

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 18-0765.01 Brita Darling x2241

SENATE BILL 18-145

SENATE SPONSORSHIP

Kefalas,

HOUSE SPONSORSHIP

Ginal, Arndt

Senate Committees

Business, Labor, & Technology  
Appropriations

House Committees

Public Health Care & Human Services  
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE IMPLEMENTATION OF EMPLOYMENT FIRST  
102 ADVISORY PARTNERSHIP RECOMMENDATIONS TO ADVANCE  
103 COMPETITIVE INTEGRATED EMPLOYMENT FOR PERSONS WITH  
104 DISABILITIES, AND, IN CONNECTION THEREWITH, MAKING AN  
105 APPROPRIATION.

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 requires the department of labor and employment and the state medical services board in the department of health care policy and

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.

HOUSE  
Amended 2nd Reading  
May 4, 2018

SENATE  
3rd Reading Unamended  
April 17, 2018

SENATE  
Amended 2nd Reading  
April 16, 2018

financing to promulgate rules that require all providers of supported employment services for persons with disabilities to complete training or earn a national certification relating to employment services. The rules must specify time frames for completion of the training or certification.

The bill requires that the department of labor and employment's fee schedule for rehabilitation services include the discovery process as an alternative comprehensive assessment if appropriate for persons with disabilities.

The bill lists annual employment data, reported by county, that the department of health care policy and financing must collect.

The bill permits the department of labor and employment, annually, to enter into a contract or renew an existing contract with a vendor or vendors to provide training for persons with disabilities and their families, educators, case managers, and employers concerning best practices in employment first implementation. State funding for the contract is contingent upon the department receiving at least 75% of the contract amount through gifts, grants, or donations.

The bill corrects the repeal provision language for the employment first advisory partnership and its duties.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) Despite having the ability and desire, eighty-five percent of  
5 adults with intellectual and developmental disabilities are either  
6 unemployed or underemployed due to barriers to competitive integrated  
7 employment;

8 (b) Colorado's low unemployment rate makes it difficult for many  
9 employers to fill staffing needs, and some of these needs could be met  
10 through employing persons with disabilities;

11 (c) In 2016, Senate Bill 16-077 created the Employment First  
12 Advisory Partnership and charged the members of the partnership with  
13 developing a strategic plan, including relevant policy changes, to expand  
14 competitive integrated outcomes for persons with disabilities;

1 (d) In its November 2017 preliminary report, the Employment  
2 First Advisory Partnership made several recommendations for working  
3 through public-private partnerships, including creating a Colorado  
4 Business Leadership Network, which utilizes business-to-business  
5 engagement to drive performance outcomes through disability inclusion,  
6 and developing and implementing an outreach program to employers,  
7 educators, case managers, and persons with disabilities and their families  
8 regarding employment first;

9 (e) Implementing the Employment First Advisory Partnership's  
10 2017 recommendations will benefit persons with disabilities and further  
11 the work of the public-private partnerships, employers, and the state of  
12 Colorado by:

13 (I) Increasing the number of people entering the workforce who  
14 contribute to Colorado's tax base;

15 (II) Increasing the number of persons with disabilities in  
16 competitive integrated employment, thereby reducing dependence on  
17 public assistance programs; and

18 (III) Increasing the effectiveness of the service systems currently  
19 serving persons with disabilities who are seeking meaningful  
20 employment;

21 (f) Collecting and reporting disability services and employment  
22 data is necessary to determine progress toward eliminating segregation in  
23 services and increasing the number of persons with disabilities in  
24 competitive integrated employment;

25 (g) Persons with disabilities and potential employers would  
26 benefit from minimal requirements for basic training or certification in  
27 best practices for supported employment services professionals; and

1 (h) The discovery process, which is a best-practice assessment  
2 tool for persons with the most significant disabilities should be utilized,  
3 when appropriate, as an alternative to existing assessments provided by  
4 publicly funded employment services for persons with disabilities.

5 (2) Therefore, the General Assembly declares that implementing  
6 recommendations of the Employment First Advisory Partnership relating  
7 to data collection; training for supported employment professionals;  
8 appropriate use of the discovery process as an assessment for persons  
9 with disabilities; and training and outreach for employers, educators, case  
10 managers, and persons with disabilities and their families in employment  
11 first opportunities and best practices is necessary to increase opportunities  
12 for persons with disabilities and to build on the progress made through  
13 employment first initiatives.

14 **SECTION 2.** In Colorado Revised Statutes, 8-84-106, **amend**  
15 (3)(b)(IV); and **add** (3)(b)(III.5) as follows:

16 **8-84-106. Rehabilitation of persons with disabilities - rules.**

17 (3) (b) The department shall:

18 (III.5) (A) PROMULGATE RULES IN CONJUNCTION WITH THE STATE  
19 MEDICAL SERVICES BOARD, NO LATER THAN JULY 1, 2019, REQUIRING ALL  
20 VENDORS OF SUPPORTED EMPLOYMENT SERVICES, INCLUDING SUPPORTED  
21 EMPLOYMENT PROFESSIONALS WHO PROVIDE INDIVIDUAL COMPETITIVE  
22 INTEGRATED EMPLOYMENT OUTCOMES, AND EXCLUDING THOSE  
23 PROFESSIONALS EXCLUSIVELY PROVIDING GROUP OR OTHER CONGREGATE  
24 SERVICES, TO OBTAIN A NATIONALLY RECOGNIZED SUPPORTED  
25 EMPLOYMENT TRAINING CERTIFICATE OR NATIONALLY RECOGNIZED  
26 SUPPORTED EMPLOYMENT CERTIFICATION. THE DEPARTMENT'S RULES  
27 MUST INCLUDE TIME FRAMES FOR COMPLIANCE WITH THE TRAINING OR

1 CERTIFICATION REQUIREMENT FOR EXISTING STAFF AND FOR NEWLY HIRED  
2 STAFF AND REQUIREMENTS FOR SUPERVISION OF NEWLY HIRED STAFF  
3 UNTIL THE STAFF MEMBER HAS COMPLETED THE TRAINING OR  
4 CERTIFICATION. THE TIME FRAMES ESTABLISHED IN THE DEPARTMENT'S  
5 RULES MUST PROVIDE FOR TRAINING TO BE COMPLETED OVER A FIVE-YEAR  
6 PERIOD, SUBJECT TO THE AVAILABILITY OF APPROPRIATIONS FOR  
7 REIMBURSEMENT OF VENDORS PURSUANT TO SUBSECTION (3)(b)(III.5)(B)  
8 OF THIS SECTION.

9 (B) THE TRAINING OR CERTIFICATION REQUIREMENT IN  
10 SUBSECTION (3)(b)(III.5)(A) OF THIS SECTION IS CONTINGENT UPON  
11 APPROPRIATIONS TO THE DEPARTMENT OF HEALTH CARE POLICY AND  
12 FINANCING FOR REIMBURSEMENT TO VENDORS OF SUPPORTED  
13 EMPLOYMENT SERVICES FOR THE COST OF TRAINING AND CERTIFICATION  
14 PURSUANT TO SECTION 25.5-10-204. \_\_\_\_\_

15 (IV) Establish a fee schedule for goods and services that is  
16 designed to ensure reasonable cost to the program. THE FEE SCHEDULE  
17 ESTABLISHED BY THE DEPARTMENT MUST INCLUDE THE DISCOVERY  
18 PROCESS, AS DEFINED IN SECTION 8-84-301, AS AN ALTERNATIVE  
19 ASSESSMENT PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION.

20 **SECTION 3.** In Colorado Revised Statutes, 25.5-10-204, **amend**  
21 (1)(g)(III) and (2) introductory portion; and **add** (2)(k) as follows:

22 **25.5-10-204. Duties of the executive director - state board**  
23 **rules.** (1) In order to implement the provisions of this article 10, the  
24 executive director shall, subject to available appropriations, carry out the  
25 following duties:

- 26 (g) Facilitate employment first policies and practices by:  
27 (III) Establishing annual reporting of THE FOLLOWING DATA,

1 REPORTED BY COUNTY, FOR INDIVIDUALS ELIGIBLE FOR SUPPORTED  
2 EMPLOYMENT SERVICES, INCLUDING BUT NOT LIMITED TO HOME- AND  
3 COMMUNITY-BASED WAIVER SERVICES:

4 (A) The number of individuals employed IN GROUP EMPLOYMENT,  
5 THE SECTOR OF EMPLOYMENT, THE MEAN WAGE PER HOUR EARNED, AND  
6 THE MEAN HOURS WORKED PER WEEK;

7 (B) The number of individuals employed in competitive integrated  
8 employment, ~~wages~~ THE SECTOR OF EMPLOYMENT, THE MEAN WAGE per  
9 hour earned, and THE MEAN hours worked per week; ~~for individuals~~  
10 ~~served by the division;~~

11 (C) THE NUMBER OF INDIVIDUALS EMPLOYED AND SERVED IN  
12 PREVOCAIONAL SERVICES, THE SECTOR OF EMPLOYMENT, THE MEAN  
13 WAGE PER HOUR EARNED, THE MEAN HOURS WORKED PER WEEK, AND THE  
14 MEAN SERVICE HOURS PER WEEK;

15 (D) THE NUMBER OF INDIVIDUALS SERVED IN COMMUNITY-BASED  
16 NONWORK AND THE MEAN SERVICE HOURS PER WEEK;

17 (E) THE NUMBER OF INDIVIDUALS SERVED IN SPECIALIZED  
18 HABILITATION SERVICES AND THE MEAN SERVICE HOURS PER WEEK;

19 (F) THE NUMBER OF INDIVIDUALS EMPLOYED OR SERVED, AS  
20 APPLICABLE, IN ANY OTHER EMPLOYMENT SERVICES OR DAY SERVICES  
21 MODEL, THE SECTOR OF EMPLOYMENT, AND THE MEAN WAGE PER HOUR  
22 WORKED, MEAN HOURS WORKED PER WEEK, OR THE SERVICE HOURS PER  
23 WEEK, AS APPLICABLE; ==

24 (G) THE NUMBER OF INDIVIDUALS ELIGIBLE FOR EMPLOYMENT  
25 SERVICES, REGARDLESS OF WHETHER THE INDIVIDUAL IS UTILIZING  
26 EMPLOYMENT SERVICES; AND

27 (H) THE NUMBER OF INDIVIDUALS SERVED EARNING LESS THAN

1 MINIMUM WAGE.

2 (2) The state board shall adopt such rules, in accordance with  
3 section 24-4-103, ~~C.R.S.~~, as are necessary to carry out the provisions and  
4 purposes of this ~~article~~ ARTICLE 10, including but not limited to the  
5 following subjects:

6 (k) (I) NO LATER THAN JULY 1, 2019, THE STATE BOARD, IN  
7 CONJUNCTION WITH THE DEPARTMENT OF LABOR AND EMPLOYMENT,  
8 SHALL REQUIRE A NATIONALLY RECOGNIZED SUPPORTED EMPLOYMENT  
9 TRAINING CERTIFICATE OR NATIONALLY RECOGNIZED SUPPORTED  
10 EMPLOYMENT CERTIFICATION FOR ALL VENDORS OF SUPPORTED  
11 EMPLOYMENT SERVICES, INCLUDING SUPPORTED EMPLOYMENT  
12 PROFESSIONALS WHO PROVIDE INDIVIDUAL COMPETITIVE INTEGRATED  
13 EMPLOYMENT OUTCOMES, AND EXCLUDING THOSE PROFESSIONALS  
14 EXCLUSIVELY PROVIDING GROUP OR OTHER CONGREGATE SERVICES. THE  
15 STATE BOARD'S RULES MUST INCLUDE TIME FRAMES FOR COMPLIANCE  
16 WITH THE TRAINING OR CERTIFICATION REQUIREMENT FOR EXISTING STAFF  
17 AND FOR NEWLY HIRED STAFF AND REQUIREMENTS FOR SUPERVISION OF  
18 NEWLY HIRED STAFF UNTIL THE STAFF MEMBER HAS COMPLETED THE  
19 TRAINING OR CERTIFICATION. THE TIME FRAMES ESTABLISHED IN THE  
20 STATE BOARD'S RULES MUST PROVIDE FOR TRAINING TO BE COMPLETED  
21 OVER A FIVE-YEAR PERIOD, SUBJECT TO THE AVAILABILITY OF  
22 APPROPRIATIONS FOR REIMBURSEMENT OF VENDORS PURSUANT TO  
23 SUBSECTION (2)(k)(II) OF THIS SECTION.

24 (II) THE TRAINING OR CERTIFICATION REQUIREMENT IN  
25 SUBSECTION (2)(k)(I) OF THIS SECTION IS CONTINGENT UPON  
26 APPROPRIATIONS TO THE DEPARTMENT OF HEALTH CARE POLICY AND  
27 FINANCING FOR REIMBURSEMENT TO VENDORS OF SUPPORTED

1 EMPLOYMENT SERVICES FOR THE COST OF TRAINING AND CERTIFICATION.  
2 THE STATE BOARD SHALL ADOPT RULES FOR ADMINISTERING THE  
3 REIMBURSEMENT TO VENDORS, WHICH REIMBURSEMENT MUST BE THREE  
4 HUNDRED DOLLARS FOR EACH CERTIFICATION EXAM AND TWELVE  
5 HUNDRED DOLLARS FOR EACH TRAINING PROGRAM CERTIFICATE, WHICH  
6 INCLUDES REIMBURSEMENT FOR BOTH THE COST OF THE TRAINING AND  
7 WAGES PAID TO EMPLOYEES DURING TRAINING. THE STATE BOARD MAY  
8 INCREASE THE FIXED REIMBURSEMENT AMOUNT OVER TIME BASED ON  
9 INCREASES IN THE COST OF THE EXAM AND EMPLOYEE WAGES. \_\_\_\_\_

10 **SECTION 4.** In Colorado Revised Statutes, 8-84-304, **add** (4) as  
11 follows:

12 **8-84-304. Duties of the employment first advisory partnership**  
13 **- strategic plan - repeal.** (4) (a) THIS SECTION IS REPEALED, EFFECTIVE  
14 SEPTEMBER 1, 2021.

15 (b) PRIOR TO REPEAL OF THE EMPLOYMENT FIRST ADVISORY  
16 PARTNERSHIP, THE DEPARTMENT OF REGULATORY AGENCIES SHALL  
17 CONDUCT A SUNSET REVIEW PURSUANT TO THE PROVISIONS OF SECTION  
18 2-3-1203.

19 **SECTION 5.** In Colorado Revised Statutes, 2-3-1203, **amend**  
20 (12)(a)(VI) as follows:

21 **2-3-1203. Sunset review of advisory committees - legislative**  
22 **declaration - definition - repeal.** (12) (a) The following statutory  
23 authorizations for the designated advisory committees will repeal on  
24 September 1, 2021:

25 (VI) The employment first advisory partnership in the department  
26 of labor and employment described in ~~section 8-84-303, C.R.S.~~ SECTIONS  
27 8-84-303 AND 8-84-304.



1            **SECTION 6. Appropriation.** (1) For the 2018-19 state fiscal  
2            year, \$27,675 is appropriated to the department of health care policy and  
3            financing for use by the executive director's office. This appropriation is  
4            from the general fund. To implement this act, the office may use this  
5            appropriation as follows:

6            (a) \$22,972 for personal services, which amount is based on an  
7            assumption that the department will require an additional 0.4 FTE; and

8            (b) \$4,703 for operating expenses.

9            (2) For the 2018-19 state fiscal year, \$2,131 is appropriated to the  
10           department of labor and employment. This appropriation is from the  
11           general fund. To implement this act, the department may use this  
12           appropriation for the purchase of legal services.

13           (3) For the 2018-19 state fiscal year, \$2,131 is appropriated to the  
14           department of law. This appropriation is from reappropriated funds  
15           received from the department of labor and employment under subsection  
16           (2) of this section. To implement this act, the department of law may use  
17           this appropriation to provide legal services for the department of labor  
18           and employment.

19           **SECTION 7. Act subject to petition - effective date.** This act  
20           takes effect at 12:01 a.m. on the day following the expiration of the  
21           ninety-day period after final adjournment of the general assembly (August  
22           8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
23           referendum petition is filed pursuant to section 1 (3) of article V of the  
24           state constitution against this act or an item, section, or part of this act  
25           within such period, then the act, item, section, or part will not take effect  
26           unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.