

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0749.03 Jane Ritter x4342

HOUSE BILL 18-1376

HOUSE SPONSORSHIP

Pabon,

SENATE SPONSORSHIP

Aguilar,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF INDIVIDUAL RESIDENTIAL SERVICES
102 AND SUPPORTS PROVIDERS FOR PERSONS WITH INTELLECTUAL
103 AND DEVELOPMENTAL DISABILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill defines in statute an "individual residential services and supports provider" (individual provider) as an individual who provides residential services and supports in his or her home to one or more persons with intellectual and developmental disabilities who receive comprehensive services and who are not related to the individual

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

provider. The bill grants authority to the department of health care policy and financing to promulgate rules and adopt the federal department of housing and urban development housing quality standards for individual providers. The bill also grants the department of health care policy and financing, together with the division of housing, the authority to inspect individual providers for compliance with standards, as well as permissible corrective actions.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-10-202, **add**
3 (18.7) and (22.7) as follows:

4 **25.5-10-202. Definitions.** As used in this article 10, unless the
5 context otherwise requires:

6 (18.7) "HOUSING QUALITY STANDARDS" MEANS APPLICABLE
7 FEDERAL HOUSING QUALITY STANDARDS ESTABLISHED BY THE UNITED
8 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 24 CFR
9 982.401.

10 (22.7) "INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS
11 PROVIDER" MEANS A PERSON WHO PROVIDES RESIDENTIAL SERVICES AND
12 SUPPORTS IN A SINGLE RESIDENTIAL OR HOST HOME SETTING TO THREE OR
13 FEWER PERSONS WHO:

14 (a) ARE NOT RELATED TO THE INDIVIDUAL RESIDENTIAL SERVICES
15 AND SUPPORTS PROVIDER;

16 (b) HAVE AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY;
17 AND

18 (c) RECEIVE HOME- AND COMMUNITY-BASED SERVICES WAIVERS
19 ADMINISTERED BY THE STATE DEPARTMENT PURSUANT TO PART 4 OF
20 ARTICLE 6 OF THIS TITLE 25.5.

21 **SECTION 2.** In Colorado Revised Statutes, **add** 25.5-10-214.5
22 as follows:

1 **25.5-10-214.5. Individual residential services and supports**
2 **providers and residences - standards - rules - report - definition.**

3 (1) THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, IN
4 PARTNERSHIP WITH THE DIVISION OF HOUSING OF THE DEPARTMENT OF
5 LOCAL AFFAIRS, SHALL IMPLEMENT A SYSTEM OF OVERSIGHT OF
6 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS AND
7 RESIDENCES. INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS
8 PROVIDERS ARE NOT REQUIRED TO BE LICENSED BY THE STATE
9 DEPARTMENT BUT ARE REQUIRED TO FOLLOW APPLICABLE LAWS AND
10 ADMINISTRATIVE RULES.

11 (2) (a) PRIOR TO BEING AUTHORIZED TO OPERATE IN A CITY,
12 COUNTY, CITY AND COUNTY, OR MUNICIPALITY, AN INDIVIDUAL
13 RESIDENTIAL SERVICES AND SUPPORTS PROVIDER SHALL NOTIFY THE STATE
14 DEPARTMENT. THE STATE DEPARTMENT SHALL NOT AUTHORIZE AN
15 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS RESIDENCE TO
16 OPERATE IF THE INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS
17 PROVIDER DOES NOT NOTIFY THE STATE DEPARTMENT PURSUANT TO THIS
18 SUBSECTION (2).

19 (b) THE INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS
20 RESIDENCE MUST MEET APPLICABLE HOUSING QUALITY STANDARDS, AS
21 WELL AS ANY REQUIREMENTS ESTABLISHED IN RULE BY THE STATE
22 DEPARTMENT PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION.

23 (3) (a) THE STATE DEPARTMENT SHALL DEVELOP MINIMUM
24 STANDARDS AND REQUIREMENTS FOR INDIVIDUAL RESIDENTIAL SERVICES
25 AND SUPPORTS PROVIDERS AND RESIDENCES. THE MINIMUM STANDARDS
26 MUST INCLUDE:

27 (I) A REQUIREMENT FOR COMPLIANCE WITH HOUSING QUALITY

1 STANDARDS, INCLUDING NECESSARY INGRESS AND EGRESS FROM SLEEPING
2 ROOMS, FUNCTIONING FIRE EXTINGUISHERS, AND SMOKE ALARMS;

3 (II) STANDARDS CONCERNING THE EFFECTIVE DELIVERY OF
4 SERVICES AND SUPPORTS TO RESIDENTS, INCLUDING MODIFICATIONS FOR
5 PERSONS WITH DISABILITIES AS NECESSARY;

6 (III) THE LOCATION OF INDIVIDUALS WITH DISABILITIES WHO
7 CANNOT SELF-EVACUATE OR A PERSON WHO, IN THE CASE OF FIRE, CANNOT
8 IMMEDIATELY AND INDEPENDENTLY EVACUATE THE RESIDENCE; AND

9 (IV) A REQUIREMENT FOR COMPLIANCE WITH APPLICABLE LOCAL
10 CODES AND STATE-PROMULGATED MINIMUM RULES.

11 (b) THE STATE DEPARTMENT SHALL PROMULGATE RULES,
12 PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24, TO REQUIRE
13 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS AND
14 RESIDENCES TO OPERATE ACCORDING TO MINIMUM HOUSING QUALITY
15 STANDARDS, USING THE STANDARDS AND REQUIREMENTS DEVELOPED
16 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION. THE STATE
17 DEPARTMENT'S RULES PROMULGATION PROCESS MUST INCLUDE CLEAR
18 REPRESENTATION FROM THE DIVERSE INDIVIDUAL RESIDENTIAL SERVICES
19 AND SUPPORTS PROVIDERS AND DISABILITY COMMUNITIES, INCLUDING
20 INDEPENDENT ADVOCACY ORGANIZATIONS, WAIVER PARTICIPANTS OR
21 FAMILY MEMBERS, CASE MANAGEMENT PROVIDERS, PROGRAM-APPROVED
22 SERVICE AGENCIES, AND SINGLE ENTRY POINTS. THE RULES MUST INCLUDE:

23 (I) STANDARDS CONCERNING THE HEALTH, LIFE, AND FIRE SAFETY
24 OF PERSONS RECEIVING SERVICES OR SUPPORTS RESIDING IN AN
25 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS RESIDENCE, INCLUDING
26 IN THE EVENT THE RESIDENCE CLOSES. THESE STANDARDS MUST INCLUDE:

27 (A) A REQUIREMENT THAT, IF AN INDIVIDUAL RESIDENTIAL

1 SERVICES AND SUPPORTS RESIDENCE HOUSES A PERSON WHO NEEDS
2 SPECIAL ASSISTANCE TO EVACUATE, AS DEFINED IN SUBSECTION (3)(c) OF
3 THIS SECTION, IN THE CASE OF AN EMERGENCY, THE INDIVIDUAL
4 RESIDENTIAL SERVICES AND SUPPORTS PROVIDER SHALL NOTIFY THE
5 LOCAL FIRE JURISDICTION OF THE ADDRESS AND LOCATION OF ANY ROOM
6 WHERE AN INDIVIDUAL WITH A DISABILITY IS LOCATED; AND

7 (B) A REQUIREMENT THAT AN INDIVIDUAL RESIDENTIAL SERVICES
8 AND SUPPORTS PROVIDER CANNOT REFUSE AN INSPECTION BY THE FIRE
9 DEPARTMENT.

10 (II) A REQUIREMENT THAT AN ON-SITE SURVEY TO ENSURE
11 COMPLIANCE WITH THE STANDARDS ESTABLISHED SPECIFICALLY FOR HOST
12 HOME SETTINGS MUST BE UNDERTAKEN EVERY TWO YEARS. THE STATE
13 DEPARTMENT SHALL DETERMINE, BY RULE, OTHER STANDARDS FOR
14 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS AND
15 RESIDENCES. INSPECTIONS MADE PURSUANT TO THIS SUBSECTION (3)(b)(II)
16 MUST INCLUDE CERTIFICATION OF COMPLIANCE WITH FUNCTIONING SMOKE
17 DETECTORS AND UNBLOCKED EGRESS FOR INDIVIDUALS WITH DISABILITIES.

18 (III) A REQUIREMENT THAT INDIVIDUAL RESIDENTIAL SERVICES
19 AND SUPPORTS PROVIDERS AND RESIDENCES COMPLY WITH FEDERAL
20 REQUIREMENTS FOR RESIDENTIAL HOME- AND COMMUNITY-BASED
21 SETTINGS;

22 (IV) PROVISIONS RELATED TO CORRECTIVE ACTIONS THAT THE
23 STATE DEPARTMENT MAY TAKE IF THE RULES FOR INDIVIDUAL
24 RESIDENTIAL SERVICES AND SUPPORTS PROVIDERS AND RESIDENCES ARE
25 NOT MET; AND

26 (V) THE AUTHORITY OF THE STATE DEPARTMENT TO ENFORCE THE
27 RULES PROMULGATED PURSUANT TO THIS SECTION, INCLUDING BUT NOT

1 LIMITED TO REQUIRING THE CLOSURE OF AN INDIVIDUAL RESIDENTIAL
2 SERVICES AND SUPPORTS RESIDENCE.

3 (c) FOR THE PURPOSES OF THIS SUBSECTION (3), "PERSON WHO
4 NEEDS SPECIAL ASSISTANCE TO EVACUATE" MEANS A PERSON WHO
5 CANNOT IMMEDIATELY AND INDEPENDENTLY SELF-EVACUATE, INCLUDING
6 AN INDIVIDUAL WHO:

7 (I) USES A POWER CHAIR;

8 (II) HAS A MOBILITY, VISUAL, OR HEARING IMPAIRMENT; OR

9 (III) HAS A SPEECH IMPAIRMENT THAT MIGHT HINDER HIS OR HER
10 ABILITY TO COMMUNICATE EFFECTIVELY WITH FIRST RESPONDERS.

11 (4) ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT SHALL
12 SUBMIT A REPORT TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES
13 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND
14 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR
15 COMMITTEES, THAT INCLUDES A DETAILED DESCRIPTION OF THE RULES
16 PROMULGATED CONCERNING INDIVIDUAL RESIDENTIAL SERVICES AND
17 SUPPORTS PROVIDERS AND RESIDENCES PURSUANT TO THIS SECTION.

18 **SECTION 3. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.