

CHAPTER 315

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 08-1366

BY REPRESENTATIVE(S) Pommer, Buescher, White, Benefield, Borodkin, Butcher, Ferrandino, Frangas, Middleton, Riesberg, Soper, Stafford, and Todd;
also SENATOR(S) Keller, Morse, Johnson, Gibbs, Gordon, Groff, Shaffer, Tochtrop, and Williams.

AN ACT

CONCERNING THE RECODIFICATION OF CURRENT STATUTORY PROVISIONS FOR EARLY INTERVENTION SERVICES AS RELATED TO PART C CHILD FIND OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004".

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

SECTION 1. 27-10.5-102, Colorado Revised Statutes, is amended to read:

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

(1) "Authorized representative" means an individual designated by the person receiving services, or by the parent or guardian of the person receiving services, if appropriate, to assist the person receiving services in acquiring or utilizing services or supports pursuant to this article. The extent of the authorized representative's involvement shall be determined upon designation.

(2) "Case management services" means the following:

- (a) The determination of eligibility for services and supports;
- (b) Service and support coordination; and

(c) The monitoring of all services and supports delivered pursuant to the individualized plan, and the evaluation of results identified in the individualized plan.

(2.5) ~~"Child find" means the program component of IDEA that requires states 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.

~~find, identify, locate, evaluate, and serve all children with disabilities, from birth to twenty-one years of age. Specific responsibilities for child find are described in section 22-20-118, C.R.S. Child find includes:~~

~~(a) Part C child find, which means the program component of IDEA that requires states to find, identify, locate, evaluate, and serve children from birth through two years of age; and~~

~~(b) Part B child find, which means the program component of IDEA that requires states to find, identify, locate, evaluate, and serve children from three to twenty-one years of age.~~

(3) "Community centered board" means a private corporation, for profit or not for profit, ~~which~~ THAT, when designated pursuant to section 27-10.5-105, provides case management services to persons with developmental disabilities, is authorized to determine eligibility of ~~such~~ THOSE persons within a specified geographical area, serves as the single point of entry for persons to receive services and supports under this article, and provides authorized services and supports to ~~such~~ THOSE persons either directly or by purchasing ~~such~~ services and supports from service agencies.

(4) "Community residential home" means a group living situation accommodating at least four but no more than eight persons, licensed by the state, where services and supports are provided to persons with developmental disabilities.

(5) "Consent" means an informed assent ~~which~~ THAT is expressed in writing and is freely given. Consent ~~always~~ shall ALWAYS be preceded by the following:

(a) A fair explanation of the procedures to be followed, including an identification of ~~those which~~ PROCEDURES THAT are experimental;

(b) A description of the attendant discomforts and risks;

(c) A description of the EXPECTED benefits; ~~to be expected;~~

(d) A disclosure of appropriate alternative procedures together with an explanation of the respective benefits, discomforts, and risks;

(e) An offer to answer any inquiries concerning procedures;

(f) An instruction that the person giving consent is free to withdraw ~~such~~ consent and to discontinue participation in the project or activity at any time; and

(g) A statement that withholding or withdrawal of consent shall not prejudice future provision of appropriate services and supports to individuals.

(6) "Contribution" means the benefits gained by the household or community in which a person lives as the result of the person engaging in meaningful activities, including, but not limited to, income producing work, volunteer work, continuing education, and participation in community activities.

(7) "Court" means a district court of the state of Colorado or the probate court in

the city and county of Denver.

(8) "Department" means the department of human services.

(9) "Designated service area" means the geographical area specified by the executive director to be served by a designated community centered board.

(10) "Developmental disabilities professional" means a person who has professional training and experience in the developmental disabilities field, as defined by the department.

(11) (a) "Developmental disability" means a disability that is manifested before the person reaches twenty-two years of age, ~~which~~ THAT constitutes a substantial disability to the affected individual, and THAT is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism, or other neurological conditions when ~~such~~ THOSE conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation. Unless otherwise specifically stated, the federal definition of "developmental disability" found in 42 U.S.C. sec. 15001 et seq. shall not apply.

(b) "Person with a developmental disability" means a person determined by a community centered board to have a developmental disability and shall include a child with a developmental delay.

(c) "Child with a developmental delay" means:

(I) A person less than five years of age with delayed development as defined by the department; or

(II) A person less than five years of age who is at risk of having a developmental disability as defined by the department.

(12) "Early intervention services and supports" means SERVICES DESCRIBED IN AND PROVIDED PURSUANT TO PART 7 OF THIS ARTICLE, INCLUDING education, training, and assistance in child development, parent education, therapies, and other activities for infants and toddlers and their families ~~which~~ THAT are designed to meet the developmental needs of infants and toddlers including, but not limited to, cognition, speech, communication, physical, motor, vision, hearing, social-emotional, and self-help skills.

(13) "Eligible for supports and services" refers to any person with a developmental disability as determined eligible by the community centered boards, pursuant to section 27-10.5-106.

(13.5) "~~Evaluation~~" means:

(a) ~~For purposes of part C child find, procedures used to determine a child's initial and continuing eligibility for part C child find, including but not limited to:~~

(f) ~~Determining the status of the child in each of the developmental areas;~~

~~(H) Identifying the child's unique strengths and needs;~~

~~(HH) Identifying any early intervention services that might serve the child's needs; and~~

~~(IV) Identifying priorities and concerns of the family and resources to which the family has access;~~

~~(b) For the purposes of part B child find, procedures used under IDEA for children with disabilities to determine whether a child has a disability and the nature and extent of special education and related services that the child will need.~~

(14) "Executive director" means the executive director of the department of human services.

(15) (a) "Family" means the interdependent group of persons that consists of:

(I) A parent, child, sibling, grandparent, aunt, uncle, spouse, or any combination thereof and a family member with a developmental disability;

(II) An adoptive parent of and a family member with a developmental disability;

(III) One or more persons to whom legal custody of a person with a developmental disability has been given by a court and in whose home such person resides; or

(IV) Any other family unit as may be defined in rules ~~and regulations~~ developed pursuant to section 27-10.5-407.

(b) Department rules ~~and regulations~~ shall define the families ~~who~~ THAT are eligible to receive services and supports pursuant to this article.

(16) "Gastrostomy ~~tubes~~ TUBE" means a tube ~~which~~ THAT has been surgically inserted into the stomach through the abdominal wall, or a tube ~~which~~ THAT has been inserted through the nasal passage into the stomach, or both.

(17) "Human rights committee" means a third-party mechanism to adequately safeguard the legal rights of persons receiving services by participating in the granting of informed consent, monitoring the suspension of rights of persons receiving services, monitoring behavior development programs in which persons with developmental disabilities are involved, monitoring the use of psychotropic medication by persons with developmental disabilities, and at the committee's option, either providing or ensuring the investigation of allegations of abuse or neglect of persons with developmental disabilities who are receiving services or supports under this article.

(17.5) "IDEA" means the federal "Individuals with Disabilities Education Improvement Act of 2004", 20 U.S.C. sec. 1400 et seq., as amended, and its implementing regulations, 34 CFR part 303.

(18) "Inclusion" means:

(a) The use by persons with developmental disabilities of the same community resources that are used by and available to other persons;

(b) The participation by persons with developmental disabilities in the same community activities in which persons without developmental disabilities participate. Participation includes regular contact with persons without developmental disabilities.

(c) Vocational experiences for persons with developmental disabilities in community settings that offer opportunities to associate with other individuals who do not have developmental disabilities; and

(d) Living in homes ~~which~~ THAT are in residential neighborhoods and in proximity to community resources.

(19) "Independent residential support services" means a community living situation, defined by the department, where services and supports are provided to no more than three persons with developmental disabilities ~~which~~ AND THAT is not required to be licensed by the state.

(20) (a) "Individualized plan" means a written plan designed by an interdisciplinary team for the purpose of identifying:

(I) The needs of the person or family receiving services;

(II) The specific services and supports appropriate to meet those needs;

(III) The projected date for initiation of services and supports; and

(IV) The anticipated results to be achieved by receiving the services and supports.

(b) Every individualized plan will include a statement of agreement with the plan, signed by the person receiving services or other such person legally authorized to sign on behalf of the person and a representative of the community centered board.

(c) Any other service or support plan, designated by the department, ~~which~~ THAT meets all of the requirements of an individualized plan will be considered to be an individualized plan pursuant to this article.

(d) (I) Every individualized plan that includes the provision of respite care for medical purposes, pursuant to section 27-10.5-104, shall include a process by which the person receiving services and supports may receive necessary care if the person's family or caregiver is unavailable due to an emergency situation or unforeseen circumstances. The family or caregiver shall be duly informed by the interdisciplinary team of these alternative care provisions at the time the individualized plan is initiated.

(II) Nothing in this paragraph (d) requires the provision of respite care, only that each individual plan that includes the provision of respite care for medical purposes have a contingency plan.

(20.5) "INDIVIDUALIZED FAMILY SERVICE PLAN" OR "IFSP" MEANS A WRITTEN PLAN DEVELOPED PURSUANT TO 20 U.S.C. SEC. 1436 AND 34 CFR 303.340 THAT AUTHORIZES THE PROVISION OF EARLY INTERVENTION SERVICES TO AN ELIGIBLE CHILD AND THE CHILD'S FAMILY. AN IFSP SHALL SERVE AS THE INDIVIDUALIZED PLAN, PURSUANT TO SECTION 27-10.5-102 (20) (c), FOR A CHILD FROM BIRTH THROUGH TWO YEARS OF AGE.

(21) "Infants and toddlers" means a child with a developmental delay from birth ~~to the age of three years~~ THROUGH TWO YEARS OF AGE.

(22) "Interdependence" means those multiple interactive relationships ~~which~~ THAT are necessary to create a sense of belonging and support between people ~~which~~ THAT are mutually sought, sustained over time, and ~~are~~ beneficial to those involved.

(23) "Interdisciplinary team" means a group of people convened by a designated community centered board ~~which~~ THAT shall include the person receiving services, the parents or guardian of a minor, a guardian or an authorized representative, as appropriate, the person who coordinates the provisions of services and supports, and others as determined by ~~such~~ THE person's needs and preference, who are assembled to work in a cooperative manner to develop or review the individualized plan.

(24) "Least restrictive setting" means an environment that represents the least departure from the normal patterns of living and ~~which~~ THAT effectively meets the needs of the person receiving services.

(25) "Person receiving services" means a person with a developmental disability who is receiving services or supports pursuant to this article.

(26) "Referral and placement committee" means an interdisciplinary or interagency committee authorized by a community centered board or the department to make referral and placement recommendations for persons receiving services.

(27) "Regional center" means a facility or program operated directly by the department ~~which~~ THAT provides services and supports to persons with developmental disabilities.

(28) "Service agency" means an individual or any publicly or privately operated program, organization, or business providing services or supports for persons with developmental disabilities.

(29) "Service and support coordination" means planning, locating, facilitating access to, coordinating, and reviewing all aspects of needed services, supports, and resources ~~which~~ THAT are provided in cooperation with the person receiving services, ~~such~~ THE person's family as appropriate, the family of a child with a developmental delay, and the involved public or private agencies. Planning includes the development or review of an existing individualized plan. "Service and support coordination" also includes the reassessment of the needs of the person receiving services or the needs of the family of ~~such~~ THE person, with maximum participation of the person receiving services and the person's parents, guardian, or authorized representative, as appropriate.

(30) "Services and supports" means one or more of the following: Education, training, independent or supported living assistance, therapies, identification of natural supports, and other activities provided to:

(a) Enable persons with developmental disabilities to make increasingly responsible choices, exert greater control over their lives, experience presence and inclusion in their communities, develop their competencies and talents, maintain relationships, foster a sense of belonging, and experience personal security and self-respect;

(b) Enhance child development and healthy parent-child and family interaction for eligible infants and toddlers and their families PURSUANT TO PART 7 OF THIS ARTICLE; and

(c) Enable families, who choose or desire to maintain a family member with a developmental disability at home, to obtain support and to enjoy a typical lifestyle.

(31) "Sterilization" means any surgical or other medical procedure ~~which~~ THAT has as its primary purpose to render a person permanently incapable of reproduction.

SECTION 2. 27-10.5-103 (1) (h) and (2) (1), Colorado Revised Statutes, are amended to read:

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

(h) Conduct appropriate part C child find activities as described in section ~~27-10.5-140~~ 27-10.5-704. Part C child find activities conducted by the department shall include, but need not be limited to, case management, referral, transitions, and public education outreach and awareness of early intervention services.

(2) The executive director shall adopt such rules, in accordance with section 24-4-103, C.R.S., as are necessary to carry out the provisions and purposes of this article, including but not limited to the following subjects:

(1) Child find activities, as described in section ~~27-10.5-140~~ 27-10.5-704.

SECTION 3. 27-10.5-104 (1) and (3), Colorado Revised Statutes, 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 ~~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:

(a) Family support services, including an array of supportive services provided to the person receiving services and the person's family, ~~which~~ THAT enable the family to maintain ~~such~~ THE person in the family home, thereby preventing or delaying the need for out-of-home placement ~~which~~ THAT is unwanted by the person or the family, pursuant to section 27-10.5-401;

(b) Early intervention services and supports ~~which~~ THAT offer infants and toddlers and their families services and supports to enhance child development in the areas of cognition, speech, communication, physical, motor, vision, hearing, social-emotional development, and self-help skills; parent-child or family interaction; and early identification, screening, and assessment services ~~which~~ THAT are provided PURSUANT TO PART 7 OF THIS ARTICLE;

~~(f) To families at no cost or through the application of a sliding fee schedule;~~

~~(H) For families to enable them to coordinate and advocate for the appropriate services and supports;~~

~~(HH) In conformity with an individualized plan as specified by the department; and~~

~~(IV) In collaboration with a local school district, if the child is three years of age or older;~~

(c) Case management services;

(d) Respite care services, ~~which include~~ INCLUDING temporary care of a person with a developmental disability in order to offer relief to the person's family or caregiver, or to allow the family or caregiver to deal with emergency situations or to engage in personal, social, or routine activities and tasks that otherwise may be neglected, postponed, or curtailed due to the demands of caring for a person who has a developmental disability;

(e) Day services and supports ~~which~~ THAT offer opportunities for persons with developmental disabilities to experience and actively participate in valued adult roles in the community. These services and supports will enable persons receiving services to access and participate in community activities, such as work, recreation, higher education, and senior citizen activities. Day services and supports, including early intervention services, may also include the administration of nutrition or fluids through gastrostomy tubes, if administered by an individual authorized pursuant to section 27-10.5-103 (2) (k) and supervised by a licensed nurse or physician.

(f) Residential services and supports, ~~which include~~ INCLUDING an array of training, learning, experiential, and support activities provided in living alternatives designed to meet the individual needs of persons receiving services and may include the administration of nutrition or fluids through gastrostomy tubes, if administered by an individual authorized pursuant to section 27-10.5-103 (2) (k) and supervised by a licensed nurse or physician;

(g) Ancillary services, ~~which include~~ INCLUDING activities that are secondary but integral to the provision of the services and supports specified in this subsection (1).

(3) Service and support coordination shall be purchased from the community centered board designated pursuant to section 27-10.5-105, except ~~pursuant to~~ AS OTHERWISE PROVIDED IN subsection (4) of this section AND IN PART 7 OF THIS ARTICLE.

SECTION 4. 27-10.5-105, Colorado Revised Statutes, 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 human services in the form and manner specified by the executive director. Designation shall be based on the following factors:

(a) Utilization of existing service agencies or existing social networks or natural sources of support in the designated service area;

(b) Encouragement of competition among service agencies within the designated service area to provide newly identified services or supports, the variety of service agencies available to the person receiving services within the designated service area, and the demonstrated effort to purchase new or expanded services or supports from service agencies other than those affiliated with the community centered board;

(c) Utilization of state-funded services and supports administered at the local level, including but not limited to public education, social services, public health, and rehabilitation programs;

(d) Quality of services and supports provided directly or by contract for persons with developmental disabilities;

(e) The establishment of new services and supports for the prevention of institutionalization, the support of deinstitutionalization, and a commitment to innovative, effective, and inclusive services and supports for persons with developmental disabilities;

(f) The willingness of the applicant to pursue authorized services and supports from all eligible persons within the designated service area.

(2) Once a community centered board has been designated pursuant to this section, it shall, subject to available appropriations:

(a) Be under the control and direction of a board of directors or trustees comprised of one or more persons from each of the following categories:

(I) Interested persons representing the community at large;

(II) Family members of persons with developmental disabilities who are receiving services or supports; and

(III) Persons with developmental disabilities who are receiving services or

supports;

(b) Adopt bylaw provisions to ensure that:

(I) Members of the governing board are prohibited from voting on issues in which they have a conflict of interest;

(II) Staff members of the community centered board and employees or board members of service agencies within the designated service area shall not serve on the governing board;

(III) Staff members of the community centered board and employees or board members of service agencies within the designated service area are prohibited from voting in elections for members of the governing board; and

(IV) Board meetings shall be scheduled after adequate notice and shall be open to the public; except that by vote of a two-thirds majority of members present the board may elect to address the following matters in executive session:

(A) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest;

(B) Conferences with an attorney for the purpose of receiving legal advice on specific legal questions;

(C) Matters required to be kept confidential by federal or state law or rules or regulations;

(D) Specialized details of security arrangements or investigations;

(E) Determining positions relative to matters that may be subject to negotiations;

(F) Developing strategy for negotiations and instructing negotiators; and

(G) Personnel matters;

(c) Determine the needs of eligible persons within the community centered board designated service area and prepare and implement a long-range plan and annual updates to that plan for the development and coordination of services and supports to address those needs. The needs determination and designated service area plans or annual update shall be submitted to the department.

(d) Determine eligibility based in part upon information received concerning the screening and evaluation performed by the administrative units pursuant to section 22-20-118, C.R.S., for a child with disabilities who is less than three years of age; and develop individualized plans for persons with developmental disabilities who are eligible for such services and supports pursuant to section 27-10.5-106; An individualized plan for a child with disabilities who is less than three years of age shall be developed in collaboration with a representative from the administrative unit who participated in the child's screening and evaluation performed pursuant to section 22-20-118, C.R.S. The representative shall participate in the initial meeting

~~for the development of the child's individualized plan.~~ EXCEPT THAT, FOR A CHILD FROM BIRTH THROUGH TWO YEARS OF AGE, ELIGIBILITY DETERMINATION AND DEVELOPMENT OF AN INDIVIDUALIZED FAMILY SERVICE PLAN SHALL BE MADE PURSUANT TO PART 7 OF THIS ARTICLE;

(e) Provide case management services, including service and support coordination and periodic reviews, for persons receiving services and families with children with developmental disabilities;

(f) Establish a referral and placement committee, in conformance with department rules, ~~and regulations~~, to provide recommendations on placement for persons receiving services and access to programs based on identified eligibility criteria;

(g) Obtain or provide early intervention services and supports ~~including~~: PURSUANT TO PART 7 OF THIS ARTICLE;

~~(f) Service and support coordination with families of eligible infants and toddlers. The purpose of service and support coordination is to enable families to utilize service systems to meet their needs in an effective manner and increase their confidence and competence. Service and support coordination is to be rendered in an interagency context which emphasizes interagency collaboration. Families shall have, to the extent possible, a choice as to who shall perform certain facets of service and support coordination as established in the family's individualized plan.~~

~~(H) Coordination of early intervention services and supports with local agencies and other community resources at the local level to avoid duplication and fragmentation of the early intervention program. The community centered board shall:~~

~~(A) Coordinate with the local interagency effort regarding outreach, identification, screening, and multidisciplinary assessment, and eligibility determination for families served by the community centered boards who request such services;~~

~~(B) Coordinate with the local family support services program;~~

~~(C) Coordinate with appropriate state agencies providing programs for infants and toddlers;~~

(h) Take steps to notify eligible persons, and their families as appropriate, regarding the availability of services and supports;

(i) Establish a human rights committee. ~~Such~~ THE committee shall, to the extent possible, be comprised of two professional persons trained in the application of behavior development techniques and three representatives of persons receiving services, their parents, legal guardians, or authorized representatives. No employee or board member of a service agency within the community centered board's designated service area shall serve as a member of the human rights committee.

(j) Pursuant to section ~~27-10.5-103~~ 27-10.5-704, collaborate with the department as it develops and implements a statewide plan for public education outreach and

awareness efforts related to part C child find and the availability of early intervention services.

(3) The executive director shall review each designated community centered board program to ensure that the program complies with the requirements and standards set forth in this article and the rules ~~and regulations~~ promulgated thereunder.

SECTION 5. 27-10.5-106, Colorado Revised Statutes, is amended to read:

27-10.5-106. Eligibility determination - individualized plan - periodic review - rules. (1) (a) Any person may request an evaluation to determine whether ~~that person~~ HE OR SHE has a developmental disability and is eligible to receive services and supports pursuant to this article. Application for eligibility determination shall be made to the designated community centered board in the designated service area where the person resides.

(b) Pursuant to contract with the department, ~~of 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~~ HIM OR HER. 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~~ THE procedure and criteria shall be uniform in nature and applied throughout the state in a consistent manner.

(2) Following intake and assessment by the designated community centered board, an individualized plan shall be developed within thirty days after the community centered board has determined that a person is eligible for services and supports. The individualized FAMILY SERVICE plan for a child with disabilities ~~who is less than three~~ FROM BIRTH THROUGH TWO years of age shall be developed ~~in compliance with IDEA part C and in coordination with IDEA part C child find evaluations where applicable, including the mandatory individualized plan meeting at which the family receives information concerning the results of the child find evaluation performed by administrative units pursuant to article 20 of title 22, C.R.S. PURSUANT TO SECTION 27-10.5-703.~~

(2.5) Subject to available appropriations pursuant to section 27-10.5-104 and to the availability of space within an individual service agency, the person with a developmental disability shall be provided options for services and supports within the designated service area ~~which~~ THAT can appropriately meet the person's identified needs, as identified pursuant to subsection (2) of this section, and may select the service agency from which to receive services or supports.

(3)(a) Each person receiving services shall receive periodic and adequate reviews to ascertain whether the services and supports specified in his or her individualized plan have been provided, ~~to~~ determine the appropriateness of current services and supports, ~~to~~ identify whether the results specified in the person's individualized plan have been achieved, and ~~to~~ modify and revise current services or supports to meet the identified needs of the person receiving services. Modifications or revisions to the individualized FAMILY SERVICE plan for a child with disabilities ~~who is less than~~

~~three~~ FROM BIRTH THROUGH TWO years of age shall be developed ~~in compliance with IDEA~~ PURSUANT TO SECTION 27-10.5-703.

(b) In order to accurately review the services and supports being provided, the community centered board or regional center may make cognitive, physical, medical, behavioral, social, vocational, educational, or other necessary types of evaluations of a person receiving services. The reviews shall be supervised by a developmental disabilities professional. The person receiving services, the parents or guardian of a minor, or the guardian of the person receiving services, and the authorized representative of the person receiving services may attend and shall receive adequate advance notice of the reviews. Parental or legal guardian consent must be obtained prior to administering evaluations for program review to minors. The results of a review shall be given to the person receiving services and to the person's parent, or guardian, as appropriate, and shall be made a part of the person's record.

(c) A person's individualized plan shall be reviewed at least annually; except that an individualized FAMILY SERVICE plan for a child with disabilities ~~who is less than three~~ FROM BIRTH THROUGH TWO years of age shall be reviewed as required ~~by IDEA~~ PURSUANT TO PART 7 OF THIS ARTICLE.

(4) (Deleted by amendment, L. 92, p. 1368, § 8, effective July 1, 1992.)

SECTION 6. 27-10.5-107 (1), Colorado Revised Statutes, is amended to read:

27-10.5-107. Procedure for resolving disputes over eligibility, modification of services or supports, and termination of services or supports. (1) Every state or local service agency receiving state funds pursuant to section 27-10.5-104 shall adopt a procedure for the resolution of disputes arising between the service agency and any recipient of, or applicant for, services or supports authorized under section 27-10.5-104. PROCEDURES FOR THE RESOLUTION OF DISPUTES REGARDING EARLY INTERVENTION SERVICES SHALL BE IN COMPLIANCE WITH IDEA. The procedures shall be consistent with rules ~~and regulations~~ promulgated by the executive director pursuant to article 4 of title 24, C.R.S., and shall be applicable to the following disputes:

(a) A contested decision that the applicant is not eligible for services or supports;

(b) A contested decision to provide, modify, reduce, or deny services or supports set forth in the individualized plan OR INDIVIDUALIZED FAMILY SERVICE PLAN of the person receiving services;

(c) A contested decision to terminate services or supports;

(d) A contested decision that the person receiving services is no longer eligible for services or supports.

SECTION 7. The introductory portion to 27-10.5-109 (6), Colorado Revised Statutes, is amended to read:

27-10.5-109. Community residential home - licenses - rules. (6) The

executive director and the state board of health shall promulgate such rules ~~and regulations~~ as are necessary to implement this section, pursuant to the provisions specified in article 4 of title 24, C.R.S. The rules ~~and regulations~~ shall include, but shall not be limited to, the following:

SECTION 8. 27-10.5-113, Colorado Revised Statutes, is amended to read:

27-10.5-113. Right to individualized plan or individualized family service plan. (1) Each person receiving services shall have an individualized plan, AN INDIVIDUALIZED FAMILY SERVICE PLAN, or a similar plan specified by the department that qualifies as an individualized plan, that is developed by the person's interdisciplinary team. The individualized FAMILY SERVICE plan for a child with disabilities ~~who is less than three~~ FROM BIRTH THROUGH TWO years of age shall be developed in compliance with ~~IDEA and in coordination with child find evaluations~~ where applicable, including the mandatory initial individualized plan meeting at which the family is provided with information concerning the results of the child find evaluation, performed by administrative units pursuant to article 20 of title 22, ~~C.R.S. PART 7 OF THIS ARTICLE.~~

(2) Pursuant to section 27-10.5-106, each individualized plan shall be reviewed at least annually and modified as necessary or appropriate; except that an individualized FAMILY SERVICE plan for a child with disabilities ~~who is less than three~~ FROM BIRTH THROUGH TWO years of age shall be reviewed as required by ~~IDEA~~ PURSUANT TO PART 7 OF THIS ARTICLE. A review shall consist of, but is not limited to, the determination by the interdisciplinary team as to whether the needs of the person receiving services are accurately reflected in the plan, whether the services and supports provided pursuant to the plan are appropriate to meet the person's needs, and what actions are necessary for the plan to be achieved.

SECTION 9. 27-10.5-120, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

27-10.5-120. Records and confidentiality of information pertaining to eligible persons or their families. (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO INTERFERE WITH THE PROTECTIONS AFFORDED TO A PERSON UNDER THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 1320d, AND THE FEDERAL "FAMILY EDUCATION RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g.

SECTION 10. Repeal. 27-10.5-140, Colorado Revised Statutes, is repealed as follows:

27-10.5-140. Child find - responsibilities - interagency operating agreements - rules. (1) ~~The department shall have the following responsibilities and duties for children from birth through two years of age who are referred for early intervention services:~~

~~(a) To develop and implement, in coordination with community centered boards, service agencies, governmental units, and the departments of education, public health and environment, and health care policy and financing, a statewide plan for public education outreach and awareness efforts related to child find and the~~

availability of early intervention services;

~~(b) To ensure referrals from the community are accepted and families are assisted in connecting with the appropriate agency for intake and case management services;~~

~~(c) To ensure intake and case management services are provided after a referral has been made. Pursuant to section 27-10.5-102 (3), community centered boards shall be the single entry point for a family into the developmental disabilities system.~~

~~(d) To work with community centered boards, administrative units, and the department of education to assist a child with disabilities as he or she transitions from the developmental disabilities system into the public education system at no later than three years of age, including the need for a transition conference at least ninety days prior to a child's third birthday and the responsibilities of the department with respect to the mandatory transition conference.~~

~~(2) To facilitate the implementation of child find activities that are the responsibility of the department pursuant to this section, and to implement an effective and collaborative system of early intervention, the department shall enter into any necessary interagency operating agreements at the state level, and community centered boards and other local agencies shall enter into any necessary interagency operating agreements at the local level.~~

~~(3) The executive director shall promulgate rules as necessary for the implementation of this section pursuant to section 27-10.5-103 to ensure that all IDEA timelines and requirements are met, including but not limited to administrative remedies if such timelines and requirements are not met.~~

~~(4) To facilitate implementation of part C child find and the use of medicaid funds, the department and community centered boards may, where appropriate, share information with the department of education, the department of health care policy and financing, or administrative units that are offering child find services pursuant to section 22-20-118, C.R.S., provided that each department or local agency acts in compliance with the federal "Health Insurance Portability and Accountability Act of 1996", 42 U.S.C. sec 132, as amended, and the federal "Family Education Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g and all federal regulations and applicable guidelines adopted thereto.~~

SECTION 11. Part 7 of article 10.5 of title 27, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

PART 7
COORDINATED SYSTEM OF PAYMENT FOR EARLY
INTERVENTION SERVICES FOR INFANTS AND TODDLERS

27-10.5-701. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) THERE IS AN URGENT AND SUBSTANTIAL NEED TO ENHANCE THE DEVELOPMENT OF INFANTS AND TODDLERS WITH DISABILITIES, TO MINIMIZE THEIR

POTENTIAL FOR DEVELOPMENTAL DELAY, AND TO RECOGNIZE THE SIGNIFICANT BRAIN DEVELOPMENT THAT OCCURS DURING A CHILD'S FIRST THREE YEARS OF LIFE;

(b) THE LONGER A CHILD'S DEVELOPMENTAL DELAYS ARE NOT ADDRESSED, THE MORE DEVELOPMENTAL DIFFICULTIES THE CHILD WILL EXPERIENCE IN THE FUTURE, THE LESS PREPARED THE CHILD WILL BE FOR SCHOOL, THE MORE SPECIAL EDUCATION NEEDS THE CHILD IS LIKELY TO HAVE, AND THE MORE COSTLY THOSE PROBLEMS WILL BE TO ADDRESS;

(c) THE CAPACITY OF FAMILIES TO MEET THE SPECIAL NEEDS OF THEIR INFANTS AND TODDLERS WITH DISABILITIES NEEDS TO BE SUPPORTED AND ENHANCED;

(d) COLORADO'S SYSTEM FOR PROVIDING EARLY INTERVENTION SERVICES TO ELIGIBLE INFANTS AND TODDLERS FROM BIRTH THROUGH TWO YEARS OF AGE WITH SIGNIFICANT DEVELOPMENTAL DELAYS AND DISABILITIES RELIES ON MULTIPLE SOURCES OF FUNDING;

(e) THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION, WHICH WAS THE SUCCESSOR OF THE CHILD CARE COMMISSION, WAS CREATED IN THE 2004 LEGISLATIVE SESSION TO STUDY, REVIEW, AND EVALUATE THE DEVELOPMENT OF PLANS FOR CREATING A COMPREHENSIVE EARLY CHILDHOOD SYSTEM;

(f) THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION EXTENSIVELY STUDIED AND EVALUATED ISSUES REGARDING EARLY INTERVENTION SERVICES FOR INFANTS AND TODDLERS WHO HAVE DELAYS IN DEVELOPMENT AND LEARNED THAT THERE IS NO COORDINATED SYSTEM OF PAYMENT FOR EARLY INTERVENTION SERVICES, RESULTING IN THE PROVISION OF DISJUNCTIVE OR INTERRUPTED SERVICES TO ELIGIBLE CHILDREN AND INADEQUATE REIMBURSEMENT OF EARLY INTERVENTION SERVICE PROVIDERS;

(g) THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION WAS ALSO INFORMED THAT MANY ELIGIBLE CHILDREN ARE COVERED AS DEPENDENTS BY THEIR PARENTS' HEALTH CARE PLANS, BUT SOME OF THE PLANS MAY DENY BENEFITS FOR EARLY INTERVENTION SERVICES, THEREBY ELIMINATING A SOURCE OF PRIVATE FUNDS FOR THE PAYMENT OF EARLY INTERVENTION SERVICES;

(h) PURSUANT TO PART C OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., THERE IS AN URGENT AND SUBSTANTIAL NEED TO FACILITATE THE COORDINATION OF PAYMENT FOR EARLY INTERVENTION SERVICES FROM FEDERAL, STATE, LOCAL, AND PRIVATE SOURCES, INCLUDING PUBLIC MEDICAL ASSISTANCE AND PRIVATE INSURANCE COVERAGE; AND

(i) EXISTING LEVELS OF LOCAL, STATE, FEDERAL, AND PRIVATE FUNDING MAY BE MORE EFFICIENTLY USED, MORE CHILDREN MAY BE SERVED, AND A HIGHER QUALITY OF SERVICES MAY BE PROVIDED IF THE EXISTING EARLY INTERVENTION SYSTEM IS MODIFIED TO CREATE A MORE COHERENT AND COORDINATED SYSTEM OF PAYMENT FOR EARLY INTERVENTION SERVICES.

27-10.5-702. Definitions. AS USED IN THIS PART 7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADMINISTRATIVE UNIT" MEANS A SCHOOL DISTRICT, A BOARD OF COOPERATIVE SERVICES, OR THE STATE CHARTER SCHOOL INSTITUTE THAT IS PROVIDING EDUCATIONAL SERVICES TO EXCEPTIONAL CHILDREN AND THAT IS RESPONSIBLE FOR THE LOCAL ADMINISTRATION OF THE EDUCATION OF EXCEPTIONAL CHILDREN PURSUANT TO ARTICLE 20 OF TITLE 22, C.R.S.

(2) "CARRIER" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 10-16-102 (8), C.R.S.

(3) "CERTIFIED EARLY INTERVENTION SERVICE BROKER" OR "BROKER" MEANS A COMMUNITY CENTERED BOARD OR OTHER ENTITY DESIGNATED BY THE DEPARTMENT TO PERFORM THE DUTIES AND FUNCTIONS SPECIFIED IN SECTION 27-10.5-708 IN A PARTICULAR DESIGNATED SERVICE AREA. NOTWITHSTANDING THE PROVISIONS OF SECTION 27-10.5-104 (4), IF THE DEPARTMENT IS UNABLE TO DESIGNATE A COMMUNITY CENTERED BOARD OR OTHER ENTITY TO SERVE AS THE BROKER FOR A PARTICULAR DESIGNATED SERVICE AREA, THE DEPARTMENT SHALL SERVE AS THE BROKER FOR THE DESIGNATED SERVICE AREA AND MAY CONTRACT DIRECTLY WITH EARLY INTERVENTION SERVICE PROVIDERS TO PROVIDE EARLY INTERVENTION SERVICES TO ELIGIBLE CHILDREN IN THE DESIGNATED SERVICE AREA.

(4) "CHILD FIND" MEANS THE PROGRAM COMPONENT OF IDEA THAT REQUIRES STATES TO FIND, IDENTIFY, LOCATE, EVALUATE, AND SERVE ALL CHILDREN WITH DISABILITIES, FROM BIRTH TO TWENTY-ONE YEARS OF AGE. CHILD FIND INCLUDES:

(a) PART C CHILD FIND, WHICH IS THE PROGRAM COMPONENT OF IDEA THAT REQUIRES STATES TO FIND, IDENTIFY, LOCATE, EVALUATE, AND SERVE CHILDREN FROM BIRTH THROUGH TWO YEARS OF AGE; AND

(b) PART B CHILD FIND, WHICH IS THE PROGRAM COMPONENT OF IDEA THAT REQUIRES STATES TO FIND, IDENTIFY, LOCATE, EVALUATE, AND SERVE CHILDREN FROM THREE TO TWENTY-ONE YEARS OF AGE.

(5) "COORDINATED SYSTEM OF PAYMENT" MEANS THE POLICIES AND PROCEDURES DEVELOPED BY THE DEPARTMENT, IN COOPERATION WITH THE DEPARTMENTS OF EDUCATION, HEALTH CARE POLICY AND FINANCING, AND PUBLIC HEALTH AND ENVIRONMENT, THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES, PRIVATE HEALTH INSURANCE CARRIERS, AND CERTIFIED EARLY INTERVENTION SERVICE BROKERS, TO ENSURE THAT AVAILABLE PUBLIC AND PRIVATE SOURCES OF FUNDS TO PAY FOR EARLY INTERVENTION SERVICES FOR ELIGIBLE CHILDREN ARE ACCESSED AND UTILIZED IN AN EFFICIENT MANNER.

(6) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES.

(7) "EARLY INTERVENTION SERVICES" MEANS SERVICES AS DEFINED BY THE DEPARTMENT IN ACCORDANCE WITH PART C THAT ARE AUTHORIZED THROUGH AN ELIGIBLE CHILD'S IFSP AND ARE PROVIDED TO FAMILIES AT NO COST OR THROUGH THE APPLICATION OF A SLIDING FEE SCHEDULE. EARLY INTERVENTION SERVICES, AS SPECIFIED IN AN ELIGIBLE CHILD'S IFSP, SHALL QUALIFY AS MEETING THE STANDARD FOR MEDICALLY NECESSARY SERVICES AS USED BY PRIVATE HEALTH INSURANCE AND AS USED BY PUBLIC MEDICAL ASSISTANCE, TO THE EXTENT ALLOWED PURSUANT TO SECTION 25.5-1-124, C.R.S.

(8) "EARLY INTERVENTION STATE PLAN" MEANS THE STATE PLAN FOR A COMPREHENSIVE AND COORDINATED SYSTEM OF EARLY INTERVENTION SERVICES REQUIRED PURSUANT TO PART C.

(9) "ELIGIBLE CHILD" MEANS AN INFANT OR TODDLER, FROM BIRTH THROUGH TWO YEARS OF AGE, WHO, AS DEFINED BY THE DEPARTMENT IN ACCORDANCE WITH PART C, HAS SIGNIFICANT DELAYS IN DEVELOPMENT OR HAS A DIAGNOSED PHYSICAL OR MENTAL CONDITION THAT HAS A HIGH PROBABILITY OF RESULTING IN SIGNIFICANT DELAYS IN DEVELOPMENT OR WHO IS ELIGIBLE FOR SERVICES PURSUANT TO SECTION 27-10.5-102 (11) (c).

(10) "EVALUATION" MEANS:

(a) FOR THE PURPOSES OF PART C CHILD FIND, THE PROCEDURES USED TO DETERMINE A CHILD'S INITIAL AND CONTINUING ELIGIBILITY FOR PART C CHILD FIND, INCLUDING BUT NOT LIMITED TO:

(I) DETERMINING THE STATUS OF THE CHILD IN EACH OF THE DEVELOPMENTAL AREAS;

(II) IDENTIFYING THE CHILD'S UNIQUE STRENGTHS AND NEEDS;

(III) IDENTIFYING ANY EARLY INTERVENTION SERVICES THAT MIGHT SERVE THE CHILD'S NEEDS; AND

(IV) IDENTIFYING PRIORITIES AND CONCERNS OF THE FAMILY AND ANY RESOURCES TO WHICH THE FAMILY HAS ACCESS.

(b) FOR THE PURPOSES OF PART B CHILD FIND, THE PROCEDURES USED UNDER IDEA FOR CHILDREN WITH DISABILITIES TO DETERMINE WHETHER A CHILD HAS A DISABILITY AND THE NATURE AND EXTENT OF SPECIAL EDUCATION AND RELATED SERVICES THAT THE CHILD WILL NEED.

(11) "INDIVIDUALIZED FAMILY SERVICE PLAN" OR "IFSP" MEANS A WRITTEN PLAN DEVELOPED PURSUANT TO 20 U.S.C. SEC. 1436 AND 34 CFR 303.340 THAT AUTHORIZES THE PROVISION OF EARLY INTERVENTION SERVICES TO AN ELIGIBLE CHILD AND THE CHILD'S FAMILY. AN IFSP SHALL SERVE AS THE INDIVIDUALIZED PLAN, PURSUANT TO SECTION 27-10.5-102 (20) (c), FOR A CHILD FROM BIRTH THROUGH TWO YEARS OF AGE.

(12) "MULTIDISCIPLINARY TEAM" MEANS THE INVOLVEMENT OF TWO OR MORE DISCIPLINES OR PROFESSIONS IN THE PROVISION OF INTEGRATED AND COORDINATED SERVICES, INCLUDING EVALUATION AND ASSESSMENT ACTIVITIES DEFINED IN 34 CFR 303.322 AND DEVELOPMENT OF THE CHILD'S IFSP.

(13) "PART B" MEANS THE PROGRAM COMPONENT OF IDEA THAT REQUIRES STATES TO FIND, IDENTIFY, LOCATE, EVALUATE, AND SERVE CHILDREN WITH DISABILITIES FROM THREE TO TWENTY-ONE YEARS OF AGE.

(14) "PART C" MEANS THE EARLY INTERVENTION PROGRAM FOR INFANTS AND TODDLERS WHO ARE ELIGIBLE FOR SERVICES UNDER PART C OF THE FEDERAL

"INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ.

(15) "PRIVATE HEALTH INSURANCE" MEANS A HEALTH COVERAGE PLAN, AS DEFINED IN SECTION 10-16-102 (22.5), C.R.S., THAT IS PURCHASED BY INDIVIDUALS OR GROUPS TO PROVIDE, DELIVER, ARRANGE FOR, PAY FOR, OR REIMBURSE ANY OF THE COSTS OF HEALTH CARE SERVICES, AS DEFINED IN SECTION 10-16-102 (22), C.R.S., PROVIDED TO A PERSON ENTITLED TO RECEIVE BENEFITS OR SERVICES UNDER THE HEALTH COVERAGE PLAN.

(16) "PUBLIC MEDICAL ASSISTANCE" MEANS MEDICAL SERVICES THAT ARE PROVIDED BY THE STATE THROUGH THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., OR THE "CHILDREN'S BASIC HEALTH PLAN ACT", ARTICLE 8 OF TITLE 25.5, C.R.S., OR OTHER PUBLIC MEDICAL ASSISTANCE FUNDING SOURCES TO QUALIFYING INDIVIDUALS.

(17) "QUALIFIED EARLY INTERVENTION SERVICE PROVIDER" OR "QUALIFIED PROVIDER" MEANS A PERSON OR AGENCY, AS DEFINED BY THE DEPARTMENT BY RULE IN ACCORDANCE WITH PART C, WHO PROVIDES EARLY INTERVENTION SERVICES AND IS LISTED ON THE REGISTRY OF EARLY INTERVENTION SERVICE PROVIDERS PURSUANT TO SECTION 27-10.5-708 (1) (a).

(18) "SERVICE COORDINATION" MEANS THE ACTIVITIES CARRIED OUT BY A SERVICE COORDINATOR TO ASSIST AND ENABLE AN ELIGIBLE CHILD AND THE ELIGIBLE CHILD'S FAMILY TO RECEIVE THE RIGHTS, PROCEDURAL SAFEGUARDS, AND SERVICES THAT ARE AUTHORIZED TO BE PROVIDED UNDER THE EARLY INTERVENTION PROGRAM.

(19) "STATE INTERAGENCY COORDINATING COUNCIL" MEANS THE COUNCIL THAT IS ESTABLISHED PURSUANT TO PART C AND APPOINTED BY THE GOVERNOR TO ADVISE AND ASSIST THE LEAD AGENCY DESIGNATED OR ESTABLISHED UNDER PART C.

27-10.5-703. Administration - duties of department - rules. (1) SUBJECT TO ANNUAL APPROPRIATION FROM THE GENERAL ASSEMBLY, THE DEPARTMENT SHALL ADMINISTER EARLY INTERVENTION SERVICES AND SHALL COORDINATE EARLY INTERVENTION SERVICES WITH EXISTING SERVICES PROVIDED TO ELIGIBLE INFANTS AND TODDLERS FROM BIRTH THROUGH TWO YEARS OF AGE AND THEIR FAMILIES.

(2) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES, PURSUANT TO SECTION 27-10.5-103, AS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION AND TO ENSURE THAT ALL IDEA TIMELINES AND REQUIREMENTS ARE MET, INCLUDING BUT NOT LIMITED TO ADMINISTRATIVE REMEDIES IF THE TIMELINES AND REQUIREMENTS ARE NOT MET.

(3) IN ADMINISTERING EARLY INTERVENTION SERVICES, THE DEPARTMENT SHALL HAVE AND PERFORM THE FOLLOWING DUTIES:

(a) TO DESIGN EARLY INTERVENTION SERVICES IN A MANNER CONSISTENT WITH PART C;

(b) TO DEVELOP AND PROMULGATE RULES AFTER CONSULTATION WITH THE STATE INTERAGENCY COORDINATING COUNCIL;

(c) TO ENSURE ELIGIBILITY DETERMINATION FOR A CHILD WITH DISABILITIES FROM BIRTH THROUGH TWO YEARS OF AGE, BASED IN PART ON INFORMATION RECEIVED CONCERNING THE SCREENING AND EVALUATION PERFORMED BY AN ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-118, C.R.S.;

(d) TO ENSURE THAT AN INDIVIDUALIZED FAMILY SERVICE PLAN IS DEVELOPED FOR INFANTS AND TODDLERS FROM BIRTH THROUGH TWO YEARS OF AGE WHO ARE ELIGIBLE FOR EARLY INTERVENTION SERVICES. THE IFSP SHALL BE DEVELOPED IN COMPLIANCE WITH PART C AND IN COORDINATION WITH PART C CHILD FIND EVALUATIONS WHERE APPLICABLE, INCLUDING THE MANDATORY IFSP MEETING AT WHICH THE FAMILY RECEIVES INFORMATION CONCERNING THE RESULTS OF THE CHILD FIND EVALUATION PERFORMED BY AN ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-118, C.R.S. THE INITIAL IFSP SHALL BE DEVELOPED IN COLLABORATION WITH A REPRESENTATIVE FROM THE ADMINISTRATIVE UNIT THAT PARTICIPATED IN THE CHILD'S SCREENING AND EVALUATION PERFORMED PURSUANT TO SECTION 22-20-118, C.R.S. THE REPRESENTATIVE SHALL PARTICIPATE IN THE INITIAL MEETING FOR THE DEVELOPMENT OF THE CHILD'S IFSP.

(e) TO ALLOCATE MONEYS;

(f) TO COORDINATE TRAINING AND PROVIDE TECHNICAL ASSISTANCE TO COMMUNITY CENTERED BOARDS, SERVICE PROVIDERS, AND OTHER CONSTITUENTS WHO ARE INVOLVED IN THE DELIVERY OF EARLY INTERVENTION SERVICES TO INFANTS AND TODDLERS FROM BIRTH THROUGH TWO YEARS OF AGE;

(g) TO MONITOR AND EVALUATE EARLY INTERVENTION SERVICES PROVIDED THROUGH THIS PART 7; AND

(h) TO COORDINATE CONTRACTS, EXPENDITURES, AND BILLING FOR EARLY INTERVENTION SERVICES PROVIDED THROUGH THIS PART 7.

27-10.5-704. Child find - responsibilities - interagency operating agreements - rules. (1) THE DEPARTMENT SHALL HAVE THE FOLLOWING RESPONSIBILITIES AND DUTIES FOR CHILDREN FROM BIRTH THROUGH TWO YEARS OF AGE WHO ARE REFERRED FOR EARLY INTERVENTION SERVICES:

(a) TO DEVELOP AND IMPLEMENT, IN COORDINATION WITH COMMUNITY CENTERED BOARDS, SERVICE AGENCIES, GOVERNMENTAL UNITS, AND THE DEPARTMENTS OF EDUCATION, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING, A STATEWIDE PLAN FOR PUBLIC EDUCATION, OUTREACH, AND AWARENESS EFFORTS RELATED TO CHILD FIND AND THE AVAILABILITY OF EARLY INTERVENTION SERVICES;

(b) TO ENSURE THAT REFERRALS FROM THE COMMUNITY ARE ACCEPTED AND FAMILIES ARE ASSISTED IN CONNECTING WITH THE APPROPRIATE AGENCY FOR INTAKE AND CASE MANAGEMENT SERVICES;

(c) TO ENSURE THAT INTAKE AND CASE MANAGEMENT SERVICES ARE PROVIDED AFTER A REFERRAL HAS BEEN MADE BY WORKING WITH COMMUNITY CENTERED BOARDS AS THE SINGLE ENTRY POINT FOR A FAMILY INTO THE DEVELOPMENTAL DISABILITIES SYSTEM, AS DESCRIBED IN SECTION 27-10.5-102 (3); AND

(d) TO WORK WITH COMMUNITY CENTERED BOARDS, ADMINISTRATIVE UNITS, AND THE DEPARTMENT OF EDUCATION TO ASSIST A CHILD WITH DISABILITIES AS HE OR SHE TRANSITIONS FROM THE DEVELOPMENTAL DISABILITIES SYSTEM INTO THE PUBLIC EDUCATION SYSTEM AT NO LATER THAN THREE YEARS OF AGE AS REQUIRED BY IDEA.

(2) TO FACILITATE THE IMPLEMENTATION OF PART C CHILD FIND ACTIVITIES THAT ARE THE RESPONSIBILITY OF THE DEPARTMENT PURSUANT TO THIS PART 7 AND TO IMPLEMENT AN EFFECTIVE AND COLLABORATIVE SYSTEM OF EARLY INTERVENTION SERVICES, THE DEPARTMENT SHALL ENTER INTO ANY NECESSARY INTERAGENCY OPERATING AGREEMENTS AT THE STATE LEVEL AND COMMUNITY CENTERED BOARDS AND OTHER LOCAL AGENCIES SHALL ENTER INTO ANY NECESSARY INTERAGENCY OPERATING AGREEMENTS AT THE LOCAL LEVEL.

(3) TO FACILITATE THE IMPLEMENTATION OF PART C CHILD FIND AND THE USE OF MEDICAID FUNDS, THE DEPARTMENT AND COMMUNITY CENTERED BOARDS MAY, WHEN APPROPRIATE, SHARE INFORMATION WITH THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, OR ADMINISTRATIVE UNITS THAT OFFER CHILD FIND SERVICES PURSUANT TO SECTION 22-20-118, C.R.S., SO LONG AS EACH DEPARTMENT OR LOCAL AGENCY ACTS IN COMPLIANCE WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1994", 42 U.S.C. SEC. 1320d.

27-10.5-705. Authorized services - conditions of funding - purchases of services - rules. (1) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES AS ARE NECESSARY, IN ACCORDANCE WITH THIS PART 7 AND CONSISTENT WITH SECTION 27-10.5-104.5, TO IMPLEMENT THE PURCHASE OF EARLY INTERVENTION SERVICES DIRECTLY OR THROUGH COMMUNITY CENTERED BOARDS OR CERTIFIED EARLY INTERVENTION SERVICE BROKERS.

(2) COMMUNITY CENTERED BOARDS, CERTIFIED EARLY INTERVENTION SERVICE BROKERS, AND SERVICE AGENCIES RECEIVING MONEYS PURSUANT TO SECTION 27-10.5-708 SHALL COMPLY WITH ALL OF THE PROVISIONS OF THIS ARTICLE AND THE RULES PROMULGATED PURSUANT TO THIS ARTICLE.

(3) COMMUNITY CENTERED BOARDS AND CERTIFIED EARLY INTERVENTION SERVICE BROKERS SHALL OBTAIN OR PROVIDE EARLY INTERVENTION SERVICES, SUBJECT TO AVAILABLE APPROPRIATIONS, INCLUDING BUT NOT LIMITED TO:

(a) SERVICE COORDINATION WITH FAMILIES OF ELIGIBLE INFANTS AND TODDLERS FROM BIRTH THROUGH TWO YEARS OF AGE. THE PURPOSE OF SERVICE AND SUPPORT COORDINATION SHALL BE TO ENABLE A FAMILY TO UTILIZE SERVICE SYSTEMS TO MEET ITS NEEDS IN AN EFFECTIVE MANNER AND INCREASE THE FAMILY'S CONFIDENCE AND COMPETENCE. SERVICE COORDINATION IS TO BE RENDERED IN AN INTERAGENCY CONTEXT THAT EMPHASIZES INTERAGENCY COLLABORATION. A FAMILY SHALL HAVE, TO THE EXTENT POSSIBLE, A CHOICE AS TO WHO SHALL PERFORM CERTAIN FACETS OF SERVICE COORDINATION AS ESTABLISHED IN THE FAMILY'S INDIVIDUALIZED FAMILY SERVICE PLAN.

(b) COORDINATION OF EARLY INTERVENTION SERVICES WITH LOCAL AGENCIES AND OTHER COMMUNITY RESOURCES AT THE LOCAL LEVEL TO AVOID DUPLICATION

AND FRAGMENTATION OF EARLY INTERVENTION SERVICES. A COMMUNITY CENTERED BOARD SHALL:

(I) COORDINATE WITH THE LOCAL INTERAGENCY EFFORT REGARDING OUTREACH, IDENTIFICATION, SCREENING, MULTIDISCIPLINARY ASSESSMENT, AND ELIGIBILITY DETERMINATION FOR FAMILIES SERVED BY THE COMMUNITY CENTERED BOARD WHO REQUESTED THE SERVICES;

(II) COORDINATE WITH THE LOCAL FAMILY SUPPORT SERVICES PROGRAM; AND

(III) COORDINATE WITH OTHER APPROPRIATE STATE AGENCIES PROVIDING PROGRAMS FOR INFANTS AND TODDLERS.

(4) THE DEPARTMENT IS AUTHORIZED TO USE UP TO THREE PERCENT OF THE AMOUNT OF THE APPROPRIATION FOR EARLY INTERVENTION SERVICES FOR TRAINING AND TECHNICAL ASSISTANCE TO ENSURE THAT THE LATEST DEVELOPMENTS FOR EARLY INTERVENTION SERVICES ARE RAPIDLY INTEGRATED INTO SERVICE PROVISION THROUGHOUT THE STATE.

27-10.5-706. Coordinated system of payment for early intervention services - duties of departments. (1) IN ORDER TO IMPLEMENT THE PROVISIONS OF THIS PART 7, THE DEPARTMENT, AS LEAD AGENCY FOR PART C CHILD FIND, SHALL BE RESPONSIBLE FOR THE FOLLOWING, SUBJECT TO AVAILABLE APPROPRIATIONS:

(a) ESTABLISHING AN EARLY INTERVENTION STATE PLAN FOR A STATEWIDE, COMPREHENSIVE SYSTEM OF EARLY INTERVENTION SERVICES IN ACCORDANCE WITH PART C CHILD FIND;

(b) ESTABLISHING AN INTERAGENCY OPERATING AGREEMENT BETWEEN THE DEPARTMENT AND THE DEPARTMENTS OF EDUCATION, HEALTH CARE POLICY AND FINANCING, AND PUBLIC HEALTH AND ENVIRONMENT REGARDING THE RESPONSIBILITIES OF EACH DEPARTMENT TO ASSIST IN THE DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE, COMPREHENSIVE SYSTEM OF EARLY INTERVENTION SERVICES AND A COORDINATED SYSTEM OF PAYMENTS FOR EARLY INTERVENTION SERVICES;

(c) DEVELOPING, IN COOPERATION WITH THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES, PRIVATE HEALTH INSURANCE CARRIERS, AND CERTIFIED EARLY INTERVENTION SERVICE BROKERS, A COORDINATED SYSTEM OF PAYMENT OF EARLY INTERVENTION SERVICES USING PUBLIC AND PRIVATE MONEYS;

(d) CERTIFYING COMMUNITY CENTERED BOARDS OR OTHER ENTITIES AS DETERMINED BY THE DEPARTMENT AS EARLY INTERVENTION SERVICE BROKERS FOR EARLY INTERVENTION SERVICES PROVIDED PURSUANT TO THIS PART 7; AND

(e) ENSURING AN APPROPRIATE ALLOCATION OF PAYMENT RESPONSIBILITIES FOR EARLY INTERVENTION SERVICES AMONG FEDERAL, STATE, LOCAL, AND PRIVATE SOURCES, INCLUDING PUBLIC MEDICAL ASSISTANCE AND PRIVATE INSURANCE COVERAGE.

(2) ANY ADDITIONAL SOURCE OF MONEYS THAT MAY BECOME AVAILABLE FOR THE PAYMENT OF EARLY INTERVENTION SERVICES ON OR AFTER JULY 1, 2008, AS A RESULT OF THE DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE, COMPREHENSIVE SYSTEM OF EARLY INTERVENTION SERVICES AND A COORDINATED SYSTEM OF PAYMENTS FOR EARLY INTERVENTION SERVICES SHALL NOT REPLACE OR REDUCE ANY OTHER FEDERAL OR STATE MONEYS AVAILABLE FOR THE PAYMENT OF EARLY INTERVENTION SERVICES ON OR BEFORE JULY 1, 2008.

(3) NOTHING IN THIS PART 7 SHALL BE CONSTRUED TO INHIBIT, ENCUMBER, OR CONTROL THE USE OF LOCAL MONEYS, INCLUDING COUNTY GRANTS, REVENUES FROM LOCAL MILL LEVIES, AND PRIVATE GRANTS AND CONTRIBUTIONS, THAT A COMMUNITY CENTERED BOARD OR COUNTY GOVERNMENT MAY ELECT TO ALLOCATE FOR THE BENEFIT OF ELIGIBLE CHILDREN.

(4) IN DEVELOPING A COORDINATED SYSTEM OF PAYMENT, THE DEPARTMENT SHALL NOT DIRECTLY OR INDIRECTLY CREATE A NEW ENTITLEMENT FOR EARLY INTERVENTION SERVICES FUNDED FROM THE STATE GENERAL FUND. HOWEVER, THIS SUBSECTION (4) SHALL NOT PROHIBIT ANY ADJUSTMENTS TO PUBLIC MEDICAL ASSISTANCE REQUIRED BY SECTION 25.5-1-124, C.R.S.

27-10.5-707. Cooperation among state agencies - implementing coordinated payment system - revisions to rules. (1) THE DEPARTMENTS OF EDUCATION, HEALTH CARE POLICY AND FINANCING, AND PUBLIC HEALTH AND ENVIRONMENT SHALL COOPERATE WITH THE DEPARTMENT TO IMPLEMENT THE PROVISIONS OF THIS PART 7 AND EACH DEPARTMENT SHALL:

(a) ASSIGN A REPRESENTATIVE IN ACCORDANCE WITH PART C CHILD FIND TO ADVISE AND ASSIST THE DEPARTMENT IN THE DEVELOPMENT AND IMPLEMENTATION OF THE EARLY INTERVENTION SERVICES SYSTEM;

(b) PARTICIPATE IN THE ONGOING REVIEW OF FUNDING PRACTICES FOR EARLY INTERVENTION SERVICES AND DEVELOP OR REVISE PROCEDURES FOR A COORDINATED SYSTEM OF PAYMENT FOR EARLY INTERVENTION SERVICES;

(c) USE UNIFORM FORMS AND PROCEDURES FOR BILLING THE COSTS OF EARLY INTERVENTION SERVICES TO PUBLIC MEDICAL ASSISTANCE, AS SPECIFIED IN THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., OR THE "CHILDREN'S BASIC HEALTH PLAN ACT", ARTICLE 8 OF TITLE 25.5, C.R.S., AS APPROPRIATE, AND PRIVATE HEALTH INSURANCE, AS SPECIFIED IN PART 1 OF ARTICLE 16 OF TITLE 10, C.R.S.;

(d) COORDINATE REVISIONS TO EXISTING RULES THAT ARE NECESSARY TO IMPLEMENT THIS PART 7; AND

(e) PERFORM OTHER TASKS AND FUNCTIONS NECESSARY FOR THE IMPLEMENTATION OF THIS PART 7.

(2) THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES SHALL PROVIDE ASSISTANCE TO THE DEPARTMENT RELATED TO THE REQUIREMENTS AND IMPLEMENTATION OF SECTION 10-16-104 (1.3), C.R.S., AND INSURANCE LAWS AND RULES RELATED TO BILLING AND CLAIMS HANDLING.

27-10.5-708. Certified early intervention service brokers - duties - payment for early intervention services - fees. (1) FOR EACH DESIGNATED SERVICE AREA IN THE STATE, THE CERTIFIED EARLY INTERVENTION SERVICE BROKER FOR THE AREA SHALL:

(a) ESTABLISH A REGISTRY OF QUALIFIED EARLY INTERVENTION SERVICE PROVIDERS TO PROVIDE EARLY INTERVENTION SERVICES TO ELIGIBLE CHILDREN IN THE DESIGNATED SERVICE AREA. THE CERTIFIED EARLY INTERVENTION SERVICE BROKER FOR A DESIGNATED SERVICE AREA MAY PROVIDE EARLY INTERVENTION SERVICES DIRECTLY OR MAY SUBCONTRACT THE PROVISION OF SERVICES TO OTHER QUALIFIED PROVIDERS ON THE REGISTRY.

(b) ACCEPT AND PROCESS CLAIMS FOR REIMBURSEMENT FOR EARLY INTERVENTION SERVICES PROVIDED UNDER THIS PART 7 BY QUALIFIED PROVIDERS;

(c) NEGOTIATE FOR THE PAYMENT OF EARLY INTERVENTION SERVICES PROVIDED TO ELIGIBLE CHILDREN IN THE DESIGNATED SERVICE AREA BY QUALIFIED PROVIDERS, TO THE EXTENT PERMISSIBLE UNDER FEDERAL LAW; AND

(d) ENSURE PAYMENT TO A QUALIFIED PROVIDER FOR EARLY INTERVENTION SERVICES RENDERED BY THE QUALIFIED PROVIDER.

(2) CERTIFIED EARLY INTERVENTION SERVICE BROKERS SHALL USE PROCEDURES AND FORMS DETERMINED BY THE DEPARTMENT TO DOCUMENT THE PROVISION OR PURCHASE OF EARLY INTERVENTION SERVICES ON BEHALF OF ELIGIBLE CHILDREN. INVOICES OR INSURANCE CLAIMS FOR EARLY INTERVENTION SERVICES SHALL BE SUBMITTED BASED ON THE AVAILABLE FUNDING SOURCE FOR EACH ELIGIBLE CHILD AND THE REIMBURSEMENT RATE FOR THE APPROPRIATE FEDERAL, STATE, LOCAL, OR PRIVATE FUNDING SOURCES, INCLUDING PUBLIC MEDICAL ASSISTANCE AND PRIVATE HEALTH INSURANCE.

(3) THE DEPARTMENT SHALL ESTABLISH A SCHEDULE OF FEES TO BE CHARGED BY CERTIFIED EARLY INTERVENTION SERVICE BROKERS FOR PROVIDING BROKER SERVICES UNDER THIS PART 7. IN DEVELOPING THE FEE SCHEDULE, THE DEPARTMENT SHALL OBTAIN INPUT FROM CERTIFIED EARLY INTERVENTION SERVICE BROKERS AND SHALL CONSIDER THE DUTIES OF BROKERS UNDER THIS PART 7, THE EXPENSES INCURRED BY BROKERS, AND THE RELEVANT MARKET CONDITIONS.

(4) USE OF A CERTIFIED EARLY INTERVENTION BROKER IS VOLUNTARY, AND NOTHING IN THIS PART 7 SHALL PROHIBIT A QUALIFIED PROVIDER OF EARLY INTERVENTION SERVICES FROM DIRECTLY BILLING THE APPROPRIATE PROGRAM OF PUBLIC MEDICAL ASSISTANCE OR A PARTICIPATING PROVIDER, AS DEFINED IN SECTION 10-16-102 (28.5), C.R.S., OR FROM DIRECTLY BILLING A PRIVATE HEALTH INSURANCE CARRIER FOR SERVICES RENDERED UNDER THIS PART 7.

(5) TO THE EXTENT REQUESTED BY THE DEPARTMENT, CERTIFIED EARLY INTERVENTION SERVICE BROKERS SHALL PARTICIPATE IN ONGOING REVIEWS OF FUNDING PRACTICES FOR EARLY INTERVENTION SERVICES AND THE DEVELOPMENT OR REVISION OF PROCEDURES FOR A COORDINATED SYSTEM OF PAYMENT FOR EARLY INTERVENTION SERVICES.

27-10.5-709. Payment from private health insurance for early intervention services - trust fund. (1) THE DEPARTMENT SHALL NEGOTIATE WITH PRIVATE HEALTH INSURANCE CARRIERS REGARDING THE METHOD OF PAYMENT OF BENEFITS FOR EARLY INTERVENTION SERVICES FOR WHICH COVERAGE IS REQUIRED PURSUANT TO SECTION 10-16-104 (1.3), C.R.S. THE DEPARTMENT MAY ALLOW EACH PRIVATE HEALTH INSURANCE CARRIER THAT IS SUBJECT TO THE REQUIREMENTS OF SECTION 10-16-104 (1.3), C.R.S., TO PAY BENEFITS TO A CERTIFIED EARLY INTERVENTION SERVICE BROKER, TO A QUALIFIED EARLY INTERVENTION SERVICE PROVIDER, OR TO THE DEPARTMENT IN TRUST FOR PAYMENT TO A BROKER OR PROVIDER FOR EARLY INTERVENTION SERVICES PROVIDED TO AN ELIGIBLE CHILD.

(2) (a) IF A PRIVATE HEALTH INSURANCE CARRIER NEGOTIATES TO MAKE PAYMENTS OF BENEFITS FOR AN ELIGIBLE CHILD TO THE DEPARTMENT IN TRUST, THOSE MONEYS SHALL BE DEPOSITED IN THE EARLY INTERVENTION SERVICES TRUST FUND, WHICH TRUST FUND IS HEREBY CREATED IN THE STATE TREASURY. EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), THE PRINCIPAL OF THE TRUST FUND SHALL ONLY BE USED TO PAY CERTIFIED EARLY INTERVENTION SERVICE BROKERS OR QUALIFIED EARLY INTERVENTION SERVICE PROVIDERS FOR EARLY INTERVENTION SERVICES PROVIDED TO THE ELIGIBLE CHILD FOR WHOM THE MONEYS WERE PAID TO THE DEPARTMENT IN TRUST BY THE PRIVATE HEALTH INSURANCE CARRIER. EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), THE PRINCIPAL OF THE TRUST FUND SHALL NOT CONSTITUTE STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AND SUCH MONEYS SHALL BE DEEMED CUSTODIAL FUNDS THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY.

(b) (I) FOR THE 2008-09 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL MAKE APPROPRIATIONS TO THE DEPARTMENT FROM THE PRINCIPAL OF THE EARLY INTERVENTION SERVICES TRUST FUND FOR THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THIS SECTION. ANY MONEYS APPROPRIATED TO THE DEPARTMENT PURSUANT TO THIS PARAGRAPH (b) SHALL CONSTITUTE STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(II) ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE EARLY INTERVENTION SERVICES TRUST FUND SHALL BE CREDITED TO THE TRUST FUND, MAY BE APPROPRIATED TO THE DEPARTMENT IN ACCORDANCE WITH THIS PARAGRAPH (b), AND SHALL CONSTITUTE STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(c) WITHIN SIXTY DAYS AFTER THE DEPARTMENT DETERMINES THAT A CHILD IS NO LONGER AN ELIGIBLE CHILD FOR PURPOSES OF SECTION 10-16-104 (1.3), C.R.S., THE DEPARTMENT SHALL NOTIFY THE CARRIER THAT THE CHILD IS NO LONGER ELIGIBLE AND THAT THE CARRIER IS NO LONGER REQUIRED TO PROVIDE THE COVERAGE REQUIRED BY SAID SECTION FOR THAT CHILD. ANY MONEYS DEPOSITED IN THE TRUST FUND ON BEHALF OF AN ELIGIBLE CHILD THAT ARE NOT EXPENDED ON BEHALF OF THE CHILD BEFORE THE CHILD BECOMES INELIGIBLE SHALL BE RETURNED TO THE CARRIER THAT MADE THE PAYMENTS IN TRUST FOR THE CHILD.

(3) NO LATER THAN MARCH 1, 2009, AND NO LATER THAN MARCH 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL PROVIDE A REPORT TO EACH PRIVATE HEALTH

INSURANCE CARRIER THAT HAS MADE PAYMENTS OF BENEFITS FOR AN ELIGIBLE CHILD TO THE DEPARTMENT IN TRUST. THE REPORT SHALL SPECIFY THE TOTAL AMOUNT OF BENEFITS PAID TO BROKERS OR QUALIFIED PROVIDERS FOR SERVICES PROVIDED TO THE ELIGIBLE CHILD DURING THE PRIOR CALENDAR YEAR, INCLUDING THE AMOUNT PAID TO EACH BROKER OR QUALIFIED PROVIDER AND THE SERVICES PROVIDED TO THE ELIGIBLE CHILD. THE REPORT REQUIRED BY THIS SUBSECTION (3) SHALL BE PROVIDED AT LEAST ANNUALLY AND MORE OFTEN, AS DETERMINED BY THE DEPARTMENT AND THE CARRIER.

27-10.5-710. Annual report - cooperation from certified early intervention service brokers and qualified providers. (1) BY NOVEMBER 1, 2008, AND BY NOVEMBER 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY REGARDING THE VARIOUS FUNDING SOURCES USED FOR EARLY INTERVENTION SERVICES, THE NUMBER OF ELIGIBLE CHILDREN SERVED, THE AVERAGE COST OF EARLY INTERVENTION SERVICES, AND ANY OTHER INFORMATION THE DEPARTMENT DEEMS APPROPRIATE. THE DEPARTMENT SHALL SUBMIT THE REPORT TO THE JOINT BUDGET COMMITTEE AS PART OF THE DEPARTMENT'S ANNUAL BUDGET REQUEST. THE DEPARTMENT SHALL ALSO SUBMIT THE REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEES AND THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

(2) THE DEPARTMENT SHALL REQUEST, AND CERTIFIED EARLY INTERVENTION SERVICE BROKERS AND QUALIFIED EARLY INTERVENTION SERVICE PROVIDERS SHALL PROVIDE, INFORMATION REGARDING EARLY INTERVENTION SERVICES THAT THE DEPARTMENT NEEDS TO PREPARE THE ANNUAL REPORT REQUIRED BY THIS SECTION OR OTHER REQUIRED FEDERAL OR STATE REPORTS.

SECTION 12. 10-16-104 (1.3) (a), Colorado Revised Statutes, is amended to read:

10-16-104. Mandatory coverage provisions - definitions. (1.3) **Early intervention services.** (a) As used in this subsection (1.3), unless the context otherwise requires:

(I) "Division" means the unit within the department of human services that is responsible for developmental disabilities services.

(II) "Early intervention services" means services, as defined by the division in accordance with part C, that are authorized through an eligible child's IFSP but ~~excluding~~ THAT EXCLUDE nonemergency medical transportation; respite care; service coordination, as defined in 34 CFR 303.12 (d) (11); and assistive technology, unless assistive technology is covered under the applicable insurance policy or service or indemnity contract as durable medical equipment.

(III) "Eligible child" means an infant or toddler, from birth ~~up to the child's third birthday~~ THROUGH TWO YEARS OF AGE, who is an eligible dependent and who, as defined by the ~~division~~ DEPARTMENT pursuant to section ~~27-10.5-702 (6)~~ 27-10.5-702 (9), C.R.S., has significant delays in development or has a diagnosed physical or mental condition that has a high probability of resulting in significant delays in development or who is eligible for services pursuant to section

27-10.5-102 (11) (c), C.R.S.

(IV) "Individualized family service plan" or "IFSP" means a written plan developed pursuant to 20 U.S.C. sec. 1436 and 34 CFR 303.340 ~~as amended~~, that authorizes early intervention services to an eligible child and the child's family. AN IFSP SHALL SERVE AS THE INDIVIDUALIZED PLAN, PURSUANT TO SECTION 27-10.5-102 (20) (c), C.R.S., FOR AN ELIGIBLE CHILD FROM BIRTH THROUGH TWO YEARS OF AGE.

(V) "Part C" means the early intervention program for infants and toddlers who are eligible for services under part C of the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq. ~~as amended~~.

(VI) "Qualified early intervention service provider" or "qualified provider" means a person or agency, as defined by the ~~division~~ DEPARTMENT in accordance with part C, who provides early intervention services and is listed on the registry of early intervention service providers pursuant to section ~~27-10.5-705~~ 27-10.5-708 (1) (a), C.R.S.

SECTION 13. 22-20-118 (2) (d), Colorado Revised Statutes, is amended to read:

22-20-118. Child find from birth through two years of age - responsibilities - rules - interagency operating agreements - transition meetings - funding.
(2) The administrative units shall:

(d) Pursuant to section ~~27-10.5-140 (1)~~ 27-10.5-704, C.R.S., coordinate with community centered boards, the department of human services, and the department to assist a child with disabilities as he or she transitions from the developmental disabilities system into the public education system no later than the age of three.

SECTION 14. 25.5-1-124 (5) (a), Colorado Revised Statutes, is amended to read:

25.5-1-124. Early intervention payment system - participation by state department. (5) (a) As used in this section, unless the context otherwise requires, "early intervention services" means those services defined as early intervention services by the department of human services in accordance with section ~~27-10.5-702 (5)~~ 27-10.5-702 (7), C.R.S., that are determined, through negotiation between the state department and the department of human services, to be medically necessary under medical assistance and cost-effective. After negotiating the scope of early intervention services to be covered under medical assistance, the state department and the department of human services shall submit to the joint budget committee of the general assembly, as part of each department's annual budget request, a proposal for the scope of coverage of early intervention services under medical assistance, including the anticipated costs of such coverage and whether the payment of such costs through medical assistance is cost-effective.

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, (August 6, 2008, if adjournment sine

die is on May 7, 2008); 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: May 28, 2008