

CHAPTER 424

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 08-002

BY SENATOR(S) Boyd, Keller, Spence, Williams, Bacon, Gibbs, Groff, Johnson, Sandoval, Tapia, Tochtrop, Tupa, Veiga, and Windels;
also REPRESENTATIVE(S) Soper, Gardner B., Pommer, Borodkin, Carroll M., Carroll T., Fischer, Frangas, Garza-Hicks, Green, Hodge, Kefalas, Kerr A., King, Labuda, Looper, Madden, Massey, McFadyen, McGihon, Merrifield, Middleton, Peniston, Primavera, Riesberg, Romanoff, Solano, Stafford, and Todd.

AN ACT

CONCERNING REIMBURSEMENT FOR SERVICES PROVIDED IN THE FAMILY HOME OF A PERSON WITH DEVELOPMENTAL DISABILITIES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 27-10.5-102 (24), Colorado Revised Statutes, is amended, and the said 27-10.5-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

(15.5) "FAMILY CAREGIVER" MEANS A FAMILY MEMBER OF THE PERSON WITH A DEVELOPMENTAL DISABILITY WHO PROVIDES CARE TO THE PERSON WITH A DEVELOPMENTAL DISABILITY IN THE FAMILY HOME, WHO MEETS THE REQUIREMENTS FOR A QUALIFIED FAMILY CAREGIVER, AS ESTABLISHED BY RULE OF THE EXECUTIVE DIRECTOR, AND WHO IS WORKING THROUGH A PROGRAM-APPROVED SERVICE AGENCY, AS ESTABLISHED BY RULE OF THE EXECUTIVE DIRECTOR.

(24) "Least restrictive ~~setting~~ ENVIRONMENT" 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. LEAST RESTRICTIVE ENVIRONMENT MAY INCLUDE, BUT NEED NOT BE LIMITED TO, RECEIVING SERVICES FROM A COMMUNITY CENTERED BOARD, SERVICE AGENCY, OR A FAMILY CAREGIVER IN THE FAMILY HOME.

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

SECTION 2. 27-10.5-104 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

27-10.5-104. Authorized services and supports - conditions of funding - purchase of services and supports - boards of county commissioners - appropriation. (4) (a.7) THE DEPARTMENT MAY PURCHASE SERVICES AND SUPPORTS, INCLUDING SERVICE AND SUPPORT COORDINATION, FROM A FAMILY CAREGIVER IF THE EXECUTIVE DIRECTOR HAS DETERMINED THAT THE PROVISION OF A SERVICE OR SUPPORT BY A FAMILY CAREGIVER IN THE FAMILY HOME WOULD PROVIDE THE PERSON RECEIVING THE SERVICE OR SUPPORT WITH THE LEAST RESTRICTIVE ENVIRONMENT.

SECTION 3. The introductory portion to 27-10.5-104.5 (3) and 27-10.5-104.5 (3) (a), Colorado Revised Statutes, are amended to read:

27-10.5-104.5. Service agencies - funds - rules. (3) The executive director shall promulgate ~~such rules and regulations as are necessary to implement the purchase of services and supports directly or through community centered boards.~~ ~~Such~~ FROM A COMMUNITY CENTERED BOARD, SERVICE AGENCY, OR FAMILY CAREGIVER. THE rules ~~and regulations~~ shall include, but need not be limited to: ~~the following:~~

(a) Terms and conditions ~~which are~~ necessary to promote the effective delivery of services and supports, INCLUDING THOSE SERVICES AND SUPPORTS DELIVERED BY A FAMILY CAREGIVER;

SECTION 4. Appropriation - adjustments to the 2008 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of health care policy and financing, for allocation to the department of human services Medicaid-funded programs, services for people with disabilities - Medicaid funding, community services for people with developmental disabilities administration, for the fiscal year beginning July 1, 2008, the sum of seventeen thousand one hundred thirty-two dollars (\$17,132), or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2008, the department of health care policy and financing will receive the sum of seventeen thousand one hundred thirty-two dollars (\$17,132) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to services for people with disabilities, community services for people with developmental disabilities, administration, for the fiscal year beginning July 1, 2008, the sum of thirty-four thousand two hundred sixty-four dollars (\$34,264) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds received from the department of health care policy and financing out of the appropriation made in subsection (1) of this section.

(3) For the implementation of this act, the appropriation made in section 23 of the annual general appropriation act for the fiscal year beginning July 1, 2008, shall be adjusted as follows: The general fund appropriation to the controlled maintenance trust fund is decreased by the sum of seventeen thousand one hundred thirty-two dollars (\$17,132).

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 2008