

## CHAPTER 28

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**HUMAN SERVICES - SOCIAL SERVICES**

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**HOUSE BILL 05-1084**

BY REPRESENTATIVE(S) King, Berens, Boyd, Clapp, Coleman, Frangas, Green, Hefley, Hoppe, Jahn, Marshall, Paccione, Ragsdale, Schultheis, Stafford, Sullivan, Todd, Carroll M., Merrifield, and Riesberg;  
also SENATOR(S) Keller, Groff, Hanna, Isgar, Kester, Sandoval, Shaffer, Tapia, Williams, and Windels.

**AN ACT****CONCERNING PROVIDERS OF RESIDENTIAL TREATMENT SERVICES.**

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

**SECTION 1.** Part 1 of article 1 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**26-1-132. Department of human services - rate setting - residential treatment service providers - monitoring and auditing - report.** (1) THE STATE DEPARTMENT SHALL DEVELOP A RATE-SETTING PROCESS CONSISTENT WITH MEDICAID REQUIREMENTS FOR PROVIDERS OF RESIDENTIAL TREATMENT SERVICES IN THE STATE OF COLORADO. REPRESENTATIVES OF COUNTIES AND THE PROVIDER COMMUNITY SHALL BE INVOLVED IN THE ACTUAL DEVELOPMENT OF THE RATE-SETTING PROCESS. THE RATE-SETTING PROCESS DEVELOPED PURSUANT TO THIS SECTION MAY INCLUDE, BUT SHALL NOT BE LIMITED TO:

(a) A RANGE FOR REIMBURSEMENT THAT REPRESENTS A BASE-TREATMENT RATE FOR SERVING A CHILD WHO IS SUBJECT TO OUT-OF-HOME PLACEMENT DUE TO DEPENDENCY AND NEGLECT, A CHILD PLACED IN A RESIDENTIAL CHILD CARE FACILITY PURSUANT TO THE CHILD MENTAL HEALTH TREATMENT ACT, ARTICLE 10.3 OF TITLE 27, C.R.S., OR A CHILD WHO HAS BEEN ADJUDICATED A DELINQUENT, WHICH INCLUDES A DEFINED SERVICE PACKAGE AND DOES NOT LINK THE RATE TO THE CHILD'S EVALUATION OR ASSESSMENT;

(b) A REQUEST FOR PROPOSAL TO CONTRACT FOR SPECIALIZED SERVICE NEEDS OF A CHILD, INCLUDING BUT NOT LIMITED TO: SUBSTANCE-ABUSE TREATMENT SERVICES; SEX OFFENDER SERVICES; AND SERVICES FOR THE DEVELOPMENTALLY DISABLED; AND

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

(c) NEGOTIATED INCENTIVES FOR ACHIEVING OUTCOMES FOR THE CHILD AS DEFINED BY THE STATE DEPARTMENT, COUNTIES, AND PROVIDERS.

(2) IN AUDITING RESIDENTIAL TREATMENT PROVIDERS, THE STATE DEPARTMENT SHALL APPLY COMPLIANCE REQUIREMENTS AND MONITORING FUNCTIONS CONSISTENTLY ACROSS ALL DIVISION AND MONITORING TEAMS.

(3) THE RATE-SETTING PROCESS DEVELOPED BY THE STATE DEPARTMENT, COUNTIES, AND PROVIDERS PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE RECOMMENDATIONS FOR A TWO- OR THREE-YEAR IMPLEMENTATION TIMELINE WITH IMPLEMENTATION BEGINNING IN STATE FISCAL YEAR 2007-08.

(4) (a) THE STATE DEPARTMENT, IN CONJUNCTION WITH THE COUNTIES AND PROVIDERS, SHALL SUBMIT AN INITIAL REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY ON OR BEFORE JULY 1, 2006. THE REPORT SHALL INCLUDE THE RATE-SETTING PROCESS AND THE RECOMMENDED IMPLEMENTATION TIMELINE DEVELOPED PURSUANT TO THIS SECTION.

(b) THE STATE DEPARTMENT, REPRESENTATIVES OF THE COUNTIES, AND THE PROVIDER COMMUNITY SHALL REVIEW THE RATE-SETTING PROCESS EVERY TWO YEARS AND SHALL SUBMIT ANY RECOMMENDED CHANGES TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY.

**SECTION 2. 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 (August 10, 2005, if adjournment sine die is on May 11, 2005); 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: April 5, 2005