

2016

Regulatory Agenda **Report**



COLORADO
Department of Human Services

Overview

Pursuant to Colo. Rev. Stat. §2-7-203(4), the Department of Human Services submits the following 2016 Regulatory Agenda Report. Pursuant to statutory requirements concerning the Department's Regulatory Agenda, this Regulatory Agenda Report details the results of the past year's rules review activity, including the results of mandatory rule reviews conducted under Colo. Rev. Stat. §24-4-103.3(4) as part of the Department's "Regulatory Efficiencies Reviews."

The following table includes:

- Rulemaking included in 2016 Regulatory Agenda, providing an update of rules included in the Department's 2016 Regulatory Agenda (column "RA" indicates page number of report filed on November 1st, 2015)
- Results of Mandatory Rules Review, providing a summary of the activities and outcomes associated with the Department's mandatory rule reviews conducted under Colo. Rev. Stat. §24-4-103.3(4) (column "#R" indicates how many rules were reviewed)
- Unplanned rulemaking (column "UP"), summarizing rule activity that was not neither part of mandatory regulatory efficiency review nor part of the Regulatory Agenda.

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
OES	Food and Energy Assistance	2015-16 Low-Income Energy Assistance Program (LEAP) Update, Including Provisions of S.B. 15-100 and S.B. 15-065	9 CCR 2503-7	15-05-11-01	The Low-Income Energy Assistance Program (LEAP) is reviewed annually for updates that might be needed for the next period, effective November 1, 2015. New rule changes include: ¶ Adding a rule that defines the treatment of an applicant who is found guilty of committing fraudulent activities based on the results of an audit conducted by the U.S. Department of Health and Human Services. ¶ Adding two income exclusions that were inadvertently left out when section 3.200 rules were transferred to LEAP rules for the 2014-2015 program year. These are related to bona fide loans and funds received under the Senior Community Service Employment Program. In addition, two more income exclusions will be added based on recommendations from LEAP county stakeholders. These are related to refugee resettlement grants and income utilized for the PASS program. ¶ Increasing the income guidelines from one hundred fifty percent (150%) to one hundred sixty five percent (165%) of the federal poverty level, updating the flat rates used for benefit calculations, and revising and clarifying language to assure consistency based on the review and recommendations from LEAP county stakeholders.	26-1-107; 26-1-109; 26-1-111; 26-2-104(2)(a), (b); 26-2-122.5; 40-8.5-101; 40-8.7-101, et seq.; 40-8.7-109; 40-8.7-112(1), C.R.S. (2014)	New, Revised, & Repealed	Board Reg	11/1/2015	The State LEAP unit, county staff and clients will be positively impacted by clearly defining a consequence for fraudulent activities, increasing the income guidelines, and clarifying language to assure consistency in eligibility processing.		13	X
OCYF	Child Welfare	Revisions to the Social Services Rules Concerning Safety Risk Assessment Tool Access	12 CCR 2509-2	15-06-24-01	The proposed rule changes will remove language implying a sunset date for training and access to the Safety and Risk Assessment Tools to allow for a successful transition to the revised tools and for county departments of social/human services to be in compliance with rule. The Division of Child Welfare	19-1-116(1.5), (2)(b)(l) 19-3-308 (1)(a); 26-1-107; 26-1-111; 26-5.5-103(1), C.R.S. (2014)	Revised	Board Reg	11/1/2015	Colorado's sixty-four (64) County Departments of Human/Social Services, Colorado's Child Welfare Training System, Colorado Department of		14	X

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					<p>is in the process of piloting modified tools in three counties. Based on the experiences of these counties more time is needed to ensure the best tools are in place, with the appropriate instructions, training, and Trails modifications. The Safety and Risk Assessment Tools are utilized upon initial contact with the family to determine the safety of the child(ren) and the potential for future child maltreatment. These tools help to establish the appropriate level of intervention with the family.</p> <p>Rules were promulgated effective January 1, 2015, that required training and access to the new tool by June 30, 2015 for county child welfare case carrying staff and supervisors performing high risk or traditional response assessments, and by December 31, 2015 for all other staff. Due to the need to modify the tools, instructions, training, and Trails, these deadlines cannot be met at this time.</p>					Human Services Division of Child Welfare			
OEC	Early Care and Learning	EMERGENCY Colorado Child Care Assistance Program (CCCAP) Federal Poverty Guidelines Correction	9 CCR 2503-9	15-11-18-01	<p>The purpose of this rule change is to provide an accurate update of the State Median Income and the Federal Poverty Guidelines for use by counties in the administration of the CCCAP. The most recent Federal Poverty Guidelines were adopted into rule effective October 1, 2015; however, these guidelines were inaccurate due to a rounding error and are being revised with the accurate figures. Counties use these figures to determine income eligibility for the Child Care Assistance Program applicants and ongoing participants. These figures also help determine that parental</p>	26-1-107; 26-1-109; 26-1-111(5); 26-2-805(1), C.R.S (2015)	New & Revised	Board Emerg	12/4/2015	It is correcting a rounding error and is not negatively impacting the eligibility of any family. The Child Care Automated Tracking System (CHATS) is determining eligibility of families using the correct numbers.		1	X

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					fee amount.								
OCYF	Domestic Violence Program	Domestic Violence Program Changes	12 CCR 2512-2	14-11-17-1	This rule change aligns with DVP efforts to improve the level of quality services all citizens impacted by domestic violence deserve when receiving services from a funded program. DVP's recent endeavors to track meaningful outcomes in C-Stat, such as completion of a needs assessment, support these proposed changes.	26-1-107; 26-1-109; 26-1-111; 26-7.5-104(2), C.R.S. (2015)	New & Revised	Board Reg	1/1/2016	The network of domestic violence crisis centers funded by DVP. DVP anticipates that there will be no major direct adverse consequences. Some funded programs may be financially burdened with the new rule requiring TRAILS background searches for any employees or volunteers working with children. DVP will continue to work to funded programs to ease their financial burden.	7	18	
OES	Food Assistance Program	Update to State Claims Plan to Implement Claim Cost Effectiveness	10 CCR 2506-1	15-02-9-01	The purpose of the proposed rule changes is to comply with federal regulations and to resolve outstanding federal audit findings regarding the Food Assistance Program's management of claims. Claims are legally obligated debts established against households when the household is overpaid food assistance benefits that result from either an error made by the agency or the household.	26-1-107; 26-1-109; 26-1-111; 26-2-301; 26-2-302, C.R.S. (2015); 7 CFR 271-276; 7 CFR 273.18(e); Public Law 113-79, the Agricultural Act of 2014 (2014 Farm Bill)	New, Revised, & Repealed	Board Reg	1/1/2016	No groups of persons will be adversely impacted by the proposed changes; and county, state and households receiving Food Assistance will benefit from the changes to reduce workload associated with claims management.	21	17	

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
OCYF	Child Welfare	Revisions to the Social Services Rules Concerning Implementation of S.B. 15-087 Regarding the Safe Placement of Children in Foster Care Homes	12 CCR 2509-1	15-07-27-01	The Safe Placement of Children in Foster Care Homes (Senate Bill 15-087)", was passed in the 2015 legislature. The legislation adds definitions, describes expectations for consistent provider background checks, disqualifying factors for background checks, and the actions required by county departments of human or social services and Child Placement Agencies (CPA) that are intended to safeguard children and youth placed in out-of-home care. The legislation also describes steps to be taken when an emergency placement is made for a child or youth with a relative or other available person, and requires evaluation of a placement with non-certified kin when disqualifying factors are found.	26-1-107; 26-1-109; 26-1-111; 19-1-103; 19-1-203; 19-3-406; 19-3-407; 26-5-102(1)(a); 26-5-103; 26-6-106.5, C.R.S. (2015); 42 U.S.C. 671, Section 471(a)(10); 42 U.S.C. 671, Section 471(a)(2)	New, Revised, & Repealed	Board Reg	1/1/2016	County human or social services, community providers, and other constituents will benefit from clarification provided in the rule, which will promote consistency in practice when placing in "non-emergency or planned" placements. Children and youth will benefit from a consistent assessment process that promotes safe placements.	8	110	
			12 CCR 2509-4										
			12 CCR 2509-5										
			12 CCR 2509-6										
			12 CCR 2509-7										
		12 CCR 2509-8											
OED	Executive Director	Repeal of Child Protection Ombudsman Program to Implement S.B. 15-204	12 CCR 2519-1	15-08-14-01	The Child Protection Ombudsman was created by S.B. 10-171 and operates under a contract between the National Association of Counsel for Children and the Colorado Department of Human Services. Senate Bill 15-204 established further independence and autonomy for the Ombudsman program, and thus removed authority for the Child Protection Ombudsman from the Colorado Department of Human Services. The Office of the Child Protection Ombudsman will be established in the Judicial Department (January 1, 2016) as an independent agency. Repeal of these rules is necessary due to the statutory change in authority. This is to be accomplished by January 1, 2016.	26-1-107; 19-3.3-102, C.R.S. (2015), et seq.	Repeal of Rules	Board Reg	1/1/2016	Repeal of these rules will not affect clients, families, or other stakeholders within the child welfare system.	4	18	

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
OES	Employment and Benefits	Implementation of H.B. 15-1255 Identifying the Penalties Associated with Misuse of the Electronic Benefit Transfer (EBT) Card for TANF/Colorado Works and Adult Financial Cash Benefits	9 CCR 2503-6 9 CCR 2503-8	15-08-18-01	<p>H.B. 15-1255 was signed into law on May 1, 2015. This law requires that on or before January 1, 2016, the State Department shall adopt rules to enforce the prohibition of clients accessing benefits at an Automated Teller Machine (ATM) located in an establishment in which a client is prohibited from accessing benefits by federal law. The rules must include increasing penalties for multiple violations.</p> <p>The purpose of these rules is to identify the enforcement mechanisms for customers who utilize their electronic benefit transfer (EBT) cards at ATMs located in prohibited locations.</p>	26-1-107; 26-1-109; 26-1-111; 26-2-104; 26-2-111; 26-2-702, C.R.S. (2015); 42 U.S.C. Section 608(a)(12) (2012); 42 U.S.C. Section 608(a)(12); TANF State Plan	New & Revised	Board Reg	1/1/2016	All individuals who have cash benefits made available through the Electronic Benefits Transfer (EBT) card for Colorado Works and Adult Financial programs will be impacted by these proposed rules. While most individuals do not use their EBT cards in prohibited establishments, individuals who are currently accessing benefits through these establishments will need to find alternative locations to withdraw their cash benefits. Individuals who continue to use EBT cards at prohibited locations will face increasing penalties for continued violations.	22	4	
OES	Food and Energy Assistance	Food Assistance FFY2016 Standard Utility Allowance Update and Cost of Living Adjustments	10 CCR 2506-1	15-09-01-01	The purpose is to revise five Food Assistance Program rules at 10 CCR 2506-1 to outline the Federal Fiscal Year (FFY) 2016 income eligibility standards and deductions that are adjusted annually and made effective each October 1st. The	26-1-107; 26-1-109; 26-1-111; 26-2-301; 26-2-302, C.R.S. (2015); Agricultural Act of 2014 (2014	Revised	Board Reg	1/1/2016	Food Assistance Program participants and applicants will benefit from this rule change.	20	6	

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					adjustments are based on a cost of living adjustment (COLA) as determined by the United States Department of Agriculture, Food and Nutrition Service (USDA, FNS). Colorado received the FFY15 COLA adjustments on August 11, 2015.	Farm Bill); 7 CFR 273.9(a); 7 CFR 273.9(d)(1)(i), (d)(6)(ii), (6)(iii); 7 CFR 273.10(e)(4)(i); 7 CFR 273.10(e)(2)(ii)(C); 7 CFR 273.12(e)							
OCAI	Aging and Adult Services	Older Americans Act and Services for the Aging Rule Revisions	12 CCR 2510-1	15-07-23-01	The State Unit on Aging has conducted a comprehensive rule review of rules regarding the Older Americans Act and Services for the Aging. As a result, rule revisions are being proposed to provide partner agencies opportunities to expand services that assist older Coloradans with maintaining their independence and live in the community of their choice and to provide for fiscal accountability of funds. Some of the proposed revisions are necessary to bring current rules into alignment with federal requirements. A number of changes have been made to the definitions section to align with current service delivery and federal requirements. Eligibility for the National Family Caregiver Services program is being revised to match federal eligibility guidelines. Clarification is being provided for the Senior Community Service Employment Program priority of services to older veterans and allowing participants the opportunity to continue to receive employment training through extending enrollment and host agency assignment in the program. There is no longer a federal requirement that a percentage of disease prevention/health promotion services be earmarked for medication management, so this	26-1-107; 26-1-109; 26-1-111; 26-11-100.1, et seq.; 26-11-201, et seq.; 26-11-206, C.R.S. (2015); 45 CFR 1321.11(a)	Revised	Board Reg	2/1/2016	Older Americans Act and State Funding for Senior Services funding is contracted only to Area Agencies on Aging. Groups that will benefit by these rule revisions include: Area Agencies on Aging, Older Americans Act and State Funding for Senior Services provider organizations, Registered Dietitians working with the programs, the State SCSEP sub-grantee, as well as clients that receive these services.	13	255	

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					requirement is being removed. Revisions to the provision of modified diets clearly define a distinction between therapeutic diets and modified diets. Another proposed rule change eliminates the requirement for physician prescription and subsequent follow-up with physicians every six (6) months for modified diets.								
OBH	Community Programs	Revisions to Procedures for Awarding of Gambling Addiction Grants	2 CCR 502-5	15-09-01-02	<p>The local government limited gaming impact fund requires the executive director of the department of human services to promulgate rules for awarding grants, from the gambling addiction account, for the purpose of providing gambling addiction counseling services to Colorado residents. Gambling addiction counseling providers who are awarded a gambling addiction grant will provide treatment, including prevention and education, to individuals who are assessed to be problem gamblers as well as others who have been affected by problem gambling. Rules went into effect September 1, 2015, establishing procedures for applying for a grant, the criteria for awarding and prioritizing applications, and other provisions necessary for the administration of the grant application and awards.</p> <p>This proposed change would provide clarity on how behavioral health programs are eligible to receive gambling addiction counseling grants, as intended in statute. The current rules read as though only individual behavioral health professionals are eligible to apply for the counseling grants. This lack of clarify in the rules could deter</p>	12-47.1-1601(4)(a.5)(l); 26-1-108; 26-1-109; 26-1-111; 26-1-105(2)(a); 27-61-101, C.R.S. (2015)	New & Revised	Exec Dir Reg	2/1/2016	<p>All Colorado residents will benefit from the availability of more gambling addiction counseling services provided by both behavioral health professionals and behavioral health programs.</p> <p>The groups of persons who will benefit from this rule are the Colorado residents in need of gambling addiction counseling, due to having grant moneys available for gambling addiction counseling, including prevention and education.</p>	3	8	

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					qualified programs from applying.								
OES	Food Assistance Program	Implementing Transitional Food Assistance	10 CCR 2506-1	15-09-30-01	The purpose of the proposed rule is to implement a Food Assistance federal policy option called Transitional Benefit Alternative (TBA), which is known as Transitional Food Assistance (TFA) in Colorado. The aim of implementing the TFA policy option is to provide stable food benefits to families that receive Food Assistance and Colorado Works (CW) basic cash assistance, but become ineligible for Colorado Works cash assistance during the middle of the household's certification period because the family's income makes them ineligible. Transitional Food Assistance is meant to help meet a family's nutritional needs for five (5) months as they transition into self-sufficiency.	26-1-107; 26-1-109; 26-1-111; 26-2-301, C.R.S. (2015); 7 CFR 273.26-7 CFR 273.32; 7 USC 2011-2036; Public Law 113-79, the Agricultural Act of 2014 (2014 Farm Bill)	New Rules	Board Reg	2/1/2016	No groups of persons will be adversely impacted by this rule. State staff will bear the burdens of administering the implementation of the new policy. There should be limited workload impact for county departments, as this rule change does not increase the number of applications or changes that are required to be submitted by the household from what is currently required.	24	0	
OBH	Community Programs	Revisions to the Rules for Competency Evaluations in Criminal Cases	2 CCR 502-1	15-10-20-01	The Colorado Department of Human Services (CDHS) has a statutory obligation under Section 16-8.5-101, et seq., C.R.S., to provide competency evaluations for persons charged with criminal offenses. Revisions to the current rules would allow CDHS to employ additional evaluators as contractors to provide competency evaluation under an active purchase order or personal service contract. In allowing contractors the ability to perform competency evaluations, wait times for competency evaluations will decrease and more beds will be available for individuals in need of inpatient mental health services at the Colorado Mental Health	26-1-105.5(6); 26-1-107; 26-1-108(1.8); 26-1-109; 26-1-111; 27-65-128; 27-66-102(2); 27-69-101 through 104; 27-90-103, C.R.S. (2015)	Revised	Board Reg	2/1/2016	Individuals waiting for competency evaluations in hospitals and jails will be able to receive their court order competency evaluation in the timeframe allowable by law. With faster turnaround times, more beds will be available for and individuals in need of inpatient mental health	6 a	7	

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					Institutes.					services at the Colorado Mental Health Institutes, which has the potential to affect every individual in Colorado.			
OEC	Early Care and Learning	Changes to Rules Regulating Child Care Centers (Less Than Twenty-Four (24) Hour Care)	12 CCR 2509-8	15-10-06-01	The purpose of these proposed rules is to align licensing rules with the 2014 Federal Child Care and Development Fund requirements for Federal Fiscal Years 2016 through 2018. In addition, the proposed rules were drafted in collaboration with child care providers and community stakeholders to address the physical well-being of children in child care and the growing issue of childhood obesity in Colorado, to clarify existing rules, and to provide expanded career pathways for child care personnel. The Department is statutorily required to review rules on a regular basis and is authorized to promulgate rules for licensed child care programs providing less than twenty-four (24) hour care that create standards and regulations for these child care programs. Each child care program must meet approved minimum standards as established by rule.	26-1-107(5), (6); 26-1-109(5); 26-6-106(1)(a); 26-6-113, C.R.S. (2015)	New, Revised, & Repealed	Board Reg	2/1/2016	Licensed child care centers are governed by these rules and will both benefit from and bear the burden of these rules. For instance, providers may need to alter the way in which they provide policies to families and maintain documentation of staff and children's records; they may need to revise their nutritional meal menus and restructure the day to include more physical activity for children; and, they may need to alter the ways in which they meet the social and emotional needs of children through policy or procedural changes. We do not expect any major cost or	16	46	

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										adverse impact from these revisions. Child care professionals will benefit from the expanded qualification options proposed in this rule package. Children in licensed child care centers will benefit from the expanded well-being and safety requirements in this rule package.			
OES	Food Assistance Program	EMERGENCYModifying the Implementation Date of Transitional Food Assistance	10 CCR 2506-1	16-01-14-01	The purpose of the proposed rule change is to modify the implementation date of rules that were previously adopted to implement Transitional Food Assistance. The purpose of Transitional Food Assistance was to provide stable food benefits to families that receive Food Assistance and Colorado Works (CW) basic cash assistance, but become ineligible for Colorado Works cash assistance during the middle of the household's certification period because the family's income makes them ineligible. Transitional Food Assistance is meant to help meet a family's nutritional needs for five (5) months as they transition into self-sufficiency. The effective date of the previously adopted rules was February 1, 2016. Due to delays in automated system changes that are necessary to implement the rule, the effective date must be modified to July 1, 2016, which is when the	26-1-107; 26-1-109; 26-1-111; 26-2-301, C.R.S. (2015); Pub. L. 113-79 (Agricultural Act of 2014); 7 U.S.C. Sections 2011-2036; 7 CFR 273.26 - 7 CFR 273.32	Revised	Board Emerg	2/5/2016	No groups of persons will benefit, bear the burdens or be adversely impacted by delaying the implementation date of the previously adopted rule-making, as Transitional Food Assistance has not yet been implemented.		0	X

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					system changes will be completed.								
OCYF	Child Welfare	Reinstatement of Parental Rights Pursuant to S.B. 14-062	12 CCR 2509-4 12 CCR 2509-1	15-08-14-02	The purpose of these proposed rules is to establish requirements for assessing a former parent, in order to comply with Senate Bill 14-062 regarding reinstatement of the parent-child relationship. These rules set forth a process for counties to explore another permanency option for children or youth whose parent's rights had been terminated in the past. Reinstatement of parental rights are for children or youth who do not have a legal parent, are not in an adoptive home, are at least twelve years of age or part of a sibling group, agree to the reinstatement, and the reinstatement is found to be in the child's or youth's best interest. Reinstatement is for former parent(s) who have remedied issues that led to the termination of that legal relationship, have completed an assessment, and agreed to the reinstatement.	26-1-107; 26-1-109; 26-1-111; 19-3-612(9)(f), C.R.S. (2015)	Revised	Board Reg	3/1/2016	The persons who will benefit from these rules include, youth over the age of twelve (12) and children under twelve (12) who are a sibling to an older youth pursuing reinstatement, are legally free, and have not achieved permanency. Biological parents who have remedied the conditions that led to the child's or youth's removal and termination of the parent- child relationship and are now able to have child/youth safely reunite with them through a legal process will benefit. County Departments of Human/Social Services will benefit when they have not yet found permanent homes or legal permanency for some children or	10 a	2	

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										youth and have exhausted other options. There is no anticipated group that will be adversely impacted by these rules.			
OEC	Early Care and Learning	Colorado Child Care Assistance Program (CCCAP) Federal Poverty Guidelines Correction	9 CCR 2503-9	15-11-18-01	The purpose of this rule change is to provide an accurate update of the State Median Income and the Federal Poverty Guidelines for use by counties in the administration of the Colorado Child Care Assistance Program (CCCAP). The most recent Federal Poverty Guidelines were adopted into rule effective October 1, 2015; however, these guidelines were inaccurate due to a rounding error and are being revised with the accurate figures. Counties use these figures to determine income eligibility for the Child Care Assistance Program applicants and ongoing participants. These figures also help determine that parental fee amount.	26-1-107; 26-1-109; 26-1-111(5); 26-2-805(1), C.R.S (2015)	New & Revised	Board Reg	3/1/2016	It is correcting a rounding error and is not negatively impacting the eligibility of any family. The Child Care Automated Tracking System (CHATS) is determining eligibility of families using the correct numbers.		1	X
OES	Food and Energy Assistance	Penalties for Individuals Convicted of Fraud in the Low-Income Energy Assistance Program (LEAP)	9 CCR 2503-7	15-09-29-01	The State Board of Human Services requested that the Department reconsider the penalties imposed due to a fraud conviction. The purpose of this proposed rule change is to revise language in Section 3.751.56 to establish an appropriate consequence for an individual convicted of committing fraud in the Low-Income Energy Assistance Program (LEAP). Individuals who are found guilty of committing fraud in LEAP, pursuant to Section 26-1-127, shall be ineligible to participate in LEAP for three years following the	26-1-107; 26-1-109; 26-1-111(5), 26-2-122.5; 26-2-104(2)(a), (b); 40-8.5-101; 40-8.7-101; 40-8.7-109; 40-8.7-112(1), C.R.S. (2015)	Revised	Board Reg	4/1/2016	The State LEAP unit, county staff, and clients will be positively impacted by clearly defining an appropriate consequence for an individual who is convicted of committing fraud in LEAP. Individuals convicted of fraud would no longer	23	1	

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					first conviction and permanently for the second conviction.					be eligible for energy assistance services based upon the penalties outlined in the rule.			
OES	Food Assistance Program	Aligning Food Assistance Certification Periods and Change Reporting Requirements	10 CCR 2506-1	15-10-23-01	The purpose of the proposed rule change is to further align certification periods and change reporting requirements among Food Assistance households. Further alignment simplifies administration of the Program, decreases county and state workload, and simplifies system design and policy interpretation and application, all of which reduce the risk of untimely and inaccurate eligibility decisions.	26-1-107; 26-1-109; 26-1-111; 26-2-301; 26-2-302, C.R.S. (2015); Pub. L. 113-79 (Agricultural Act of 2014); 7 U.S.C. Sections 2011-2036; 7 CFR- 273.10(f); 7 CFR 273.12; 7 CFR 273.12(a)(5)(i)	Revised	Board Reg	4/1/2016	The state and county departments will benefit from this rule change, along with Food Assistance Able Bodied Adult without Dependent (ABAWD) households. No groups of persons will be adversely impacted by this rule change.	25 a	2	
OBH	Community Programs	Revisions to Behavioral Health Rules as a Result of Comprehensive Rule Review	2 CCR 502-1	15-08-26-01	The proposed rule changes are intended to improve the efficiency and effectiveness of the behavioral health rules and to provide a more streamlined process for service providers to protect the safety, health, and welfare of Colorado residents. In accordance with Section 24-4-103.3, C.R.S., all state agencies are required to complete a mandatory review of all their agency rules in consultation with the Department of Regulatory Agencies. A review of the Office of Behavioral Health's existing rules was on the Department of Human Services schedule for 2015. This comprehensive rule review has been completed. Rules were found that require clarification and technical clean-up to enhance the effectiveness, efficiency, and	26-1-105.5(6); 26-1-107; 26-1-109; 26-1-111(5); 27-67-106; 27-67-107; 27-80-108; 27-90-103; 27-65-128; 27-66-102(2); 27-69-101 -104; 27-81-106; 27-82-103(1); 27-92-102, C.R.S. (2015); 42 CFR Part 8	Revised	Board Reg	5/1/2016	Community mental health centers, behavioral health clinics, substance use disorder providers, hospitals, residential child care facilities that are licensed or designated by the Office of Behavioral Health will benefit from aligned processes, elimination of redundancies, and clarified timeframes. Children, adults,	5	26 7	

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					elegance of the behavioral health rules.					and families receiving behavioral health services will benefit from rules that protect individual rights and provide consistent minimum standards of care.			
OCAI	Vocational Rehabilitation	State Allocation for Delivery of Independent Living Services Pursuant to S.B. 15-240	12 CCR 2513-1	15-11-30-01	This rule implements Senate Bill 15-240, which was signed into law on May 1, 2015, and requires that rules be promulgated on or before July 1, 2016 for the block distribution of state moneys to Independent Living Centers. The rule outlines how the additional \$830,000 that was allocated by the State Legislature will be distributed to the Centers for Independent Living under the funding formula that the Centers agreed to in October 2015. The Centers agreed to a weighted formula that divides county disability population, plus county population, and land area by population to determine the funding amount for each county. The Centers also agreed to explore setting aside \$400,000 to establish a Division of Independent Living in State Government. The program will be meeting its fiduciary requirements by having this rule promulgated.	26-1-107; 26-1-109; 26-1-111; 26-8.1-103, C.R.S.; 26-8.1-105; 26-8.1-107, C.R.S. (2015); Title VII, Section 725 of the Rehabilitation Act of 1973, as amended	New Rules	Board Reg	5/1/2016	Individuals with disabilities will benefit because Certified Centers for Independent Living in Colorado will have access to additional funding which will enable them to provide more services to individuals with disabilities leading to the individuals' potential for increased economic securities and community access.	15	0	
OES	Food Assistance	Modifying the Implementation Date of Transitional Food Assistance	10 CCR 2506-1	16-01-14-01	The purpose of the proposed rule change is to modify the implementation date of rules that were previously adopted to implement Transitional Food Assistance. The purpose of Transitional Food Assistance was to	26-1-107; 26-1-109; 26-1-111; 26-2-301, C.R.S. (2015); Pub. L. 113-79 (Agricultural Act of 2014); 7	Revised	Board Reg	5/1/2016	No groups of persons will benefit, bear the burdens or be adversely impacted by delaying the		1	X

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
					provide stable food benefits to families that receive Food Assistance and Colorado Works (CW) basic cash assistance, but become ineligible for Colorado Works cash assistance during the middle of the household's certification period because the family's income makes them ineligible. Transitional Food Assistance is meant to help meet a family's nutritional needs for five (5) months as they transition into self-sufficiency. The effective date of the previously adopted rules was February 1, 2016. Due to delays in automated system changes that are necessary to implement the rule, the effective date must be modified to July 1, 2016, which is when the system changes will be completed.	U.S.C. Sections 2011-2036; 7 CFR 273.26 - 7 CFR 273.32				implementation date of the previously adopted rule-making, as Transitional Food Assistance has not yet been implemented.			
OEC	Early Care and Learning	Emergency Rule Further revisions to implement remaining provisions of HB 14-1317 regarding Colorado Child Care Assistance Program (CCCAP) Modifications	9 CCR 2503-9	16-03-16-01E	A review of the rule was completed to come into compliance with Child Care Assistance Program regulation by the designated deadlines that are outlined in State Statute and Federal Regulations. Because the Federal requirements have a different implementation deadline than those required by State Statute, we will be adopting the Federal requirements with an effective date of June 1, 2016. The statutory requirements will be adopted with an effective date of July 1, 2016. This is also being done with consideration on the burden of the counties as the statutory requirements will require more time for the State and County Departments to prepare for the implementation. Changes proposed by the Child Care Rule Rewrite Task Group, comprised of County Child Care Program Staff, were also incorporated in these emergency rules in order to better facilitate clear processes for counties and	26-1-107 (5), (6), C.R.S. (2015); 26-1-109 (5), C.R.S. (2015); 26-2-803 (3), C.R.S. (2015); 26-2-803 (4) (a) (II), C.R.S. (2015)	New & Revised	Board Emerg	5/6/2016	Counties who administer Colorado Child Care Assistance Program (CCCAP) benefits will both benefit and bear the burdens of this rule. Changes to this rule will alter the way they administer benefits to families. Households receiving CCCAP benefits will largely benefit from the revision of this rule. Child care providers who serve the families receiving child	17 a	6	

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
					providers.					care subsidy (CCCAP) will benefit from tiered reimbursement based on quality.			
OES	Food Assistance	EMERGENCY Updates to Transitional Food Assistance Rules	10 CCR 2506-1	16-04-12-01	The purpose of the proposed emergency rule is to update Food Assistance rules (10 CCR 2506-1) that implement the federal policy option called Transitional Food Assistance. The Food Assistance Program is proposing to change the implementation date from July 1, 2016, to November 1, 2016. Since Transitional Food Assistance is a federal policy option that Colorado has chosen to implement, Colorado has the discretion to set the implementation date. The aim of Transitional Food Assistance is to help meet a family's nutritional needs for five months as they transition into self-sufficiency. The policy option allows states to provide stable Food Assistance benefits to families that receive Food Assistance and Colorado Works basic cash assistance but become ineligible for Colorado Works cash assistance during the middle of the household's certification period because changes in the family's income makes them no longer eligible for cash assistance.	26-1-107, C.R.S. (2015) ; 26-1-109, C.R.S. (2015) -; 26-1-111, C.R.S. (2015); 26-2-301, C.R.S. (2015),	Revised	Board Emerg	5/6/2016	No groups of persons will benefit, bear the burdens or be adversely impacted by delaying the implementation date of the previously adopted rulemaking, as Transitional Food Assistance has not yet been implemented.		0	X
OES	Refugee Services	Revision to the Colorado Refugee Service Program Rules	9 CCR 2503-3 9 CCR 2503-7	15-10-14-01	The Colorado Refugee Services Program (CRSP) rules provide a program summary of the program; implement program mandates; define and provide eligibility information for CRSP eligible clients; and, provides information regarding Refugee Medical Assistance (RMA), including determination, eligibility,	26-1-107, CRS2015; 26-1-109 CRS2015; 26-1-111 CRS2015; 24-76.5-101 CRS, etseq 15; 26-1-105(2)(a)(3) CRS2015; 26-2-103 CRS2015; 26-	Revised	Board Reg	9/1/2016	Colorado Department of Human Services, Colorado Department of Health Care Policy and Financing, and individual county	25 b	10	

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
					and definitions of RMA. CRSP rules have not been updated since 2012. As currently written, the rules are not up-to-date with language regarding federal program eligibility. Language also needs to be clarified in order to minimize potential confusion regarding eligible client populations. CRSP also proposes that the current rule location be moved from Sections 3.710 through 3.711.2 (9 CCR 2503-7) to Section 3.300, et seq. (9 CCR 2503-3) for the purpose of the CRSP program having its own rule section. This comprehensive review of the CRSP rules provides technical clean-up of the current rules aligns with federal program eligibility language, and provides clarification of potentially confusing language.	2-106(1.5) CRS2015; 26-2-111 CRS2015; 26-2-111.8 CRS2015; 26-2-137, CRS2015; Immig&Nat Act, 8 USC Sec1153(a)(7), 1157, 1158, 1182; Immig&Nat Act, Sec412; RefAct 1980, Pub.L 96-212, as amended Trafficking Victims Prot Reauth Act03, Pub.L108-193, Sec4(a)(2) 12/19/03; 45 Fed Reg CFR, Pt 400 & 401; DeptDef Approp Act 2010, Pub.L111-118, Sec8120 12/19/09				human services departments will benefit from this rule change because of the language clarification regarding program eligibility. Colorado refugee resettlement agencies and other CRSP contactors will benefit due to having state rules regarding CRSP and CDHS program eligibility match federal program rules. This rule change will become an additional resource to assist clients with their access to services. No burdens or adverse impact is known because of this proposed rule.			
OEC	Early Care and Learning	Permanent Rule from Emergency Further revisions to implement remaining provisions of HB 14-1317 regarding Colorado Child Care Assistance	9 CCR 2503-9	16-03-16-01E	A review of the rule was completed to come into compliance with Child Care Assistance Program regulation by the designated deadlines that are outlined in State Statute and Federal Regulations. Because the Federal requirements have a different implementation deadline than those required by State Statute, we will be adopting the Federal requirements with an effective date of June 1, 2016. The statutory requirements	26-1-107 (5), (6), C.R.S. (2015); 26-1-109 (5), C.R.S. (2015); 26-2-803 (3), C.R.S. (2015); 26-2-803 (4) (a) (II), C.R.S. (2015)	New & Revised	Board Reg	9/1/2016	Counties who administer Colorado Child Care Assistance Program (CCCAP) benefits will both benefit and bear the burdens of this rule. Changes to this rule will alter the way they administer	18 b	6	

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
		Program (CCCAP) Modifications			will be adopted with an effective date of July 1, 2016. This is also being done with consideration on the burden of the counties as the statutory requirements will require more time for the State and County Departments to prepare for the implementation. Changes proposed by the Child Care Rule Rewrite Task Group, comprised of County Child Care Program Staff, were also incorporated in these emergency rules in order to better facilitate clear processes for counties and providers.					benefits to families. Households receiving CCCAP benefits will largely benefit from the revision of this rule. Child care providers who serve the families receiving child care subsidy (CCCAP) will benefit from tiered reimbursement based on quality.			
OEC	Early Care and Learning	Further revisions to implement remaining provisions of HB 14-1317 regarding Colorado Child Care Assistance Program (CCCAP) Modifications	9 CCR 2503-9	16-03-16-01P	A comprehensive review of the entire rule was completed to come into compliance with CCCAP regulation, clarify language, reorganize and update processing standards. • Come into compliance with the remaining provisions of HB14-1317 which amend C.R.S §§ 26-2-802, 26-2-802.5, 26-2-803, 26-2-804, 26-2-805, 26-2-805.5, 26-2-809, 26-2-703: Tiered Reimbursement, Tiered Reduced Co-Pay, Contract for Slots, County opt out process for State recommended provider reimbursement rates • Come into compliance with the federal Child Care Development Block Grant Reauthorization Act of 2014: Services for children experiencing homelessness, Services for children in foster care, Twelve month eligibility, Providing services for temporary breaks in eligible activities, Three months of Job Search activity, Changes proposed by the Child Care Rule Rewrite Task	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 26-1-107 (5), (6), C.R.S. (2015); 26-1-109 (5), C.R.S. (2015)	New, Revised, & Repealed	Board Reg	9/1/2016	Counties who administer Colorado Child Care Assistance Program (CCCAP) benefits will both benefit and bear the burdens of this rule. Changes to this rule will alter the way they administer benefits to families. Households receiving CCCAP benefits will largely benefit from the revision of this rule. Child care providers who serve the families receiving child care subsidy (CCCAP) will benefit from	17 a	46	

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
					Group, comprised of County Child Care Program Staff, were also incorporated in order align Child Care Assistance Program Rule with other human services program areas and to better facilitate clear processes for counties and providers.					more consistent eligibility periods and the ability to contract for slots with counties			
OES	Food Assistance	Updates to Transitional Food Assistance Rules	10 CCR 2506-1	16-04-12-01	<p>The purpose of the proposed emergency rule is to update Food Assistance rules (10 CCR 2506-1) that implement the federal policy option called Transitional Food Assistance. The Food Assistance Program is proposing to change the implementation date from July 1, 2016, to January 1, 2017. Since Transitional Food Assistance is a federal policy option that Colorado has chosen to implement, Colorado has the discretion to set the implementation date.</p> <p>The aim of Transitional Food Assistance is to help meet a family's nutritional needs for five months as they transition into self-sufficiency. The policy option allows states to provide stable Food Assistance benefits to families that receive Food Assistance and Colorado Works (CW) basic cash assistance but become ineligible for Colorado Works cash assistance during the middle of the household's certification period because changes in the family's income makes them no longer eligible for cash assistance.</p>	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 26-2-301, C.R.S. (2015); Pub.L. 113-79; 7 CFR 273.26-273.32	Revised	Board Reg	9/1/2016	No groups of persons will benefit, bear the burdens or be adversely impacted by delaying the implementation date of the previously adopted rulemaking, as Transitional Food Assistance has not yet been implemented.		1	X
OES	Food Assistance	EMERGENCY Food Assistance FFY17 Standard Utility Allowance Update and	10 CCR 2506-14.207.3 4.401.1 -	16-04-25-02	outline FFY 17 income eligibility standards and deductions that are adjusted annually and made effective each 10/1. 2. Update FFY 17 standard utility allowance deductions.	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); - 26-2-	Revised	Board Emerg	9/9/2016	Food Assistance Program participants and applicants will benefit from this rule change		6	X

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
		Cost of Living Adjustment	24.407.1-3			301 (2016), C.R.S.; 26-2-302 (2016), C.R.S.; Agricultural Act of 2014 (Public Law 113-79); 7 CFR 273.9(a); 7 CFR 273.9(d)(1)(i); 7 CFR [273.9] (d)(6)(iii); 7 CFR 273.10(e)(4)(i); 7 CFR 273.10(e)(2)(ii)(c); 7 CFR 273.12(e); 7 CFR 273.9(D)(6)(ii)							
OEC	Community & Family Support	Revisions of Early Intervention Program Rules	12 CCR 2509-10	15-11-13-01	<p>Revisions are needed to make several content and technical changes to support local early intervention programs to implement evidence-based practices that are included as improvement strategies in the federally-required State Systemic Improvement Plan (SSIP), comply with new training requirements, revise the definition of developmental delay to better identify children with atypical behavior or development, meet all of the requirements of multidisciplinary evaluation and assessment, obtain parental consent for use of the tele-health method of service delivery, and appropriately document services on Individualized Family Service Plans (IFSPs) in a high quality, standard manner statewide.</p> <p>A minor technical change is made in "Definitions", Section 7.901, to add back the second half of a sentence to the definition of "Child Find" that was omitted by accident in rules previously adopted in May 2015.</p>	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 27-10.5-703(2), (3)(b), C.R.S. (2015); 34 C.F.R. Part 303	Revised	Board Reg	10/1/2016	Eligible infants, toddlers, and their families, Advocates for persons with disabilities, Community Centered Boards (CCBs) Early Intervention Service providers, Colorado Interagency Coordinating Council (CICC), Administrative Unit Child Find teams, Community Centered Boards (CCB)		17	X

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
					Rule changes are necessary in order to enforce the requirements statewide. No other action will provide the necessary and effective level of authority required to ensure that local programs are providing high quality early intervention services to children and families.								
OES	Food Assistance	Implementing a Food Assistance Standard Medical Expense Deduction (SMED)	10 CCR 2506-1	16-02-09-02	The purpose of the proposed rule change is to implement a standard medical expense deduction (SMED) when determining Food Assistance eligibility and benefit amount for those households who are eligible to have medical expenses as a deduction. Individuals who are elderly and/or have a disability are eligible to receive a deduction for total medical expenses in excess of thirty-five dollars (\$35) (10 CCR 2506-1, 4.407.6). Implementing a SMED is an option that the State of Colorado has decided to participate in accordance with Section 17(b)(1)(A) of the Food and Nutrition Act of 2008. Implementing a standard medical expense deduction (SMED) will benefit households that contain an individual who is elderly and/or disabled and will result in more effective program administration. Section 4.407.6 of the regulations will be revised to implement a standard medical expense deduction in the amount one hundred sixty five dollars (\$165). Colorado has submitted its request to the United States Department of Agriculture, Food and Nutrition Service (USDA, FNS) for approval to implement. In determining the amount of the deduction, and as part of the approval process with FNS, Colorado assessed data for those households that receive a medical deduction.	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 26-2-301, C.R.S. (2014); 7 U.S.C. §§ 2011-2036.	Revised	Board Reg	10/1/2016	Households that contain a person who is elderly and/or disabled who have medical expenses will benefit from this rule. No groups of persons will be adversely impacted by this rule. State staff will bear the burdens of administering the implementation of the new policy, which includes federal reporting and evaluation requirements upon which the policy waiver is contingent.		3	X

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
					Approximately eighty percent (80%) of those household who currently receive a medical deduction have a monthly deduction at or below the proposed standard of \$165.								
OCYF	Child Welfare	Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183) Legislation HB 16-1224	12 CCR 2509-2	16-04-06-02	Several rules are required to meet requirements of Public Law 113-183, Preventing Sex Trafficking and Strengthening Families Act, and House Bill 16-1224, Concerning child abuse involving human trafficking of minors: <ul style="list-style-type: none"> • Add rule to 7.303.4 regarding identifying, documenting in agency records, and determining appropriate services for children/youth who have experienced or are at-risk for experiencing sex trafficking; • Add rule to 7.100 regarding the assessment of allegations of intra-familial sex trafficking; and; • Add rule to 7.200 and 7.303.4 regarding conducting screening to identify risk and/or experiences of sex trafficking. 	26-1-107, C.R.S. (2015) ; 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 42 U.S.C. 671, 42 U.S.C. 679(c), C.R.S. 19-1-103(1)(a)(VIII), C.R.S. 19-3-308(4)(c), C.R.S. 19-3-317.	Revised	Board Reg	10/1/2016	County departments of human/social services will bear the burden of conducting screening to determine instances of sex trafficking, determining appropriate services, and documenting in the state automated case management system. County departments of human/social services will bear the burden of notifying law enforcement when a child/youth is found to be a victim of sex trafficking, determining appropriate services, and documenting in the state automated case management system.		0	X
OCYF	Child	Preventing Sex	12 CCR	16-04-	Several rules are required to meet	261107; C.R.S.	Revised	Board	10/1/2016	County		0	X

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
	Welfare	Trafficking and Strengthening Families Act (Public Law 113-183)	2509-3	06-03	requirements of Public Law 113-183, Preventing Sex Trafficking and Strengthening Families Act, and House Bill 16-1224, Concerning child abuse involving human trafficking of minors: • Add rule to 7.303.4 regarding identifying, documenting in agency records, and determining appropriate services for children/youth who have experienced or are at-risk for experiencing sex trafficking; • Add rule to 7.100 regarding the assessment of allegations of intra-familial sex trafficking; and; • Add rule to 7.200 and 7.303.4 regarding conducting screening to identify risk and/or experiences of sex trafficking.	(2015) ; 261109; C.R.S. (2015) ; 261111; C.R.S. (2015) ; 42; U.S.C. 671, 42 U.S.C. 679(c), C.R.S. 191103(1)(a)(VIII), C.R.S. 193308(4)(c), C.R.S. 193317.		Reg		departments of human/social services will bear the burden of conducting screening to determine instances of sex trafficking, determining appropriate services, and documenting in the state automated case management system. County departments of human/social services will bear the burden of notifying law enforcement when a child/youth is found to be a victim of sex trafficking, determining appropriate services, and documenting in the state automated case management system.			
OCYF	Child Welfare	Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183)	12 CCR 2509-4	16-04-06-04	Several rules are required to meet requirements of Public Law 113-183, Preventing Sex Trafficking and Strengthening Families Act, and House Bill 16-1224, Concerning child abuse involving human trafficking of minors: • Add rule to 7.303.4 regarding identifying, documenting in agency records, and determining	261107, C.R.S. (2015) ; 261109, C.R.S. (2015) ; 261111, C.R.S. (2015) ; 42 U.S.C. 671, 42 U.S.C. 679(c), C.R.S. 191103(1)(a)(VIII)	Revised	Board Reg	10/1/2016	County departments of human/social services will bear the burden of conducting screening to determine instances of sex trafficking,		0	X

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
					appropriate services for children/youth who have experienced or are at-risk for experiencing sex trafficking; • Add rule to 7.100 regarding the assessment of allegations of intra-familial sex trafficking; and; • Add rule to 7.200 and 7.303.4 regarding conducting screening to identify risk and/or experiences of sex trafficking.), C.R.S. 193308(4)(c), C.R.S. 193317.				determining appropriate services, and documenting in the state automated case management system. County departments of human/social services will bear the burden of notifying law enforcement when a child/youth is found to be a victim of sex trafficking, determining appropriate services, and documenting in the state automated case management system.			
OES	Adult Financial Programs	Grant Increase for the Home Care Allowance, Special Populations Home Care Allowance, and Personal Needs Allowance	9 CCR 2503-5	16-04-25-01	Colorado has a Maintenance of Effort agreement with the Social Security Administration. This agreement requires compliance with the Social Security pass-along per 20 CFR 416.2099, which sets a minimum expenditure level on Supplemental Security Income recipients as a condition of receiving Colorado's full amount of Federal Financial Participation for Medicaid. The penalty for non-compliance is equal to at least \$325 million quarterly and could be as high as at least \$1.3 billion annually. Colorado's MOE claimed include benefits paid directly to SSI recipients in Adult Financial Programs. In order to meet the requirement in 2016 and	26-1-107, C.R.S. (2016); 26-1-109, C.R.S. (2016); 26-1-111, C.R.S. (2016).; 26-2-111, C.R.S. (2016); 20 CFR 416	Revised	Board Reg	10/1/2016	This rule change will impact all HCA and SP-HCA recipients. All HCA and SP-HCA recipients will receive up to a fifty five dollar (\$55) increase to their monthly grant. Both the HCA and SP-HCA programs have a three tiered grant system based on the recipient's functional capacity and need for paid care		5	X

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
					going forward, the program is proposing an increase to the monthly benefits amounts paid to Home Care Allowance and Home Care Allowance - Special Populations (SP-HCA) program recipients. Additionally, the PNA base amount should be adjusted as described at CRS 25.5-6-202(9)(b)(l). While these statutes are specific to Medicaid, there are Adult Financial recipients whose income is solely or in combination with Supplemental Security Income below the Health Care Policy and Financing PNA amount. The additional per diem rate increase for 2016 is three percent (3%).					score. The HCA and SP-HCA recipients maximum grant will increase as follows: Tier 1 would increase to two hundred and fifty five dollars (\$255), Tier 2 would increase to three hundred and ninety seven dollars (\$397) and Tier 3 would increase to five hundred and thirty dollars (\$530). This rule change will also impact recipients that reside in a facility and receive the Adult Financial Personal Needs Allowance. All recipients residing in facilities will receive a two dollar (\$2) increase to their monthly allowance.			
OEC	Early Care and Learning	Changes to Rules Regulating Family Child Care Homes	12 CCR 2509-8	16-05-10-01	<p>The purpose of these proposed rules is to align licensing rules with the 2014 Federal Child Care and Development Fund requirements for Federal Fiscal Years 2016 through 2018.</p> <p>The Department is statutorily required to review rules on a regular basis and is authorized to promulgate rules for licensed child care programs providing less than</p>	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015) ; 26-1-107(5), (6), C.R.S. (2015); 26-1-109(5), C.R.S. (2015); 26-6-106(1)(a), C.R.S. (2015) - ;	New, Revised, & Repealed	Board Reg	10/1/2016	All licensed family child care home providers, both those accepting families who receive Colorado Child Care subsidy and those who do not. We expect minor costs from these rules or	18	18	

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
					twenty-four (24) hour care that create standards and regulations for these child care programs. Each child care program must meet approved minimum standards as established by rule.	26-6-113, C.R.S. (2015)				revisions.			
OEC	Early Care and Learning	Changes to Rules for School-Age Child Care Centers	12 CCR 2509-8	16-05-10-02	<p>The purpose of these proposed rules is to align licensing rules with the 2014 Federal Child Care and Development Fund requirements for Federal Fiscal Years 2016 through 2018.</p> <p>The Department is statutorily required to review rules on a regular basis and is authorized to promulgate rules for licensed child care programs providing less than twenty-four (24) hour care that create standards and regulations for these child care programs. Each child care program must meet approved minimum standards as established by rule.</p>	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015) ; 26-1-107(5), (6), C.R.S. (2015); 26-1-109(5), C.R.S. (2015); 26-6-106(1)(a), C.R.S. (2015) - ; 26-6-113, C.R.S. (2015)	New & Revised	Board Reg	10/1/2016	All licensed school-age child care providers, both those accepting families who receive Colorado Child Care subsidy and those who do not. We expect minor costs from these rules or revisions.	17	4	
OEC	Early Care and Learning	Changes to General Rules for Child Care	12 CCR 2509-8	16-05-10-03	<p>The purpose of these proposed rules is to align licensing rules with the 2014 Federal Child Care and Development Fund requirements for Federal Fiscal Years 2016 through 2018. The Department is statutorily required to review rules on a regular basis and is authorized to promulgate rules for licensed child care programs providing less than twenty-four (24) hour care that create standards and regulations for these child care programs. Each child care program must meet approved minimum standards as established by rule.</p>	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015) ; 26-1-107(5), (6), C.R.S. (2015); 26-1-109(5), C.R.S. (2015); 26-6-106(1)(a), C.R.S. (2015) ; 26-6-113, C.R.S. (2015)	Revised	Board Reg	10/1/2016	All licensed child care providers, both those accepting families who receive Colorado Child Care subsidy and those who do not. We expect minor, if any, costs from this rule or revision.		0	X
OEC	Early Care and Learning	Changes to Rules Regulating	12 CCR 2509-8	16-05-10-04	These proposed rules include rule revision technical clean-up.	26-1-107, C.R.S. (2015); 26-1-109, C.R.S.	Revised	Board Reg	10/1/2016	All licensed child care center providers, both		0	X

OFF	Division / Program	Rule Title	CCR	CDHS Ref #	Description	Authorities	Rule Action	Rule Type	Eff Date	Impacted Group	RA	#R	UP
		Child Care Centers			The Department is statutorily required to review rules on a regular basis and is authorized to promulgate rules for licensed child care programs providing less than twenty-four (24) hour care that create standards and regulations for these child care programs. Each child care program must meet approved minimum standards as established by rule.	(2015); 26-1-111, C.R.S. (2015) ; 26-1-107(5), (6), C.R.S. (2015); 26-1-109(5), C.R.S. (2015); 26-6-106(1)(a), C.R.S. (2015) - ; 26-6-113, C.R.S. (2015)				those accepting families who receive Colorado Child Care subsidy and those who do not. We expect any costs of this technical clean-up rule package to be minor or non-existent.			
OCYF	Child Welfare	Revisions to the Relative Guardianship Assistance Program	12 CCR 2509-4	16-05-17-01	<p>HB16-1448 (26-5-110, C.R.S.) expands the Relative Guardianship Assistance Program to allow court appointments through Allocation of Parental Responsibilities (APR) in lieu of guardianship through the Probate Court, and eligibility for non-relative foster parents in specific situations. RGAP rules are located in section 7.311 (12 CCR 2509-4). Technical changes were made. RGAP eligibility expands in the following ways:</p> <ul style="list-style-type: none"> • Allows APR in lieu of a guardianship appointment to establish permanency; • Allows a youth residing in a non-relative foster home (with no relationship prior to placement) for at least one year, who is 12 years of age and older, and consents to permanency with the foster parent with whom he/she has a significant psychological tie; and, • Allows younger siblings (11 years of age and younger) residing in the same non-relative foster home as an older to be included in RGAP. <p>Section 7.304.52 is revised to release county departments of human or social services from ongoing family finding requirements when a non-relative foster parent commits to the permanency of a</p>	26 1 107(5), (6), CRS; 26-1-109(5), CRS; 26 1 111, CRS ; 26-5-102 (1)(a), C.R.S. (2014); 26-5-103, C.R.S.; 26-5-110, C.R.S.; Section 471 [42 U.S.C. 671] (a) (28); Section 473 [42 U.S.C. 673] (d)	Revised	Board Reg	10/1/2016	Youth 12 years of age and older and their younger siblings residing in the same placement who have significant psychological ties with non-relative foster parents with whom they have resided for at least 12 months and when reunification and adoption are not appropriate permanency goals will benefit when family search and engagement efforts are ceased because of the foster parents' commitment to their permanency. County departments of human or social services will benefit because the youth and siblings residing in the same		0	X

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					youth who is 12 years of age or older and younger siblings residing in the same placement and meets requirements in RGAP.					placement will achieve permanency and ongoing family search and engagement efforts will not be required.			
OCYF	Child Welfare	Revision of Safety and Risk Assessment Tool Access	12 CCR 2509-2	16-04-08-02	To update the rules for the Colorado Family Safety and Risk assessment tools. The current rules apply to the safety and risk assessment tools that are outdated and have been revised to meet the current needs of child welfare practice. Updating the rules will align with the practice requirements to meet the safety and risk needs of families involved in the child welfare system. The new Colorado Family Safety and Risk assessment tools required timeframes have changed to better assess the needs of families involved in the child welfare system. The changes to the rule provide an opportunity for clarification and updating. The goal of this request is to align, clarify, and update the rule for the assessment of safety and risk with the current expectation for child welfare practice.	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015)	New, Revised, & Repealed	Board Reg	11/1/2016	Families involved in the Child Welfare system, County departments, ARD, DCW.	10 b	54	
OBH	Community Programs	Standards for the Behavioral Health Crisis Response System	2 CCR 502-1	16-05-11-01	SB13-266, signed by Gov on 5/16/13, authorizing a statewide behavioral health (BH) crisis response system. A mental health (MH) or substance abuse crisis can happen at any time and often individuals experiencing a crisis do not have access to necessary MH interventions in their community. Due to limited BH crisis response services, individuals are often transported by 1st responders to ER or jails, when local interventions would have been a	26-1-107, C.R.S. (2015); 26-1-107(6)(g), C.R.S.; 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 26-1-105.5(6), C.R.S. (2015); 26-1-108(1.8), C.R.S. (2015); 27-60-103(1)(a), C.R.S. (2015); 27-60-	New & Revised	Board Reg	11/1/2016	Every person in the State of Colorado will benefit from having a coordinated statewide behavioral health crisis response system which provides intervention and stabilization for	6 b	2	

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					<p>more appropriate, safer, specialized, and cost effective. This will create service standards for the coordinated statewide crisis response system which provides intervention and stabilization for any individual in CO experiencing a MH or substance abuse crisis. These rules establish service standards for a comprehensive, coordinated statewide system that integrates phone crisis services, walk-in crisis services and stabilization units, mobile and respite services. These are based on the principles of cultural competence, strong community partnerships, the use of peer supports, use of evidence based practices, building on existing foundations with an eye towards innovation, integrated system of care utilization, and student outreach through school-based clinics.</p> <p>The BH crisis response system goal is to decrease the use of emergency depts and law enforcement as primary intervening entities for a BH crisis. The BH crisis response system is a community based crisis intervention option that provides services more effectively and efficiently.</p>	<p>103(5), C.R.S. (2015); 27-65-128, C.R.S. (2015); 27-66-102(2), C.R.S. (2015) section 24-4-103, C.R.S., 27-90-102 and 27-90-103, C.R.S.; 27-69-101 through 104, C.R.S. (2015)</p>				<p>individuals experiencing a mental health or substance abuse crisis. A behavioral health crisis does not discriminate based on age, race, sex, religion, economic status, level of education, employment, income level or location. The behavioral health crisis response system is designed to provide support to any individual experiencing a crisis, any time in any location across Colorado. Colorado Senate Bill 16-1405, the Long Appropriations Bill, allocates \$25,948,915 to various components of the Behavioral Health Crisis Response System. The appropriated moneys allow any individual, regardless of ability to pay, to access services through the Behavioral Health Crisis Response</p>			

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										System. The Behavioral Health Crisis Response System Rules establish service standards across Colorado, including staff credential requirements. Rural areas in Colorado may find it difficult to hire staff with certain credentials to fill required positions. The Office of Behavioral Health believes that every individual in Colorado, in need of support for a behavioral health crisis should receive those services from skilled professionals trained to manage a behavioral health crisis.			
OES	Food & Energy Assistance	Annual Low Income Energy Assistance Program	9 CCR 2503-7	16-05-11-02	The Low Income Energy Assistance Program is reviewed annually for updates that may be needed for the next benefit season, beginning November 1st. New rule changes proposed are: • Revising language to require counties to determine eligibility in 30 calendar days from receipt of application for regular cases to align with the C-Stat goal. • Revising a rule that requires counties to pend emergency cases within 2 calendar days from receipt	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 26-2-122.5, C.R.S. (2015); 26-2-104(2) (a), (b), C.R.S. (2015); 40-8-5-101, C.R.S. (2015); 40-8-7-101,	New & Revised	Board Reg	11/1/2016	The State LEAP unit, county staff, and clients will be positively impacted by aligning case processing timelines to C-Stat goals, defining penalties for misuse of the EBT card, and clarifying	25	96	

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					of the application and ten calendar days for regular cases. • Adding a rule to identify the penalties associated with misuse of the EBT card at an identified prohibited location to implement H.B. 15-255. • Adding in-kind income to the earned income rule. This provision was inadvertently left out when Section 3.200 was transferred to LEAP rules for the 2014-2015 program year. • Adding income exclusion for one time supplemental payments to align with other programs. • Adding a code to deny a case when an applicant has been convicted of fraud. • Updating the income requirements based on the federal poverty level guidelines and the flat rates used for benefit calculations. • Revise and clarify language to assure consistency based on the review and recommendations from LEAP county stakeholders.	C.R.S. (2015), et seq; 40-8.7-109; C.R.S. (2015); 40.89.7-112(1) (2015) -				language to assure consistency in case processing.			
OCYF	Child Welfare	Revisions to Child Protection Teams	12 CCR 2509-7	15-09-08-01	The purpose of this rule change is to provide the operationalization of statute, in rule, in response to a recommendation from the Office of the State Auditor. In the 2014 Child Welfare Audit, Recommendation 8A stated as long as Child Protection Teams continue in their current form, the Department of Human Services should improve their use as an oversight mechanism by seeking legal guidance from the Office of the Attorney General on whether statute as currently written allows for counties to employ a risk-based approach for determining which cases should be reviewed by a Child Protection Team. The Department agreed with the Audit recommendation. The Department believes that CPTs best serve children and their communities	19-1-103(22); 19-3-308(6)(a); 26-1-107; 26-1-109; 26-1-111; C.R.S. (2015)	New & Revised	Exec Dir Reg	CANCELLED	Statute already requires counties to convene community Child Protection Teams to review assessments if the county receives fifty or more referrals per year. With this modification, counties may select a subset (target group) of referrals and/or assessments and/or cases to be reviewed by the CPT and will increase the value of the child	9	2	

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					when led at the local level; and, that counties should have sufficient flexibility to meet their unique community needs.					protection team review process.			
OES	Employment & Benefits Division	Revised Food Assistance Work Program Requirements	10 CCR 2506-1	16-04-25-04	These rule changes allow for greater flexibility in serving Supplemental Nutritional Assistance Program (SNAP) work registrants, by ensuring appropriate utilization of exemptions, as allowed under federal law. These rules will ensure that individuals exempted from mandated program participation due to mental or physical unfitness, or due to care of a dependent age 13 or under, suffer no undue harm to their SNAP allotment for failure to participate.	26-1-107, C.R.S. (2014) ; ; 26-1-109, C.R.S. (2014) ; 26-1-111, C.R.S. (2014) ; (CCR 4.310.2(C)(2) and 4.310.3(C)); CFR 273.24 (c) ; rules 4.310.1 and 4.310.11; CFR 273.7 (c);	Revised	Board Reg	CANCELLED			4	X
OCYF	Child Welfare	Assessment of Intrafamilial, Institutional, and Third-Party Abuse and/or Neglect	12 CCR 2509-2	16-5-9-1	The purpose of this rule packet is to ensure alignment between rule, the state automated case management system, tools, training, federal legislation, and state statute; and to clarify policy interpretation as requested through SubPAC and identified by DCW and ARD.	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 19-1-103, C.R.S.(2015); 26-6-106.5 C.R.S. (2015)	Revised	Board Reg	Pending	Child Welfare Sub-PAC; Policy Advisory Committee ; Colorado Counties, Inc. ; Court Appointed Special Advocates ; Colorado Human Services Directors Association ; Colorado Trails User Group ; Division of Child Welfare Child Protection, Hotline Teams, Office of the Child's Representative ; Rocky Mountain Children's Law Center; Child Protection Task Group; and CDHS Administrative	10c		

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										Review Division.			
OCYF	Child Welfare	Review of Hotline Rules (7.102) AND Reorganize and Enhance Training Rules (7.603.1)	12 CCR 2509-2	TBD	To update the rules for training and minimum qualifications to ensure clear language and intent, as well as a consistent feel throughout the section as part of 7.603 is currently being updated for hotline.	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 19-1-103, C.R.S.(2015); 26-6-106.5 C.R.S. (2015)	Revised	Board Reg	Pending	Child Welfare Sub-PAC; Policy Advisory Committee; Colorado Counties, Inc.; Court Appointed Special Advocates ; Colorado Human Services Directors Association; Colorado Trails User Group ; Division of Child Welfare Child Protection, Hotline Teams, Office of the Child's Representative ; Rocky Mountain Children's Law Center; Child Protection Task Group; and CDHS Administrative Review Division.	11 a		
OCYF	DCW	Modifications to Child Care Facility Licensing	12 CCR 2509-8	16-4-8-1	The purpose of this rule packet is to align expectations between CPAs and County Foster Homes and to clarify policy interpretations as requested through SubPAC and identified by DCW and ARD.	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 19-1-103, C.R.S.(2015); 26-6-106.5 C.R.S. (2015)	Revised	Board Reg	Pending	Child Welfare Sub-PAC; Policy Advisory Committee ; Colorado Counties, Inc. ; Colorado Association of Family and Children's Agencies ; Court Appointed Special Advocates ; Colorado Coalition of Adoptive Families	11 b		

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										; Colorado Department of Public Health and Environment ; Colorado Human Services Directors Association ; Colorado State Foster Parent Association; Colorado Trails User Group ; Division of Child Welfare Child Protection, Permanency, Placement Services, and Youth Services Teams, Fostering Colorado; Colorado Kinship Alliance; Foster and Kinship Care Coordinators; Office of the Child's Representative ; Rocky Mountain Children's Law Center; Child Protection Task Group; Pathways to Success Model Youth System Project Steering Committee and Workgroups, Permanency Task Group; Kinship Task Group; and CDHS Administrative Review Division.			
OCAI	AAS	Adult Protective	12 CCR	15-5-8-	"The purpose of this proposed rule change is to update all Adult	26-1-107, C.R.S. (2015); 26-1-	Revised	Board	Pending	Groups that will benefit from			

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		Services Program Revisions	2518-1	1	Protective Services (APS) rules to: • Align the rules with changes made to statute as a result of SB15-109 and HB16-1394, • Remove redundant rules and requirements, • Better align rules with current practice and the Colorado APS data system (CAPS), • Better align rules with child protective services rules, as deemed appropriate, • Improve APS practices that impact services for at-risk adults, and • Make technical corrections. "	109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 26-3.1-108, C.R.S. (2015)		Reg		these rules are at-risk adults and APS staff. County department APS staff will be responsible for implementing the program requirements for all at-risk adults. The State Department APS staff will be responsible for providing oversight of the counties through training and quality assurance activities. The rules will lead to improved APS casework practice in many areas and the result will be to improve protective services provided to at-risk adults as the rules are fully implemented by county department APS staff.			
OCAI	DVR	Revisions to the Colorado Refugee Service Program	n/a	n/a	This program moved to DOLA and no longer under CDHS.								