

## CHAPTER 220

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**HUMAN SERVICES - SOCIAL SERVICES**


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**HOUSE BILL 10-1213**

BY REPRESENTATIVE(S) Acree, Roberts, Apuan, Frangas, Labuda, Lambert, Massey, Primavera, Riesberg, Ryden, Schafer S., Soper, Summers, Todd, Tyler, Court, Gerou, Kefalas, King S., Vigil;  
also SENATOR(S) Keller, Boyd, Foster, Gibbs, Heath, Hudak, Newell, Schwartz, Shaffer B., Steadman, Tochtrop, Williams.

**AN ACT**

**CONCERNING THE ELIMINATION OF AN INDIVIDUALIZED PLAN FOR A PERSON WITH DEVELOPMENTAL DISABILITIES WHO IS ON THE WAITING LIST FOR SERVICES.**

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

**SECTION 1.** 27-10.5-102 (25) and (32), Colorado Revised Statutes, are amended, and the said 27-10.5-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

(13.7) "ENROLLED" MEANS THAT A PERSON WITH A DEVELOPMENTAL DISABILITY WHO IS ELIGIBLE FOR SUPPORTS AND SERVICES HAS BEEN AUTHORIZED, AS DEFINED BY RULES PROMULGATED BY THE DEPARTMENT, TO PARTICIPATE IN A PROGRAM FUNDED PURSUANT TO THIS ARTICLE.

(25) "Person receiving services" means a person with a developmental disability who is ~~receiving services or supports~~ ENROLLED IN A PROGRAM FUNDED pursuant to this article.

(25.5) "PROGRAM" MEANS A SPECIFIC GROUP OF SERVICES OR SUPPORTS AS DEFINED BY RULES PROMULGATED BY THE DEPARTMENT AND FOR WHICH FUNDING IS AVAILABLE PURSUANT TO THIS ARTICLE TO A PERSON WITH A DEVELOPMENTAL DISABILITY WHO IS ELIGIBLE FOR SUPPORTS AND SERVICES.

(32) "Waiting list" means the list of persons with developmental disabilities who are waiting for ~~services and supports~~ ENROLLMENT INTO A PROGRAM provided

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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.*

pursuant to this article.

**SECTION 2.** 27-10.5-105 (2) (d), Colorado Revised Statutes, is amended to read:

**27-10.5-105. Community centered boards - designation - purchase of services and supports by community centered boards.** (2) Once a community centered board has been designated pursuant to this section, it shall, subject to available appropriations:

(d) Determine eligibility and develop ~~individualized plans for persons with developmental disabilities who are eligible for services and supports~~ AN INDIVIDUALIZED PLAN FOR EACH PERSON WHO RECEIVES SERVICES OR SUPPORTS pursuant to section 27-10.5-106; 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;

**SECTION 3.** 27-10.5-106 (1) (b) and (2), Colorado Revised Statutes, are amended, and the said 27-10.5-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**27-10.5-106. Eligibility determination - individualized plan - periodic review - rules.** (1) (b) Pursuant to contract with the department, 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 him or her AS PART OF HIS OR HER ENROLLMENT INTO A PROGRAM. The department shall promulgate rules, pursuant to article 4 of title 24, C.R.S., setting forth the procedure and criteria for determination of eligibility AND INDIVIDUALIZED PLAN DEVELOPMENT. 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~~ AS PROVIDED BY RULES PROMULGATED BY THE DEPARTMENT. The individualized family service plan for a child with disabilities from birth through two years of age shall be developed pursuant to section 27-10.5-703.

(5) AN INDIVIDUALIZED PLAN SHALL NOT BE REQUIRED FOR A PERSON WITH DEVELOPMENTAL DISABILITIES WHO IS ELIGIBLE FOR SUPPORTS AND SERVICES AND WHO IS ON A WAITING LIST FOR ENROLLMENT INTO A PROGRAM FUNDED PURSUANT TO THIS ARTICLE. EACH COMMUNITY CENTERED BOARD SHALL PROVIDE INFORMATION AND REFERRAL SERVICES TO EACH PERSON ON THE WAITING LIST FOR ENROLLMENT IN A PROGRAM, AT THE TIME OF HIS OR HER ELIGIBILITY AND ANNUALLY THEREAFTER, REGARDING SERVICES AND SUPPORTS THAT ARE RELEVANT TO THE INDIVIDUAL AND ARE COMMONLY USED BY PERSONS WITH DEVELOPMENTAL DISABILITIES AS PROVIDED BY RULES PROMULGATED BY THE DEPARTMENT. THE CRITERIA FOR INFORMATION AND REFERRAL SHALL BE UNIFORM IN NATURE AND APPLIED THROUGHOUT THE STATE IN A CONSISTENT MANNER.

**SECTION 4.** 27-10.5-110 (2) (a) (II), Colorado Revised Statutes, is amended to

read:

**27-10.5-110. Imposition of legal disability - removal of legal right.**

(2) (a) Prior to granting the petition, the court shall find:

(II) The requested disability or removal is both necessary and desirable to implement the individualized plan developed for the person ~~with a developmental disability~~ RECEIVING SERVICES OR SUPPORTS under the supervision of a developmental disabilities professional and the interdisciplinary team. Such professional shall have an understanding of the rights of persons receiving services as set forth in sections 27-10.5-112 to 27-10.5-123. Such plan shall be submitted to the court and shall be signed by the developmental disabilities professional.

**SECTION 5.** 27-10.5-113 (2), Colorado Revised Statutes, is amended to read:

**27-10.5-113. Right to individualized plan or individualized family service plan.** (2) Pursuant to section 27-10.5-106, ~~each~~ THE individualized plan FOR EACH PERSON WHO RECEIVES SERVICES OR SUPPORTS shall be reviewed at least annually and modified as necessary or appropriate; except that an individualized family service plan for a child with disabilities from birth through two years of age shall be reviewed as required 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 OR SUPPORTS 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 6. 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: May 10, 2010