

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0306.01 Shelby Ross x4510

HOUSE BILL 21-1187

HOUSE SPONSORSHIP

Young and Pelton,

SENATE SPONSORSHIP

Winter and Rankin,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE IMPLEMENTATION OF CASE MANAGEMENT REDESIGN**
102 **TO ENSURE CONFLICT-FREE CASE MANAGEMENT FOR MEMBERS**
103 **ELIGIBLE FOR LONG-TERM SERVICES AND SUPPORTS UNDER THE**
104 **MEDICAID PROGRAM.**

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>.)

Current law provides for the establishment of a single entry point system that consists of single entry point agencies throughout the state for the purpose of enabling persons 18 years of age or older in need of

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.

long-term care to access appropriate long-term care services.

The bill requires the state board of the department of health care policy and financing (department) to adopt rules providing for the establishment of a redesigned case management system (system), no later than July 1, 2024, that consists of case management agencies throughout the state for the purpose of enabling individuals in need of long-term care to access appropriate long-term services and supports. No later than December 31, 2021, the department shall work with stakeholders to develop a timeline for the implementation of the system. No later than December 31, 2022, the department shall issue a competitive solicitation in order to select case management agencies for the system.

The bill makes conforming amendments to replace the terms "community-centered board" and "single entry point agency" with "case management agency".

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 17 to article
3 6 of title 25.5 as follows:

4 PART 17

5 CASE MANAGEMENT SERVICES FOR LONG-TERM
6 SERVICES AND SUPPORTS

7 **25.5-6-1701. Legislative declaration.** THE GENERAL ASSEMBLY
8 FINDS AND DECLARES THAT THERE IS A NEED TO ENSURE A
9 HIGH-PERFORMING STATEWIDE CASE MANAGEMENT SYSTEM EXISTS THAT
10 SERVES ALL POPULATIONS OF PEOPLE WHO QUALIFY FOR LONG-TERM
11 SERVICES AND SUPPORTS. THE CASE MANAGEMENT SYSTEM INCLUDES, BUT
12 IS NOT LIMITED TO, INTAKE AND ELIGIBILITY SCREENING AND
13 DETERMINATION, OUTREACH, AND OTHER ADMINISTRATIVE ACTIVITIES
14 AND CASE MANAGEMENT SERVICES. THE FIVE KEY OUTCOMES OF THE
15 STATEWIDE CASE MANAGEMENT SYSTEM MUST INCLUDE FEDERAL
16 COMPLIANCE, QUALITY, SIMPLICITY, STABILITY, AND ACCOUNTABILITY.

17 **25.5-6-1702. Definitions.** AS USED IN THIS PART 17, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (1) "AUTHORIZED REPRESENTATIVE" MEANS A PERSON
3 DESIGNATED BY THE MEMBER RECEIVING SERVICES, OR BY THE PARENT OR
4 GUARDIAN OF THE MEMBER RECEIVING SERVICES, IF APPROPRIATE, TO
5 ASSIST THE MEMBER IN ACQUIRING OR UTILIZING LONG-TERM SERVICES
6 AND SUPPORTS PURSUANT TO THIS ARTICLE 6 AND ARTICLE 10 OF THIS
7 TITLE 25.5. THE EXTENT OF THE AUTHORIZED REPRESENTATIVE'S
8 INVOLVEMENT MUST BE DETERMINED UPON DESIGNATION.

9 (2) "CASE MANAGEMENT AGENCY" MEANS A PUBLIC OR PRIVATE
10 NOT-FOR-PROFIT OR FOR-PROFIT ORGANIZATION CONTRACTED WITH THE
11 STATE OF COLORADO TO PROVIDE CASE MANAGEMENT SERVICES AND
12 ACTIVITIES.

13 (3) "CASE MANAGEMENT SERVICES" MEANS THE ASSESSMENT OF
14 AN INDIVIDUAL'S NEED FOR LONG-TERM SERVICES AND SUPPORTS; THE
15 DEVELOPMENT AND IMPLEMENTATION OF A PERSON-CENTERED SUPPORT
16 PLAN FOR THE MEMBER; THE COORDINATION, MONITORING, AND DELIVERY
17 OF LONG-TERM SERVICES AND SUPPORTS; THE EVALUATION OF SERVICE
18 EFFECTIVENESS; AND THE REASSESSMENT OF THE MEMBER'S NEEDS, ALL
19 OF WHICH MUST BE PERFORMED BY A CASE MANAGEMENT AGENCY OR AN
20 ENTITY.

21 (4) "CASE MANAGER" MEANS A PERSON WHO PROVIDES CASE
22 MANAGEMENT SERVICES AND ACTIVITIES PURSUANT TO THIS ARTICLE 6
23 AND ARTICLE 10 OF THIS TITLE 25.5 FOR MEMBERS RECEIVING LONG-TERM
24 SERVICES AND SUPPORTS.

25 (5) "COMMUNITY-CENTERED BOARD" MEANS A PRIVATE
26 FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT ACTS AS A
27 RESOURCE FOR PERSONS WITH AN INTELLECTUAL AND DEVELOPMENTAL

1 DISABILITY OR A CHILD WITH A DEVELOPMENTAL DELAY.

2 (6) "CONFLICT-FREE CASE MANAGEMENT" MEANS CASE
3 MANAGEMENT SERVICES AND ACTIVITIES PROVIDED TO A MEMBER
4 ENROLLED IN A HOME- AND COMMUNITY-BASED SERVICES WAIVER BY AN
5 ENTITY OTHER THAN THE ENTITY PROVIDING DIRECT LONG-TERM SERVICES
6 AND SUPPORTS, EXCEPT AS OTHERWISE ALLOWED PURSUANT TO 42 CFR
7 441.301 (c)(1)(vi). SERVICE PROVIDERS, CASE MANAGEMENT AGENCIES,
8 AND ENTITIES ARE RESPONSIBLE FOR ENSURING EMPLOYEES MEET THE
9 REQUIREMENTS OF THIS ARTICLE 6.

10 (7) "DEFINED SERVICE AREA" MEANS THE GEOGRAPHICAL AREA
11 DETERMINED BY THE STATE DEPARTMENT TO BE SERVED BY A CASE
12 MANAGEMENT AGENCY.

13 (8) "ENTITY" MEANS A PUBLIC OR PRIVATE NOT-FOR-PROFIT OR
14 FOR-PROFIT ORGANIZATION THAT HAS A CONTRACT OR AGREEMENT WITH
15 THE STATE OF COLORADO TO PERFORM SPECIFIC FUNCTIONS.

16 (9) "INTELLECTUAL AND DEVELOPMENTAL DISABILITY" HAS THE
17 SAME MEANING AS SET FORTH IN SECTION 25.5-6-403 (3.3)(a).

18 (10) "LONG-TERM SERVICES AND SUPPORTS" MEANS THE SERVICES
19 AND SUPPORTS USED BY MEMBERS OF ALL AGES WITH FUNCTIONAL
20 LIMITATIONS AND CHRONIC ILLNESSES WHO NEED ASSISTANCE TO PERFORM
21 ROUTINE DAILY ACTIVITIES.

22 (11) "MEMBER" MEANS ANY PERSON ENROLLED IN THE STATE
23 MEDICAL ASSISTANCE PROGRAM, ARTICLES 4, 5, AND 6 OF THIS TITLE 25.5,
24 OR THE CHILDREN'S BASIC HEALTH PLAN, ARTICLE 8 OF THIS TITLE 25.5.

25 (12) "PERSON-CENTERED SUPPORT PLAN" MEANS A LONG-TERM
26 SERVICES AND SUPPORTS PLAN THAT IS DIRECTED BY THE MEMBER, OR THE
27 MEMBER'S LEGAL GUARDIAN, AND PREPARED BY THE CASE MANAGER TO

1 IDENTIFY THE SUPPORTS NEEDED FOR THE MEMBER TO ACHIEVE
2 PERSONALLY IDENTIFIED GOALS AND IS BASED ON RESPECTING AND
3 VALUING MEMBER PREFERENCES, STRENGTHS, AND CONTRIBUTIONS.

4 (13) "PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
5 DISABILITY" HAS THE SAME MEANING AS SET FORTH IN SECTION 25.5-6-403
6 (3.3)(b).

7 (14) "SERVICE PROVIDER" MEANS AN AGENCY OR INDIVIDUAL
8 CERTIFIED BY THE STATE DEPARTMENT AND ENROLLED TO PROVIDE ONE
9 OR MORE LONG-TERM SERVICES AND SUPPORTS.

10 (15) "WAITING LIST" HAS THE SAME MEANING AS SET FORTH IN
11 SECTION 25.5-10-202 (38).

12 **25.5-6-1703. Case management system - defined service areas**
13 **- case management services - only willing and qualified provider**

14 **exemption - rules.** (1) NO LATER THAN JULY 1, 2024, THE STATE BOARD
15 SHALL ADOPT RULES PROVIDING FOR THE ESTABLISHMENT OF A CASE
16 MANAGEMENT SYSTEM THAT CONSISTS OF CASE MANAGEMENT AGENCIES
17 THROUGHOUT THE STATE FOR THE PURPOSE OF ENABLING INDIVIDUALS IN
18 NEED OF LONG-TERM CARE TO ACCESS APPROPRIATE LONG-TERM SERVICES
19 AND SUPPORTS. MEMBERS IN NEED OF SPECIALIZED ASSISTANCE MAY BE
20 REFERRED TO OTHER SERVICES OUTSIDE OF LONG-TERM SERVICES AND
21 SUPPORTS, AS NECESSARY FOR ADDITIONAL CARE COORDINATION.

22 (2) NO LATER THAN DECEMBER 31, 2021, THE STATE DEPARTMENT
23 SHALL WORK WITH STAKEHOLDERS TO DEVELOP A TIMELINE FOR THE
24 IMPLEMENTATION OF THIS PART 17.

25 (3) NO LATER THAN DECEMBER 31, 2022, THE STATE DEPARTMENT
26 SHALL ISSUE A COMPETITIVE SOLICITATION IN ORDER TO SELECT CASE
27 MANAGEMENT AGENCIES PURSUANT TO SUBSECTION (1) OF THIS SECTION.

1 (4) THE STATE DEPARTMENT SHALL UTILIZE A STAKEHOLDER
2 PROCESS TO IDENTIFY DEFINED SERVICE AREAS FOR CASE MANAGEMENT
3 AGENCIES ACROSS THE STATE.

4 (5) A CASE MANAGEMENT AGENCY MAY PROVIDE CASE
5 MANAGEMENT SERVICES TO PRIVATE PAYING INDIVIDUALS ON A
6 FEE-FOR-SERVICE BASIS AND SHALL PROVIDE CASE MANAGEMENT
7 SERVICES TO MEMBERS OF PUBLICLY FUNDED LONG-TERM SERVICES AND
8 SUPPORTS PROGRAMS, INCLUDING BUT NOT LIMITED TO PROGRAMS
9 CREATED PURSUANT TO THIS ARTICLE 6 AND ARTICLE 10 OF THIS TITLE
10 25.5.

11 (6) WHERE APPLICABLE, THE STATE DEPARTMENT IS AUTHORIZED
12 TO SEEK A FEDERAL EXEMPTION FROM CONFLICT-FREE CASE MANAGEMENT
13 REQUIREMENTS FOR DEFINED SERVICE AREAS WITHIN THE STATE WHERE
14 THE ONLY WILLING AND QUALIFIED ENTITY TO PROVIDE CASE
15 MANAGEMENT SERVICES IS ALSO THE ONLY WILLING AND QUALIFIED
16 ENTITY TO PROVIDE HOME- AND COMMUNITY-BASED SERVICES IN THAT
17 DEFINED SERVICE AREA.

18 (7) THE STATE BOARD SHALL UTILIZE A STAKEHOLDER PROCESS
19 WHEN PROMULGATING RULES TO IMPLEMENT THIS SECTION.

20 **25.5-6-1704. Intellectual and developmental disability**
21 **determination - functional eligibility determination - rules.**

22 (1) **Intellectual and developmental disability determination.** ANY
23 PERSON MAY REQUEST AN EVALUATION TO DETERMINE WHETHER THE
24 PERSON HAS A DEVELOPMENTAL DELAY OR AN INTELLECTUAL AND
25 DEVELOPMENTAL DISABILITY AND IS ELIGIBLE TO RECEIVE LONG-TERM
26 SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE 6 AND ARTICLE 10 OF
27 THIS TITLE 25.5. THE PERSON MUST REQUEST A DEVELOPMENTAL DELAY

1 DETERMINATION OR INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
2 DETERMINATION FROM THE CASE MANAGEMENT AGENCY OR THE ENTITY
3 IN THE DEFINED SERVICE AREA WHERE THE PERSON RESIDES.

4 (2) **Functional eligibility determination.** PURSUANT TO THE
5 CONTRACT WITH THE STATE DEPARTMENT, A CASE MANAGEMENT AGENCY
6 SHALL DETERMINE WHETHER A PERSON IS ELIGIBLE TO RECEIVE
7 LONG-TERM SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE 6 AND
8 ARTICLE 10 OF THIS TITLE 25.5. A CASE MANAGEMENT AGENCY OR AN
9 ENTITY SHALL DEVELOP A PERSON-CENTERED SUPPORT PLAN FOR PERSONS
10 ELIGIBLE FOR LONG-TERM SERVICES AND SUPPORTS FOR HOME- AND
11 COMMUNITY-BASED SERVICES AND STATE GENERAL-FUNDED PROGRAMS.

12 (3) THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO
13 ARTICLE 4 OF TITLE 24 SETTING FORTH THE PROCEDURE AND CRITERIA FOR
14 DETERMINATION OF ELIGIBILITY AND PERSON-CENTERED SUPPORT PLAN
15 DEVELOPMENT. THE PROCEDURE AND CRITERIA MUST BE UNIFORM IN
16 NATURE AND APPLIED THROUGHOUT THE STATE IN A CONSISTENT MANNER.

17 (4) SUBJECT TO AVAILABLE APPROPRIATIONS PURSUANT TO
18 SECTION 25.5-10-206 AND TO THE CAPACITY OF A SERVICE PROVIDER, THE
19 PERSON MUST BE PROVIDED OPTIONS FOR LONG-TERM SERVICES AND
20 SUPPORTS WITHIN THE DEFINED SERVICE AREA THAT CAN APPROPRIATELY
21 MEET THE PERSON'S IDENTIFIED NEEDS, PURSUANT TO THIS SECTION.

22 **25.5-6-1705. Person-centered support plan.** (1) EACH MEMBER
23 RECEIVING SERVICES SHALL HAVE A PERSON-CENTERED SUPPORT PLAN, OR
24 A SIMILAR PLAN SPECIFIED BY THE STATE DEPARTMENT, DEVELOPED AND
25 MANAGED BY A CASE MANAGEMENT AGENCY OR AN ENTITY, AND SUBJECT
26 TO REVIEW AND APPROVAL PURSUANT TO SECTION 25.5-6-404. THE
27 PERSON-CENTERED SUPPORT PLAN SHALL:

1 (a) BE BASED ON THE PARTICULAR SERVICE NEEDS OF THE MEMBER
2 RECEIVING SERVICES;

3 (b) DESCRIBE THE SERVICES NECESSARY TO AVOID
4 INSTITUTIONALIZATION;

5 (c) ENSURE THE MEMBER RECEIVES SERVICES IN THE SETTING OF
6 THE MEMBER'S CHOICE; AND

7 (d) IDENTIFY THE SUPPORTS NEEDED FOR THE MEMBER TO ACHIEVE
8 PERSONALLY IDENTIFIED GOALS.

9 (2) PURSUANT TO THIS SECTION, THE PERSON-CENTERED SUPPORT
10 PLAN FOR EACH MEMBER RECEIVING SERVICES MUST BE REVIEWED AT
11 LEAST ANNUALLY AND MODIFIED AS NECESSARY OR APPROPRIATE.

12 (3) A PERSON-CENTERED SUPPORT PLAN IS NOT REQUIRED FOR A
13 PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR A
14 DEVELOPMENTAL DELAY WHO IS ELIGIBLE FOR LONG-TERM SERVICES AND
15 SUPPORTS AND WHO IS ON A WAITING LIST FOR ENROLLMENT INTO A
16 PROGRAM FUNDED PURSUANT TO ARTICLE 10 OF THIS TITLE 25.5. EACH
17 CASE MANAGEMENT AGENCY SHALL PROVIDE INFORMATION AND
18 REFERRAL SERVICES TO EACH MEMBER ON THE WAITING LIST FOR
19 ENROLLMENT IN A PROGRAM AT THE TIME OF THE MEMBER'S ELIGIBILITY
20 AND ANNUALLY THEREAFTER, REGARDING LONG-TERM SERVICES AND
21 SUPPORTS THAT ARE RELEVANT TO PERSONS AND ARE COMMONLY USED BY
22 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND A
23 DEVELOPMENTAL DELAY AS PROVIDED BY RULES PROMULGATED BY THE
24 STATE BOARD. THE CRITERIA FOR INFORMATION AND REFERRAL MUST BE
25 UNIFORM IN NATURE AND APPLIED THROUGHOUT THE STATE IN A
26 CONSISTENT MANNER.

27 **25.5-6-1706. Termination of long-term services and supports**

1 **for member receiving services.** (1) A MEMBER RECEIVING LONG-TERM
2 SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE 6 OR ARTICLE 10 OF
3 THIS TITLE 25.5 MUST BE TERMINATED FROM LONG-TERM SERVICES AND
4 SUPPORTS UPON A DETERMINATION, MADE PURSUANT TO THE
5 PERSON-CENTERED SUPPORT PLANNING PROCESS, THAT THE LONG-TERM
6 SERVICES AND SUPPORTS ARE NO LONGER NECESSARY. PRIOR TO THE
7 EFFECTIVE DATE OF THE TERMINATION, NOTIFICATION OF TERMINATION
8 MUST BE GIVEN TO THE MEMBER RECEIVING SERVICES, THE PARENTS OR
9 GUARDIAN OF A MINOR RECEIVING SERVICES, AND THE PERSON'S LEGAL
10 GUARDIAN OR OTHER LEGAL REPRESENTATIVE WHEN APPLICABLE. A
11 MEMBER TERMINATED FROM SERVICES PURSUANT TO THIS SUBSECTION (1)
12 HAS A RIGHT TO CHALLENGE THE TERMINATION IN ACCORDANCE WITH
13 STATE DEPARTMENT RULES.

14 (2) WHEN A MEMBER RECEIVING SERVICES NOTIFIES THE CASE
15 MANAGEMENT AGENCY THAT THE MEMBER NO LONGER WISHES TO
16 RECEIVE LONG-TERM SERVICES AND SUPPORTS, THE MEMBER MUST BE
17 TERMINATED FROM LONG-TERM SERVICES AND SUPPORTS UNLESS THE
18 MEMBER IS SUBJECT TO A PETITION TO IMPOSE A LEGAL DISABILITY OR TO
19 REMOVE A LEGAL RIGHT, FILED PURSUANT TO SECTION 25.5-10-216, OR
20 THE MEMBER HAS A LEGAL GUARDIAN OR OTHER LEGAL REPRESENTATIVE
21 APPOINTED AFFECTING THE MEMBER'S ABILITY TO VOLUNTARILY
22 TERMINATE LONG-TERM SERVICES AND SUPPORTS. THE PARENTS OF A
23 MINOR WHO IS RECEIVING LONG-TERM SERVICES AND SUPPORTS AND THE
24 MINOR'S GUARDIAN MUST BE NOTIFIED OF THE MINOR'S WISH TO
25 TERMINATE LONG-TERM SERVICES AND SUPPORTS, BUT NO MINOR'S
26 LONG-TERM SERVICES AND SUPPORTS WILL BE TERMINATED WITHOUT THE
27 CONSENT OF THE MINOR'S PARENT OR LEGAL GUARDIAN.

1 **25.5-6-1707. Records and confidentiality of information.** (1) A
2 RECORD FOR EACH MEMBER RECEIVING SERVICES MUST BE DILIGENTLY
3 MAINTAINED BY THE CASE MANAGEMENT AGENCY OR THE ENTITY. THE
4 RECORD MUST INCLUDE, BUT NOT BE LIMITED TO, INFORMATION
5 PERTAINING TO THE DETERMINATION OF ELIGIBILITY FOR SERVICES AND
6 THE PERSON-CENTERED SUPPORT PLAN. THE RECORD IS NOT A PUBLIC
7 RECORD FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
8 2 OF ARTICLE 72 OF TITLE 24.

9 (2) EXCEPT AS OTHERWISE PROVIDED BY LAW, ALL INFORMATION
10 OBTAINED AND ANY RECORDS PREPARED IN THE COURSE OF DETERMINING
11 ELIGIBILITY OR PROVIDING LONG-TERM SERVICES AND SUPPORTS
12 PURSUANT TO THIS ARTICLE 6 OR ARTICLE 10 OF THIS TITLE 25.5 ARE
13 CONFIDENTIAL AND SUBJECT TO THE EVIDENTIARY PRIVILEGES
14 ESTABLISHED BY LAW. THE DISCLOSURE OF THIS INFORMATION AND THESE
15 RECORDS IN ANY MANNER IS PERMITTED ONLY:

16 (a) TO THE APPLICANT OR MEMBER RECEIVING SERVICES, TO THE
17 PARENTS OF A MINOR RECEIVING SERVICES, TO THE MEMBER'S LEGAL
18 GUARDIAN, OR TO ANY PERSON AUTHORIZED BY THE MEMBER RECEIVING
19 SERVICES;

20 (b) IN COMMUNICATIONS BETWEEN QUALIFIED PROFESSIONAL
21 PERSONNEL, INCLUDING THE BOARD OF DIRECTORS OR GOVERNING BODY
22 OF THE CASE MANAGEMENT AGENCY AND SERVICE AGENCIES PROVIDING
23 SERVICES TO THE MEMBER, TO THE EXTENT NECESSARY FOR THE
24 ACQUISITION, PROVISION, OVERSIGHT, OR REFERRAL OF LONG-TERM
25 SERVICES AND SUPPORTS;

26 (c) TO THE EXTENT NECESSARY TO MAKE CLAIMS FOR AID,
27 INSURANCE, OR MEDICAL ASSISTANCE TO WHICH A MEMBER RECEIVING

1 SERVICES MAY BE ENTITLED, OR TO ACCESS LONG-TERM SERVICES AND
2 SUPPORTS PURSUANT TO THE PERSON-CENTERED SUPPORT PLAN;

3 (d) FOR THE PURPOSES OF EVALUATION, GATHERING STATISTICS,
4 OR RESEARCH WHEN NO IDENTIFYING INFORMATION CONCERNING A
5 PERSON OR FAMILY IS DISCLOSED. IDENTIFYING INFORMATION IS
6 INFORMATION WHICH COULD REASONABLY BE EXPECTED TO IDENTIFY A
7 SPECIFIC PERSON AND INCLUDES, BUT IS NOT LIMITED TO, NAME, ADDRESS,
8 TELEPHONE NUMBER, SOCIAL SECURITY NUMBER, MEDICAID NUMBER,
9 HOUSEHOLD NUMBER, AND PHOTOGRAPH.

10 (e) TO THE COURT WHEN NECESSARY TO IMPLEMENT THE
11 PROVISIONS OF THIS ARTICLE 6 OR ARTICLE 10 OF THIS TITLE 25.5;

12 (f) TO PERSONS AUTHORIZED BY A COURT ORDER ISSUED AFTER A
13 HEARING, NOTICE OF WHICH WAS GIVEN TO THE MEMBER, PARENTS OR
14 LEGAL GUARDIAN, WHERE APPROPRIATE, AND THE CUSTODIAN OF THE
15 INFORMATION;

16 (g) TO THE AGENCY DESIGNATED PURSUANT TO 45 CFR 1326.20
17 AS THE PROTECTION AND ADVOCACY SYSTEM FOR COLORADO WHEN:

18 (I) THE PROTECTION AND ADVOCACY SYSTEM RECEIVES A
19 COMPLAINT FROM OR ON BEHALF OF A MEMBER RECEIVING SERVICES; AND

20 (II) THE PERSON DOES NOT HAVE A LEGAL GUARDIAN OR THE
21 STATE OR THE DESIGNEE OF THE STATE IS THE LEGAL GUARDIAN OF THE
22 PERSON; AND

23 (h) TO THE STATE DEPARTMENT OR THE STATE DEPARTMENT'S
24 DESIGNEES AS DEEMED NECESSARY BY THE EXECUTIVE DIRECTOR TO
25 FULFILL THE DUTIES PRESCRIBED BY THIS ARTICLE 6 OR ARTICLE 10 OF THIS
26 TITLE 25.5.

27 (3) NOTHING IN THIS SECTION LIMITS A MEMBER RECEIVING

1 SERVICES ACCESS TO THE MEMBER'S RECORDS.

2 (4) NOTHING IN THIS SECTION INTERFERES WITH THE PROTECTIONS
3 AFFORDED TO A PERSON UNDER THE FEDERAL "HEALTH INSURANCE
4 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 1320d,
5 AND THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF
6 1974", 20 U.S.C. SEC. 1232g.

7 **25.5-6-1708. Performance audits - Colorado local government**
8 **audit law - public disclosure of board administration and operations.**

9 (1) THE STATE AUDITOR MAY CONDUCT OR CAUSE TO BE CONDUCTED A
10 PERFORMANCE AUDIT THAT INCLUDES EACH CASE MANAGEMENT AGENCY
11 OR EACH ENTITY THAT RECEIVES MORE THAN SEVENTY-FIVE PERCENT OF
12 ITS FUNDING ON AN ANNUAL BASIS FROM THE FEDERAL, THE STATE, OR A
13 LOCAL GOVERNMENT OR FROM ANY COMBINATION OF GOVERNMENTAL
14 ENTITIES TO DETERMINE WHETHER THE BOARD OF DIRECTORS OR THE
15 GOVERNING BODY IS EFFECTIVELY AND EFFICIENTLY FULFILLING ITS
16 STATUTORY OBLIGATIONS. A CASE MANAGEMENT AGENCY OR AN ENTITY
17 BECOMES SUBJECT TO THE AUDIT REQUIREMENT UNDER THIS SUBSECTION
18 (1) AT THE TIME THE CASE MANAGEMENT AGENCY OR THE ENTITY
19 INITIALLY SATISFIES THE SEVENTY-FIVE PERCENT FUNDING REQUIREMENT
20 FOR ANY ONE YEAR REGARDLESS OF WHETHER OR NOT THE FUNDING LEVEL
21 DECREASES BELOW SEVENTY-FIVE PERCENT IN ANY SUBSEQUENT YEAR.
22 THE STATE AUDITOR SHALL SUBMIT A WRITTEN REPORT AND
23 RECOMMENDATIONS ON EACH AUDIT CONDUCTED PURSUANT TO THIS
24 SUBSECTION (1) AND SHALL PRESENT THE REPORT AND
25 RECOMMENDATIONS TO THE LEGISLATIVE AUDIT COMMITTEE CREATED IN
26 SECTION 2-3-101 (1). THE STATE AUDITOR SHALL PAY THE COSTS OF ANY
27 PERFORMANCE AUDIT CONDUCTED PURSUANT TO THIS SECTION.

1 (2) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY IS
2 SUBJECT TO THE REQUIREMENTS OF THE "COLORADO LOCAL
3 GOVERNMENT AUDIT LAW", PART 6 OF ARTICLE 1 OF TITLE 29.

4 (3) IN CONNECTION WITH THE BOARD OF DIRECTORS OR THE
5 GOVERNING BODY OF EACH CASE MANAGEMENT AGENCY OR EACH ENTITY,
6 IN ADDITION TO ANY OTHER REQUIREMENTS APPLICABLE TO THE
7 OPERATION OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY
8 PURSUANT TO THIS SECTION OR AS REQUIRED ELSEWHERE BY LAW:

9 (a) THE CASE MANAGEMENT AGENCY OR THE ENTITY SHALL POST
10 THE DATE, TIME, AND LOCATION OF EACH REGULARLY SCHEDULED
11 MEETING OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY ON THE
12 WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY NOT LESS
13 THAN FOURTEEN BUSINESS DAYS BEFORE THE MEETING. THE CASE
14 MANAGEMENT AGENCY OR THE ENTITY SHALL POST THE DATE, TIME, AND
15 LOCATION OF ANY SPECIAL OR EMERGENCY MEETING OF THE BOARD OF
16 DIRECTORS OR THE GOVERNING BODY ON THE WEBSITE OF THE CASE
17 MANAGEMENT AGENCY OR THE ENTITY NOT LESS THAN TWENTY-FOUR
18 HOURS BEFORE THE MEETING.

19 (b) EACH CASE MANAGEMENT AGENCY OR EACH ENTITY SHALL
20 POST THE AGENDA FOR EACH MEETING OF THE BOARD OF DIRECTORS OR
21 THE GOVERNING BODY ON THE WEBSITE OF THE CASE MANAGEMENT
22 AGENCY OR THE ENTITY NOT LESS THAN SEVEN BUSINESS DAYS BEFORE
23 THE MEETING. THE CASE MANAGEMENT AGENCY OR THE ENTITY SHALL
24 POST THE AGENDA OF ANY SPECIAL OR EMERGENCY MEETING OF THE
25 BOARD OF DIRECTORS OR THE GOVERNING BODY ON THE WEBSITE OF THE
26 CASE MANAGEMENT AGENCY OR THE ENTITY NOT LESS THAN
27 TWENTY-FOUR HOURS BEFORE THE MEETING. EACH MEETING OF THE

1 BOARD OF DIRECTORS OR THE GOVERNING BODY MUST ALLOW FOR PUBLIC
2 COMMENT, AND THE AGENDA MUST REFLECT THIS REQUIREMENT. PUBLIC
3 COMMENT MUST BE REASONABLY PERMITTED DURING THE BOARD'S OR THE
4 GOVERNING BODY'S MEETING TO ACCOMMODATE COMMUNITY NEEDS. ANY
5 DOCUMENTS RELATED TO FUNCTIONS OF THE CASE MANAGEMENT AGENCY
6 OR THE ENTITY TO BE DISTRIBUTED AT A MEETING OF THE BOARD OF
7 DIRECTORS OR THE GOVERNING BODY THAT ARE AVAILABLE FOR PUBLIC
8 DISSEMINATION AT THE TIME THE AGENDA IS POSTED MUST ALSO BE
9 POSTED ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE
10 ENTITY AT THE TIME THE AGENDA IS POSTED. WRITTEN COPIES OF THE
11 DOCUMENTS MUST BE MADE AVAILABLE FOR PUBLIC DISSEMINATION AT
12 THE BOARD OF DIRECTORS' OR THE GOVERNING BODY'S MEETING; EXCEPT
13 THAT THE POSTING REQUIREMENT SPECIFIED IN THIS SUBSECTION (3)(b)
14 DOES NOT APPLY TO ANY DOCUMENT, OR ANY PORTION OF A DOCUMENT,
15 THE DISCLOSURE OF WHICH REQUIRES THE APPROVAL OF THE BOARD OF
16 DIRECTORS OR THE GOVERNING BODY AND WHICH APPROVAL HAS NOT
17 BEEN OBTAINED AT THE TIME THE AGENDA IS POSTED OR ANY OTHER
18 DOCUMENT, OR ANY PORTION OF A DOCUMENT, CONTAINING ANY
19 INFORMATION THAT IS LEGALLY PROHIBITED FROM BEING DISCLOSED TO
20 THE PUBLIC PURSUANT TO THE PRIVACY REQUIREMENTS SPECIFIED IN THE
21 FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT
22 OF 1996", 42 U.S.C. SEC. 1320d, ANY DOCUMENT THAT HAS BEEN OR WILL
23 BE DISCUSSED BY THE BOARD OF DIRECTORS OR THE GOVERNING BODY
24 MEETING IN EXECUTIVE SESSION, OR ANY OTHER DOCUMENT THE
25 DISCLOSURE OF WHICH IS OTHERWISE PROHIBITED BY LAW.

26 (c) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL
27 PROVIDE A DIRECT E-MAIL ADDRESS TO EACH MEMBER OF THE BOARD OF

1 DIRECTORS OR THE GOVERNING BODY ON THE WEBSITE OF THE CASE
2 MANAGEMENT AGENCY OR THE ENTITY. THE E-MAIL ADDRESS SELECTED
3 MUST SPECIFY THE NAME OF THE INDIVIDUAL BOARD OR GOVERNING BODY
4 MEMBER AND MAKE REFERENCE TO THE PARTICULAR CASE MANAGEMENT
5 AGENCY OR ENTITY FOR WHICH THE BOARD OR GOVERNING BODY MEMBER
6 SERVES AS A MEMBER OF THE BOARD OF DIRECTORS OR THE GOVERNING
7 BODY. AN E-MAIL THAT IS SENT TO A MEMBER OF THE BOARD OF
8 DIRECTORS OR THE GOVERNING BODY OF A CASE MANAGEMENT AGENCY
9 OR AN ENTITY MUST NOT BE FILTERED BY THE CASE MANAGEMENT
10 AGENCY OR THE ENTITY THROUGH AN EMPLOYEE OF THE CASE
11 MANAGEMENT AGENCY OR THE ENTITY BEFORE IT IS SENT TO THE BOARD
12 OR GOVERNING BODY MEMBER.

13 (d) THE BOARD OF DIRECTORS OR THE GOVERNING BODY OF EACH
14 CASE MANAGEMENT AGENCY OR EACH ENTITY SHALL PRESENT THE
15 FINANCIAL STATEMENTS OF THE ORGANIZATION FOR THE APPROVAL OF THE
16 BOARD OF DIRECTORS OR THE GOVERNING BODY AT EACH REGULARLY
17 SCHEDULED MEETING OF THE BOARD OF DIRECTORS OR THE GOVERNING
18 BODY. THE FINANCIAL STATEMENTS MUST REFLECT ACCURATE AND
19 CURRENT FINANCIAL INFORMATION AND BE PREPARED USING GENERALLY
20 ACCEPTED ACCOUNTING PRINCIPLES. WHERE EXIGENT CIRCUMSTANCES
21 ARE PRESENT THAT MATERIALLY AFFECT THE PREPARATION OF THE
22 FINANCIAL STATEMENTS ON A MONTHLY BASIS, THE STATEMENTS MAY BE
23 PRESENTED FOR THE APPROVAL OF THE BOARD OF DIRECTORS OR THE
24 GOVERNING BODY AT THE NEXT REGULARLY SCHEDULED MEETING OF THE
25 BOARD OF DIRECTORS OR THE GOVERNING BODY BUT NOT LESS THAN AT
26 LEAST ONCE EACH QUARTER OF THE CALENDAR YEAR.

27 (e) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL

1 REQUIRE THE PERSON OR ENTITY THAT PERFORMS FINANCIAL AUDITS OF
2 THE CASE MANAGEMENT AGENCY OR THE ENTITY TO PRESENT AND
3 DISCUSS THE RESULTS OF THE AUDIT TO THE BOARD OF DIRECTORS OR THE
4 GOVERNING BODY NOT LESS THAN ONCE EACH YEAR AT A REGULARLY
5 SCHEDULED MEETING OF THE BOARD OF DIRECTORS OR THE GOVERNING
6 BODY;

7 (f) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL
8 PROVIDE TO THE INCOMING MEMBERS OF THE BOARD OF DIRECTORS OR THE
9 GOVERNING BODY TRAINING IN SUCH TOPICS AS THE DUTIES OF A BOARD
10 OR GOVERNING BODY MEMBER, THE FINANCIAL AND FIDUCIARY
11 RESPONSIBILITIES ASSUMED BY BOARD OR GOVERNING BODY MEMBERS,
12 THE INTELLECTUAL AND DEVELOPMENTAL DISABILITY AND LONG-TERM
13 SERVICES AND SUPPORTS SYSTEM IN THE STATE, THE OVERALL BUSINESS
14 FUNCTIONS OF THE CASE MANAGEMENT AGENCY OR THE ENTITY, AND ANY
15 OTHER MATTERS THAT WILL, IN THE DETERMINATION OF THE CASE
16 MANAGEMENT AGENCY OR THE ENTITY, ALLOW THE BOARD OR GOVERNING
17 BODY MEMBER TO BETTER UNDERSTAND AND FULFILL THE BOARD OR
18 GOVERNING BODY MEMBER'S OBLIGATIONS TO THE BOARD OF DIRECTORS
19 OR THE GOVERNING BODY AND THE CASE MANAGEMENT AGENCY OR THE
20 ENTITY AND THE ROLE PLAYED BY THE CASE MANAGEMENT AGENCY OR
21 THE ENTITY IN THE STATE IN CONNECTION WITH THE DELIVERY OF
22 SERVICES FOR MEMBERS RECEIVING SERVICES PURSUANT TO THIS ARTICLE
23 6 AND ARTICLE 10 OF THIS TITLE 25.5; AND

24 (g) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL
25 POST ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY
26 THE MINUTES OF EACH MEETING OF ITS BOARD OF DIRECTORS OR ITS
27 GOVERNING BODY AS THE MINUTES ARE APPROVED BY THE BOARD OF

1 DIRECTORS OR THE GOVERNING BODY. EACH CASE MANAGEMENT AGENCY
2 AND EACH ENTITY SHALL ALSO POST ON THE WEBSITE OF THE CASE
3 MANAGEMENT AGENCY OR THE ENTITY ANY ADDITIONAL DOCUMENTS
4 THAT WERE DISTRIBUTED TO THE BOARD OR GOVERNING BODY AT THE
5 MEETING THAT WERE NOT, AS OF THAT DATE, ALREADY POSTED ON THE
6 WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY UNLESS THE
7 PUBLIC DISTRIBUTION OF THE DOCUMENTS, OR ANY PORTION OF THE
8 DOCUMENTS, IS OTHERWISE PROHIBITED PURSUANT TO THE PRIVACY
9 REQUIREMENTS SPECIFIED IN THE FEDERAL "HEALTH INSURANCE
10 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 1320d,
11 OR AS OTHERWISE PROHIBITED BY LAW. MINUTES OF SPECIAL MEETINGS OF
12 THE BOARD OF DIRECTORS OR THE GOVERNING BODY MUST BE POSTED ON
13 THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY AFTER
14 APPROVAL BY THE BOARD OF DIRECTORS OR THE GOVERNING BODY AT THE
15 BOARD'S OR GOVERNING BODY'S NEXT REGULAR MEETING.

16 (4) WITH RESPECT TO FINANCIAL INFORMATION CONCERNING THE
17 CASE MANAGEMENT AGENCY OR THE ENTITY, EACH CASE MANAGEMENT
18 AGENCY OR EACH ENTITY SHALL:

19 (a) POST THE FOLLOWING ON THE WEBSITE OF THE CASE
20 MANAGEMENT AGENCY OR THE ENTITY IN A PLACE THAT ALLOWS ACCESS
21 TO THE PUBLIC IN A CLEAR, ACCESSIBLE, EASILY OPERATED, AND
22 UNCOMPLICATED MANNER:

23 (I) EACH COMPLETED FINANCIAL AUDIT UNDERTAKEN OF THE CASE
24 MANAGEMENT AGENCY OR THE ENTITY NOT LATER THAN THIRTY DAYS
25 FOLLOWING ACCEPTANCE BY THE ORGANIZATION'S BOARD OF DIRECTORS
26 OR GOVERNING BODY OF THE AUDIT. ANY CASE MANAGEMENT AGENCY OR
27 ANY ENTITY THAT IS NOT REQUIRED TO HAVE AN ANNUAL AUDIT OF

1 FINANCIAL STATEMENTS SHALL POST A DETAILED ACCOUNT OF THE
2 AGENCY'S OR ENTITY'S ASSETS, LIABILITIES, REVENUE, LOSSES AND GAINS,
3 EXPENSES, INVESTING ACTIVITIES, PROPERTY AND EQUIPMENT, AND ANY
4 OTHER RELEVANT FINANCIAL DISCLOSURES REQUIRED BY THE STATE
5 DEPARTMENT.

6 (II) THE MOST CURRENT FORM 990 THE CASE MANAGEMENT
7 AGENCY OR THE ENTITY HAS FILED WITH THE FEDERAL INTERNAL REVENUE
8 SERVICE NOT LATER THAN THIRTY DAYS FOLLOWING FILING OF THE FORM
9 WITH THE FEDERAL INTERNAL REVENUE SERVICE. ANY CASE MANAGEMENT
10 AGENCY OR ANY ENTITY THAT IS NOT REQUIRED TO PREPARE AND FILE A
11 FORM 990 SHALL DISCLOSE AND POST THE FOR-PROFIT EQUIVALENT
12 FEDERAL INTERNAL REVENUE SERVICES TAX FORM THAT INCLUDES THE
13 TOTAL NUMBER OF INDIVIDUALS EMPLOYED, ALL EXECUTIVE-LEVEL
14 EMPLOYEE SALARIES AND OTHER COMPENSATION, AND EMPLOYEE
15 BENEFITS, AS REQUIRED BY THE STATE DEPARTMENT.

16 (b) MAKE THE FOLLOWING INFORMATION AVAILABLE UPON
17 REASONABLE REQUEST NOT LATER THAN FIVE BUSINESS DAYS AFTER THE
18 REQUEST IS MADE:

19 (I) THE ANNUAL BUDGET OF THE CASE MANAGEMENT AGENCY OR
20 THE ENTITY FOR EACH CALENDAR OR FISCAL YEAR, AS APPLICABLE, NOT
21 LATER THAN THIRTY DAYS AFTER FINAL APPROVAL OF THE BUDGET BY THE
22 BOARD OF DIRECTORS OR THE GOVERNING BODY OF THE CASE
23 MANAGEMENT AGENCY OR THE ENTITY;

24 (II) AN ANNUAL SUMMARY OF ALL REVENUES AND EXPENDITURES
25 OF THE CASE MANAGEMENT AGENCY OR THE ENTITY THAT HAVE BEEN
26 APPROPRIATED BY THE STATE DEPARTMENT THAT IS CALCULATED BY
27 SEPTEMBER 30 OF EACH YEAR FOR THE PRIOR YEAR, AS APPLICABLE; AND

1 (III) A DESCRIPTION OF THE POLICIES AND PROCEDURES THE CASE
2 MANAGEMENT AGENCY OR THE ENTITY FOLLOWS TO TRACK, MANAGE, AND
3 REPORT ITS FINANCIAL RESOURCES AND TRANSACTIONS, WHICH POLICIES
4 AND PROCEDURES ARE ALSO KNOWN AND MAY BE REFERRED TO AS ITS
5 "FINANCIAL CONTROLS".

6 (5) ANY CONTRACT THAT EACH CASE MANAGEMENT AGENCY OR
7 EACH ENTITY ENTERS INTO WITH EITHER THE STATE DEPARTMENT OR THE
8 DEPARTMENT OF HUMAN SERVICES, CREATED IN SECTION 26-1-105, MUST
9 BE POSTED ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE
10 ENTITY IN A PLACE THAT ALLOWS ACCESS TO THE PUBLIC IN A CLEAR,
11 ACCESSIBLE, EASILY OPERATED, AND UNCOMPLICATED MANNER NOT
12 LATER THAN THIRTY DAYS FOLLOWING APPROVAL OF THE CONTRACT BY
13 THE BOARD OF DIRECTORS OR THE GOVERNING BODY OF THE CASE
14 MANAGEMENT AGENCY OR THE ENTITY.

15 (6) THIS SECTION DOES NOT APPLY TO A COUNTY AGENCY,
16 INCLUDING A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A
17 COUNTY NURSING SERVICE, AN AREA AGENCY ON AGING, OR A
18 MULTICOUNTY AGENCY ACTING AS A CASE MANAGEMENT AGENCY THAT
19 ALREADY HAS EXISTING OR DUPLICATIVE AUDIT AND TRANSPARENCY
20 REQUIREMENTS.

21 **25.5-6-1709. Community-centered board designation - rules.**
22 THE STATE DEPARTMENT SHALL DEVELOP A PROCESS TO DESIGNATE LOCAL
23 OR REGIONAL ORGANIZATIONS AS COMMUNITY-CENTERED BOARDS. THE
24 STATE DEPARTMENT SHALL PROMULGATE RULES OUTLINING THE
25 DESIGNATION PROCESS NO LATER THAN JULY 1, 2024. ANY CONTRACTS OR
26 AGREEMENTS ENTERED INTO PURSUANT TO THIS SECTION ARE EXEMPT
27 FROM THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

1 **SECTION 2.** In Colorado Revised Statutes, 2-3-103.7, **amend** (1)
2 as follows:

3 **2-3-103.7. Disclosure of reports before filing.** (1) Any state
4 employee or other individual acting in an oversight role as a member of
5 a committee, board, or commission, or any employee or other individual
6 acting in an oversight role with respect to any audit conducted pursuant
7 to sections 2-3-120, 2-3-123, 10-22-105 (4)(c), ~~and 25.5-10-209 (4)~~ AND
8 25.5-6-1708 (1), who willfully and knowingly discloses the contents of
9 any report prepared by or at the direction of the state auditor's office prior
10 to the release of such report by a majority vote of the committee as
11 provided in section 2-3-103 (2) is guilty of a misdemeanor and, upon
12 conviction thereof, shall be punished by a fine of not more than five
13 hundred dollars.

14 **SECTION 3.** In Colorado Revised Statutes, 2-3-107, **amend**
15 (2)(a)(I) introductory portion and (2)(a)(I)(D); and **add** (2)(a)(I)(E) as
16 follows:

17 **2-3-107. Authority to subpoena witnesses - access to records.**
18 (2) (a) (I) Notwithstanding any provision of law to the contrary, the state
19 auditor or ~~his or her~~ THE STATE AUDITOR'S designated representative shall
20 have access at all times, except as provided by sections 39-1-116,
21 39-4-103, and 39-5-120, to all of the books, accounts, reports, vouchers,
22 or other records or information in any department, institution, or agency,
23 including but not limited to records or information required to be kept
24 confidential or exempt from public disclosure upon subpoena, search
25 warrant, discovery proceedings, or otherwise. The authority of the state
26 auditor or ~~his or her~~ THE STATE AUDITOR'S designated representative to
27 access at all times the books, accounts, reports, vouchers, or other records

1 or information in accordance with this subsection (2)(a) also extends to
2 any fiscal or performance audit the state auditor or ~~his or her~~ THE STATE
3 AUDITOR'S designated representative conducts of:

4 (D) Community-centered boards, ~~in accordance with section~~
5 ~~25.5-10-209 (4)~~ AS DEFINED IN SECTION 25.5-6-1702 (5); AND

6 (E) CASE MANAGEMENT AGENCIES IN ACCORDANCE WITH SECTION
7 25.5-6-1708 (1).

8 **SECTION 4.** In Colorado Revised Statutes, 8-40-301, **amend** (7)
9 as follows:

10 **8-40-301. Scope of term "employee" - definition.** (7) Persons
11 who provide host home services as part of residential services and
12 supports, as described in section 25.5-10-206 (1)(e), ~~C.R.S.~~, for an
13 eligible person, as defined in section 25.5-6-403 (2)(a), ~~C.R.S.~~, pursuant
14 to the "Home- and Community-based Services for Persons with
15 Developmental Disabilities Act", part 4 of article 6 of title 25.5, ~~C.R.S.~~,
16 and pursuant to a contract ~~with a community-centered board designated~~
17 ~~pursuant to section 25.5-10-209, C.R.S., or a contract~~ with a service
18 agency as defined in ~~section 25.5-10-202, C.R.S., shall~~ SECTION
19 25.5-10-202 (34) ARE not be considered employees of the
20 ~~community-centered board or the~~ service agency.

21 **SECTION 5.** In Colorado Revised Statutes, 13-21-117.5, **amend**
22 (2)(a), (2)(b), (2)(e), (2)(f), (2)(g), (4), (5), (8), and (10); and **repeal**
23 (2)(a.5) as follows:

24 **13-21-117.5. Civil liability - intellectual and developmental**
25 **disability service providers - definitions.** (2) **Definitions.** As used in
26 this section, unless the context otherwise requires:

27 (a) "Case management agency" has the same meaning as set forth

1 in ~~section 25.5-10-202 (1.9)~~ SECTION 25.5-6-1702 (2).

2 (a.5) "~~Community-centered board~~" has the same meaning as set
3 forth in ~~section 25.5-10-202 (4)~~.

4 (b) "Department" means the department of ~~human services~~
5 HEALTH CARE POLICY AND FINANCING.

6 (e) "Host home" means a private home that houses up to three
7 persons with intellectual and developmental disabilities and whose owner
8 or renter provides residential services, as described in section 25.5-10-206
9 (1)(e), ~~C.R.S.~~, to those persons as an independent contractor of a
10 ~~community-centered board~~ or service agency.

11 (f) "Provider" means any ~~community-centered board~~, case
12 management agency, service agency, host home, family caregiver, and the
13 directors, officers, and employees of these entities, who provide
14 LONG-TERM services or supports to persons with INTELLECTUAL AND
15 developmental disabilities pursuant to article 10 of title 25.5 or article
16 10.5 of title 27.

17 (g) "Service agency" means a privately operated
18 program-approved service agency designated pursuant to the rules of the
19 department. ~~or the rules of the department of health care policy and~~
20 ~~financing.~~

21 (4) **Duty of care.** The performance of a service or an act of
22 assistance for the benefit of a person with ~~a~~ AN INTELLECTUAL AND
23 developmental disability or adoption or enforcement of a policy,
24 procedure, guideline, or practice for the protection of ~~any such~~ THE
25 person's health or safety by a provider does not create any duty of care
26 with respect to a third person, nor does it create a duty for any provider
27 to perform or sustain ~~such~~ a service or an act of assistance nor to adopt or

1 enforce ~~such~~ a policy, procedure, guideline, or practice; however, nothing
2 in this section ~~shall be construed to relieve~~ RELIEVES a provider of a duty
3 of care expressly imposed by federal or state law OR department rule, ~~or~~
4 ~~department of health care policy and financing rule~~; nor shall anything in
5 this section be deemed to create any duty of care.

6 (5) No action in tort under this section may be maintained on
7 behalf of, for, or by a person with ~~a~~ AN INTELLECTUAL AND developmental
8 disability or by a family member of a person with ~~a~~ AN INTELLECTUAL
9 AND developmental disability against a provider unless ~~that~~ THE person
10 claiming to have suffered an injury or grievance or ~~that~~ THE person's
11 guardian or representative has filed for dispute resolution or other
12 applicable intervention, if any, by the department ~~department of health~~
13 ~~care policy and financing~~; OR A case management agency ~~or~~
14 ~~community-centered board~~ pursuant to rules promulgated under ~~article 10~~
15 ARTICLE 6 OR 10 of title 25.5 or article 10.5 of title 27 within one year
16 after the date of the discovery of the injury or grievance, regardless of
17 whether the person then knew all of the elements of a claim or of a cause
18 of action for such injury or grievance. Compliance with ~~the provisions of~~
19 this subsection (5), documented by a letter from the department ~~or the~~
20 ~~department of health care policy and financing~~ certifying that any and all
21 ~~such~~ interventions and dispute resolution procedures, with either the
22 department ~~department of health care policy and financing~~; OR A case
23 management agency ~~or community-centered board~~ applicable to the
24 matter at hand have been exhausted, or by submission of evidence that
25 such an intervention or dispute resolution request has been filed and no
26 action has been taken by the department ~~or the department of health care~~
27 ~~policy and financing~~ within ninety days, is a jurisdictional prerequisite to

1 any action brought under the provisions of this section, and failure of
2 compliance forever bars any such action and must result in a dismissal of
3 any claim with prejudice. Certification by the department ~~or the~~
4 ~~department of health care policy and financing~~ that all applicable
5 interventions and dispute resolution procedures have been exhausted ~~shall~~
6 DOES not result in ~~such~~ THE department becoming a party to the tort claim
7 action.

8 (8) If a person with ~~a~~ AN INTELLECTUAL AND developmental
9 disability residing in a residential program operated by the department ~~or~~
10 ~~the department of health care policy and financing~~ is referred by ~~such~~ THE
11 department for community placement, the provider is not subject to civil
12 liability for accepting that person for community placement.

13 (10) ~~Community-centered boards~~, Case management agencies and
14 service agencies ~~shall~~ have the authority to move a person with ~~a~~ AN
15 INTELLECTUAL AND developmental disability from any residential setting
16 that they operate ~~or for which they contract, directly or indirectly~~, UNDER
17 MEDICAID AUTHORITY if the ~~community-centered board~~, case management
18 agency or service agency believes that the person with ~~a~~ AN
19 INTELLECTUAL AND developmental disability may be at risk of abuse,
20 neglect, mistreatment, exploitation, or other harm in such setting. If a
21 person is moved for one of the aforementioned reasons, the
22 person-centered planning required by this subsection (10) must occur as
23 soon as possible following the move. In the absence of willful and wanton
24 acts or omissions, ~~community-centered boards~~, case management
25 agencies and service agencies have no civil liability for exercising such
26 authority or for termination of any related contracts if ~~such~~ THE risk is
27 substantiated by investigation pursuant to the rules of the department. ~~or~~

1 ~~the rules of the department of health care policy and financing.~~

2 **SECTION 6.** In Colorado Revised Statutes, 18-6.5-108, **amend**
3 (1)(b)(IX) as follows:

4 **18-6.5-108. Mandatory reports of mistreatment of at-risk**
5 **elders and at-risk adults with IDD - list of reporters - penalties.**

6 (1) (b) The following persons, whether paid or unpaid, shall report as
7 required by subsection (1)(a) of this section:

8 (IX) Staff of ~~community-centered boards~~ CASE MANAGEMENT
9 AGENCIES, AS DEFINED IN SECTION 25.5-6-1702 (2);

10 **SECTION 7.** In Colorado Revised Statutes, 19-1-116, **amend**
11 (2)(a) as follows:

12 **19-1-116. Funding - alternatives to placement out of the home**
13 **- services to prevent continued involvement in child welfare system.**

14 (2) (a) The county commissioners in each county may appoint a
15 placement alternatives commission consisting, where possible, of a
16 physician or a licensed health professional, an attorney, representatives
17 of a local law enforcement agency, representatives recommended by the
18 court and probation department, representatives from the county
19 department of human or social services, a local mental health clinic, and
20 the county, district, or municipal public health agency, a representative of
21 a local school district specializing in special education, a representative
22 of a local ~~community-centered board~~ CASE MANAGEMENT AGENCY,
23 representatives of a local residential child care facility and a private
24 nonprofit agency providing nonresidential services for children and
25 families, a representative specializing in occupational training or
26 employment programs, a foster parent, and one or more representatives
27 of the lay community. At least fifty percent of the commission members

1 must represent the private sector. The county commissioners of two or
2 more counties may jointly establish a district placement alternatives
3 commission. A placement alternatives commission may be consolidated
4 with other local advisory boards pursuant to section 24-1.7-103.

5 **SECTION 8.** In Colorado Revised Statutes, 19-2-508, **amend**
6 (3)(b)(I) as follows:

7 **19-2-508. Detention and temporary shelter - hearing - time**
8 **limits - findings - review - confinement with adult offenders -**
9 **restrictions.** (3) (b) (I) If it appears that any juvenile being held in
10 detention or temporary shelter may have an intellectual and
11 developmental disability, as provided in article 10.5 of title 27, the court
12 or detention personnel shall refer the juvenile to the nearest
13 ~~community-centered board~~ CASE MANAGEMENT AGENCY for an eligibility
14 determination. If it appears that any juvenile being held in a detention or
15 temporary shelter facility pursuant to the provisions of this article 2 may
16 have a mental health disorder, as provided in sections 27-65-105 and
17 27-65-106, the intake personnel or other appropriate personnel shall
18 contact a mental health professional to do a mental health hospital
19 placement prescreening on the juvenile. The court ~~shall~~ **MUST** be notified
20 of the contact and may take appropriate action. If a mental health hospital
21 placement prescreening is requested, it must be conducted in an
22 appropriate place accessible to the juvenile and the mental health
23 professional. A request for a mental health hospital placement
24 prescreening must not extend the time within which a detention hearing
25 must be held pursuant to this section. If a detention hearing has been set
26 but has not yet occurred, the mental health hospital placement
27 prescreening must be conducted prior to the hearing; except that the

1 prescreening must not extend the time within which a detention hearing
2 must be held.

3 **SECTION 9.** In Colorado Revised Statutes, 19-2-906, **amend** (2)
4 as follows:

5 **19-2-906. Sentencing hearing.** (2) If the court has reason to
6 believe that the juvenile may have an intellectual and developmental
7 disability, the court shall refer the juvenile to the ~~community-centered~~
8 ~~board~~ CASE MANAGEMENT AGENCY in the ~~designated~~ DEFINED service area
9 where the action is pending for an eligibility determination pursuant to
10 article 10.5 of title 27. If the court has reason to believe that the juvenile
11 may have a behavioral or mental health disorder, the court shall order a
12 mental health hospital placement prescreening to be conducted in any
13 appropriate place.

14 **SECTION 10.** In Colorado Revised Statutes, 19-3-403, **amend**
15 (4)(a) as follows:

16 **19-3-403. Temporary custody - hearing - time limits -**
17 **restriction - rules.** (4) (a) If it appears that any child being held in a
18 shelter facility may have an intellectual and developmental disability, as
19 provided in article 10.5 of title 27, the court shall refer the child to the
20 nearest ~~community-centered board~~ CASE MANAGEMENT AGENCY for an
21 eligibility determination. If it appears that any child being held in a shelter
22 facility pursuant to ~~the provisions of~~ this article 3 may have a mental
23 health disorder, as provided in sections 27-65-105 and 27-65-106, the
24 intake personnel or other appropriate personnel shall contact a mental
25 health professional to do a mental health disorder prescreening on the
26 child. The court ~~shall~~ MUST be notified of the contact and may take
27 appropriate action. If a mental health disorder prescreening is requested,

1 it ~~shall~~ MUST be conducted in an appropriate place accessible to the child
2 and the mental health professional. A request for a mental health disorder
3 prescreening must not extend the time within which a hearing is to be
4 held pursuant to this section. If a hearing has been set but has not yet
5 occurred, the mental health disorder prescreening ~~shall~~ MUST be
6 conducted prior to the hearing; except that the prescreening must not
7 extend the time within which a hearing is to be held pursuant to this
8 section.

9 **SECTION 11.** In Colorado Revised Statutes, 19-3-506, **amend**
10 (1)(a) and (3)(b) as follows:

11 **19-3-506. Child with a mental health disorder or an**
12 **intellectual and developmental disability - procedure.** (1) (a) If it
13 appears from the evidence presented at an adjudicatory hearing or
14 otherwise that a child may have an intellectual and developmental
15 disability, as defined in article 10.5 of title 27, the court shall refer the
16 child to the ~~community-centered board~~ CASE MANAGEMENT AGENCY in
17 the ~~designated~~ DEFINED service area where the action is pending for an
18 eligibility determination pursuant to ARTICLE 6 OF TITLE 25.5 OR article
19 10.5 of title 27.

20 (3) (b) When, subsequent to referral to a ~~community-centered~~
21 ~~board~~ CASE MANAGEMENT AGENCY pursuant to subsection (1) of this
22 section, it appears that the child has INTELLECTUAL AND developmental
23 disabilities, the court may proceed pursuant to article 10.5 of title 27
24 ~~C.R.S.~~, or may follow any of the recommendations contained in the report
25 from the ~~community-centered board~~ CASE MANAGEMENT AGENCY.

26 **SECTION 12.** In Colorado Revised Statutes, 19-3-507, **amend**
27 (2) as follows:

1 **19-3-507. Dispositional hearing.** (2) If the court has reason to
2 believe that the child may have an intellectual and developmental
3 disability, the court shall refer the child to the ~~community-centered board~~
4 CASE MANAGEMENT AGENCY in the ~~designated~~ DEFINED service area
5 where the action is pending for an eligibility determination pursuant to
6 ARTICLE 6 OF TITLE 25.5 OR article 10.5 of title 27. If the court has reason
7 to believe that the child may have a behavioral or mental health disorder,
8 the court shall order a behavioral or mental health disorder prescreening
9 to be conducted in any appropriate place.

10 **SECTION 13.** In Colorado Revised Statutes, 22-20-106, **amend**
11 (3)(c) as follows:

12 **22-20-106. Special education programs - early intervening**
13 **services - rules.** (3) (c) The district of residence shall pay the tuition
14 costs for a child with a disability in an approved facility school pursuant
15 to sections 22-20-108 (8) and 22-20-109 (1). Special education services
16 may be provided by ~~community-centered boards~~ A CASE MANAGEMENT
17 AGENCY in cooperation with administrative units.

18 **SECTION 14.** In Colorado Revised Statutes, 22-20-107, **amend**
19 (1) as follows:

20 **22-20-107. Authority to contract with institutions of higher**
21 **education or case management agencies.** (1) An administrative unit
22 may contract with an institution of higher education, or a
23 ~~community-centered board~~ CASE MANAGEMENT AGENCY, as provided in
24 section 25.5-10-206, ~~C.R.S.~~, for the provision by the administrative unit
25 of an education and training program for children with disabilities. If an
26 agreement is arrived at by the two agencies, the administrative unit shall
27 place the responsibility for administering the program with the director

1 of special education of the administrative unit.

2 **SECTION 15.** In Colorado Revised Statutes, 22-20-118, **amend**
3 (2)(a), (2)(c), and (2)(d) as follows:

4 **22-20-118. Child find from birth through two years of age -**
5 **responsibilities - rules - interagency operating agreements - funding.**

6 (2) The administrative units shall:

7 (a) Establish local-level interagency operating agreements with
8 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES, as ~~described~~
9 ~~in section 27-10.5-102 C.R.S.~~ DEFINED IN SECTION 25.5-6-1702 (2), as
10 necessary to assist in developing and implementing the department of
11 human services' statewide plan defined in section 27-10.5-704 ~~C.R.S.~~, for
12 community education outreach and awareness efforts related to part C
13 child find and the availability of early intervention services. The
14 administrative units' responsibilities ~~shall be~~ ARE limited to those
15 activities that relate to facilitating the implementation of part C child find
16 activities and a collaborative system of early intervention services.

17 (c) Pursuant to the development of the IFSP, coordinate with
18 ~~community centered boards~~ CASE MANAGEMENT AGENCIES to have the
19 same representative who conducts a part C child find evaluation attend
20 the mandatory meeting at which the family receives information
21 concerning the results of the part C child find evaluation; and

22 (d) Pursuant to section 27-10.5-704, ~~C.R.S.~~, coordinate with
23 ~~community centered boards~~ CASE MANAGEMENT AGENCIES, the
24 department of human services, and the department to assist a child with
25 disabilities as ~~he or she~~ THE CHILD transitions from the developmental
26 disabilities system into the public education system no later than the age
27 of three.

1 **SECTION 16.** In Colorado Revised Statutes, 24-110-207.5,
2 **amend** (1)(a) as follows:

3 **24-110-207.5. Certification of certain entities as local public**
4 **procurement units - rules - report.** (1) The executive director may
5 certify any of the following entities as a local public procurement unit:

6 (a) Any nonprofit community mental health center, as defined in
7 section 27-66-101, ~~C.R.S.~~; any nonprofit community mental health clinic,
8 as defined in section 27-66-101, ~~C.R.S.~~; any nonprofit
9 ~~community-centered board~~ CASE MANAGEMENT AGENCY, as defined in
10 ~~section 25.5-10-202, C.R.S.~~ SECTION 25.5-6-1702 (2), or any nonprofit
11 service agency, as defined in section 25.5-10-202, ~~C.R.S.~~; if the entity
12 uses the supplies, services, or construction procured for the public mental
13 health system or the public developmental disability system;

14 **SECTION 17.** In Colorado Revised Statutes, 25-1-124, **amend**
15 (2.5)(a) as follows:

16 **25-1-124. Health-care facilities - consumer information -**
17 **reporting - release.** (2.5) (a) In addition to the reports required by
18 subsection (2) of this section, if the Colorado attorney general, the
19 ~~division for developmental disabilities in the department of human~~
20 ~~services~~ DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, a
21 ~~community centered board~~ CASE MANAGEMENT AGENCY, an adult
22 protection service, or a law enforcement agency makes a report of an
23 occurrence as described in subsection (2) of this section involving a
24 licensed long-term care facility, that report ~~shall~~ **MUST** be provided to the
25 department and ~~shall be~~ made available for inspection consistent with the
26 provisions of subsection (6) of this section. Any reports concerning an
27 adult protection service ~~shall~~ **MUST** be in compliance with the

1 confidentiality requirements of section 26-3.1-102 (7). ~~C.R.S.~~

2 **SECTION 18.** In Colorado Revised Statutes, 25-27.5-102,
3 **amend** the introductory portion and (1); **repeal** (1.5); and **add** (1.1) as
4 follows:

5 **25-27.5-102. Definitions.** As used in this ~~article~~ ARTICLE 27.5,
6 unless the context otherwise requires:

7 (1) ~~"Certified home care agency" means an agency that is certified~~
8 ~~by either the federal centers for medicare and medicaid services or the~~
9 ~~Colorado department of health care policy and financing to provide~~
10 ~~skilled home health or personal care services. "CASE MANAGEMENT~~
11 ~~AGENCY" HAS THE SAME MEANING AS SET FORTH IN SECTION 25.5-6-1702~~
12 ~~(2).~~

13 (1.1) "CERTIFIED HOME CARE AGENCY" MEANS AN AGENCY THAT
14 IS CERTIFIED BY EITHER THE FEDERAL CENTERS FOR MEDICARE AND
15 MEDICAID SERVICES OR THE COLORADO DEPARTMENT OF HEALTH CARE
16 POLICY AND FINANCING TO PROVIDE SKILLED HOME HEALTH OR PERSONAL
17 CARE SERVICES.

18 (1.5) ~~"Community-centered board" means a community-centered~~
19 ~~board, as defined in section 25.5-10-202, C.R.S., that is designated~~
20 ~~pursuant to section 25.5-10-209, C.R.S., by the department of health care~~
21 ~~policy and financing.~~

22 **SECTION 19.** In Colorado Revised Statutes, 25-27.5-103,
23 **amend** (1.5) as follows:

24 **25-27.5-103. Home care agency license required - home care**
25 **placement agency registration required - civil and criminal penalties.**

26 (1.5) It is unlawful for a ~~community-centered board~~ SERVICE AGENCY that
27 is directly providing home care services ~~or a service agency~~ to conduct or

1 maintain a home care agency that provides in-home personal care services
2 without having obtained a license from the department. Any person who
3 violates this subsection (1.5) is guilty of a misdemeanor and is subject to
4 the civil and criminal penalties described in ~~paragraphs (a) and (b) of~~
5 ~~subsection (1)~~ SUBSECTIONS (1)(a) AND (1)(b) of this section. Nothing in
6 this section relieves an entity that contracts or arranges with a
7 ~~community-centered board~~ or service agency and that meets the definition
8 of a home care agency from the entity's obligation to apply for and
9 operate under a license in accordance with this article.

10 **SECTION 20.** In Colorado Revised Statutes, 25-27.5-104,
11 **amend** (1) introductory portion and (1)(g)(I) as follows:

12 **25-27.5-104. Minimum standards for home care agencies and**
13 **home care placement agencies - rules - advisory committee.** (1) The
14 state board shall promulgate rules pursuant to section 24-4-103 ~~C.R.S.~~,
15 providing minimum standards for the operation of home care agencies
16 and home care placement agencies within the state of Colorado that apply
17 regardless of the source of payment for the home care services or the
18 diagnosis of the home care consumer. In promulgating these rules, the
19 state board shall establish different requirements appropriate to the
20 various types of skilled home health and personal care services, including
21 differentiating requirements for providers that are substantially funded
22 through medicare and medicaid reimbursement, providers for the program
23 of all-inclusive care for the elderly established in section 25.5-5-412,
24 ~~C.R.S.~~, providers that are already licensed under this ~~title~~ TITLE 25, and
25 providers that are solely or substantially privately funded. This
26 differentiation must include consideration of the requirements already
27 imposed by other federal and state regulatory agencies and must require

1 the department of health care policy and financing and the department to
2 work jointly to resolve differing requirements. The rules must include the
3 following:

4 (g) (I) Fees for home care agency licensure. Home care agency
5 fees are payable to the home care agency cash fund. The annual fee must
6 include a component that reflects whether a survey is planned for the year
7 based on the agency's compliance history. The state board shall develop
8 a methodology for establishing differentiating fees for licensure of home
9 care agencies ~~including community-centered boards and service agencies,~~
10 to reflect the differences in type, scope, and volume of services provided
11 by the various types of home care agencies, including their volume of
12 medicaid and medicare services, and that allows for reduced fees for
13 home care agencies that are certified prior to initial license application.
14 The department shall not charge a duplicate fee for survey work
15 conducted pursuant to its role as state survey agency for the federal
16 centers for medicare and medicaid services or the Colorado department
17 of health care policy and financing.

18 **SECTION 21.** In Colorado Revised Statutes, 25.5-1-103, **amend**
19 (9) as follows:

20 **25.5-1-103. Definitions.** As used in this title 25.5, unless the
21 context otherwise requires:

22 (9) "State designated agency" means an agency designated to
23 perform specified functions that would otherwise be performed by the
24 county departments, including ~~the single entry point agencies~~ CASE
25 MANAGEMENT AGENCIES and medical assistance sites.

26 **SECTION 22.** In Colorado Revised Statutes, 25.5-1-117, **amend**
27 (2) as follows:

1 **25.5-1-117. County departments - district departments.**

2 (2) ~~Single entry point agencies~~ CASE MANAGEMENT AGENCIES established
3 pursuant to ~~part 1~~ PART 17 of article 6 of this title 25.5 ~~other than county~~
4 ~~departments of human or social services acting as single entry point~~
5 ~~agencies~~, may act as state designated agencies and are authorized to carry
6 out functions as specified in ~~part 1~~ PART 17 of article 6 of this title 25.5
7 that are otherwise performed by county departments of human or social
8 services.

9 **SECTION 23.** In Colorado Revised Statutes, 25.5-4-103, **amend**
10 (3) as follows:

11 **25.5-4-103. Definitions.** As used in this article 4 and articles 5
12 and 6 of this title 25.5, unless the context otherwise requires:

13 (3) "Case management services" means services provided by
14 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES, as defined by
15 ~~section 25.5-10-202~~ IN SECTION 25.5-6-1702 (6), and community mental
16 health centers and community mental health clinics, as defined by ~~section~~
17 ~~27-66-101~~ IN SECTION 27-66-101 (2) AND (3), to assist persons with
18 ~~intellectual and developmental disabilities, as defined by section~~
19 ~~25.5-10-202, and persons with mental health disorders, as defined by~~
20 ~~section 27-65-102 (11.5), by case management agencies, as defined in~~
21 ~~section 25.5-6-303 (5), providing case management services, as defined~~
22 ~~in sections 25.5-6-104 (2)(b) and 25.5-6-303 (6), to persons with a~~
23 ~~disability, persons who are elderly or blind, and long-term care clients, in~~
24 gaining access to needed medical, social, educational, and other services.

25 **SECTION 24.** In Colorado Revised Statutes, 25.5-4-205, **amend**
26 (1)(a.7) as follows:

27 **25.5-4-205. Application - verification of eligibility -**

1 **demonstration project - rules.** (1) (a.7) As part of the medicaid
2 eligibility modernization, the department is authorized to create a
3 universal application for ~~single point of entry~~ CASE MANAGEMENT
4 AGENCIES for home- and community-based services waivers for children.

5 **SECTION 25.** In Colorado Revised Statutes, 25.5-4-401.5,
6 **amend** (3)(b)(III)(D) as follows:

7 **25.5-4-401.5. Review of provider rates - advisory committee**
8 **- recommendations - repeal.** (3) (b) The advisory committee consists of
9 the following twenty-four members:

10 (III) The following members appointed by the speaker of the
11 house of representatives:

12 (D) A representative of ~~single entry point agencies~~ CASE
13 MANAGEMENT AGENCIES;

14 **SECTION 26.** In Colorado Revised Statutes, 25.5-5-204, **amend**
15 (2.7)(a) and (2.7)(b) as follows:

16 **25.5-5-204. Presumptive eligibility - pregnant women -**
17 **children - long-term care - state plan.** (2.7) (a) The state department is
18 authorized to seek federal authorization to allow a person who is in need
19 of long-term ~~care~~ SERVICES AND SUPPORTS, as defined in ~~section~~
20 ~~25.5-6-104~~ SECTION 25.5-6-1702 (10), to be presumptively eligible for the
21 medical assistance program pursuant to this ~~article~~ ARTICLE 5 and articles
22 4 and 6 of this ~~title~~ TITLE 25.5.

23 (b) If the state department receives federal authorization pursuant
24 to ~~paragraph (a) of this subsection (2.7)~~ SUBSECTION (2.7)(a) OF THIS
25 SECTION and sufficient spending authority, a person in need of long-term
26 ~~care~~ SERVICES AND SUPPORTS shall be presumptively eligible for the
27 medical assistance program if the person or the person's legal

1 representative declares all pertinent information relating to the criteria of
2 income, assets, and immigration status. ~~Such~~ THE person shall be
3 assessed for the appropriate level of care pursuant to ~~section 25.5-6-104~~
4 SECTION 25.5-6-1704. If required due to limitations of federal
5 authorization or spending authority, the state department may implement
6 this ~~paragraph (b)~~ SUBSECTION (2.7)(b) OF THIS SECTION as a pilot
7 program rather than statewide.

8 **SECTION 27.** In Colorado Revised Statutes, 25.5-5-301, **amend**
9 (2)(b) as follows:

10 **25.5-5-301. Clinic services.** (2) Under the federal option for
11 clinic services, Colorado has selected clinic services provided by the
12 following:

13 (b) ~~Community centered boards~~ CASE MANAGEMENT AGENCIES;

14 **SECTION 28.** In Colorado Revised Statutes, 25.5-5-412, **amend**
15 (6) introductory portion and (6)(a) as follows:

16 **25.5-5-412. Program of all-inclusive care for the elderly -**
17 **services - eligibility - legislative declaration - rules - definitions.**

18 (6) The state department, in cooperation with the ~~single entry point~~
19 ~~agencies~~ CASE MANAGEMENT AGENCIES established in ~~section 25.5-6-106~~
20 SECTION 25.5-6-1703, shall develop and implement a coordinated plan to
21 provide education about PACE program site operations under this section.

22 The state board shall adopt rules:

23 (a) To ensure that case managers and any other appropriate state
24 department staff discuss the option and potential benefits of participating
25 in the PACE program with all eligible long-term care clients. These rules
26 ~~shall~~ MUST require additional and on-going training of the ~~single entry~~
27 ~~point~~ CASE MANAGEMENT agency case managers in counties where a

1 PACE program is operating. This training ~~shall~~ MUST be provided by a
2 federally approved PACE provider. In addition, each ~~single entry point~~
3 CASE MANAGEMENT agency may designate case managers who have
4 knowledge about the PACE program.

5 **SECTION 29.** In Colorado Revised Statutes, 25.5-6-113, **amend**
6 (3)(b) as follows:

7 **25.5-6-113. Health home - integrated services - legislative**
8 **declaration - contracting - definitions.** (3) (b) The health home may
9 consist of a multi-disciplinary team, including primary care management
10 providers, behavioral ~~health care~~ HEALTH-CARE providers, case managers,
11 and providers of long-term ~~care~~ services and supports, including but not
12 limited to ~~single entry point~~ CASE MANAGEMENT agencies, nursing homes,
13 alternative care facilities, day programs for the elderly, home care
14 agencies, community mental health centers, AND hospice and palliative
15 care centers. ~~and community centered boards.~~

16 **SECTION 30.** In Colorado Revised Statutes, 25.5-6-303, **amend**
17 (5), (6), and (7) as follows:

18 **25.5-6-303. Definitions.** As used in this part 3, unless the context
19 otherwise requires:

20 (5) (a) "Case management agency" means agencies providing
21 services on and before July 1, 1995, for home- and community-based
22 programs for the elderly, blind, and disabled shall be terminated July 1,
23 1995, and case management functions shall thereafter be performed in
24 accordance with this article 6.

25 (b) "Case management agency" ~~for counties participating in the~~
26 ~~single entry point system pursuant to this article before July 1, 1995, and~~
27 ~~for all counties on and after said date, means a public or private, nonprofit~~

1 ~~or for profit agency that meets all applicable state and federal~~
2 ~~requirements and is certified by the state department to provide case~~
3 ~~management functions reimbursable under this article and articles 4 and~~
4 ~~5 of this title, within a geographic area of the state consisting of one or~~
5 ~~more counties. Such functions shall be provided by the agency under a~~
6 ~~contract executed with the state department or other state designated~~
7 ~~agency. The state department shall establish procedures for the~~
8 ~~designation, certification, and decertification of case management~~
9 ~~agencies and requirements for performance and staffing of the agencies.~~
10 ~~Such procedures and requirements shall be set forth in rules promulgated~~
11 ~~by the state board or shall be included in the contracts executed by the~~
12 ~~state department~~ HAS THE SAME MEANING AS SET FORTH IN SECTION
13 25.5-6-1702 (2).

14 (6) "Case management services" ~~means functions performed by~~
15 ~~a case management agency, including: The assessment of a client's needs,~~
16 ~~the development and implementation of a case plan for the client, the~~
17 ~~coordination and monitoring of service delivery, the direct delivery of~~
18 ~~services as provided by parts 3 to 12 of this article or by rules adopted by~~
19 ~~the state board, the evaluation of service effectiveness, and the~~
20 ~~reassessment of the client's needs. Case management services shall be~~
21 ~~reimbursed as an administrative expense~~ HAS THE SAME MEANING AS SET
22 FORTH IN SECTION 25.5-6-1702 (3).

23 (7) "Case plan" means a coordinated plan for the provision of
24 long-term-care services in a setting other than a nursing home, developed
25 and managed by a case management agency, in coordination with the
26 client, ~~his~~ THE CLIENT'S family or guardian, ~~and~~ THE CLIENT'S physician,
27 and other providers of care.

1 **SECTION 31.** In Colorado Revised Statutes, 25.5-6-403, **amend**
2 (3.3)(b) and (4); and **repeal** (1) as follows:

3 **25.5-6-403. Definitions.** As used in this part 4, unless the context
4 otherwise requires:

5 (1) ~~"Developmentally disabled person" means a person with an~~
6 ~~intellectual and developmental disability as defined in subsection (3.3)(a)~~
7 ~~of this section.~~

8 (3.3) (b) "Person with an intellectual and developmental
9 disability" or "youth with an intellectual and developmental disability"
10 means a person or youth determined by a ~~community-centered board~~ CASE
11 MANAGEMENT AGENCY to have an intellectual and developmental
12 disability and ~~shall include~~ INCLUDES a child with a developmental delay.

13 (4) "Plan of care" means a coordinated plan of care for provision
14 of services in other than a nursing facility or institutional setting,
15 developed and managed, subject to review and approval pursuant to
16 section 25.5-6-404, by a ~~community-centered board~~ CASE MANAGEMENT
17 AGENCY for persons with INTELLECTUAL AND developmental disabilities.
18 This plan of care shall fully identify the services to be provided to eligible
19 persons. Prior to the provision of those services, a physician may be
20 required to review an assessment document to insure that it adequately
21 describes the medical needs of the eligible person.

22 **SECTION 32.** In Colorado Revised Statutes, 25.5-6-406, **amend**
23 (2)(e); and **add** (2)(b)(III) as follows:

24 **25.5-6-406. Appropriations - reimbursement for services -**
25 **direct support professionals - legislative declaration - definitions.**

26 (2) (b) As used in this subsection (2), unless the context otherwise
27 requires:

1 (III) "ENTITY" MEANS A PUBLIC OR PRIVATE NOT-FOR-PROFIT OR
2 FOR-PROFIT ORGANIZATION THAT HAS A CONTRACT OR AGREEMENT WITH
3 THE STATE OF COLORADO TO PERFORM SPECIFIC FUNCTIONS.

4 (e) Service agencies shall use one hundred percent of the funding
5 resulting from the increase in the reimbursement rate pursuant to
6 subsection (2)(c) of this section to increase compensation for direct
7 support professionals above the rate of compensation that direct support
8 professionals are receiving as of June 30, 2018. This requirement applies
9 to funds billed by ~~community-centered boards~~ ENTITIES in their role as
10 organized ~~health-care~~ HEALTH-CARE delivery systems. Service agencies
11 shall not use funding resulting from the reimbursement rate increase for
12 general and administrative expenses, such as chief executive officer
13 salaries, human resources, information technology, oversight, business
14 management, general record keeping, budgeting and finance, and other
15 activities not identifiable to a single program.

16 **SECTION 33.** In Colorado Revised Statutes, 25.5-6-409, **amend**
17 (2); and **repeal** (4) as follows:

18 **25.5-6-409. Services for persons with intellectual and**
19 **developmental disabilities.** (2) Services for persons with INTELLECTUAL
20 AND developmental disabilities provided through this program ~~shall~~ MUST
21 be delivered under the provisions of a statewide services plan, in the form
22 of home- and community-based services waivers or model waivers,
23 developed by the state department and the department of human services
24 and approved by the federal centers for medicare and medicaid services,
25 or any successor agency. This plan ~~shall~~ MUST include the specific
26 services to be offered, a plan for the delivery of such services through
27 ~~community centered boards~~ CASE MANAGEMENT AGENCIES or other

1 service agencies approved pursuant to THIS ARTICLE 6 OR article 10.5 of
2 title 27 C.R.S., utilizing where appropriate the provision of in-home
3 services, the expected costs of such services, the expected benefits of
4 providing those services, and the administrative provisions which shall
5 govern the implementation of the plan. The plan shall MUST provide for
6 all necessary safeguards to ensure the health and welfare of any eligible
7 persons. The average per capita expenditure for services under this plan
8 shall MUST not exceed the average per capita expenditure the department
9 of human services or the state department would have made for services
10 otherwise available without this plan.

11 (4) ~~Any services for persons with intellectual and developmental~~
12 ~~disabilities provided through this program shall be set forth in a plan of~~
13 ~~care developed and managed by a community-centered board and subject~~
14 ~~to review and approval pursuant to section 25.5-6-404. The plan of care~~
15 ~~shall:~~

16 (a) ~~Be based on the particular services needs of the eligible~~
17 ~~person;~~

18 (b) ~~Describe the services necessary to avoid institutionalization;~~
19 ~~and~~

20 (c) (I) ~~Include a process by which the person who is receiving~~
21 ~~services may receive necessary care for medical purposes, which may~~
22 ~~include respite care, if the person's service provider is unavailable due to~~
23 ~~an emergency situation or to unforeseen circumstances. The person who~~
24 ~~is receiving services and the person's family or guardian shall be duly~~
25 ~~informed by the community centered board of these alternative care~~
26 ~~provisions at the time the plan of care is initiated.~~

27 (II) ~~Nothing in this paragraph (c) requires a community centered~~

1 board to provide services set forth in a plan of care that the community
2 centered board is not otherwise required to provide to the person
3 receiving services, only that the plan of care include a contingency for
4 such services.

5 **SECTION 34.** In Colorado Revised Statutes, 25.5-6-409.5,
6 **amend** (4)(a) and (6) as follows:

7 **25.5-6-409.5. Transition plan for youth with intellectual and**
8 **developmental disabilities to adult services - legislative declaration -**
9 **report - rules - cash fund.** (4) For each youth with intellectual and
10 developmental disabilities who is going to be transitioned to adult
11 services for persons with intellectual and developmental disabilities
12 pursuant to subsection (3) of this section, the county department of human
13 or social services that is currently providing services to the youth through
14 its child welfare system shall develop a transition plan for that youth. The
15 transition plan must, at a minimum:

16 (a) Include the department-prescribed assessment provided by the
17 ~~community-centered board~~ CASE MANAGEMENT AGENCY that is performed
18 as soon as possible for those youth who are being transitioned pursuant
19 to subsection (3) of this section and at seventeen and a half years of age
20 for those youth who are being transitioned pursuant to ~~subparagraph (IV)~~
21 ~~of paragraph (a) of subsection (3) of this section or paragraph (b) of~~
22 ~~subsection (3)~~ SUBSECTION (3)(a)(IV) OR (3)(b) of this section. In all
23 instances, the assessment must be completed within six months of a
24 youth's transition to adult services.

25 (6) It is the intent of the general assembly that county child
26 welfare systems and ~~community-centered boards~~ CASE MANAGEMENT
27 AGENCIES collaborate to ensure minimal disruption for youth during the

1 transition process.

2 **SECTION 35.** In Colorado Revised Statutes, 25.5-6-804, **amend**
3 (5) as follows:

4 **25.5-6-804. Services - duties of the state department - rules.**

5 (5) The state department shall contract with a ~~community centered board~~
6 CASE MANAGEMENT AGENCY for persons with INTELLECTUAL AND
7 developmental disabilities to serve as the ~~single entry point~~ agency for
8 services and as the care planning agency for eligible children. ~~If a~~
9 ~~community centered board is unwilling or unable to enter into the contract~~
10 ~~with the state department, the state department may contract with a single~~
11 ~~entry point agency identified pursuant to section 25.5-6-106 or a~~
12 ~~state-department-approved case management agency to serve as the entry~~
13 ~~point agency and as the care planning agency.~~ The care planning process
14 shall include the eligible child's family or guardian, the eligible child's
15 lead provider, and the eligible child's case manager. For the purpose of
16 implementing this part 8, the care planning process shall be coordinated
17 with any other care plan or case manager the eligible child may have.

18 **SECTION 36.** In Colorado Revised Statutes, 25.5-6-1102,
19 **amend** (3) as follows:

20 **25.5-6-1102. Service model - consumer-directed care.** (3) The
21 voucher issued to the eligible person ~~under~~ PURSUANT TO this part 11
22 ~~shall~~ MUST be based on the eligible person's historical utilization of home-
23 and community-based services ~~under~~ PURSUANT TO parts 3 to 12 of this
24 ~~article~~ ARTICLE 6, the ~~single entry point~~ CASE MANAGEMENT agency's care
25 plan, or any approved resource allocation process as determined by the
26 state department and the department of human services for the eligible
27 person.

1 **SECTION 37.** In Colorado Revised Statutes, 25.5-6-1203,
2 **amend** (5) and (7)(b) introductory portion as follows:

3 **25.5-6-1203. In-home support services - eligibility - licensure**
4 **exclusion - in-home support service agency responsibilities - rules.**

5 (5) The ~~single entry point~~ CASE MANAGEMENT agencies established in
6 ~~section 25.5-6-106~~ SECTION 25.5-6-1703 shall be responsible for
7 determining a person's eligibility for in-home support services; except that
8 for eligible disabled children the state department shall designate the
9 entity that will determine the child's eligibility. The state board shall
10 promulgate rules specifying the ~~single entry point~~ CASE MANAGEMENT
11 agencies' responsibilities ~~under~~ PURSUANT TO this part 12. At a minimum,
12 these rules ~~shall~~ MUST require that case managers discuss the option and
13 potential benefits of in-home support services with all eligible long-term
14 care clients.

15 (7) In administering the provision of in-home support services
16 pursuant to this part 12, the state department shall:

17 (b) Provide comprehensive, periodic training for all ~~single entry~~
18 ~~point~~ CASE MANAGEMENT agencies in the state, which training shall
19 include, at a minimum:

20 **SECTION 38.** In Colorado Revised Statutes, 25.5-10-202,
21 **amend** (1.9), (2), (3), (5.7), (9), (14), (24)(b), (26)(b), (28), and (29); and
22 **repeal** (4) as follows:

23 **25.5-10-202. Definitions.** As used in this article 10, unless the
24 context otherwise requires:

25 (1.9) "Case management agency" ~~means a public or private~~
26 ~~not-for-profit or for-profit agency that meets all applicable state and~~
27 ~~federal requirements and is certified by the state department to provide~~

1 ~~case management services pursuant to section 25.5-10-209.5. The case~~
2 ~~management agency shall provide case management services pursuant to~~
3 ~~a contract with the state department~~ HAS THE SAME MEANING AS SET
4 FORTH IN SECTION 25.5-6-1702 (2).

5 (2) "Case management services" means the following:

6 (a) ~~Repealed.~~

7 (b) ~~Service and support coordination; and~~

8 (c) ~~The monitoring of all services and supports delivered pursuant~~
9 ~~to the individualized plan and the evaluation of results identified in the~~
10 ~~individualized plan~~ HAS THE SAME MEANING AS SET FORTH IN SECTION
11 25.5-6-1702 (3).

12 (3) "Case manager" means ~~a person who assists with case~~
13 ~~management services and supports provided pursuant to this article for~~
14 ~~persons with intellectual and developmental disabilities~~ HAS THE SAME
15 MEANING AS SET FORTH IN SECTION 25.5-6-1702 (4).

16 (4) "Community-centered board" means ~~a private corporation,~~
17 ~~for-profit or not-for-profit, that is designated pursuant to section~~
18 ~~25.5-10-209.~~

19 (5.7) "Conflict-free case management" means, pursuant to 42 CFR
20 441.301 (c)(1)(VI), ~~case management services provided to a person with~~
21 ~~an intellectual and developmental disability enrolled in a home- and~~
22 ~~community-based services waiver that are provided by a case~~
23 ~~management agency that is not the same agency that provides services~~
24 ~~and supports to that person. Service agencies and case management~~
25 ~~agencies are responsible for ensuring persons who are employed by the~~
26 ~~agency meet the requirements of this article~~ 10 HAS THE SAME MEANING
27 AS SET FORTH IN SECTION 25.5-6-1702 (6).

1 (9) ~~"Designated "DEFINED service area" means the geographical~~
2 ~~area specified by the executive director to be served by a designated~~
3 ~~community-centered board~~ HAS THE SAME MEANING AS SET FORTH IN
4 SECTION 25.5-6-1702 (7).

5 (14) "Eligible for supports and services" refers to any person with
6 an intellectual and developmental disability as determined by a
7 ~~community-centered board~~ CASE MANAGEMENT AGENCY pursuant to
8 ~~section 25.5-10-211~~ SECTION 25.5-6-1704.

9 (24) (b) Every individualized plan must include a statement of
10 agreement with the plan, signed by the person receiving services or other
11 such person legally authorized to sign on behalf of the person and by a
12 representative of the ~~community-centered board~~ or case management
13 agency.

14 (26) (b) "Person with an intellectual and developmental disability"
15 means a person determined by a ~~community-centered board~~ CASE
16 MANAGEMENT AGENCY to have an intellectual and developmental
17 disability and includes a child with a developmental delay.

18 (28) "Interdisciplinary team" means a group of people convened
19 by a designated ~~community-centered board~~ or by a case management
20 agency that includes the person receiving services; the parents or guardian
21 of a minor; a guardian or an authorized representative, as appropriate; the
22 person who coordinates the provisions of LONG-TERM services and
23 supports; and others chosen by the person receiving services, who are
24 assembled to work in a cooperative manner to develop or review the
25 individualized plan.

26 (29) "Least restrictive environment" means an environment that
27 represents the least departure from the typical patterns of living and that

1 effectively meets the needs and preferences of the person receiving
2 services. "Least restrictive environment" may include, but need not be
3 limited to, receiving services from a ~~community-centered board~~, service
4 agency, A case management agency, or a family caregiver in the family
5 home.

6 **SECTION 39.** In Colorado Revised Statutes, 25.5-10-204,
7 **amend** (1)(a), (1)(b), (1)(c) introductory portion, and (1)(d); and **repeal**
8 (2)(b) as follows:

9 **25.5-10-204. Duties of the executive director - state board**
10 **rules - definition.** (1) In order to implement the provisions of this article
11 10, the executive director shall, subject to available appropriations, carry
12 out the following duties:

13 (a) Conduct monitoring and review activities that include
14 ~~community-centered boards~~, CASE MANAGEMENT AGENCIES AND service
15 agencies; and ~~case management agencies~~;

16 (b) Provide or obtain training and technical assistance through
17 ~~community-centered boards~~, CASE MANAGEMENT AGENCIES AND service
18 agencies and ~~case management agencies~~ in order to improve the quality
19 of LONG-TERM services and supports provided to persons with intellectual
20 and developmental disabilities;

21 (c) Prepare and transmit annually to the governor and the joint
22 budget committee of the general assembly, in the form and manner
23 prescribed pursuant to section 24-1-136, ~~C.R.S.~~, a report detailing the
24 following information, as available and appropriate, that is broken down
25 into ~~designated~~ DEFINED service areas as well as provided in an overall
26 statewide format:

27 (d) Designate a ~~community-centered board~~ CASE MANAGEMENT

1 AGENCY in each ~~designated~~ DEFINED service area in the state;

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

6 (b) ~~The designation of community-centered boards and the~~
7 ~~organization of those entities, including standards of organization, staff~~
8 ~~qualifications, and other factors necessary to ensure program integrity;~~

9 **SECTION 40.** In Colorado Revised Statutes, **amend** 25.5-10-205
10 as follows:

11 **25.5-10-205. Case management agencies - local public**
12 **procurement units.** For purposes of entering into a cooperative
13 purchasing agreement pursuant to section 24-110-201, ~~€R.S.~~, a nonprofit
14 ~~community-centered board~~ CASE MANAGEMENT AGENCY or a nonprofit
15 service agency may be certified as a local public procurement unit as
16 provided in section 24-110-207.5. ~~€R.S.~~

17 **SECTION 41.** In Colorado Revised Statutes, 25.5-10-206,
18 **amend** (1) introductory portion, (2), (3), (4)(a) introductory portion,
19 (4)(a)(II), (4)(b)(I), (5), and (7)(b) as follows:

20 **25.5-10-206. Authorized long-term services and supports -**
21 **conditions of funding - purchase of services and supports - adult**
22 **protective services data system check - boards of county**
23 **commissioners - appropriation.** (1) Subject to annual appropriations by
24 the general assembly, the state department shall provide or purchase,
25 pursuant to subsection (4) of this section, authorized LONG-TERM services
26 and supports from ~~community-centered boards~~, case management
27 agencies or service agencies for persons who have been determined to be

1 eligible for such LONG-TERM services and supports pursuant to ~~section~~
2 ~~25.5-10-211~~ SECTION 25.5-6-1704 and as specified in the eligible person's
3 individualized plan. Those LONG-TERM services and supports may
4 include, but need not be limited to, the following:

5 (2) Service agencies ~~community-centered boards~~, and case
6 management agencies receiving funds pursuant to subsection (1) of this
7 section shall comply with all of the provisions of this article 10 and the
8 rules promulgated thereunder.

9 (3) Case management services must be purchased from the
10 ~~community-centered board designated pursuant to section 25.5-10-209 or~~
11 ~~the~~ case management agency, except as otherwise provided in subsection
12 (4) of this section.

13 (4) (a) The state department may purchase LONG-TERM services
14 and supports directly from service agencies and case management
15 services from case management agencies if:

16 (II) The executive director has determined that a LONG-TERM
17 service or support provided or purchased by a ~~designated~~
18 ~~community-centered board~~ CASE MANAGEMENT AGENCY does not meet
19 established standards and the continuation of purchase of the LONG-TERM
20 service or support through the ~~community-centered board~~ CASE
21 MANAGEMENT AGENCY is not in the best interests of the persons receiving
22 services.

23 (b) (I) The state department shall only purchase LONG-TERM
24 services and supports directly from those ~~community-centered boards~~,
25 case management agencies or service agencies that meet established
26 standards.

27 (5) Governmental units, including but not limited to counties,

1 municipalities, school districts, health service districts, and state
2 institutions of higher education, are authorized at their own expense to
3 furnish money, materials, or LONG-TERM services and supports to persons
4 with intellectual and developmental disabilities, or to purchase
5 LONG-TERM services and supports for such persons through designated
6 ~~community-centered boards~~, case management agencies or service
7 agencies, so long as no conditions or requirements imposed as a result of
8 the provision or purchase conflict with the provisions of this article 10 or
9 the rules promulgated thereunder.

10 (7) (b) Each school district shall pay to the ~~community-centered~~
11 ~~board~~ CASE MANAGEMENT AGENCY providing programs attended by a
12 student with an intellectual and developmental disability, who is
13 domiciled in the school district and may be counted in the district's pupil
14 enrollment, an amount at least equal to the district's per pupil revenues as
15 determined pursuant to the "Public School Finance Act of 1994", article
16 54 of title 22. ~~C.R.S.~~ This subsection (7) applies to students who are less
17 than twenty-two years of age.

18 **SECTION 42.** In Colorado Revised Statutes, 25.5-10-207,
19 **amend** (3)(c) and (3)(e); and **repeal** (3)(d) as follows:

20 **25.5-10-207. Long-term services and supports - waiting list**
21 **reduction - cash fund - repeal.** (3) The general assembly may annually
22 appropriate money in the intellectual and developmental disabilities
23 services cash fund to the state department for:

24 (c) Increasing system capacity for home- and community-based
25 intellectual and developmental disabilities programs, services, and
26 supports; AND

27 (d) ~~The development of an assessment tool pursuant to section~~

1 ~~25.5-6-104 (5); and~~

2 (e) Systems changes related to ensuring that the system of
3 LONG-TERM services and supports is compliant with conflict-free case
4 management provisions pursuant to ~~section 25.5-10-211.5~~ PART 17 OF
5 ARTICLE 6 OF THIS TITLE 25.5.

6 **SECTION 43.** In Colorado Revised Statutes, 25.5-10-207.5,
7 **amend** (2) and (4)(a) as follows:

8 **25.5-10-207.5. Strategic plan for long-term services and**
9 **supports - joint hearing - appropriation - reporting - legislative**
10 **declaration - rules.** (2) During each regular session of the general
11 assembly, the joint budget committee and the health and human services
12 committees of the senate and the house of representatives, or any
13 successor committees, shall hold a joint hearing and take public testimony
14 on the status of the waiting lists for persons with intellectual and
15 developmental disabilities who are waiting for enrollment into a home-
16 and community-based services program or a program provided pursuant
17 to this article 10 and the availability of general fund money to reduce the
18 number of persons on the waiting lists and the amount of time eligible
19 persons wait for such services. Notwithstanding the provisions of section
20 24-1-136 (11)(a)(I), the state department shall present testimony,
21 including the information provided in the report pursuant to subsection
22 (3) of this section, as well as information concerning the ongoing
23 implementation of the strategic plan required pursuant to subsection (4)
24 of this section, including any revisions to the strategic plan. Additionally,
25 the state department, ~~community-centered boards~~ CASE MANAGEMENT
26 AGENCIES, and providers shall report on the use and effectiveness of any
27 money appropriated in the preceding state fiscal year for increasing

1 system capacity. The goal of the hearing is to propose an appropriation
2 from the general fund to the intellectual and developmental disabilities
3 services cash fund.

4 (4) (a) On or before November 1, 2014, the state department shall
5 develop, in consultation with intellectual and developmental disability
6 system stakeholders, a comprehensive strategic plan including
7 administrative procedures and adequate funding to enroll eligible persons
8 with intellectual and developmental disabilities into home- and
9 community-based services programs and programs provided pursuant to
10 this ~~article~~ ARTICLE 10 at the time those persons choose to enroll in the
11 programs or need the services or supports. As part of developing the
12 strategic plan, the state department shall review the statutory definition of
13 "waiting list" set forth in section 25.5-10-202 and make recommendations
14 concerning amendments to the definition. In engaging stakeholders, the
15 state department shall include both persons and families receiving
16 services, as well as persons and families waiting for enrollment into
17 programs, services, or supports. These persons and families ~~shall~~ MUST
18 include, at a minimum, persons and families who reside in each
19 ~~community-centered, board-designated~~ DEFINED service area within the
20 state. In developing the strategic plan, the state department shall review
21 relevant recommendations from the community living advisory group
22 created in the office pursuant to the governor's executive order D
23 2012-027, as well as other relevant information. The strategic plan ~~shall~~
24 MUST include specific recommendations and annual benchmarks for
25 achieving this enrollment goal by July 1, 2020, including
26 recommendations relating to increasing system capacity. The state
27 department shall review the strategic plan annually and revise the plan as

1 needed to meet the enrollment goal. Nothing in this section precludes the
2 state department from considering changes in the structure of the state's
3 intellectual and developmental disabilities programs, including medicaid
4 waiver modification.

5 **SECTION 44.** In Colorado Revised Statutes, 25.5-10-208,
6 **amend** (2) introductory portion, (2)(b), (2)(c), (2)(d), (2)(f), (3), and (4)
7 as follows:

8 **25.5-10-208. Service agencies and contractors of access and**
9 **case management services - money - rules.** (2) The state board shall
10 promulgate rules to implement the purchase of LONG-TERM services and
11 supports from a ~~community-centered board~~, service agency, case
12 management agency, or family caregiver. The rules must include, but
13 need not be limited to:

14 (b) Procedures for obtaining an annual audit of ~~designated~~
15 ~~community-centered boards~~, case management agencies and service
16 agencies to provide financial information deemed necessary by the state
17 department to establish costs of LONG-TERM services and supports and to
18 ensure proper management of money received pursuant to section
19 25.5-10-206;

20 (c) Delineation of a system to resolve contractual disputes
21 between the state department and ~~designated community-centered boards~~,
22 service agencies or case management agencies, and between ~~designated~~
23 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES and service
24 agencies, including ~~the~~ contesting of any rates that the ~~designated~~
25 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES charge to
26 service agencies based upon a percentage of the rates that service
27 agencies charge for LONG-TERM services and supports;

1 (d) Specification of which LONG-TERM services and supports are
2 to be reimbursed by the state department and secondarily by the
3 ~~community-centered board~~ CASE MANAGEMENT AGENCY, the source of
4 reimbursement, actual LONG-TERM service or support costs, incentives,
5 and program service objectives that affect reimbursement;

6 (f) Criteria for and limitations on any rates that ~~designated~~
7 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES charge to
8 service agencies based upon a percentage of the rates that service
9 agencies charge for LONG-TERM services and supports.

10 (3) Any incorporated service agency that is registered in Colorado
11 as a foreign corporation shall organize a local advisory board consisting
12 of persons who reside within the ~~designated~~ DEFINED service area. ~~Such~~
13 THE advisory board shall be representative of the community at large and
14 persons receiving services and their families.

15 (4) Upon a determination by the executive director that services
16 or supports have not been provided in accordance with the program or
17 financial administration standards specified in this article 10 and the rules
18 promulgated thereunder, the executive director may reduce, suspend, or
19 withhold payment to a ~~designated community-centered board~~, case
20 management agency or service agency under contract with a ~~designated~~
21 ~~community-centered board~~ CASE MANAGEMENT AGENCY, or service
22 agency from which the state department purchased LONG-TERM services
23 or supports directly. When the executive director decides to reduce,
24 suspend, or withhold payment, the executive director shall specify the
25 reasons therefor and the actions that are necessary to bring the ~~designated~~
26 ~~community-centered board~~, case management agency or service agency
27 into compliance.

1 **SECTION 45.** In Colorado Revised Statutes, 25.5-10-218,
2 **amend** (3) as follows:

3 **25.5-10-218. Persons' rights.** (3) The rights of any person
4 receiving services which are specified in this ~~article~~ ARTICLE 10 may be
5 ~~suspended~~ MODIFIED to protect the person receiving services from
6 endangering ~~such~~ THE person, others, or property. ~~Such~~ THE rights may
7 be ~~suspended~~ MODIFIED only ~~by the intellectual and developmental~~
8 ~~disabilities professional~~ WITH THE INFORMED CONSENT OF THE PERSON
9 RECEIVING SERVICES OR THE PERSON'S LEGALLY AUTHORIZED
10 REPRESENTATIVE AND with subsequent review by the PERSON RECEIVING
11 SERVICES, THE PERSON'S LEGALLY AUTHORIZED REPRESENTATIVE, THE
12 PERSON'S interdisciplinary team, and by the human rights committee in
13 order to provide specific services or supports to the person receiving
14 services, which will promote the least restriction on the person's rights.
15 ~~Such~~ THE person's legal rights may be removed by a court pursuant to
16 section 25.5-10-216.

17 **SECTION 46.** In Colorado Revised Statutes, **amend** 25.5-10-240
18 as follows:

19 **25.5-10-240. Retaliation prohibited.** No person shall be
20 discriminated against because ~~he or she~~ THE PERSON has made a
21 complaint, testified, assisted, or participated in any manner in an
22 investigation, proceeding, or hearing pursuant to this ~~article~~ ARTICLE 10,
23 including the dispute resolution procedures in section 25.5-10-212 and
24 section 27-10.5-107. ~~C.R.S.~~ A service agency, including the state
25 department and any ~~community-centered board~~ CASE MANAGEMENT
26 AGENCY, shall not coerce, intimidate, threaten, or interfere with any
27 person in the exercise or enjoyment of any right pursuant to this ~~article~~

1 ARTICLE 10, or on account of ~~his or her~~ THE PERSON having exercised or
2 enjoyed any right pursuant to this ~~article~~ ARTICLE 10, or on account of ~~his~~
3 ~~or her~~ THE PERSON having aided or encouraged any other person in the
4 exercise or enjoyment of any right pursuant to this ~~article~~ ARTICLE 10.

5 **SECTION 47.** In Colorado Revised Statutes, 25.5-10-303,
6 **amend** (2), (3)(b), (3)(c), (3)(e), and (4) as follows:

7 **25.5-10-303. Administration - duties of department.** (2) The
8 state department may contract with ~~community-centered boards and other~~
9 service ~~providers~~ AGENCIES approved by the state department to provide
10 family support services in accordance with this part 3. Programs
11 developed shall be flexible in order to address individual family needs.

12 (3) In administering the family support services program, the state
13 department shall have the following duties:

14 (b) To pursue a family support model 200 waiver for approval by
15 the federal ~~health care financing administration~~ CENTERS FOR MEDICARE
16 AND MEDICAID SERVICES in order to utilize medicaid funds for the
17 provision of family support services, implemented subject to
18 appropriation;

19 (c) To develop rules to be promulgated by the state board pursuant
20 to section 25.5-10-306, with consultation from service ~~providers~~
21 AGENCIES, including representatives of families of persons with
22 intellectual and developmental disabilities;

23 (e) To coordinate training and provide technical assistance to
24 ~~community-centered boards and service providers~~ SERVICE AGENCIES
25 APPROVED TO PROVIDE FAMILY SUPPORT SERVICES;

26 (4) Subject to annual appropriation by the general assembly, out
27 of the appropriation to the state department for community programs in

1 the general appropriation act, the state department is authorized to use up
2 to seven percent of such appropriation allocated for family support
3 services to pay for administrative costs within the state department and
4 the ~~community-centered boards~~ SERVICE AGENCY.

5 **SECTION 48.** In Colorado Revised Statutes, 25.5-10-304,
6 **amend** (1) and (2)(a) as follows:

7 **25.5-10-304. Family support councils.** (1) The state department
8 shall ensure that each ~~community-centered board~~ CASE MANAGEMENT
9 AGENCY OR SERVICE AGENCY APPROVED TO PROVIDE FAMILY SUPPORT
10 SERVICES establishes a family support council in each
11 ~~community-centered board designated~~ DEFINED service area. The family
12 support councils ~~shall~~ MUST consist of professionals, interested citizens,
13 family members of persons with an intellectual and developmental
14 disability, and persons with an intellectual and developmental disability
15 with a majority of the council being made up of family members.

16 (2) The family support council shall:

17 (a) Provide direction and assistance to the ~~community-centered~~
18 ~~board~~ CASE MANAGEMENT AGENCY in the development of a family
19 support plan for the ~~designated~~ DEFINED service area;

20 **SECTION 49.** In Colorado Revised Statutes, 26-2-103, **amend**
21 (1); and **add** (1.3) and (5.3) as follows:

22 **26-2-103. Definitions.** As used in this article 2 and article 1 of
23 this title 26, unless the context otherwise requires:

24 (1) ~~"Applicant" means any individual or family who individually~~
25 ~~or through a designated representative or someone acting responsibly for~~
26 ~~him has applied for benefits under the programs of public assistance~~
27 ~~administered or supervised by the state department pursuant to the~~

1 ~~provisions of this article.~~ "ACTIVITIES OF DAILY LIVING" MEANS THE BASIC
2 SELF-CARE ACTIVITIES, INCLUDING EATING, BATHING, DRESSING,
3 TRANSFERRING FROM BED TO CHAIR, BOWEL AND BLADDER CONTROL, AND
4 INDEPENDENT AMBULATION.

5 (1.3) "APPLICANT" MEANS ANY INDIVIDUAL OR FAMILY WHO
6 INDIVIDUALLY OR THROUGH A DESIGNATED REPRESENTATIVE OR SOMEONE
7 ACTING RESPONSIBLY FOR THE INDIVIDUAL OR FAMILY HAS APPLIED FOR
8 BENEFITS UNDER THE PROGRAMS OF PUBLIC ASSISTANCE ADMINISTERED OR
9 SUPERVISED BY THE STATE DEPARTMENT PURSUANT TO THIS ARTICLE 2.

10 (5.3) "INSTRUMENTAL ACTIVITIES OF DAILY LIVING" MEANS HOME
11 MANAGEMENT AND INDEPENDENT LIVING ACTIVITIES SUCH AS COOKING,
12 CLEANING, USING A TELEPHONE, SHOPPING, DOING LAUNDRY, PROVIDING
13 TRANSPORTATION, AND MANAGING MONEY.

14 **SECTION 50.** In Colorado Revised Statutes, 26-2-122.3, **amend**
15 (1)(b)(III) and (5) as follows:

16 **26-2-122.3. Adult foster care and home care allowance.**

17 (1) (b) (III) For the purposes of this ~~paragraph (b)~~ SUBSECTION (1)(b),
18 "home care allowance" is a program that provides payments, subject to
19 available appropriations, to functionally impaired persons who meet the
20 criteria specified in ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION
21 (1)(b)(I) OF THIS SECTION as determined in accordance with rules. The
22 payments allow recipients who are in need of long-term ~~care~~ SERVICES
23 AND SUPPORTS to purchase community-based services as defined in rules
24 adopted by the state department. These services may include, but need not
25 be limited to, the supervision of self-administered medications, assistance
26 with activities of daily living, ~~as defined in section 25.5-6-104 (2)(a),~~
27 ~~C.R.S.~~, and assistance with instrumental activities of daily living. ~~as~~

1 ~~defined in section 25.5-6-104(2)(g), C.R.S.~~ The rules adopted by the state
2 department shall specify, in accordance with the provisions of this
3 section, the services available under the program and shall specify
4 eligibility criteria for the home care allowance program. In addition, the
5 rules shall specifically provide for a determination as to the person's
6 functional impairment and the person's unmet need for paid care and shall
7 address amounts awarded to persons eligible for home care allowance.
8 The state department shall specify in the rules the methods for
9 determining the unmet need for paid care and the amount of a home care
10 allowance that may be awarded to eligible persons. Such methods may be
11 based on how often a person experiences unmet need for paid care or any
12 other method that the state board determines is valid in correlating unmet
13 need for paid care with an amount of a home care allowance award. The
14 state department shall require that eligibility and unmet need for paid care
15 be determined through the use of a comprehensive and uniform client
16 assessment instrument prescribed by the state department. The state
17 department may adjust income eligibility criteria, including any functional
18 impairment standard, or the amounts awarded to eligible persons or may
19 limit or suspend enrollments as necessary to manage the home care
20 allowance program within the funds appropriated by the general
21 assembly. In addition, the state department may adjust which services are
22 available under the program; except that the adjustment shall be
23 consistent with the provisions of this subsection (1).

24 (5) The state department shall contract with ~~the single entry point~~
25 ~~agencies~~ CASE MANAGEMENT AGENCIES for functions of the home care
26 allowance and adult foster care programs pursuant to the terms of the
27 contract or rule of the state department.

1 **SECTION 51.** In Colorado Revised Statutes, 26-3.1-102, **amend**
2 (1)(b)(IX) as follows:

3 **26-3.1-102. Reporting requirements.** (1) (b) The following
4 persons, whether paid or unpaid, are urged to report as described in
5 subsection (1)(a) of this section:

6 (IX) Staff of ~~community-centered boards~~ CASE MANAGEMENT
7 AGENCIES;

8 **SECTION 52.** In Colorado Revised Statutes, 26-3.1-111, **amend**
9 (7)(d) and (7)(e) as follows:

10 **26-3.1-111. Access to CAPS - employment checks -**
11 **confidentiality - fees - rules - legislative declaration - definitions.**

12 (7) The following employers shall request a CAPS check pursuant to this
13 section:

14 (d) A ~~community-centered board or a~~ program-approved service
15 agency OR CONTRACTED AGENCY providing or contracting for LONG-TERM
16 services and supports pursuant to article 10 of title 25.5;

17 (e) A ~~single entry point~~ CASE MANAGEMENT agency, as ~~described~~
18 ~~in section 25.5-6-106~~ DEFINED IN SECTION 25.5-6-1702 (2);

19 **SECTION 53.** In Colorado Revised Statutes, 26-5-102, **amend**
20 (3)(i) as follows:

21 **26-5-102. Provision of child welfare services - system reform**
22 **goals - out-of-home placements for children and youth with**
23 **intellectual and developmental disabilities - rules - definition.**

24 (3) (i) Entities other than county departments, including but not limited
25 to hospitals, ~~health care~~ HEALTH-CARE providers, ~~single entry point~~
26 ~~agencies, and community-centered boards~~ AND CASE MANAGEMENT
27 AGENCIES, may refer a family to voluntarily apply and assist with the

1 application to the state department for admission of the family's child or
2 youth with intellectual and developmental disabilities into the program
3 pursuant to this subsection (3). ~~Such~~ THE applications will be considered
4 if space is available. However, children and youth with intellectual and
5 developmental disabilities placed by county departments or the state
6 department ~~shall~~ MUST have priority for admission to the program. The
7 state department shall not accept applications for placement of a child or
8 youth who is exclusively insured by private insurance. A child or youth
9 who is dually insured by private insurance and medicaid and whose
10 residential level of care has been denied by private insurance may be
11 eligible for services in the program.

12 **SECTION 54.** In Colorado Revised Statutes, 26-6-102, **amend**
13 (5) as follows:

14 **26-6-102. Definitions.** As used in this article 6, unless the context
15 otherwise requires:

16 (5) "Child care center" means a facility, by whatever name known,
17 that is maintained for the whole or part of a day for the care of five or
18 more children who are eighteen years of age or younger and who are not
19 related to the owner, operator, or manager thereof, whether the facility is
20 operated with or without compensation for such care and with or without
21 stated educational purposes. The term includes, but is not limited to,
22 facilities commonly known as day care centers, school-age child care
23 centers, before and after school programs, nursery schools, kindergartens,
24 preschools, day camps, summer camps, and centers for developmentally
25 disabled children and those facilities that give twenty-four-hour care for
26 children and includes those facilities for children under the age of six
27 years with stated educational purposes operated in conjunction with a

1 public, private, or parochial college or a private or parochial school;
2 except that the term shall not apply to any kindergarten maintained in
3 connection with a public, private, or parochial elementary school system
4 of at least six grades or operated as a component of a school district's
5 preschool program operated pursuant to article 28 of title 22. ~~C.R.S.~~ The
6 term ~~shall~~ DOES not include any facility licensed as a family child care
7 home, a foster care home, or a specialized group facility that is licensed
8 to provide care for three or more children pursuant to subsection (36) of
9 this section, but that is providing care for three or fewer children who are
10 determined to have a AN INTELLECTUAL AND developmental disability by
11 a ~~community centered board~~ CASE MANAGEMENT AGENCY or who are
12 diagnosed with a serious emotional disturbance.

13 **SECTION 55.** In Colorado Revised Statutes, 26-6-104.5, **amend**
14 (4) as follows:

15 **26-6-104.5. Compliance with local government zoning**
16 **regulations - notice to local governments - provisional licensure.**

17 (4) The provisions of this section ~~shall~~ DO not apply to any foster care
18 home certified pursuant to this part 1 or to any specialized group facility
19 that is licensed to provide care for three or more children pursuant to this
20 part 1 but that is providing care for three or fewer children who are
21 determined to have a AN INTELLECTUAL AND developmental disability by
22 a ~~community centered board~~ CASE MANAGEMENT AGENCY or who have a
23 serious emotional disturbance.

24 **SECTION 56.** In Colorado Revised Statutes, 27-10.5-102,
25 **amend** the introductory portion, (13), and (20)(b); **repeal** (3) and (9); and
26 **add** (1.5) and (7.5) as follows:

27 **27-10.5-102. Definitions.** As used in this ~~article~~ ARTICLE 10.5,

1 unless the context otherwise requires:

2 (1.5) "CASE MANAGEMENT AGENCY" HAS THE SAME MEANING AS
3 SET FORTH IN SECTION 25.5-6-1702 (2).

4 (3) ~~"Community-centered board" has the same meaning as set~~
5 ~~forth in section 25.5-10-202, C.R.S.~~

6 (7.5) "DEFINED SERVICE AREA" HAS THE SAME MEANING AS SET
7 FORTH IN SECTION 25.5-6-1702 (7).

8 (9) ~~"Designated service area" has the same meaning as set forth~~
9 ~~in section 25.5-10-202, C.R.S.~~

10 (13) "Eligible for supports and services" refers to any person with
11 an intellectual and developmental disability or delay as determined
12 eligible by the ~~community-centered boards~~ CASE MANAGEMENT AGENCY,
13 pursuant to section 27-10.5-106.

14 (20) (b) Every individualized plan ~~will~~ MUST include a statement
15 of agreement with the plan, signed by the person receiving services or
16 other such person legally authorized to sign on behalf of the person and
17 a representative of the ~~community-centered board~~ CASE MANAGEMENT
18 AGENCY.

19 **SECTION 57.** In Colorado Revised Statutes, 27-10.5-104,
20 **amend** (1) introductory portion and (4)(b); and **repeal** (4)(a)(II) as
21 follows:

22 **27-10.5-104. Authorized services and supports - conditions of**
23 **funding - purchase of services and supports - boards of county**
24 **commissioners - appropriation.** (1) Subject to annual appropriations by
25 the general assembly, the department shall provide or purchase, pursuant
26 to subsection (4) of this section, authorized LONG-TERM services and
27 supports from ~~community-centered boards~~ CASE MANAGEMENT AGENCIES

1 or service agencies for persons who have been determined to be eligible
2 for such LONG-TERM services and supports pursuant to section
3 27-10.5-106, and as specified in the eligible person's individualized plan.
4 Those LONG-TERM services and supports may include, but need not be
5 limited to, the following:

6 (4) (a) The department may purchase services and supports,
7 including service and support coordination, directly from service agencies
8 if:

9 ~~(II) The executive director has determined that a service or~~
10 ~~support provided or purchased by a designated community-centered board~~
11 ~~does not meet established standards and the continuation of purchase of~~
12 ~~the service or support through the community-centered board is not in the~~
13 ~~best interests of the persons receiving services.~~

14 (b) The department shall only purchase LONG-TERM services and
15 supports directly from those ~~community-centered boards~~ or service
16 agencies that meet established standards.

17 **SECTION 58.** In Colorado Revised Statutes, 27-10.5-104.5,
18 **amend** (1), (3) introductory portion, (3)(b), (3)(c), (3)(d), (3)(i), (3.5), and
19 (4) as follows:

20 **27-10.5-104.5. Case management agencies when acting as**
21 **service agency - money - rules.** (1) A service agency, including a
22 ~~community centered board~~ CASE MANAGEMENT AGENCY when acting as
23 a service agency, shall comply with the requirements set forth in this
24 ~~article~~ ARTICLE 10.5 and the rules promulgated thereunder.

25 (3) The department shall promulgate rules to implement the
26 purchase of LONG-TERM services and supports from a
27 ~~community-centered board~~ CASE MANAGEMENT AGENCY or a service

1 agency. The rules ~~shall~~ MUST include, but need not be limited to:

2 (b) Procedures for obtaining an annual audit of ~~designated~~
3 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES and service
4 agencies not affiliated with a ~~designated community-centered board~~ CASE
5 MANAGEMENT AGENCY to provide financial information deemed
6 necessary by the department to establish costs of LONG-TERM services and
7 supports and to ensure proper management of ~~moneys~~ MONEY received
8 pursuant to section 27-10.5-104;

9 (c) Delineation of a system to resolve contractual disputes
10 between the department and ~~designated community-centered boards~~ CASE
11 MANAGEMENT AGENCIES or service agencies and between ~~designated~~
12 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES and service
13 agencies, including ~~the~~ contesting of any rates that the ~~designated~~
14 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES charge to
15 service agencies based upon a percentage of the rates that service
16 agencies charge for LONG-TERM services and supports;

17 (d) Specification of what LONG-TERM services and supports are to
18 be reimbursed by the department and secondarily by the
19 ~~community-centered board~~ CASE MANAGEMENT AGENCIES, the source of
20 reimbursement, actual LONG-TERM service or support costs, incentives,
21 and program service objectives which affect reimbursement;

22 (i) Criteria for and limitations on any rates that ~~designated~~
23 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES charge to
24 service agencies based upon a percentage of the rates that service
25 agencies charge for LONG-TERM services and supports.

26 (3.5) Any incorporated service agency which is registered in
27 Colorado as a foreign corporation shall organize a local advisory board

1 consisting of individuals who reside within the ~~designated~~ DEFINED
2 service area. ~~Such~~ THE advisory board ~~shall~~ MUST be representative of the
3 community at large and persons receiving services and their families.

4 (4) Upon a determination by the executive director that
5 LONG-TERM services or supports have not been provided in accordance
6 with the program or financial administration standards specified in this
7 ~~article~~ ARTICLE 10.5 and the rules and regulations promulgated
8 thereunder, the executive director may reduce, suspend, or withhold
9 payment to a ~~designated community centered board~~ CASE MANAGEMENT
10 AGENCY, service agency under contract with a ~~designated community~~
11 ~~centered board~~ CASE MANAGEMENT AGENCY, or service agency from
12 which the department of human services purchased LONG-TERM services
13 or supports directly. When the executive director decides to reduce,
14 suspend, or withhold payment, the executive director shall specify the
15 reasons therefor and the actions which are necessary to bring the service
16 agency into compliance.

17 **SECTION 59.** In Colorado Revised Statutes, 27-10.5-105,
18 **amend** (1) introductory portion and (1)(a) as follows:

19 **27-10.5-105. Case management agencies - purchase of services**
20 **and supports.** (1) Once a ~~community-centered board~~ CASE
21 MANAGEMENT AGENCY has been designated pursuant to ~~section~~
22 ~~25.5-10-209, C.R.S.~~, SECTION 25.5-6-1708 it shall, subject to available
23 appropriations:

24 (a) Determine eligibility and develop an individualized plan for
25 each person who receives LONG-TERM services or supports pursuant to
26 ~~section 25.5-10-211, C.R.S.~~ SECTION 25.5-6-1704; except that, for a child
27 from birth through two years of age, eligibility determination and

1 development of an individualized family service plan ~~shall~~ MUST be made
2 pursuant to part 7 of this ~~article~~ ARTICLE 10.5;

3 **SECTION 60.** In Colorado Revised Statutes, **amend** 27-10.5-106
4 as follows:

5 **27-10.5-106. Eligibility determination.** Any person may request
6 an evaluation pursuant to ~~section 25.5-10-211, C.R.S.,~~ SECTION
7 25.5-6-1704 to determine whether ~~he or she~~ THE PERSON has an
8 intellectual and developmental disability and is eligible to receive
9 LONG-TERM services and supports pursuant to this ~~article~~ ARTICLE 10.5.
10 Application for eligibility determination ~~shall~~ MUST be made to the
11 ~~designated community-centered board~~ CASE MANAGEMENT AGENCY in the
12 ~~designated~~ DEFINED service area where the person resides.

13 **SECTION 61.** In Colorado Revised Statutes, 27-10.5-205,
14 **amend** (1)(c) as follows:

15 **27-10.5-205. Powers and duties.** (1) The state council shall:
16 (c) Review programs that provide LONG-TERM services and
17 supports to persons with INTELLECTUAL AND developmental disabilities
18 under contracts with state agencies and ~~community centered boards~~ CASE
19 MANAGEMENT AGENCIES as authorized by the state plan;

20 **SECTION 62.** In Colorado Revised Statutes, 27-10.5-702,
21 **amend** (3) as follows:

22 **27-10.5-702. Definitions.** As used in this part 7, unless the
23 context otherwise requires:

24 (3) "Certified early intervention service broker" or "broker" means
25 a ~~community-centered board~~ CASE MANAGEMENT AGENCY or other entity
26 designated by the department of health care policy and financing pursuant
27 to ~~section 25.5-10-209, C.R.S.,~~ SECTION 25.5-6-1708 to perform the

1 duties and functions specified in section 27-10.5-708 in a particular
2 ~~designated~~ DEFINED service area. Notwithstanding the provisions of
3 section 27-10.5-104 (4), if the department of health care policy and
4 financing is unable to designate a ~~community-centered board~~ CASE
5 MANAGEMENT AGENCY or other entity to serve as the broker for a
6 particular ~~designated~~ DEFINED service area, the department shall serve as
7 the broker for the ~~designated~~ DEFINED service area and may contract
8 directly with early intervention service providers to provide early
9 intervention services to eligible children in the ~~designated~~ DEFINED
10 service area.

11 **SECTION 63.** In Colorado Revised Statutes, 27-10.5-703,
12 **amend** (3)(f) as follows:

13 **27-10.5-703. Early intervention services - administration -**
14 **duties of department - rules.** (3) In administering early intervention
15 services, the department shall have and perform the following duties:

16 (f) To coordinate training and provide technical assistance to
17 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES, service
18 providers, and other constituents who are involved in the delivery of early
19 intervention services to infants and toddlers from birth through two years
20 of age;

21 **SECTION 64.** In Colorado Revised Statutes, 27-10.5-704,
22 **amend** (1)(a), (1)(c), and (1)(d) as follows:

23 **27-10.5-704. Child find - responsibilities - interagency**
24 **operating agreements - rules.** (1) The department shall have the
25 following responsibilities and duties for children from birth through two
26 years of age who are referred for early intervention services:

27 (a) To develop and implement, in coordination with ~~community~~

1 ~~centered boards~~ CASE MANAGEMENT AGENCIES, service agencies,
2 governmental units, and the departments of education, public health and
3 environment, and health care policy and financing, a statewide plan for
4 public education, outreach, and awareness efforts related to child find and
5 the availability of early intervention services;

6 (c) To ensure that intake and case management services are
7 provided after a referral has been made by working with ~~community~~
8 ~~centered boards~~ CASE MANAGEMENT AGENCIES as the ~~single entry point~~
9 SERVICE PROVIDER for a family into the developmental disabilities system,
10 as described in ~~section 27-10.5-102 (3)~~ SECTION 27-10.5-102 (5.5); and

11 (d) To work with ~~community centered boards~~ CASE MANAGEMENT
12 AGENCIES, administrative units, and the department of education to assist
13 a child with disabilities as ~~he or she~~ THE CHILD transitions from the
14 developmental disabilities system into the public education system at no
15 later than three years of age as required by IDEA.

16 **SECTION 65.** In Colorado Revised Statutes, 27-10.5-705,
17 **amend** (1), (2), (3) introductory portion, (3)(b) introductory portion, and
18 (3)(b)(I) as follows:

19 **27-10.5-705. Authorized services - conditions of funding -**
20 **purchases of services - rules.** (1) The department shall promulgate rules
21 as ~~are~~ necessary, in accordance with this part 7 and consistent with
22 section 27-10.5-104.5, to implement the purchase of early intervention
23 services directly or through ~~community centered boards~~ CASE
24 MANAGEMENT AGENCIES or certified early intervention service brokers.

25 (2) ~~Community centered boards~~ CASE MANAGEMENT AGENCIES,
26 certified early intervention service brokers, and service agencies receiving
27 ~~moneys~~ MONEY pursuant to section 27-10.5-708 shall comply with all of

1 the provisions of this ~~article~~ ARTICLE 10.5 and the rules promulgated
2 pursuant to this ~~article~~ ARTICLE 10.5.

3 (3) ~~Community centered boards~~ CASE MANAGEMENT AGENCIES
4 and certified early intervention service brokers shall obtain or provide
5 early intervention services, subject to available appropriations, including
6 but not limited to:

7 (b) Coordination of early intervention services with local agencies
8 and other community resources at the local level to avoid duplication and
9 fragmentation of early intervention services. A ~~community centered board~~
10 CASE MANAGEMENT AGENCY shall:

11 (I) Coordinate with the local interagency effort regarding
12 outreach, identification, screening, multidisciplinary assessment, and
13 eligibility determination for families served by the ~~community centered~~
14 ~~board~~ CASE MANAGEMENT AGENCY who requested the services;

15 **SECTION 66.** In Colorado Revised Statutes, 27-10.5-706,
16 **amend** (1)(d) and (3) as follows:

17 **27-10.5-706. Coordinated system of payment for early**
18 **intervention services - duties of departments.** (1) In order to
19 implement the provisions of this part 7, the department, as lead agency for
20 part C, shall be responsible for the following, subject to available
21 appropriations:

22 (d) Certifying ~~community centered boards~~ CASE MANAGEMENT
23 AGENCIES or other entities as determined by the department as early
24 intervention service brokers for early intervention services provided
25 pursuant to this part 7; and

26 (3) Nothing in this part 7 ~~shall be construed to inhibit, encumber,~~
27 ~~or control~~ INHIBITS, ENCUMBERS, OR CONTROLS the use of local ~~moneys~~

1 MONEY, including county grants, revenues from local mill levies, and
2 private grants and contributions, that a ~~community centered board~~ CASE
3 MANAGEMENT AGENCY or county government may elect to allocate for the
4 benefit of eligible children.

5 **SECTION 67.** In Colorado Revised Statutes, 27-10.5-708,
6 **amend** (1) introductory portion, (1)(a), and (1)(c) as follows:

7 **27-10.5-708. Certified early intervention service brokers -**
8 **duties - payment for early intervention services - fees.** (1) For each
9 ~~designated~~ DEFINED service area in the state, the certified early
10 intervention service broker for the area shall:

11 (a) Establish a registry of qualified early intervention service
12 providers to provide early intervention services to eligible children in the
13 ~~designated~~ DEFINED service area. The certified early intervention service
14 broker for a ~~designated~~ DEFINED service area may provide early
15 intervention services directly or may subcontract the provision of services
16 to other qualified providers on the registry.

17 (c) Negotiate for the payment of early intervention services
18 provided to eligible children in the ~~designated~~ DEFINED service area by
19 qualified providers, to the extent permissible under federal law; and

20 **SECTION 68.** In Colorado Revised Statutes, 27-69-104, **amend**
21 (3)(a) as follows:

22 **27-69-104. Program scope - rules.** (3) Key components of the
23 family advocacy behavioral and mental health juvenile justice programs
24 for system-of-care family advocates and family systems navigators for
25 behavioral or mental health juvenile justice populations include:

26 (a) Coordination with the key stakeholders involved in the local
27 community to ensure consistent and effective collaboration. This

1 collaboration may include, but need not be limited to, a family advocacy
2 organization, representatives of the juvenile court, the probation
3 department, the district attorney's office, the public defender's office, a
4 school district, the division of youth services within the department of
5 human services, a county department of social or human services, a local
6 community mental health center, and a regional behavioral health
7 organization, and may include representatives of a local law enforcement
8 agency, a county public health department, a substance use disorder
9 treatment program, a ~~community-centered board~~ CASE MANAGEMENT
10 AGENCY, a local juvenile services planning committee, and other
11 community partners;

12 **SECTION 69.** In Colorado Revised Statutes, **repeal** 25.5-6-104,
13 25.5-6-105, 25.5-6-106, 25.5-6-107, 25.5-6-409.3, 25.5-6-605,
14 25.5-6-902 (5)(d), 25.5-10-209, 25.5-10-209.5, 25.5-10-210, 25.5-10-211,
15 25.5-10-211.5, 25.5-10-213, 25.5-10-219, and 25.5-10-226.

16 **SECTION 70. Act subject to petition - effective date.** Sections
17 2 through 69 of this act take effect July 1, 2024, and the remainder of this
18 act takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2022 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor; except that
26 sections 2 through 69 of this act take effect July, 1, 2024.