate for persons with developmental disabilities ~~in cooperation with the department of social services;~~ pursuant to subparts 2 and 4 of part 6 of article 4 of title 26, C.R.S., and subject to available appropriations; and

SECTION 134. The introductory portions to 27-10.5-104 (1) and (4) (a) and 27-10.5-104 (7) (a), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

27-10.5-104. Authorized services and supports - conditions of funding - purchase of services and supports - boards of county commissioners - appropriation. (1) Subject to annual appropriations by the general assembly, the department of ~~institutions~~ HUMAN SERVICES shall provide or purchase, pursuant to subsection (4) of this section, authorized services and supports through the community centered boards for persons who have been determined to be eligible for such services and supports pursuant to section 27-10.5-106, and as specified in the eligible person's individualized plan. Those services and supports may include, but are not limited to, the following:

(4) (a) The department of ~~institutions~~ HUMAN SERVICES may purchase services and supports, including service and support coordination, directly from service agencies under the following conditions:

(7) (a) Each year the general assembly shall appropriate funds to the department of ~~institutions~~ HUMAN SERVICES to provide or purchase services and supports for persons with developmental disabilities pursuant to this section. Unless specifically provided otherwise, services and supports shall be purchased on the basis of five percent local funding to be matched by ninety-five percent state funding less any federal or cash funds received for general operating expenses from any other state or federal source, less funds available to a person receiving residential services or supports after such person receives an allowance for personal needs or for meeting other obligations imposed by federal or state law, and less the required local school district funds specified in paragraph (b) of this subsection (7). The yearly appropriation, when combined with all other sources of funds, shall in no case exceed one hundred percent of the approved program costs as determined by the general assembly. Funds received for capital construction shall not be considered in the calculation for the distribution of funds under the provisions of this section.

SECTION 135. 27-10.5-104.5 (3) (d) and (4), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

27-10.5-104.5. Service agencies - funds - rules and regulations. (3) The executive director shall promulgate such rules and regulations as are necessary to implement the purchase of services and supports directly or through community centered boards. Such rules and regulations shall include, but need not be limited to, the following:

(d) Specification of what services and supports are to be reimbursed by the department of ~~institutions~~ HUMAN SERVICES and secondarily by the community centered board, the source of reimbursement, actual service or support costs, incentives, and program service objectives which affect reimbursement;

(4) Upon a determination by the executive director that services or supports have not been provided in accordance with the program or financial administration standards specified in this article and the rules and regulations promulgated thereunder, the executive director may reduce, suspend, or withhold payment to a

designated community centered board, service agency under contract with a designated community centered board, or service agency from which the department of ~~institutions~~ HUMAN SERVICES purchased services or supports directly. When the executive director decides to reduce, suspend, or withhold payment, the executive director shall specify the reasons therefor and the actions which are necessary to bring the service agency into compliance.

SECTION 136. The introductory portion to 27-10.5-105 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

27-10.5-105. Community centered boards - designation - purchase of services and supports by community centered boards. (1) In order to be designated as the community centered board in a particular designated service area, a private corporation, for profit or not for profit, shall annually apply for such designation to the department of ~~institutions~~ HUMAN SERVICES in the form and manner specified by the executive director. Designation shall be based on the following factors:

SECTION 137. 27-10.5-106 (1) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

27-10.5-106. Eligibility determination - individualized plan - periodic review. (1) (b) Pursuant to contract with the department of ~~institutions~~ HUMAN SERVICES, designated community centered boards shall determine whether a person is eligible to receive services and supports pursuant to this article, and if so shall develop an individualized plan for such person. The executive director shall promulgate rules and regulations, pursuant to article 4 of title 24, C.R.S., setting forth the procedure and criteria for determination of eligibility. Such procedure and criteria shall be uniform in nature and applied throughout the state in a consistent manner.

SECTION 138. 27-10.5-203 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

27-10.5-203. Establishment of state planning council. (1) There is hereby created, within the office of the executive director of the department of ~~institutions~~ HUMAN SERVICES, the Colorado developmental disabilities planning council. ~~The state planning council shall exercise its powers, and perform its duties, and functions OF THE STATE PLANNING COUNCIL ARE in the department of institutions as if it were transferred thereto by a type 1 transfer, as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S., TO THE DEPARTMENT OF HUMAN SERVICES.~~ The state planning council shall operate in accordance with the federal "Developmental Disabilities Assistance and Bill of Rights Act of 1990", 42 U.S.C. sec. 6000 et seq.

SECTION 139. 27-10.5-206, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-10.5-206. State planning council employees. Subject to available appropriations, the executive director of the department of ~~institutions~~ HUMAN SERVICES may employ such personnel as are required by the state PLANNING council, pursuant to the provisions of section 13 of article XII of the state constitution. The executive director of the department of ~~institutions~~ HUMAN SERVICES will appoint the

staff director to the state PLANNING council, accepting the recommendations of the council.

SECTION 140. 27-10.5-207, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

27-10.5-207. Cooperation of departments. The departments of ~~institutions, health, and social services~~ HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, AND education and social services shall cooperate with the state planning council in the development of and implementation of the recommendations made within the state plan. Said departments shall provide documents and other assistance requested by the state planning council or its representatives which are essential for the state planning council to meet its federal and state statutory requirements.

SECTION 141. 27-12-102 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-12-102. Cost determination. (1) The department of ~~institutions~~ HUMAN SERVICES shall periodically determine the individual cost for the care, support, maintenance, treatment, and education of the patients of each of such institutions. In making such determination, it is proper for the department to use averaging methods to the extent that it is not practicable, in the judgment of the executive director of the department of ~~institutions~~ HUMAN SERVICES, to compute the actual cost for each patient.

SECTION 142. 27-12-104 (2), (3), (4), (6), and (7), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

27-12-104. Determination of ability to pay. (2) The department of ~~institutions~~ HUMAN SERVICES shall determine the ability of a patient and his spouse to pay the balance of such cost by consideration of the following factors: Income reportable under Colorado law; the age of the patient and spouse; the number of dependents, their ages, and their mental and physical condition; provision for retirement years; the length of the patient's care or treatment; liabilities; and assets. Such determination shall be made according to schedules contained in published rules, adopted in accordance with the provisions of article 4 of title 24, C.R.S.

(3) If it is determined that the patient and his spouse are unable to pay the entire cost determined under section 27-12-102 and the length of the patient's care and treatment at a state institution is reasonably anticipated to be less than six months, the department of ~~institutions~~ HUMAN SERVICES shall determine the parent's ability to pay by consideration of the same factors referred to in subsection (2) of this section, applying each such factor to the parent.

(4) If it is determined that the patient and his spouse are unable to pay the entire cost determined under section 27-12-102 and the length of the patient's care and treatment at a state institution is reasonably anticipated to exceed six months, the department of ~~institutions~~ HUMAN SERVICES shall determine the parent's ability to pay by reference to such parent's net taxable income reportable under Colorado law and to the patient's length of care or treatment. At the request of the parent, the department shall also consider other factors relevant to the interest of avoiding undue

hardship to the family unit. Such other factors may include the parent's age, provision for retirement years, assets, liabilities, and the number of dependents, their mental and physical condition, and their educational requirements. Such determination shall be made according to schedules contained in published rules adopted in accordance with the provisions of article 4 of title 24, C.R.S.

(6) Upon the willful failure of any patient, spouse, or parent to furnish to the department of ~~institutions~~ HUMAN SERVICES, upon request, copies of his income tax returns, such person shall be deemed to have ability to pay the entire cost determined under this article.

(7) Every agency and department of the state is required to render all reasonable assistance to the executive director of the department of ~~institutions~~ HUMAN SERVICES in obtaining all information necessary for proper implementation of the purposes of this article. Nothing in this subsection (7) shall be construed to require the department of revenue to produce a copy of any person's income tax return solely upon the request of the department of ~~institutions~~ HUMAN SERVICES, but the department of revenue shall deliver a copy of any such return upon the request of the taxpayer or his duly authorized representative, pursuant to section 39-21-113 (4), C.R.S.

SECTION 143. 27-12-108, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-12-108. Certificate - prima facie evidence. In any action or proceeding to enforce the claims of the state provided for in this article, a certificate by the chief administrative officer of the institution involved or the executive director of the department of ~~institutions~~ HUMAN SERVICES as to any fact or matter necessary to the establishment of said claim which is a matter of record in the institution or in the department of ~~institutions~~ HUMAN SERVICES shall constitute prima facie evidence thereof.

SECTION 144. 27-13-103, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

27-13-103. Employees - publications. (1) The head of the administrative division overseeing the Colorado mental health institute at Pueblo shall appoint or employ, pursuant to section 13 of article XII of the state constitution, such administrators, physicians, nurses, attendants, and additional employees as may be necessary for the proper conduct of said institute. The head of the administrative division may contract with the board of regents of the university of Colorado health sciences center for the provision of services by physicians when deemed necessary for the proper conduct of the institute, and during the performance of any duties by such physicians for the department of ~~institutions~~ HUMAN SERVICES, such physicians are "public employees" as defined in section 24-10-103 (4), C.R.S., and the limitation of section 24-30-1517 (2), C.R.S., shall not apply.

(2) Publications of the institute circulated in quantity outside the institute shall be subject to the approval and control of the executive director of the department of ~~institutions~~ HUMAN SERVICES.

SECTION 145. 27-13-110, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

27-13-110. Alternative uses for institute facilities. The department of ~~institutions~~ HUMAN SERVICES shall determine the existence of resources at Colorado mental health institute at Pueblo which are in excess of the needs of the primary purpose of said institute and may make available to the regents of the university of Colorado, on mutually agreeable terms, a maximum of ten beds at said institute for the purpose of teaching students in the family practice medical training program conducted by and under the control of the regents. Such resources shall be a supplement to any existing health care resources and academic facilities in the region.

SECTION 146. 27-15-102 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

27-15-102. Establishment of mental health center. (1) There is hereby established at the site of Fort Logan, Denver county, Colorado, a mental health center to be known as the Colorado mental health institute at Fort Logan, referred to in this article as the "center". The center shall be under the general supervision and control of the department of ~~institutions~~ HUMAN SERVICES.

SECTION 147. 27-15-103, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-15-103. Employees - publications. (1) The head of the administrative division overseeing the center shall appoint or employ, pursuant to section 13 of article XII of the state constitution, such administrators, physicians, nurses, attendants, and additional employees as may be necessary for the proper conduct of said center. The head of the administrative division may contract with the board of regents of the university of Colorado health sciences center for the provision of services by physicians when deemed necessary for the proper conduct of the center, and during the performance of any duties by such physicians for the department of ~~institutions~~ HUMAN SERVICES, such physicians are "public employees" as defined in section 24-10-103 (4), C.R.S., and the limitation of section 24-30-1517 (2), C.R.S., shall not apply.

(2) Publications of the center circulated in quantity outside the center shall be subject to the approval and control of the executive director of the department of ~~institutions~~ HUMAN SERVICES.

SECTION 148. 27-15-104, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-15-104. Capacity to take property. The center is authorized to receive gifts, legacies, devises, and conveyances of property, real and personal, that may be granted or given to the center. The executive director of the department of ~~institutions~~ HUMAN SERVICES, with the approval of the governor, shall make disposition of such property as may be for the best interest of said center.

SECTION 149. 27-15-105 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

27-15-105. Admissions to center - transfers - releases. (1) Any person who by law is committed to the department of ~~institutions~~ HUMAN SERVICES for placement in a state hospital may be committed to or placed in the center upon order of a court of competent jurisdiction, except those persons committed to the Colorado mental health institute at Pueblo pursuant to a judicial determination of not guilty by reason of insanity and those persons committed under section 16-8-106 (1), C.R.S., relating to commitments for observation and examination.

SECTION 150. Future appropriation. Although no appropriation is included in this act for the fiscal year beginning July 1, 1993, it appears that this act will require appropriations from the general fund for subsequent fiscal years, and the amount required to be appropriated for the fiscal year beginning July 1, 1994, is estimated to be three million one hundred forty-six thousand three hundred twenty-six dollars (\$3,146,326).

SECTION 151. Effective date. Sections 2, 26, 27, 150, 151, and 152 of this act shall take effect July 1, 1993, and the remainder of this act shall take effect July 1, 1994.

SECTION 152. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 3, 1993