

CHAPTER 33

HUMAN SERVICES - BEHAVIORAL HEALTH

HOUSE BILL 14-1051

BY REPRESENTATIVE(S) Schafer and Landgraf, Gardner, Ginal, Kraft-Tharp, Murray, Ryden, Stephens, Swalm, Young, Becker, DelGrosso, Duran, Exum, Fields, Fischer, Foote, Gerou, Hamner, Labuda, Lee, May, Melton, Mitsch Bush, Nordberg, Peniston, Pettersen, Primavera, Salazar, Singer, Tyler, Williams, Hullinghorst, Rosenthal, Ferrandino;
also SENATOR(S) Kefalas and Crowder, Aguilar, Baumgardner, Heath, Hodge, Johnston, Jones, Kerr, Lambert, Newell, Nicholson, Rivera, Schwartz, Tochtrop, Todd, Ulibarri, Zenzinger, Carroll.

AN ACT

CONCERNING A STRATEGIC PLAN FOR ENROLLING ALL ELIGIBLE PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES INTO PROGRAMS AT THE TIME SERVICES AND SUPPORTS ARE NEEDED, AND, IN CONNECTION THEREWITH, REQUIRING THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO DEVELOP AND IMPLEMENT THE STRATEGIC PLAN AND TO REPORT ANNUALLY ON THE NUMBER OF PERSONS WAITING FOR SERVICES AND SUPPORTS.

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

SECTION 1. Repeal of relocated provisions in this act. In Colorado Revised Statutes, **repeal 25.5-10-207 (2).**

SECTION 2. In Colorado Revised Statutes, **add with amended and relocated provisions 25.5-10-207.5** as follows:

25.5-10-207.5. Strategic plan for services and supports - joint hearing - reporting - legislative declaration. (1) (a) **THE GENERAL ASSEMBLY FINDS THAT:**

(I) COLORADO HAS A LONG COMMITMENT TO SUPPORTING PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IN COMMUNITIES OF THEIR CHOOSING;

(II) COLORADANS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO ARE ELIGIBLE FOR STATE SERVICES AND SUPPORTS SHOULD BE ABLE TO ACCESS SERVICES AND SUPPORTS IN A TIMELY MANNER TO ALLOW THEM TO BENEFIT FROM THOSE SERVICES AND SUPPORTS AND LEAD LIVES THAT BUILD ON THEIR INDEPENDENCE;

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

(III) PROVIDING EARLY AND TIMELY ACCESS TO SERVICES AND SUPPORTS FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IS AN EXCELLENT AND COST-EFFECTIVE INVESTMENT THAT RESULTS IN SUBSTANTIAL FUTURE SAVINGS;

(IV) THE PRESENCE OF A WAITING LIST AS LONG AS FIFTEEN YEARS FOR ESSENTIAL SERVICES AND SUPPORTS CONTRADICTS COLORADO'S COMMITMENT TO SUPPORTING PERSONS IN THE LEAST RESTRICTIVE ENVIRONMENT OF THEIR CHOOSING; AND

(V) COLORADO MUST HAVE ACCURATE DATA CONCERNING THE NEED FOR SERVICES AND SUPPORTS FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES AND MUST REGULARLY FORECAST THIS DATA TO ENSURE THAT EFFECTIVE POLICY AND PROGRAMS ARE DIRECTED TO MEET THESE NEEDS.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT COLORADO IS COMMITTED TO DEVELOPING A STRATEGIC PLAN TO ENSURE THAT COLORADANS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES WILL BE ABLE TO ACCESS THE SERVICES AND SUPPORTS THEY NEED AND WANT AT THE TIME THAT THEY NEED AND WANT THOSE SERVICES AND SUPPORTS.

(2) [Formerly 25.5-10-207 (2)] During each regular session of the general assembly, the joint budget committee and the health and human services committees of the senate and the house of representatives, or any successor committees, shall hold a joint hearing and take public testimony on the status of the waiting lists for ~~adult comprehensive services, adult supported living services, children's extensive support services, and family support services~~ for persons with intellectual and developmental disabilities who are waiting for enrollment into a home- and community-based services program or a program provided pursuant to this article and the availability of general fund moneys to reduce the number of persons on the waiting lists and the amount of time eligible persons wait for such services. The state department shall present testimony including the information provided in the report pursuant to subsection (3) of this section, as well as information concerning the ongoing implementation of the strategic plan required pursuant to subsection (4) of this section, including any revisions to the strategic plan. Additionally, the state department, community-centered boards, and providers shall report on the use and effectiveness of any moneys appropriated in the preceding state fiscal year for increasing system capacity. ~~The goal of the hearing shall be~~ is to propose an appropriation from the general fund to the intellectual and developmental disabilities services cash fund.

(3) (a) ON OR BEFORE NOVEMBER 1, 2014, AND NOVEMBER 1 OF EACH YEAR THEREAFTER, IN ACCORDANCE WITH SECTION 24-1-136 (9), C.R.S., THE STATE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY THE TOTAL NUMBER OF PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO ARE WAITING AT THE TIME OF THE REPORT FOR ENROLLMENT INTO A HOME- AND COMMUNITY-BASED SERVICES PROGRAM OR A PROGRAM PROVIDED PURSUANT TO THIS ARTICLE. THE REPORT MUST ALSO INCLUDE INFORMATION CONCERNING THE ONGOING IMPLEMENTATION OF THE STRATEGIC PLAN REQUIRED PURSUANT TO SUBSECTION (4) OF THIS SECTION, INCLUDING ANY REVISIONS TO THE STRATEGIC

PLAN.

(b) THE INFORMATION REPORTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) RELATING TO PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO ARE WAITING FOR ENROLLMENT INTO A HOME- AND COMMUNITY-BASED SERVICES PROGRAM OR A PROGRAM PROVIDED PURSUANT TO THIS ARTICLE SHALL BE DISAGGREGATED BY:

(I) THE SPECIFIC MEDICAID WAIVER PROGRAM OR OTHER INTELLECTUAL AND DEVELOPMENTAL DISABILITIES PROGRAM, SERVICE, OR SUPPORT;

(II) THE PERSONS WHO NEED SERVICES IMMEDIATELY BUT WHO ARE NOT CURRENTLY RECEIVING SERVICES;

(III) THE PERSONS WHO NEED SERVICES IMMEDIATELY WHO ARE CURRENTLY RECEIVING SOME SERVICES; AND

(IV) THE PERSONS WHO ARE ELIGIBLE FOR SERVICES BUT WHO DO NOT NEED SERVICES AT THIS TIME.

(4) (a) ON OR BEFORE NOVEMBER 1, 2014, THE STATE DEPARTMENT SHALL DEVELOP, IN CONSULTATION WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITY SYSTEM STAKEHOLDERS, A COMPREHENSIVE STRATEGIC PLAN INCLUDING ADMINISTRATIVE PROCEDURES AND ADEQUATE FUNDING TO ENROLL ELIGIBLE PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES INTO HOME- AND COMMUNITY-BASED SERVICES PROGRAMS AND PROGRAMS PROVIDED PURSUANT TO THIS ARTICLE AT THE TIME THOSE PERSONS CHOOSE TO ENROLL IN THE PROGRAMS OR NEED THE SERVICES OR SUPPORTS. AS PART OF DEVELOPING THE STRATEGIC PLAN, THE STATE DEPARTMENT SHALL REVIEW THE STATUTORY DEFINITION OF "WAITING LIST" SET FORTH IN SECTION 25.5-10-202 AND MAKE RECOMMENDATIONS CONCERNING AMENDMENTS TO THE DEFINITION. IN ENGAGING STAKEHOLDERS, THE STATE DEPARTMENT SHALL INCLUDE BOTH PERSONS AND FAMILIES RECEIVING SERVICES, AS WELL AS PERSONS AND FAMILIES WAITING FOR ENROLLMENT INTO PROGRAMS, SERVICES, OR SUPPORTS. THESE PERSONS AND FAMILIES SHALL INCLUDE, AT A MINIMUM, PERSONS AND FAMILIES WHO RESIDE IN EACH COMMUNITY-CENTERED BOARD-DESIGNATED SERVICE AREA WITHIN THE STATE. IN DEVELOPING THE STRATEGIC PLAN, THE STATE DEPARTMENT SHALL REVIEW RELEVANT RECOMMENDATIONS FROM THE COMMUNITY LIVING ADVISORY GROUP CREATED IN THE OFFICE PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER D 2012-027, AS WELL AS OTHER RELEVANT INFORMATION. THE STRATEGIC PLAN SHALL INCLUDE SPECIFIC RECOMMENDATIONS AND ANNUAL BENCHMARKS FOR ACHIEVING THIS ENROLLMENT GOAL BY JULY 1, 2020, INCLUDING RECOMMENDATIONS RELATING TO INCREASING SYSTEM CAPACITY. THE STATE DEPARTMENT SHALL REVIEW THE STRATEGIC PLAN ANNUALLY AND REVISE THE PLAN AS NEEDED TO MEET THE ENROLLMENT GOAL. NOTHING IN THIS SECTION PRECLUDES THE STATE DEPARTMENT FROM CONSIDERING CHANGES IN THE STRUCTURE OF THE STATE'S INTELLECTUAL AND DEVELOPMENTAL DISABILITIES PROGRAMS, INCLUDING MEDICAID WAIVER MODIFICATION.

(b) THE STATE DEPARTMENT SHALL SUBMIT THE STRATEGIC PLAN TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 24-1-136 (9), C.R.S., AND

SHALL PRESENT THE STRATEGIC PLAN TO THE JOINT BUDGET COMMITTEE ON OR BEFORE DECEMBER 1, 2014.

(5) IN ITS ANNUAL SUBMISSION OF THE STATE DEPARTMENT'S BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE, THE GOVERNOR'S OFFICE OF STATE PLANNING AND BUDGETING SHALL REFERENCE THE NUMBER OF PERSONS WHO ARE WAITING AT THE TIME OF THE NOVEMBER 1 REPORT FOR ENROLLMENT INTO A HOME- AND COMMUNITY-BASED SERVICES PROGRAM OR A PROGRAM PROVIDED PURSUANT TO THIS ARTICLE AND SHALL INDICATE TO THE JOINT BUDGET COMMITTEE THOSE BUDGET REQUESTS RELATED SPECIFICALLY TO ACHIEVING THE ENROLLMENT GOAL SET FORTH IN THE STRATEGIC PLAN REQUIRED PURSUANT TO THIS SECTION.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 14, 2014