

CHAPTER 83

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 21-1187

BY REPRESENTATIVE(S) Young and Pelton, Bernett, Bird, Catlin, Esgar, Gonzales-Gutierrez, Hooton, Jackson, Kennedy, Kipp, Lontine, McCluskie, McLachlan, Michaelson Jenet, Ortiz, Ricks, Sirota, Titone, Valdez D., Van Beber, Will; also SENATOR(S) Winter and Rankin, Buckner, Donovan, Ginal, Hisey, Jaquez Lewis, Lundeen, Pettersen, Priola, Simpson, Smallwood, Woodward.

AN ACT

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

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

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

PART 17
CASE MANAGEMENT SERVICES FOR LONG-TERM
SERVICES AND SUPPORTS

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

25.5-6-1702. Definitions. AS USED IN THIS PART 17, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AUTHORIZED REPRESENTATIVE" MEANS A PERSON DESIGNATED BY THE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

MEMBER RECEIVING SERVICES, OR BY THE PARENT OR GUARDIAN OF THE MEMBER RECEIVING SERVICES, IF APPROPRIATE, TO ASSIST THE MEMBER IN ACQUIRING OR UTILIZING LONG-TERM SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE 6 AND ARTICLE 10 OF THIS TITLE 25.5. THE EXTENT OF THE AUTHORIZED REPRESENTATIVE'S INVOLVEMENT MUST BE DETERMINED UPON DESIGNATION.

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

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

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

(5) "COMMUNITY-CENTERED BOARD" MEANS A PRIVATE FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT IS AN ADMINISTRATOR OF LOCALLY GENERATED FUNDING PURSUANT TO SECTION 25.5-10-206 (6) AND ACTS AS A RESOURCE FOR PERSONS WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR A CHILD WITH A DEVELOPMENTAL DELAY.

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

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

(8) "ENTITY" MEANS A PUBLIC OR PRIVATE NOT-FOR-PROFIT OR FOR-PROFIT ORGANIZATION, WHICH MAY INCLUDE A COMMUNITY-CENTERED BOARD, THAT HAS A CONTRACT OR AGREEMENT WITH THE STATE OF COLORADO TO PERFORM SPECIFIC FUNCTIONS.

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

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

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

(12) "PERSON-CENTERED SUPPORT PLAN" MEANS A LONG-TERM SERVICES AND SUPPORTS PLAN THAT IS DIRECTED BY THE MEMBER, OR THE MEMBER'S LEGAL GUARDIAN, AND PREPARED BY THE CASE MANAGER TO IDENTIFY THE SUPPORTS NEEDED FOR THE MEMBER TO ACHIEVE PERSONALLY IDENTIFIED GOALS AND IS BASED ON RESPECTING AND VALUING MEMBER PREFERENCES, STRENGTHS, AND CONTRIBUTIONS.

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

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

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

25.5-6-1703. Case management system - defined service areas - case management services - only willing and qualified provider exemption - rules.

(1) NO LATER THAN JULY 1, 2024, THE STATE BOARD SHALL ADOPT RULES PROVIDING FOR THE ESTABLISHMENT OF A CASE MANAGEMENT SYSTEM 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. MEMBERS IN NEED OF SPECIALIZED ASSISTANCE MAY BE REFERRED TO OTHER SERVICES OUTSIDE OF LONG-TERM SERVICES AND SUPPORTS, AS NECESSARY FOR ADDITIONAL CARE COORDINATION.

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

(3) (a) NO LATER THAN DECEMBER 31, 2022, THE STATE DEPARTMENT SHALL ISSUE A COMPETITIVE SOLICITATION IN ORDER TO SELECT CASE MANAGEMENT AGENCIES PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE COMPETITIVE SOLICITATION MUST INCLUDE A REIMBURSEMENT STRUCTURE DEVELOPED THROUGH A FISCAL ANALYSIS.

(b) NO LATER THAN JANUARY 31, 2023, THE STATE DEPARTMENT SHALL PROVIDE AN UPDATE ON THE STATUS OF THE IMPLEMENTATION OF THIS PART 17 TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AS PART OF ITS ANNUAL PRESENTATION TO THAT COMMITTEE.

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

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

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

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

25.5-6-1704. Intellectual and developmental disability determination - functional eligibility determination - rules. (1) **Intellectual and developmental disability determination.** ANY PERSON MAY REQUEST AN EVALUATION TO DETERMINE WHETHER THE PERSON HAS A DEVELOPMENTAL DELAY OR AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY AND IS ELIGIBLE TO RECEIVE LONG-TERM SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE 6 AND ARTICLE 10 OF THIS TITLE 25.5. THE PERSON MUST REQUEST A DEVELOPMENTAL DELAY DETERMINATION OR INTELLECTUAL AND DEVELOPMENTAL DISABILITIES DETERMINATION FROM THE CASE MANAGEMENT AGENCY OR THE ENTITY IN THE DEFINED SERVICE AREA WHERE THE PERSON RESIDES.

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

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

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

25.5-6-1705. Person-centered support plan. (1) EACH MEMBER RECEIVING SERVICES SHALL HAVE A PERSON-CENTERED SUPPORT PLAN, OR A SIMILAR PLAN SPECIFIED BY THE STATE DEPARTMENT, DEVELOPED AND MANAGED BY A CASE MANAGEMENT AGENCY OR AN ENTITY, AND SUBJECT TO REVIEW AND APPROVAL

PURSUANT TO SECTION 25.5-6-404. THE PERSON-CENTERED SUPPORT PLAN SHALL:

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

(b) DESCRIBE THE SERVICES NECESSARY TO AVOID INSTITUTIONALIZATION;

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

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

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

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

25.5-6-1706. Termination of long-term services and supports for member receiving services. (1) A MEMBER RECEIVING LONG-TERM SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE 6 OR ARTICLE 10 OF THIS TITLE 25.5 MUST BE TERMINATED FROM LONG-TERM SERVICES AND SUPPORTS UPON A DETERMINATION, MADE PURSUANT TO THE PERSON-CENTERED SUPPORT PLANNING PROCESS, THAT THE LONG-TERM SERVICES AND SUPPORTS ARE NO LONGER NECESSARY. PRIOR TO THE EFFECTIVE DATE OF THE TERMINATION, NOTIFICATION OF TERMINATION MUST BE GIVEN TO THE MEMBER RECEIVING SERVICES, THE PARENTS OR GUARDIAN OF A MINOR RECEIVING SERVICES, AND THE PERSON'S LEGAL GUARDIAN OR OTHER LEGAL REPRESENTATIVE WHEN APPLICABLE. A MEMBER TERMINATED FROM SERVICES PURSUANT TO THIS SUBSECTION (1) HAS A RIGHT TO CHALLENGE THE TERMINATION IN ACCORDANCE WITH STATE DEPARTMENT RULES.

(2) WHEN A MEMBER RECEIVING SERVICES NOTIFIES THE CASE MANAGEMENT AGENCY THAT THE MEMBER NO LONGER WISHES TO RECEIVE LONG-TERM SERVICES AND SUPPORTS, THE MEMBER MUST BE TERMINATED FROM LONG-TERM SERVICES AND SUPPORTS UNLESS THE MEMBER IS SUBJECT TO A PETITION TO IMPOSE A LEGAL DISABILITY OR TO REMOVE A LEGAL RIGHT, FILED PURSUANT TO SECTION 25.5-10-216, OR THE MEMBER HAS A LEGAL GUARDIAN OR OTHER LEGAL REPRESENTATIVE APPOINTED AFFECTING THE MEMBER'S ABILITY TO VOLUNTARILY

TERMINATE LONG-TERM SERVICES AND SUPPORTS. THE PARENTS OF A MINOR WHO IS RECEIVING LONG-TERM SERVICES AND SUPPORTS AND THE MINOR'S GUARDIAN MUST BE NOTIFIED OF THE MINOR'S WISH TO TERMINATE LONG-TERM SERVICES AND SUPPORTS, BUT NO MINOR'S LONG-TERM SERVICES AND SUPPORTS WILL BE TERMINATED WITHOUT THE CONSENT OF THE MINOR'S PARENT OR LEGAL GUARDIAN.

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

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

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

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

(c) TO THE EXTENT NECESSARY TO MAKE CLAIMS FOR AID, INSURANCE, OR MEDICAL ASSISTANCE TO WHICH A MEMBER RECEIVING SERVICES MAY BE ENTITLED, OR TO ACCESS LONG-TERM SERVICES AND SUPPORTS PURSUANT TO THE PERSON-CENTERED SUPPORT PLAN;

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

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

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

(g) TO SAFEGUARD THE HEALTH AND SAFETY OF AN AT-RISK MEMBER BY

COORDINATING APPROPRIATE SERVICES AND MEDICAL SUPPORTS;

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

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

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

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

(3) NOTHING IN THIS SECTION LIMITS A MEMBER RECEIVING SERVICES ACCESS TO THE MEMBER'S RECORDS.

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

25.5-6-1708. Performance audits - Colorado local government audit law - public disclosure of board administration and operations. (1) THE STATE AUDITOR MAY CONDUCT OR CAUSE TO BE CONDUCTED A PERFORMANCE AUDIT THAT INCLUDES EACH CASE MANAGEMENT AGENCY OR EACH ENTITY THAT RECEIVES MORE THAN SEVENTY-FIVE PERCENT OF ITS FUNDING ON AN ANNUAL BASIS FROM THE FEDERAL, THE STATE, OR A LOCAL GOVERNMENT OR FROM ANY COMBINATION OF GOVERNMENTAL ENTITIES TO DETERMINE WHETHER THE BOARD OF DIRECTORS OR THE GOVERNING BODY IS EFFECTIVELY AND EFFICIENTLY FULFILLING ITS STATUTORY OBLIGATIONS. A CASE MANAGEMENT AGENCY OR AN ENTITY BECOMES SUBJECT TO THE AUDIT REQUIREMENT UNDER THIS SUBSECTION (1) AT THE TIME THE CASE MANAGEMENT AGENCY OR THE ENTITY INITIALLY SATISFIES THE SEVENTY-FIVE PERCENT FUNDING REQUIREMENT FOR ANY ONE YEAR REGARDLESS OF WHETHER OR NOT THE FUNDING LEVEL DECREASES BELOW SEVENTY-FIVE PERCENT IN ANY SUBSEQUENT YEAR. THE STATE AUDITOR SHALL SUBMIT A WRITTEN REPORT AND RECOMMENDATIONS ON EACH AUDIT CONDUCTED PURSUANT TO THIS SUBSECTION (1) AND SHALL PRESENT THE REPORT AND RECOMMENDATIONS TO THE LEGISLATIVE AUDIT COMMITTEE CREATED IN SECTION 2-3-101 (1). THE STATE AUDITOR SHALL PAY THE COSTS OF ANY PERFORMANCE AUDIT CONDUCTED PURSUANT TO THIS SECTION.

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

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

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

(b) EACH CASE MANAGEMENT AGENCY OR EACH ENTITY SHALL POST THE AGENDA FOR EACH MEETING OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY NOT LESS THAN SEVEN BUSINESS DAYS BEFORE THE MEETING. THE CASE MANAGEMENT AGENCY OR THE ENTITY SHALL POST THE AGENDA OF ANY SPECIAL OR EMERGENCY MEETING OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY NOT LESS THAN TWENTY-FOUR HOURS BEFORE THE MEETING. EACH MEETING OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY MUST ALLOW FOR PUBLIC COMMENT, AND THE AGENDA MUST REFLECT THIS REQUIREMENT. PUBLIC COMMENT MUST BE REASONABLY PERMITTED DURING THE BOARD'S OR THE GOVERNING BODY'S MEETING TO ACCOMMODATE COMMUNITY NEEDS. ANY DOCUMENTS RELATED TO FUNCTIONS OF THE CASE MANAGEMENT AGENCY OR THE ENTITY TO BE DISTRIBUTED AT A MEETING OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY THAT ARE AVAILABLE FOR PUBLIC DISSEMINATION AT THE TIME THE AGENDA IS POSTED MUST ALSO BE POSTED ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY AT THE TIME THE AGENDA IS POSTED. WRITTEN COPIES OF THE DOCUMENTS MUST BE MADE AVAILABLE FOR PUBLIC DISSEMINATION AT THE BOARD OF DIRECTORS' OR THE GOVERNING BODY'S MEETING; EXCEPT THAT THE POSTING REQUIREMENT SPECIFIED IN THIS SUBSECTION (3)(b) DOES NOT APPLY TO ANY DOCUMENT, OR ANY PORTION OF A DOCUMENT, THE DISCLOSURE OF WHICH REQUIRES THE APPROVAL OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY AND WHICH APPROVAL HAS NOT BEEN OBTAINED AT THE TIME THE AGENDA IS POSTED OR ANY OTHER DOCUMENT, OR ANY PORTION OF A DOCUMENT, CONTAINING ANY INFORMATION THAT IS LEGALLY PROHIBITED FROM BEING DISCLOSED TO THE PUBLIC PURSUANT TO THE PRIVACY REQUIREMENTS SPECIFIED IN THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 1320d, ANY DOCUMENT THAT HAS BEEN OR WILL BE DISCUSSED BY THE BOARD OF DIRECTORS OR THE GOVERNING BODY MEETING IN EXECUTIVE SESSION, OR ANY OTHER DOCUMENT THE DISCLOSURE OF WHICH IS OTHERWISE PROHIBITED BY LAW.

(c) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL PROVIDE A DIRECT E-MAIL ADDRESS TO EACH MEMBER OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY. THE E-MAIL ADDRESS SELECTED MUST SPECIFY THE NAME OF THE INDIVIDUAL BOARD OR GOVERNING BODY MEMBER AND MAKE REFERENCE TO THE PARTICULAR CASE MANAGEMENT AGENCY OR ENTITY FOR WHICH THE BOARD OR GOVERNING BODY MEMBER SERVES AS A MEMBER OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY. AN E-MAIL THAT IS SENT TO A MEMBER OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY OF A CASE MANAGEMENT AGENCY OR AN ENTITY MUST NOT BE FILTERED BY THE CASE MANAGEMENT AGENCY OR THE ENTITY THROUGH AN EMPLOYEE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY BEFORE

IT IS SENT TO THE BOARD OR GOVERNING BODY MEMBER.

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

(e) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL REQUIRE THE PERSON OR ORGANIZATION THAT PERFORMS FINANCIAL AUDITS OF THE CASE MANAGEMENT AGENCY OR THE ENTITY TO PRESENT AND DISCUSS THE RESULTS OF THE AUDIT TO THE BOARD OF DIRECTORS OR THE GOVERNING BODY NOT LESS THAN ONCE EACH YEAR AT A REGULARLY SCHEDULED MEETING OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY;

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

(g) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL POST ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY THE MINUTES OF EACH MEETING OF ITS BOARD OF DIRECTORS OR ITS GOVERNING BODY AS THE MINUTES ARE APPROVED BY THE BOARD OF DIRECTORS OR THE GOVERNING BODY. EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL ALSO POST ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY ANY ADDITIONAL DOCUMENTS THAT WERE DISTRIBUTED TO THE BOARD OR GOVERNING BODY AT THE MEETING THAT WERE NOT, AS OF THAT DATE, ALREADY POSTED ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY UNLESS THE PUBLIC DISTRIBUTION OF THE DOCUMENTS, OR ANY PORTION OF THE DOCUMENTS, IS OTHERWISE PROHIBITED PURSUANT TO THE PRIVACY REQUIREMENTS SPECIFIED IN THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC.

1320d, OR AS OTHERWISE PROHIBITED BY LAW. MINUTES OF SPECIAL MEETINGS OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY MUST BE POSTED ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY AFTER APPROVAL BY THE BOARD OF DIRECTORS OR THE GOVERNING BODY AT THE BOARD'S OR GOVERNING BODY'S NEXT REGULAR MEETING.

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

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

(I) EACH COMPLETED FINANCIAL AUDIT UNDERTAKEN OF THE CASE MANAGEMENT AGENCY OR THE ENTITY NOT LATER THAN THIRTY DAYS FOLLOWING ACCEPTANCE BY THE ORGANIZATION'S BOARD OF DIRECTORS OR GOVERNING BODY OF THE AUDIT. ANY CASE MANAGEMENT AGENCY OR ANY ENTITY THAT IS NOT REQUIRED TO HAVE AN ANNUAL AUDIT OF FINANCIAL STATEMENTS SHALL POST A DETAILED ACCOUNT OF THE AGENCY'S OR ENTITY'S ASSETS, LIABILITIES, REVENUE, LOSSES AND GAINS, EXPENSES, INVESTING ACTIVITIES, PROPERTY AND EQUIPMENT, AND ANY OTHER RELEVANT FINANCIAL DISCLOSURES REQUIRED BY THE STATE DEPARTMENT.

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

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

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

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

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

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

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

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

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

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

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

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

conducts of:

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

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

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

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

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

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

(a) "Case management agency" has the same meaning as set forth in ~~section 25.5-10-202 (1.9)~~ SECTION 25.5-6-1702 (2).

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

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

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

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

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

(4) **Duty of care.** The performance of a service or an act of assistance for the benefit of a person with a AN INTELLECTUAL AND developmental disability or adoption or enforcement of a policy, procedure, guideline, or practice for the protection of ~~any such~~ THE person's health or safety by a provider does not create any duty of care with respect to a third person, nor does it create a duty for any provider to perform or sustain ~~such~~ a service or an act of assistance nor to adopt or enforce ~~such~~ a policy, procedure, guideline, or practice; however, nothing in this section shall be construed to relieve RELIEVES a provider of a duty of care expressly imposed by federal or state law OR department rule, ~~or department of health care policy and financing rule~~; nor shall anything in this section be deemed to create any duty of care.

(5) No action in tort under this section may be maintained on behalf of, for, or by a person with a AN INTELLECTUAL AND developmental disability or by a family member of a person with a AN INTELLECTUAL AND developmental disability against a provider unless ~~that~~ THE person claiming to have suffered an injury or grievance or ~~that~~ THE person's guardian or representative has filed for dispute resolution or other applicable intervention, if any, by the department ~~department of health care policy and financing~~, OR A case management agency or ~~community-centered board~~ pursuant to rules promulgated under ~~article 10~~ ARTICLE 6 OR 10 of title 25.5 or article 10.5 of title 27 within one year after the date of the discovery of the injury or grievance, regardless of whether the person then knew all of the elements of a claim or of a cause of action for such injury or grievance. Compliance with ~~the provisions of this subsection (5)~~, documented by a letter from the department ~~or the department of health care policy and financing~~ certifying that any and all ~~such~~ interventions and dispute resolution procedures, with either the department ~~department of health care policy and financing~~, OR A case management agency or ~~community-centered board~~ applicable to the matter at hand have been exhausted, or by submission of evidence that such an intervention or dispute resolution request has been filed and no action has been taken by the department ~~or the department of health care policy and financing~~ within ninety days, is a jurisdictional prerequisite to any action brought under the provisions of this section, and failure of compliance forever bars any such action and must result in a dismissal of any claim with prejudice. Certification by the department ~~or the department of health care policy and financing~~ that all applicable interventions and dispute resolution procedures have been exhausted ~~shall~~ DOES not result in ~~such~~ THE department becoming a party to the tort claim action.

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

(10) ~~Community-centered boards~~, Case management agencies and service agencies shall have the authority to move a person with a AN INTELLECTUAL AND developmental disability from any residential setting that they operate ~~or for which they contract, directly or indirectly~~, UNDER MEDICAID AUTHORITY if the ~~community-centered board~~, case management agency or service agency believes that the person with a AN INTELLECTUAL AND developmental disability may be at risk of abuse, neglect, mistreatment, exploitation, or other harm in such setting. If

a person is moved for one of the aforementioned reasons, the person-centered planning required by this subsection (10) must occur as soon as possible following the move. In the absence of willful and wanton acts or omissions, ~~community-centered boards~~, case management agencies and service agencies have no civil liability for exercising such authority or for termination of any related contracts if ~~such~~ THE risk is substantiated by investigation pursuant to the rules of the department. ~~or the rules of the department of health care policy and financing.~~

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

18-6.5-108. Mandatory reports of mistreatment of at-risk elders and at-risk adults with IDD - list of reporters - penalties. (1) (b) The following persons, whether paid or unpaid, shall report as required by subsection (1)(a) of this section:

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

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

19-1-116. Funding - alternatives to placement out of the home - services to prevent continued involvement in child welfare system. (2) (a) The county commissioners in each county may appoint a placement alternatives commission consisting, where possible, of a physician or a licensed health professional, an attorney, representatives of a local law enforcement agency, representatives recommended by the court and probation department, representatives from the county department of human or social services, a local mental health clinic, and the county, district, or municipal public health agency, a representative of a local school district specializing in special education, a representative of a local ~~community centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, representatives of a local residential child care facility and a private nonprofit agency providing nonresidential services for children and families, a representative specializing in occupational training or employment programs, a foster parent, and one or more representatives of the lay community. At least fifty percent of the commission members must represent the private sector. The county commissioners of two or more counties may jointly establish a district placement alternatives commission. A placement alternatives commission may be consolidated with other local advisory boards pursuant to section 24-1.7-103.

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

19-2-508. Detention and temporary shelter - hearing - time limits - findings - review - confinement with adult offenders - restrictions. (3) (b) (I) If it appears that any juvenile being held in detention or temporary shelter may have an intellectual and developmental disability, as provided in article 10.5 of title 27, the court or detention personnel shall refer the juvenile to the nearest ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, for an eligibility determination. If it appears that any juvenile being held in a detention or temporary shelter facility pursuant to the provisions of this article 2 may have a mental health disorder, as provided in sections 27-65-105 and

27-65-106, the intake personnel or other appropriate personnel shall contact a mental health professional to do a mental health hospital placement prescreening on the juvenile. The court ~~shall~~ MUST be notified of the contact and may take appropriate action. If a mental health hospital placement prescreening is requested, it must be conducted in an appropriate place accessible to the juvenile and the mental health professional. A request for a mental health hospital placement prescreening must not extend the time within which a detention hearing must be held pursuant to this section. If a detention hearing has been set but has not yet occurred, the mental health hospital placement prescreening must be conducted prior to the hearing; except that the prescreening must not extend the time within which a detention hearing must be held.

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

19-2-906. Sentencing hearing. (2) If the court has reason to believe that the juvenile may have an intellectual and developmental disability, the court shall refer the juvenile to the ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, in the ~~designated~~ DEFINED service area where the action is pending for an eligibility determination pursuant to article 10.5 of title 27. If the court has reason to believe that the juvenile may have a behavioral or mental health disorder, the court shall order a mental health hospital placement prescreening to be conducted in any appropriate place.

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

19-3-403. Temporary custody - hearing - time limits - restriction - rules. (4) (a) If it appears that any child being held in a shelter facility may have an intellectual and developmental disability, as provided in article 10.5 of title 27, the court shall refer the child to the nearest ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, for an eligibility determination. If it appears that any child being held in a shelter facility pursuant to ~~the provisions of this article 3~~ may have a mental health disorder, as provided in sections 27-65-105 and 27-65-106, the intake personnel or other appropriate personnel shall contact a mental health professional to do a mental health disorder prescreening on the child. The court ~~shall~~ MUST be notified of the contact and may take appropriate action. If a mental health disorder prescreening is requested, it ~~shall~~ MUST be conducted in an appropriate place accessible to the child and the mental health professional. A request for a mental health disorder prescreening must not extend the time within which a hearing is to be held pursuant to this section. If a hearing has been set but has not yet occurred, the mental health disorder prescreening ~~shall~~ MUST be conducted prior to the hearing; except that the prescreening must not extend the time within which a hearing is to be held pursuant to this section.

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

19-3-506. Child with a mental health disorder or an intellectual and developmental disability - procedure. (1) (a) If it appears from the evidence presented at an adjudicatory hearing or otherwise that a child may have an intellectual and developmental disability, as defined in article 10.5 of title 27, the

court shall refer the child to the ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, in the ~~designated~~ DEFINED service area where the action is pending for an eligibility determination pursuant to ARTICLE 6 OF TITLE 25.5 OR article 10.5 of title 27.

(3) (b) When, subsequent to referral to a ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, pursuant to subsection (1) of this section, it appears that the child has INTELLECTUAL AND developmental disabilities, the court may proceed pursuant to article 10.5 of title 27 ~~C.R.S.~~, or may follow any of the recommendations contained in the report from the ~~community centered board~~ CASE MANAGEMENT AGENCY.

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

19-3-507. Dispositional hearing. (2) If the court has reason to believe that the child may have an intellectual and developmental disability, the court shall refer the child to the ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, in the ~~designated~~ DEFINED service area where the action is pending for an eligibility determination pursuant to ARTICLE 6 OF TITLE 25.5 OR article 10.5 of title 27. If the court has reason to believe that the child may have a behavioral or mental health disorder, the court shall order a behavioral or mental health disorder prescreening to be conducted in any appropriate place.

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

22-20-106. Special education programs - early intervening services - rules. (3) (c) The district of residence shall pay the tuition costs for a child with a disability in an approved facility school pursuant to sections 22-20-108 (8) and 22-20-109 (1). Special education services may be provided by ~~community centered boards~~ A CASE MANAGEMENT AGENCY OR AN ENTITY, AS THOSE TERMS ARE DEFINED IN SECTION 25.5-6-1702, in cooperation with administrative units.

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

22-20-107. Authority to contract with institutions of higher education or case management agencies. (1) An administrative unit may contract with an institution of higher education, or a ~~community-centered board~~ CASE MANAGEMENT AGENCY, OR AN ENTITY, AS THOSE TERMS ARE DEFINED IN SECTION 25.5-6-1702, as provided in section 25.5-10-206, ~~C.R.S.~~, for the provision by the administrative unit of an education and training program for children with disabilities. If an agreement is arrived at by the two agencies, the administrative unit shall place the responsibility for administering the program with the director of special education of the administrative unit.

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

22-20-118. Child find from birth through two years of age - responsibilities - rules - interagency operating agreements - funding. (2) The administrative units shall:

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

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

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

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

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

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

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

25-1-124. Health-care facilities - consumer information - reporting - release. (2.5) (a) In addition to the reports required by subsection (2) of this section, if the Colorado attorney general, the ~~division for developmental disabilities in the department of human services~~ DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, a ~~community centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, an adult protection service, or a law enforcement agency makes a report of an occurrence as described in subsection (2) of this section involving a licensed long-term care facility, that report ~~shall~~ MUST be provided to the department and ~~shall be~~ made available for inspection consistent with the provisions of subsection (6) of this section. Any reports concerning an adult

protection service ~~shall~~ MUST be in compliance with the confidentiality requirements of section 26-3.1-102 (7). ~~C.R.S.~~

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

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

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

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

25-27.5-103. Home care agency license required - home care placement agency registration required - civil and criminal penalties. (1.5) It is unlawful for a ~~community-centered board~~ SERVICE AGENCY that is directly providing home care services or a service agency to conduct or maintain a home care agency that provides in-home personal care services without having obtained a license from the department. Any person who violates this subsection (1.5) is guilty of a misdemeanor and is subject to the civil and criminal penalties described in ~~paragraphs (a) and (b) of subsection (1)~~ SUBSECTIONS (1)(a) AND (1)(b) of this section. Nothing in this section relieves an entity that contracts or arranges with a ~~community-centered board~~ or service agency and that meets the definition of a home care agency from the entity's obligation to apply for and operate under a license in accordance with this article.

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

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

(g) (I) Fees for home care agency licensure. Home care agency fees are payable to the home care agency cash fund. The annual fee must include a component that

reflects whether a survey is planned for the year based on the agency's compliance history. The state board shall develop a methodology for establishing differentiating fees for licensure of home care agencies ~~including community-centered boards and service agencies~~; to reflect the differences in type, scope, and volume of services provided by the various types of home care agencies, including their volume of medicaid and medicare services, and that allows for reduced fees for home care agencies that are certified prior to initial license application. The department shall not charge a duplicate fee for survey work conducted pursuant to its role as state survey agency for the federal centers for medicare and medicaid services or the Colorado department of health care policy and financing.

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

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

(9) "State designated agency" means an agency designated to perform specified functions that would otherwise be performed by the county departments, including ~~the single entry point agencies~~ CASE MANAGEMENT AGENCIES, AS DEFINED IN SECTION 25.5-6-1702, and medical assistance sites.

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

25.5-1-117. County departments - district departments. (2) ~~Single entry point agencies~~ CASE MANAGEMENT AGENCIES established pursuant to ~~part 1~~ PART 17 of article 6 of this title 25.5 ~~other than county departments of human or social services acting as single entry point agencies~~; may act as state designated agencies and are authorized to carry out functions as specified in ~~part 1~~ PART 17 of article 6 of this title 25.5 that are otherwise performed by county departments of human or social services.

SECTION 23. In Colorado Revised Statutes, 25.5-4-103, **amend** (3); and **add** (2.5) as follows:

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

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

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

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

25.5-4-205. Application - verification of eligibility - demonstration project - rules. (1) (a.7) As part of the medicaid eligibility modernization, the department is authorized to create a universal application for ~~single point of entry~~ CASE MANAGEMENT AGENCIES for home- and community-based services waivers for children.

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

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

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

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

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

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

(b) If the state department receives federal authorization pursuant to ~~paragraph (a) of this subsection (2.7)~~ SUBSECTION (2.7)(a) OF THIS SECTION and sufficient spending authority, a person in need of long-term ~~care~~ SERVICES AND SUPPORTS shall be presumptively eligible for the medical assistance program if the person or the person's legal representative declares all pertinent information relating to the criteria of income, assets, and immigration status. ~~Such~~ THE person shall be assessed for the appropriate level of care pursuant to ~~section 25.5-6-104~~ SECTION 25.5-6-1704. If required due to limitations of federal authorization or spending authority, the state department may implement this ~~paragraph (b)~~ SUBSECTION (2.7)(b) OF THIS SECTION as a pilot program rather than statewide.

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

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

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

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

25.5-5-412. Program of all-inclusive care for the elderly - services - eligibility - legislative declaration - rules - definitions. (6) The state department, in cooperation with the ~~single entry point agencies~~ CASE MANAGEMENT AGENCIES established in ~~section 25.5-6-106~~ SECTION 25.5-6-1703, shall develop and implement a coordinated plan to provide education about PACE program site operations under this section. The state board shall adopt rules:

(a) To ensure that case managers and any other appropriate state department staff discuss the option and potential benefits of participating in the PACE program with all eligible long-term care clients. These rules ~~shall~~ MUST require additional and on-going training of the ~~single entry point~~ CASE MANAGEMENT agency case managers in counties where a PACE program is operating. This training ~~shall~~ MUST be provided by a federally approved PACE provider. In addition, each ~~single entry point~~ CASE MANAGEMENT agency may designate case managers who have knowledge about the PACE program.

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

25.5-6-113. Health home - integrated services - legislative declaration - contracting - definitions. (3) (b) The health home may consist of a multi-disciplinary team, including primary care management providers, behavioral ~~health care~~ HEALTH-CARE providers, case managers, and providers of long-term care services and supports, including but not limited to ~~single entry point~~ CASE MANAGEMENT agencies, AS DEFINED IN SECTION 25.5-6-1702, nursing homes, alternative care facilities, day programs for the elderly, home care agencies, community mental health centers, AND hospice and palliative care centers. ~~and community centered boards.~~

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

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

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

(b) "Case management agency" ~~for counties participating in the single entry point system pursuant to this article before July 1, 1995, and for all counties on and after said date, means a public or private, nonprofit or for profit agency that meets all applicable state and federal requirements and is certified by the state department to provide case management functions reimbursable under this article and articles 4 and 5 of this title, within a geographic area of the state consisting of one or more counties. Such functions shall be provided by the agency under a contract executed with the state department or other state designated agency. The state department~~

~~shall establish procedures for the designation, certification, and decertification of case management agencies and requirements for performance and staffing of the agencies. Such procedures and requirements shall be set forth in rules promulgated by the state board or shall be included in the contracts executed by the state department~~ HAS THE SAME MEANING AS SET FORTH IN SECTION 25.5-6-1702 (2).

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

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

SECTION 31. In Colorado Revised Statutes, 25.5-6-403, **amend** (1), (3.3)(b), and (4); and **add** (2.5) as follows:

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

(1) ~~"Developmentally disabled person" means a person with an intellectual and developmental disability as defined in subsection (3.3)(a) of this section~~ "CASE MANAGEMENT AGENCY" HAS THE SAME MEANING AS SET FORTH IN SECTION 25.5-6-1702 (2).

(2.5) "ENTITY" HAS THE SAME MEANING AS SET FORTH IN SECTION 25.5-6-1702 (8).

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

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

SECTION 32. In Colorado Revised Statutes, 25.5-6-406, **amend** (2)(e) as follows:

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

(2) (e) Service agencies shall use one hundred percent of the funding resulting from the increase in the reimbursement rate pursuant to subsection (2)(c) of this section to increase compensation for direct support professionals above the rate of compensation that direct support professionals are receiving as of June 30, 2018. This requirement applies to funds billed by ~~community-centered boards~~ CASE MANAGEMENT AGENCIES AND ENTITIES in their role as organized ~~health-care~~ HEALTH-CARE delivery systems, AS DEFINED IN 42 CFR 447.10 (b). Service agencies shall not use funding resulting from the reimbursement rate increase for general and administrative expenses, such as chief executive officer salaries, human resources, information technology, oversight, business management, general record keeping, budgeting and finance, and other activities not identifiable to a single program.

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

25.5-6-409. Services for persons with intellectual and developmental disabilities. (2) Services for persons with INTELLECTUAL AND developmental disabilities provided through this program ~~shall~~ MUST be delivered under the provisions of a statewide services plan, in the form of home- and community-based services waivers or model waivers, developed by the state department and the department of human services and approved by the federal centers for medicare and medicaid services, or any successor agency. This plan ~~shall~~ MUST include the specific services to be offered, a plan for the delivery of such services through ~~community centered boards~~ CASE MANAGEMENT AGENCIES or other service agencies approved pursuant to THIS ARTICLE 6 OR article 10.5 of title 27 C.R.S.; utilizing where appropriate the provision of in-home services, the expected costs of such services, the expected benefits of providing those services, and the administrative provisions which shall govern the implementation of the plan. The plan ~~shall~~ MUST provide for all necessary safeguards to ensure the health and welfare of any eligible persons. The average per capita expenditure for services under this plan ~~shall~~ MUST not exceed the average per capita expenditure the department of human services or the state department would have made for services otherwise available without this plan.

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

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

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

(c) (i) ~~Include a process by which the person who is receiving services may receive necessary care for medical purposes, which may include respite care, if the person's service provider is unavailable due to an emergency situation or to unforeseen circumstances. The person who is receiving services and the person's family or guardian shall be duly informed by the community centered board of these~~

alternative care provisions at the time the plan of care is initiated.

~~(H) Nothing in this paragraph (e) requires a community centered board to provide services set forth in a plan of care that the community centered board is not otherwise required to provide to the person receiving services, only that the plan of care include a contingency for such services.~~

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

25.5-6-409.5. Transition plan for youth with intellectual and developmental disabilities to adult services - legislative declaration - report - rules - cash fund.

(4) For each youth with intellectual and developmental disabilities who is going to be transitioned to adult services for persons with intellectual and developmental disabilities pursuant to subsection (3) of this section, the county department of human or social services that is currently providing services to the youth through its child welfare system shall develop a transition plan for that youth. The transition plan must, at a minimum:

(a) Include the department-prescribed assessment provided by the ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, that is performed as soon as possible for those youth who are being transitioned pursuant to subsection (3) of this section and at seventeen and a half years of age for those youth who are being transitioned pursuant to ~~subparagraph (IV) of paragraph (a) of subsection (3) of this section or paragraph (b) of subsection (3)~~ SUBSECTION (3)(a)(IV) OR (3)(b) of this section. In all instances, the assessment must be completed within six months of a youth's transition to adult services.

(6) It is the intent of the general assembly that county child welfare systems and ~~community-centered boards~~ CASE MANAGEMENT AGENCIES, AS DEFINED IN SECTION 25.5-6-1702, collaborate to ensure minimal disruption for youth during the transition process.

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

25.5-6-804. Services - duties of the state department - rules. (5) The state department shall contract with a ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, for persons with INTELLECTUAL AND developmental disabilities to serve as the ~~single entry point~~ agency for services and as the care planning agency for eligible children. ~~If a community centered board is unwilling or unable to enter into the contract with the state department, the state department may contract with a single entry point agency identified pursuant to section 25.5-6-106 or a state department approved case management agency to serve as the entry point agency and as the care planning agency.~~ The care planning process shall include the eligible child's family or guardian, the eligible child's lead provider, and the eligible child's case manager. For the purpose of implementing this part 8, the care planning process shall be coordinated with any other care plan or case manager the eligible child may have.

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

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

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

25.5-6-1203. In-home support services - eligibility - licensure exclusion - in-home support service agency responsibilities - rules. (5) The ~~single entry point~~ CASE MANAGEMENT agencies established in ~~section 25.5-6-106~~ SECTION 25.5-6-1703 shall be responsible for determining a person's eligibility for in-home support services; except that for eligible disabled children the state department shall designate the entity that will determine the child's eligibility. The state board shall promulgate rules specifying the ~~single entry point~~ CASE MANAGEMENT agencies' responsibilities ~~under~~ PURSUANT TO this part 12. At a minimum, these rules ~~shall~~ MUST require that case managers discuss the option and potential benefits of in-home support services with all eligible long-term care clients.

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

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

SECTION 38. In Colorado Revised Statutes, 25.5-10-202, **amend** (1.9), (2), (3), (5.7), (9), (14), (24)(b), (26)(b), (28), and (29); and **repeal** (4); and **add** (15.3) as follows:

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

(1.9) "Case management agency" ~~means a public or private not-for-profit or for-profit agency that meets all applicable state and federal requirements and is certified by the state department to provide case management services pursuant to section 25.5-10-209.5. The case management agency shall provide case management services pursuant to a contract with the state department~~ HAS THE SAME MEANING AS SET FORTH IN SECTION 25.5-6-1702 (2).

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

(a) ~~Repealed.~~

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

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

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

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

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

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

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

(15.3) "ENTITY" HAS THE SAME MEANING AS SET FORTH IN SECTION 25.5-6-1702 (8).

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

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

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

(29) "Least restrictive environment" means an environment that represents the least departure from the typical patterns of living and that effectively meets the needs and preferences of the person receiving services. "Least restrictive environment" may include, but need not be limited to, receiving services from a ~~community-centered board~~; service agency, A case management agency, or a family

caregiver in the family home.

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

25.5-10-204. Duties of the executive director - state board rules - definition.

(1) In order to implement the provisions of this article 10, the executive director shall, subject to available appropriations, carry out the following duties:

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

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

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

(d) Designate a ~~community-centered board~~ CASE MANAGEMENT AGENCY in each ~~designated~~ DEFINED service area in the state;

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

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

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

25.5-10-205. Case management agencies - local public procurement units.

For purposes of entering into a cooperative purchasing agreement pursuant to section 24-110-201, ~~C.R.S.~~, a nonprofit ~~community-centered board~~ CASE MANAGEMENT AGENCY or a nonprofit service agency may be certified as a local public procurement unit as provided in section 24-110-207.5. ~~C.R.S.~~

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

25.5-10-206. Authorized long-term services and supports - conditions of funding - purchase of services and supports - adult protective services data system check - boards of county commissioners - appropriation. (1) Subject to

annual appropriations by the general assembly, the state department shall provide or purchase, pursuant to subsection (4) of this section, authorized LONG-TERM services and supports from ~~community-centered boards~~, case management agencies or service agencies for persons who have been determined to be eligible for such LONG-TERM services and supports pursuant to ~~section 25.5-10-211~~ SECTION 25.5-6-1704 and as specified in the eligible person's individualized plan. Those LONG-TERM services and supports may include, but need not be limited to, the following:

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

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

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

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

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

(5) Governmental units, including but not limited to counties, municipalities, school districts, health service districts, and state institutions of higher education, are authorized at their own expense to furnish money, materials, or LONG-TERM services and supports to persons with intellectual and developmental disabilities, or to purchase LONG-TERM services and supports for such persons through designated ~~community-centered boards~~, case management agencies or service agencies, so long as no conditions or requirements imposed as a result of the provision or purchase conflict with the provisions of this article 10 or the rules promulgated thereunder.

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

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

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

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

~~(d) The development of an assessment tool pursuant to section 25.5-6-104 (5); and~~

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

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

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

(4) (a) On or before November 1, 2014, the state department shall develop, in consultation with intellectual and developmental disability system stakeholders, a comprehensive strategic plan including administrative procedures and adequate funding to enroll eligible persons with intellectual and developmental disabilities into home- and community-based services programs and programs provided pursuant to this ~~article~~ ARTICLE 10 at the time those persons choose to enroll in the programs or need the services or supports. As part of developing the strategic plan, the state department shall review the statutory definition of "waiting list" set forth in section 25.5-10-202 and make recommendations concerning amendments to the definition. In engaging stakeholders, the state department shall include both persons and families receiving services, as well as persons and families waiting for enrollment into programs, services, or supports. These persons and families ~~shall~~

MUST include, at a minimum, persons and families who reside in each ~~community-centered, board-designated~~ DEFINED service area within the state. In developing the strategic plan, the state department shall review relevant recommendations from the community living advisory group created in the office pursuant to the governor's executive order D 2012-027, as well as other relevant information. The strategic plan ~~shall~~ MUST include specific recommendations and annual benchmarks for achieving this enrollment goal by July 1, 2020, including recommendations relating to increasing system capacity. The state department shall review the strategic plan annually and revise the plan as needed to meet the enrollment goal. Nothing in this section precludes the state department from considering changes in the structure of the state's intellectual and developmental disabilities programs, including medicaid waiver modification.

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

25.5-10-208. Service agencies and case management agencies - money - rules.

(2) The state board shall promulgate rules to implement the purchase of LONG-TERM services and supports from a ~~community-centered board~~, service agency, case management agency, or family caregiver. The rules must include, but need not be limited to:

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

(c) ~~Delineation of a system to resolve contractual disputes between the state department and designated community-centered boards, service agencies, or case management agencies, and between designated community-centered boards and service agencies, including the contesting of any rates that the designated community-centered boards charge to service agencies based upon a percentage of the rates that service agencies charge for services and supports;~~

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

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

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

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

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

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

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

25.5-10-240. Retaliation prohibited. No person shall be discriminated against because ~~he or she~~ THE PERSON has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing pursuant to this ~~article~~ ARTICLE 10, including the dispute resolution procedures in section 25.5-10-212 and section 27-10.5-107. ~~C.R.S.~~ A service agency, including the state department and any ~~community-centered board~~ CASE MANAGEMENT AGENCY, shall not coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of any right pursuant to this ~~article~~ ARTICLE 10, or on account of ~~his or her~~ THE PERSON having exercised or enjoyed any right pursuant to this ~~article~~ ARTICLE 10, or on account of ~~his or her~~ THE PERSON having aided or encouraged any other person in the exercise or enjoyment of any right pursuant to this ~~article~~ ARTICLE 10.

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

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

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

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

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

(e) To coordinate training and provide technical assistance to ~~community-centered boards and service providers~~ CASE MANAGEMENT AGENCIES OR ENTITIES APPROVED TO PROVIDE FAMILY SUPPORT SERVICES;

(4) Subject to annual appropriation by the general assembly, out of the appropriation to the state department for community programs in the general appropriation act, the state department is authorized to use up to seven percent of such appropriation allocated for family support services to pay for administrative costs within the state department and the ~~community-centered boards~~ SERVICE AGENCY.

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

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

(2) The family support council shall:

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

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

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

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

~~state department pursuant to the provisions of this article.~~ "ACTIVITIES OF DAILY LIVING" MEANS THE BASIC SELF-CARE ACTIVITIES, INCLUDING EATING, BATHING, DRESSING, TRANSFERRING FROM BED TO CHAIR, BOWEL AND BLADDER CONTROL, AND INDEPENDENT AMBULATION.

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

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

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

26-2-122.3. Home care allowance. (1) (a) ~~(f)~~ The state department, subject to available appropriations, may provide adult foster care for persons eligible to receive old age pension, aid to the needy disabled, or aid to the blind. For purposes of this paragraph (a), "adult foster care" means care and services that, in addition to room and board, may include, but are not limited to, personal services, recreational opportunities, transportation, utilization of volunteer services, and special diets. Such care and services are provided to recipients of federal supplemental security income benefits who are also eligible for the Colorado supplement program for aid to the needy disabled or aid to the blind and who do not require skilled nursing care or intermediate health care and cannot remain in or return to their residences but who need to reside in a supervised nonmedical setting on a twenty-four-hour basis. Those persons with intellectual and developmental disabilities as defined in section 25.5-10-202, C.R.S., or who are receiving or are eligible to receive services pursuant to article 10 of title 25.5, C.R.S., or any provision of title 27, C.R.S., do not qualify for adult foster care under this paragraph (a).

~~(H)~~ Adult foster care facilities shall be licensed by the department of public health and environment pursuant to section 25-27-105, C.R.S.

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

In addition, the rules shall specifically provide for a determination as to the person's functional impairment and the person's unmet need for paid care and shall address amounts awarded to persons eligible for home care allowance. The state department shall specify in the rules the methods for determining the unmet need for paid care and the amount of a home care allowance that may be awarded to eligible persons. Such methods may be based on how often a person experiences unmet need for paid care or any other method that the state board determines is valid in correlating unmet need for paid care with an amount of a home care allowance award. The state department shall require that eligibility and unmet need for paid care be determined through the use of a comprehensive and uniform client assessment instrument prescribed by the state department. The state department may adjust income eligibility criteria, including any functional impairment standard, or the amounts awarded to eligible persons or may limit or suspend enrollments as necessary to manage the home care allowance program within the funds appropriated by the general assembly. In addition, the state department may adjust which services are available under the program; except that the adjustment shall be consistent with the provisions of this subsection (1).

(2) The state department shall administer ~~the adult foster care program and~~ the home care allowance program. The executive director or the state board, as appropriate, shall promulgate rules necessary for the implementation of this section.

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

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

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

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

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

26-3.1-111. Access to CAPS - employment checks - confidentiality - fees - rules - legislative declaration - definitions. (7) The following employers shall request a CAPS check pursuant to this section:

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

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

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

26-5-102. Provision of child welfare services - system reform goals - out-of-home placements for children and youth with intellectual and developmental disabilities - rules - definition. (3) (i) Entities other than county departments, including but not limited to hospitals, ~~health care~~ HEALTH-CARE providers, ~~single entry point agencies, and community-centered boards~~ AND CASE MANAGEMENT AGENCIES, AS DEFINED IN SECTION 25.5-6-1702, may refer a family to voluntarily apply and assist with the application to the state department for admission of the family's child or youth with intellectual and developmental disabilities into the program pursuant to this subsection (3). ~~Such~~ THE applications will be considered if space is available. However, children and youth with intellectual and developmental disabilities placed by county departments or the state department ~~shall~~ MUST have priority for admission to the program. The state department shall not accept applications for placement of a child or youth who is exclusively insured by private insurance. A child or youth who is dually insured by private insurance and medicaid and whose residential level of care has been denied by private insurance may be eligible for services in the program.

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

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

(5) "Child care center" means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give twenty-four-hour care for children and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool program operated pursuant to article 28 of title 22. ~~C.R.S.~~ The term ~~shall~~ DOES not include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three or more children pursuant to subsection (36) of this section, but that is providing care for three or fewer children who are determined to have ~~a~~ AN INTELLECTUAL AND developmental disability by a ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, or who are diagnosed with a serious emotional disturbance.

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

26-6-104.5. Compliance with local government zoning regulations - notice to local governments - provisional licensure. (4) The provisions of this section ~~shall~~ DO not apply to any foster care home certified pursuant to this part 1 or to any specialized group facility that is licensed to provide care for three or more children

pursuant to this part 1 but that is providing care for three or fewer children who are determined to have a AN INTELLECTUAL AND developmental disability by a ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, or who have a serious emotional disturbance.

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

27-10.5-102. Definitions. As used in this ~~article~~ ARTICLE 10.5, unless the context otherwise requires:

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

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

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

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

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

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

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

27-10.5-104. Authorized services and supports - conditions of funding - purchase of services and supports - boards of county commissioners - appropriation. (1) Subject to annual appropriations by the general assembly, the department shall provide or purchase, pursuant to subsection (4) of this section, authorized LONG-TERM services and supports from ~~community-centered boards~~ CASE MANAGEMENT AGENCIES or service agencies for persons who have been determined to be eligible for such LONG-TERM services and supports pursuant to section 27-10.5-106, and as specified in the eligible person's individualized plan. Those LONG-TERM services and supports may include, but need not be limited to, the following:

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

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

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

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

27-10.5-104.5. Case management agencies when acting as service agency - money - rules. (1) A service agency, including a community centered board when acting as a service agency, shall comply with the requirements set forth in this article and the rules promulgated thereunder.

(3) The department shall promulgate rules to implement the purchase of LONG-TERM services and supports from a ~~community-centered board~~ CASE MANAGEMENT AGENCY or a service agency. The rules ~~shall~~ MUST include, but need not be limited to:

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

(c) ~~Delineation of a system to resolve contractual disputes between the department and designated community-centered boards or service agencies and between designated community-centered boards and service agencies, including the contesting of any rates that the designated community-centered boards charge to service agencies based upon a percentage of the rates that service agencies charge for services and supports;~~

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

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

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

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

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

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

27-10.5-105. Case management agencies - purchase of services and supports.

(1) Once a ~~community-centered board~~ CASE MANAGEMENT AGENCY has been designated pursuant to ~~section 25.5-10-209, C.R.S.~~, SECTION 25.5-6-1703 it shall, subject to available appropriations:

(a) Determine eligibility and develop an individualized plan for each person who receives LONG-TERM services or supports pursuant to ~~section 25.5-10-211, C.R.S.~~ SECTION 25.5-6-1704; except that, for a child from birth through two years of age, eligibility determination and development of an individualized family service plan ~~shall~~ MUST be made pursuant to part 7 of this ~~article~~ ARTICLE 10.5;

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

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

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

27-10.5-205. Powers and duties. (1) The state council shall:

(c) Review programs that provide LONG-TERM services and supports to persons with INTELLECTUAL AND developmental disabilities under contracts with state agencies and ~~community-centered boards~~ CASE MANAGEMENT AGENCIES as authorized by the state plan;

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

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

(3) "Certified early intervention service broker" or "broker" means a ~~community-centered board or other entity designated by the department of health care policy and financing pursuant to section 25.5-10-209, C.R.S.,~~ CASE MANAGEMENT AGENCY OR AN ENTITY, AS THOSE TERMS ARE DEFINED IN SECTION 25.5-6-1702, THAT HAS ENTERED INTO A CONTRACT WITH THE DEPARTMENT TO perform the duties and functions specified in section 27-10.5-708 in a particular ~~designated~~ DEFINED service area. Notwithstanding the provisions of section 27-10.5-104 (4), if the ~~department of health care policy and financing is unable to designate a community-centered board or other entity~~ THERE IS NOT A CASE MANAGEMENT AGENCY OR AN ENTITY AND THE DEPARTMENT IS UNABLE TO DESIGNATE AN ORGANIZATION to serve as the broker for a particular ~~designated~~ DEFINED service area, the department shall serve as the broker for the ~~designated~~ DEFINED service area and may contract directly with early intervention service providers to provide early intervention services to eligible children in the ~~designated~~ DEFINED service area.

SECTION 63. In Colorado Revised Statutes, 27-10.5-703, **amend** (3)(f), (3)(g), and (3)(h); and **add** (3)(i) as follows:

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

(f) To coordinate training and provide technical assistance to ~~community centered boards~~ CERTIFIED EARLY INTERVENTION SERVICE BROKERS, service providers, and other constituents who are involved in the delivery of early intervention services to infants and toddlers from birth through two years of age;

(g) To monitor and evaluate early intervention services provided through this part 7; ~~and~~

(h) To coordinate contracts, expenditures, and billing for early intervention services provided through this part 7; AND

(i) TO CERTIFY EARLY INTERVENTION SERVICE BROKERS WITHIN A DEFINED SERVICE AREA.

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

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

(a) To develop and implement, in coordination with ~~community centered boards~~ CERTIFIED EARLY INTERVENTION SERVICE BROKERS, service agencies, governmental units, and the departments of education, public health and environment, and health

care policy and financing, a statewide plan for public education, outreach, and awareness efforts related to child find and the availability of early intervention services;

(c) To ensure that intake and case management services are provided after a referral has been made by working with ~~community-centered boards as the single entry point~~ CERTIFIED EARLY INTERVENTION SERVICE BROKERS for a family into the ~~developmental disabilities system, as described in section 27-10.5-102 (3)~~ TO ACCESS EARLY INTERVENTION SERVICES AND SUPPORTS; and

(d) To work with ~~community-centered boards~~ CERTIFIED EARLY INTERVENTION SERVICE BROKERS, administrative units, and the department of education to assist a child with disabilities as ~~he or she~~ THE CHILD transitions from the developmental disabilities system into the public education system at no later than three years of age as required by IDEA.

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

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

(2) ~~Community-centered boards~~ Certified early intervention service brokers and service agencies receiving ~~moneys~~ MONEY pursuant to section 27-10.5-708 shall comply with all of the provisions of this ~~article~~ ARTICLE 10.5 and the rules promulgated pursuant to this ~~article~~ ARTICLE 10.5.

(3) ~~Community-centered boards and~~ Certified early intervention service brokers shall obtain or provide early intervention services, subject to available appropriations, including but not limited to:

(b) Coordination of early intervention services with local agencies and other community resources at the local level to avoid duplication and fragmentation of early intervention services. A ~~community-centered board~~ CERTIFIED EARLY INTERVENTION SERVICE BROKER shall:

(I) Coordinate with the local interagency effort regarding outreach, identification, screening, multidisciplinary assessment, and eligibility determination for families served by the ~~community-centered board~~ CERTIFIED EARLY INTERVENTION SERVICE BROKER who requested the services;

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

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

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

(3) Nothing in this part 7 ~~shall be construed to inhibit, encumber, or control~~ INHIBITS, ENCUMBERS, OR CONTROLS the use of local ~~moneys~~ MONEY, including county grants, revenues from local mill levies, and private grants and contributions, that a ~~community centered board~~ CERTIFIED EARLY INTERVENTION SERVICE BROKER or county government may elect to allocate for the benefit of eligible children.

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

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

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

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

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

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

(a) Coordination with the key stakeholders involved in the local community to ensure consistent and effective collaboration. This collaboration may include, but need not be limited to, a family advocacy organization, representatives of the juvenile court, the probation department, the district attorney's office, the public defender's office, a school district, the division of youth services within the department of human services, a county department of social or human services, a local community mental health center, and a regional behavioral health organization, and may include representatives of a local law enforcement agency, a county public health department, a substance use disorder treatment program, a ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, a local juvenile services planning committee, and other community partners;

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

and 25.5-10-226.

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

Approved: May 1, 2021