

CHAPTER 305

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 16-1398

BY REPRESENTATIVE(S) Young and Landgraf, Ginal, Hamner, Kraft-Tharp, Lontine, Pettersen, Primavera, Rosenthal, Ryden, Singer, Vigil, Fields;
also SENATOR(S) Martinez Humenik and Steadman, Aguilar, Kefalas, Newell, Roberts, Todd.

AN ACT

CONCERNING THE REQUIREMENT THAT THE DEPARTMENT OF HUMAN SERVICES USE A REQUEST-FOR-PROPOSAL PROCESS TO CONTRACT WITH AN ENTITY TO IMPLEMENT RECOMMENDATIONS OF THE RESPITE CARE TASK FORCE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** part 7 to article 1 of title 26 as follows:

**PART 7
RESPITE CARE**

26-1-701. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) ON JANUARY 29, 2016, THE RESPITE CARE TASK FORCE, CREATED IN SECTION 26-1-601, COMPLETED A REPORT WITH RECOMMENDATIONS THAT WAS PRESENTED TO THE GENERAL ASSEMBLY;

(b) THE IMPLEMENTATION OF THE RECOMMENDATIONS WOULD BENEFIT THOSE IN NEED OF RESPITE CARE THROUGHOUT THE LIFE SPAN OF THOSE IN NEED OF CARE;

(c) IT IS WIDELY RECOGNIZED THAT CAREGIVERS OFTEN WORK TWENTY-FOUR HOURS PER DAY, SEVEN DAYS PER WEEK TO PROVIDE SERVICES AND MAY LACK SUPPORT AND TOOLS TO LIVE THEIR BEST LIVES;

(d) CAREGIVERS NEED ACCESS TO QUALITY AND COMPETENT RESPITE CARE; AND

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

(e) CAREGIVERS NEED TO TRUST AND DEPEND UPON INDIVIDUALS PROVIDING RESPITE CARE SERVICES.

(2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ALLOCATE STATE FUNDS TO IMPLEMENT RECOMMENDATIONS OF THE RESPITE CARE TASK FORCE.

26-1-702. Duties of the state department - contract to implement program - reporting requirement. (1) THE STATE DEPARTMENT SHALL USE A COMPETITIVE REQUEST-FOR-PROPOSAL PROCESS TO SELECT AN ENTITY TO CONTRACT WITH TO IMPLEMENT RECOMMENDATIONS OF THE RESPITE CARE TASK FORCE CREATED IN SECTION 26-1-601. THE CONTRACT WITH THE SELECTED ENTITY SHALL END THIRTY DAYS AFTER THE FOURTH ANNIVERSARY OF THE DATE OF THE RECEIPT OF THE CONTRACT. IN ORDER TO BE ELIGIBLE FOR THE CONTRACT TO IMPLEMENT THE RECOMMENDATIONS, THE ENTITY MUST SERVE INDIVIDUALS AFFECTED BY A DISABILITY OR A CHRONIC CONDITION ACROSS THE LIFE SPAN BY PROVIDING AND COORDINATING RESPITE CARE AND MUST CURRENTLY HAVE A PRESENCE IN COLORADO. THE STATE DEPARTMENT SHALL CONTRACT WITH THE ENTITY SELECTED TO IMPLEMENT THE RECOMMENDATIONS OF THE RESPITE CARE TASK FORCE AND TO CARRY OUT THE RESPONSIBILITIES DESCRIBED IN SUBSECTION (2) OF THIS SECTION. THE SELECTED ENTITY SHOULD CONSULT WITH ORGANIZATIONS THROUGHOUT THE STATE AS IT WORKS TO IMPLEMENT THE TASK FORCE RECOMMENDATIONS. THE SELECTED ENTITY MAY SUBCONTRACT WITH COMMUNITY PARTNERS, BUT, IF IT DOES SO, SHALL IDENTIFY ANY SUCH SUBCONTRACTING IN THE PROPOSAL PROVIDED TO THE DEPARTMENT.

(2) THE ENTITY SELECTED TO IMPLEMENT THE RECOMMENDATIONS OF THE RESPITE CARE TASK FORCE SHALL:

(a) ENSURE THAT A STUDY IS CONDUCTED TO DEMONSTRATE THE ECONOMIC IMPACT OF RESPITE CARE AND ITS BENEFITS FOR THOSE SERVED. THE STUDY SHOULD:

(I) PROVIDE AN ANALYSIS OF THE POPULATIONS THAT ARE CAREGIVERS AND THE DIFFERENCES BETWEEN THOSE WHO DO AND DO NOT USE RESPITE CARE SERVICES, INCLUDING IMPACT ON CAREGIVERS;

(II) IDENTIFY EXISTING DATA AND AREAS WHERE ADDITIONAL DATA COULD BE COLLECTED FROM THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND OTHER RESPITE CARE SOURCES TO EXAMINE RESPITE CARE UTILIZATION AND THE NEED FOR SUPPORT;

(III) SHOW THE IMPACT OF FUNDS SPENT ON RESPITE CARE VERSUS FUNDS SAVED IN HEALTH CARE;

(IV) USE A CONSISTENT EVALUATION TOOL TO ASSESS THE WAIVER RESPITE CARE PROGRAMS AND ALL COLORADO RESPITE CARE PROGRAMS; AND

(V) IDENTIFY DATA POINTS THAT THE COLORADO RESPITE COALITION CAN USE TO COLLECT ADDITIONAL COMPLEMENTARY DATA FROM CAREGIVERS USING RESPITE CARE SERVICES AND IMPROVE EVALUATION FOR AGENCIES TO SHOW THE EFFECT OF RESPITE CARE ON CAREGIVERS, IDENTIFY VARIED NEEDS ACROSS PROGRAMS AND

GEOGRAPHIC AREAS, AND DEMONSTRATE COST SAVINGS OF RESPITE CARE VERSUS INSTITUTIONALIZATION AND HOSPITALIZATION;

(b) CREATE AN UP-TO-DATE, ONLINE INVENTORY OF EXISTING TRAINING OPPORTUNITIES FOR PROVIDING RESPITE CARE ALONG WITH INFORMATION ON HOW TO BECOME A RESPITE CARE PROVIDER. THIS INVENTORY SHALL BE DESIGNED SO THAT IT CAN BE UPDATED OVER TIME AS ADDITIONAL TRAINING OPTIONS BECOME AVAILABLE. THIS TASK SHALL BE PRIORITIZED TO OCCUR EARLY IN THE PERIOD COVERED BY THE CONTRACT.

(c) DEVELOP A MORE ROBUST STATEWIDE TRAINING SYSTEM FOR INDIVIDUALS WISHING TO PROVIDE RESPITE CARE. IN DOING SO, THE SELECTED ENTITY SHOULD WORK IN PARTNERSHIP WITH NONPROFITS SERVING FAMILIES IN NEED OF RESPITE AND WITH INTERESTED INSTITUTIONS OF HIGHER EDUCATION. OVER TIME, THE STATEWIDE TRAINING SYSTEM SHOULD ENSURE THAT:

(I) TRAINING IS AVAILABLE IN MULTIPLE SETTINGS AND FORMATS;

(II) CORE TRAINING ELEMENTS ARE BASED ON NATIONAL MODELS, USE A PERSON-CENTERED APPROACH, ADDRESS CORE COMPETENCIES, AND ARE EVIDENCE-BASED OR EVIDENCE-INFORMED;

(III) MULTI-TIERED TRAINING IS AVAILABLE THAT RECOGNIZES THERE ARE DIFFERENT LEVELS OF CARE THAT MAY BE REQUIRED; AND

(IV) TRAINING IS AVAILABLE FOR PRIMARY CAREGIVERS.

(d) ENSURE THAT A DESIGNATED WEBSITE IS AVAILABLE TO PROVIDE COMPREHENSIVE INFORMATION ABOUT RESPITE CARE IN COLORADO AND TO SERVE AS AN ACCESS POINT FOR SERVICES THROUGHOUT THE STATE;

(e) DEVELOP A CENTRALIZED COMMUNITY OUTREACH AND EDUCATION PROGRAM ABOUT RESPITE CARE SERVICES IN COLORADO THAT INCLUDES FUNDING FOR START-UP AND OUTREACH COSTS AND ONGOING ACTIVITIES, PAID STAFF OR CONTRACTORS, AND THE LEVERAGING OF EXISTING RESOURCES TO SUPPORT THE DESIGN AND DISSEMINATION OF MESSAGING AND MARKETING MATERIALS;

(f) WORK WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO STANDARDIZE THE FULL CONTINUUM OF RESPITE CARE OPTIONS ACROSS ALL MEDICAID WAIVERS; AND

(g) WORK WITH THE STATE DEPARTMENT, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO STREAMLINE THE REGULATORY REQUIREMENTS FOR FACILITY-BASED, SHORT-TERM, OVERNIGHT RESPITE CARE.

(3) ON AND AFTER THE FIRST ANNIVERSARY OF THE DATE THAT THE CONTRACT IS AWARDED, THE STATE DEPARTMENT SHALL INCLUDE IN ITS PRESENTATION TO THE LEGISLATIVE COMMITTEES OF REFERENCE AS REQUIRED BY SECTION 2-7-203, C.R.S., THE PROGRESS OF THE SELECTED ENTITY IN IMPLEMENTING THIS PART 7.

26-1-703. Respite care task force fund - creation. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE RESPITE CARE TASK FORCE FUND, REFERRED TO IN THIS SECTION AS THE "FUND", TO PROVIDE MONEY TO THE STATE DEPARTMENT FOR THE REQUEST-FOR-PROPOSAL PROCESS PURSUANT TO SECTION 26-1-702. THE FUND CONSISTS OF ANY MONEY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE FUND AND ANY GIFTS, GRANTS, AND DONATIONS TO THE FUND FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, AND DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. MONEY IN THE FUND SHALL BE CONTINUOUSLY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT FOR THE PURPOSES SPECIFIED IN THIS PART 7. ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(2) ON JULY 1, 2016, THE STATE TREASURER SHALL TRANSFER NINE HUNDRED THOUSAND DOLLARS FROM THE INTELLECTUAL AND DEVELOPMENTAL DISABILITIES SERVICES CASH FUND CREATED IN SECTION 25.5-10-207, C.R.S., TO THE GENERAL FUND FOR THE PURPOSES OF THIS PART 7. THE STATE DEPARTMENT MAY NOT USE MORE THAN THREE PERCENT OF THE MONEY FOR ADMINISTRATIVE COSTS.

SECTION 2. Appropriation. For the 2016-17 state fiscal year, \$900,000 is appropriated to the department of human services. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the implementation of the respite care task force recommendations. Any money appropriated in this section not expended prior to July 1, 2017, is further appropriated to the department for the 2017-18 state fiscal year for the same purpose.

SECTION 3. Effective date. This act takes effect July 1, 2016.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 10, 2016