

CHAPTER 302

**HUMAN SERVICES - SOCIAL SERVICES**

SENATE BILL 01-206

BY SENATOR(S) Hernandez;  
also REPRESENTATIVE(S) Clapp, Mace, Miller, Schultheis, Stafford, Stengel, Tapia, Tochtrop, and Williams S.

**AN ACT**

CONCERNING RECOMMENDATIONS OF THE SENATE COMMITTEE ON HEALTH, ENVIRONMENT, CHILDREN AND FAMILIES RELATING TO THE CONTINUATION OF REQUIREMENTS FOR CERTAIN REPORTS TO THE GENERAL ASSEMBLY FROM EXECUTIVE AGENCIES UNDER ARTICLE 6.5 OF TITLE 25 TO ARTICLE 15 OF TITLE 27, COLORADO REVISED STATUTES, AND, IN CONNECTION THEREWITH, REPEALING REPORTING REQUIREMENTS TO THE GENERAL ASSEMBLY THAT ARE OBSOLETE.

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

**SECTION 1. Repeal.** 24-1-136 (11) (a) (II) (D) and (11) (a) (II) (E), Colorado Revised Statutes, are repealed as follows:

**24-1-136. "Information Coordination Act" - policy - functions of the heads of principal departments.** (11) (a) (II) All requirements for reports to the general assembly by executive agencies or the judicial branch that were in existence before July 1, 1996, or that otherwise are not covered by subparagraph (I) of this paragraph (a), shall expire on the following dates:

(D) ~~Requirements imposed under part 2 of article 32 of title 24 to article 6 of title 25, C.R.S., July 1, 2000;~~

(E) ~~Requirements imposed under article 6.5 of title 25 to article 8 of title 32, C.R.S., July 1, 2001;~~

**SECTION 2.** 26-2-136 (2), Colorado Revised Statutes, is amended to read:

**26-2-136. Personal identification systems for public assistance and medical assistance - committee to select methods.** (2) The personal identification committee shall study and recommend what security measures, such as individual personal identification numbers, photo identification, fingerprint identification, or

---

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

retinal scanning, should be used to identify applicants for purposes of determining whether a person applying for public assistance or medical assistance is eligible to receive such benefits. In making such recommendations, the committee shall consider the extent of the security problem, the cost of possible security measures, which measures, if any, will be most cost-effective, and which will be the most successful at preventing and detecting fraud and duplicate participation. ~~The state department and the department of health care policy and financing, within ninety days after receiving the committee's report, shall report to the house and senate health, environment, welfare, and institutions committees of the general assembly on their recommendations on implementing the committee's recommendations. The general assembly shall by bill determine what recommendations, if any, to implement.~~

**SECTION 3. Repeal.** 26-2-706 (5) (b), Colorado Revised Statutes, is repealed as follows:

**26-2-706. Target populations.** (5) (b) ~~The state department shall submit a report to the members of the general assembly no later than July 1, 1998.~~

**SECTION 4.** 26-4-123 (3), (5), and (8), Colorado Revised Statutes, are amended to read:

**26-4-123. Managed mental health services feasibility study - waiver - pilot program.** (3) (a) If a determination is made by the state department and the department of human services, based on the feasibility study required in subsection (1) of this section, that the implementation of one or more model or proposed program modifications would be cost-effective, and if all necessary federal waivers are obtained, the state department shall establish a pilot prepaid capitated system for providing comprehensive mental health services. The state department shall promulgate rules as necessary for the implementation and administration of the pilot program. ~~The pilot program shall terminate on July 1, 1997. If the pilot program is implemented, the state department and the department of human services shall submit to the house and senate committees on health, environment, welfare, and institutions on or before July 1, 1996, a preliminary status report on the pilot program.~~

(b) ~~In addition to the preliminary report described in paragraph (a) of this subsection (3), the state department and the department of human services shall submit a final report to the house and senate committees on health, environment, welfare, and institutions no later than January 1, 1997, addressing the following:~~

~~(I) An assessment of the pilot program costs, estimated cost-savings, benefits to recipients, recipient access to mental health services, and the impact of the program on recipients, providers, and the state mental health system;~~

~~(II) Recommendations concerning the feasibility of proceeding with a prepaid capitated system of comprehensive mental health services on a statewide basis;~~

~~(III) Recommendations resulting from consultation with local consumers, family members of recipients, providers of mental health services, and local human services agencies;~~

~~(IV) Recommendations concerning the role of community mental health centers~~

~~under the prepaid capitated system, including plans to protect the integrity of the state mental health system and to ensure that community mental health providers are not exposed to undue financial risks under the prepaid capitated system. This subparagraph (IV) is based on the unique and historical role that community mental health centers have assumed in meeting the mental health needs of communities throughout the state.~~

(5) On or before January 1, 1997, the state department shall seek the necessary waivers to implement the system statewide. No later than July 1, 1997, or ninety days after receipt of the necessary federal waivers, whichever occurs later, the department of human services, in cooperation with the state department, shall begin to implement on a statewide basis a prepaid capitated system for providing comprehensive mental health services to recipients under the state medical assistance program. The prepaid capitated system shall be fully implemented no later than January 1, 1998, or six months after receipt of the necessary waivers, whichever occurs later. The waiver request shall be consistent with the report submitted to the general assembly in accordance with subsection (3) of this section.

~~(8) The implementation of this subsection (8) and subsections (4) to (7) of this section is conditioned upon the receipt of necessary federal waivers. The implementation of the statewide system shall conform to the provisions of the federal waiver. except that, no later than ninety days after receipt of the federal waivers, the state department shall submit to the general assembly a report that outlines the provisions of the waiver and makes recommendations for legislation during the next legislative session that assures state conformance to the federal waivers.~~

**SECTION 5.** 26-4-506.7 (6), Colorado Revised Statutes, is amended to read:

**26-4-506.7. Private-public partnership education and information program concerning long-term care insurance authorized.** (6) The state department, if funds are available, shall contract with a public or private entity to conduct an evaluation of the public education-awareness program on or before December 1, 2000. ~~The state department shall provide a written report to the health, environment, welfare, and institutions committees of the house of representatives and senate of the general assembly based on the independent evaluation. The report shall include an assessment of an information campaign and the effectiveness of training. In addition, the report shall identify any cost-savings to the medical assistance program, any impact on the program as a result of the availability of long-term care policies, and the availability of resource and estate recovery exemptions, with any recommendations for legislative changes.~~

**SECTION 6.** 26-4-509.2 (9), Colorado Revised Statutes, is amended to read:

**26-4-509.2. Children's personal assistance services and family support program.** (9) The state department is directed to study the advisability of setting an upper limit on parental income for participation in this program and other children's medicaid waiver programs. ~~On or before November 1, 1997, the state department shall report its findings and recommendations to the joint budget committee of the general assembly.~~

**SECTION 7. Repeal.** 26-4-526 (7), Colorado Revised Statutes, is repealed as

follows:

**26-4-526. Purchase access to medicaid program.** (7) ~~The department shall submit an interim report to the health, environment, welfare, and institutions committees of the house of representatives and senate on or before January 1, 1992. The department shall submit a final report to the health, environment, welfare, and institutions committees of the house of representatives and senate on or before January 1, 1993. The final report shall include an evaluation of the feasibility and efficacy of implementing the purchase access to medicaid program and the costs, numbers of potential eligible participants, services to be covered, and administrative needs and costs.~~

**SECTION 8.** The introductory portion to 26-4-903 (6), Colorado Revised Statutes, is amended to read:

**26-4-903. Pilot program - consumer-directed attendant support.** (6) The state department and the department of human services shall conduct an independent evaluation of the pilot program to be completed by the end of the third year and by the end of the sixth year of the program and a report of such evaluation shall be provided to the general assembly ~~by September 1, 2000, and by September 1, 2002.~~ ~~The departments shall report to the general assembly by September 1, 2000, and by September 1 of each year thereafter concerning the following:~~

**SECTION 9.** 26-5-105.5 (3.5), Colorado Revised Statutes, is amended to read:

**26-5-105.5. Pilot programs - county performance agreements - state department certificate program - authorized - repeal.** (3.5) **Evaluation.** (a) The state department is authorized to contract for an external evaluation of the performance agreements authorized pursuant to paragraphs (a) and (b) of subsection (1) of this section. Any such external evaluation shall include any evaluation that may be required in connection with any waiver authorized pursuant to section 26-5-105.3. Criteria for and components of the evaluation shall be developed by the state department with input from the pilot counties authorized pursuant to this section. ~~The entity that the state department selects to perform the evaluation shall complete a progress report on the evaluation no later than July 1, 2000, and shall provide copies of its report to the governor, the general assembly, and the chief justice of the supreme court.~~

~~(b) The state department, with input from the counties, shall develop recommendations for statewide implementation of system reforms for the delivery of child welfare services. The plan shall be submitted to the general assembly and the chief justice of the supreme court no later than December 1, 2000. Further statewide implementation of systems reforms shall be based upon the recommendations of this report.~~

**SECTION 10.** 26-13-105 (1) (f) (II), (3) (a) (IV), and (3) (b), Colorado Revised Statutes, are amended to read:

**26-13-105. Child support enforcement services - review.** (1) Subject to the provisions of section 26-13-104, the child support enforcement program shall include the following, as required by federal law:

(f) (II) The state department shall review the cost associated with conducting the annual reviews required in this paragraph (f) and the number of full-time equivalent employees (FTE) of the state department required to complete the reviews. The state department shall examine and evaluate the feasibility and cost-effectiveness of privatizing this function. ~~The state department shall report to the joint budget committee of the general assembly on or before January 1, 1999, concerning the costs associated with the annual reviews and the anticipated costs associated with privatizing the auditing function required by this paragraph (f):~~

(3) (a) In addition to the annual review required by paragraph (f) of subsection (1) of this section, or as a part of such review, the state department shall evaluate the cost and effectiveness of each of the provisions implemented by House Bill 97-1205. Such evaluation shall include a review of the following:

(IV) Such additional data as may be necessary. ~~to report to the joint budget committee of the general assembly as required in paragraph (b) of this subsection (3):~~

(b) ~~The state department shall report to the members of the joint budget committee of the general assembly on or before January 1, 1999, concerning the following:~~

(I) ~~The amount of increase, if any, in support collection attributable to the implementation of each new measure set forth in House Bill 97-1205;~~

(II) ~~The cost, in federal, state, and county dollars, associated with the implementation of each new measure of House Bill 97-1205; and~~

(III) ~~The number of full-time equivalent employees (FTE) necessitated by the implementation of each new measure contained in House Bill 97-1205 at the state level and at the county level.~~

**SECTION 11.** 26-19-106 (1), Colorado Revised Statutes, is amended to read:

**26-19-106. Annual savings report.** (1) By October 1 of each year, the department shall submit to the joint budget committee of the general assembly, TO THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES, TO THE HEALTH, ENVIRONMENT, CHILDREN, AND FAMILIES COMMITTEE OF THE SENATE, and to the office of state planning and budgeting an annual savings report stating the cost-savings anticipated in the previous, current, and subsequent fiscal years from health care program reforms, consolidations, and streamlining.

**SECTION 12.** 26-2-708 (5) (d), Colorado Revised Statutes, is amended to read:

**26-2-708. Benefits - assessment - individual responsibility contract - screening for domestic violence.** (5) The state board shall establish through rules, after consultation with domestic violence service providers, statewide standards and procedures that:

(d) Require counties to submit requests for waivers of work requirements to the state department to determine whether good cause exists to grant such waivers; ~~and require the state department to report the number of such waivers that it grants in~~

~~each county to the welfare oversight committee created in section 26-2-722;~~

**SECTION 13.** 26-2-712 (9) (b), Colorado Revised Statutes, is amended to read:

**26-2-712. State department duties - authority. (9) Waiver process.** (b) Any application for a waiver shall include a statement of the purpose of the waiver. The application shall be submitted to the governor and the state department no later than October 1 of the year immediately preceding the year in which the county intends to implement the waiver. The county shall provide notice of its application to all adjacent counties. ~~The county shall also provide a copy of its application to the welfare oversight committee created in section 26-2-722.~~ The governor and the state department shall grant or deny the county's application no later than December 1 of the year in which the county applied. A waiver granted pursuant to this subsection (9) shall take effect on January 1 of the year immediately following approval of such waiver. The governor and the state department shall specify the duration of such waivers.

**SECTION 14.** 26-2-723 (2) and (3), Colorado Revised Statutes, are amended to read:

**26-2-723. Evaluation - audit committee - repeal.** (2) No later than August 1, 1998, the state auditor's office shall issue a request for proposals for a public or private entity to conduct the evaluation. The state auditor's office shall seek input from ~~the welfare oversight committee created pursuant to section 26-2-722,~~ a statewide association of counties, any county that is not represented by such an association, the state department, and representatives of advocate groups in developing the request for proposals for the evaluation.

~~(3) (a) No later than December 31 of each state fiscal year, the state auditor's office shall prepare a progress report on the evaluation required pursuant to this section and shall present such report to the members of the audit committee and the welfare oversight committee at a public meeting.~~

~~(b) No later than sixty days after the completion of the evaluation, the state auditor's office shall prepare a final report on the evaluation and shall present such report to the members of the audit committee and the welfare oversight committee at a public hearing.~~

**SECTION 15. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 5, 2001