

## CHAPTER 342

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**HUMAN SERVICES - SOCIAL SERVICES**


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## SENATE BILL 21-276

BY SENATOR(S) Moreno, Hansen, Rankin, Bridges, Buckner, Cooke, Coram, Danielson, Fields, Ginal, Gonzales, Hisey, Kirkmeyer, Kolker, Lee, Lundeen, Pettersen, Priola, Smallwood, Sonnenberg, Story, Winter, Woodward, Zenzinger, Garcia; also REPRESENTATIVE(S) Herod and Ransom, McCluskie, Amabile, Bacon, Benavidez, Bernett, Bird, Boesenecker, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jackson, Jodeh, Kipp, Lontine, McCormick, Michaelson Jenet, Ortiz, Ricks, Roberts, Sandridge, Titone, Young.

## AN ACT

**CONCERNING RESIDENTIAL PLACEMENTS FOR CHILDREN WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 26-5-102, **amend** (3)(c), (3)(d), (3)(e), (3)(i), and (3)(j) 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) (c) On or before December 31, 2018, the state department shall contract with a licensed ~~provider~~ PROVIDERS for the delivery of services to children and youth with intellectual and developmental disabilities who are placed in the program. The state department shall utilize a request for proposal process to define the scope of the contract and to select the licensed ~~provider~~ PROVIDERS. THE PROVIDERS MUST BE APPROVED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AS SERVICE PROVIDERS FOR CHILDREN ELIGIBLE FOR ENROLLMENT IN THE CHILDREN'S HABILITATION RESIDENTIAL PROGRAM WAIVER ESTABLISHED PURSUANT TO SECTION 25.5-6-903.

(d) A county department that wishes to place a child or youth in the program shall submit an application to the state department for review. WITHIN SEVEN DAYS OF MAKING AN APPLICATION TO THE STATE DEPARTMENT FOR PLACEMENT OF A CHILD OR YOUTH IN THE PROGRAM, A COUNTY DEPARTMENT SHALL REFER THE CHILD OR YOUTH TO BE ASSESSED FOR ENROLLMENT IN THE CHILDREN'S HABILITATION RESIDENTIAL PROGRAM, OR ASSIST THE PARENT OR LEGAL GUARDIAN WHO RETAINS

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*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.*

LEGAL CUSTODY TO MAKE THE REFERRAL. THE COUNTY DEPARTMENT SHALL PROVIDE TO THE STATE DEPARTMENT EVIDENCE THAT THE COUNTY DEPARTMENT OR THE CHILD'S PARENT OR LEGAL GUARDIAN HAS REFERRED THE CHILD OR YOUTH FOR ENROLLMENT IN THE CHILDREN'S HABILITATION RESIDENTIAL PROGRAM OR EVIDENCE OF EITHER ENROLLMENT IN OR DENIAL OF ENROLLMENT IN THE CHILDREN'S HABILITATION RESIDENTIAL PROGRAM, DEPENDING ON WHETHER THE CHILD OR YOUTH IS ELIGIBLE OR INELIGIBLE FOR SUCH ENROLLMENT. The state department shall approve admissions into the program and determine discharge criteria for each placement. ENROLLMENT OF A CHILD OR YOUTH IN THE CHILDREN'S HABILITATION RESIDENTIAL PROGRAM DOES NOT CONSTITUTE AUTOMATIC PLACEMENT WITH A SERVICE PROVIDER CONTRACTED WITH PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION. A county department that has applied for the admission of a child or youth into the program shall MUST be notified in writing of a placement approved by the state department.

(e) For the duration of the treatment, as defined in the approval letter from the state department, and for thirty days after the completion of treatment, the county department responsible for the placement of the child or youth in the program must be reimbursed by the state department for one hundred percent of the costs associated with the approved placement. STATE DEPARTMENT SHALL REIMBURSE THE PROVIDER DIRECTLY FOR COSTS ASSOCIATED WITH THE PLACEMENT OF A CHILD OR YOUTH IN THE PROGRAM.

(i) Entities other than county departments, including but not limited to hospitals, health-care providers, single entry point agencies, and community-centered boards AND PROVIDERS OF CASE MANAGEMENT SERVICES, may refer a family to voluntarily apply for placement with a SERVICE PROVIDER CONTRACTED WITH PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION and MAY 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. THE ENTITY MAY REFER THE FAMILY TO A PROVIDER OF CASE MANAGEMENT SERVICES OR ASSIST THE FAMILY WITH THE PROCESS OF ENROLLING THE CHILD OR YOUTH IN THE CHILDREN'S HABILITATION RESIDENTIAL PROGRAM IF THE CHILD OR YOUTH IS ELIGIBLE. 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. A CHILD OR YOUTH WHO IS ELIGIBLE FOR ENROLLMENT IN THE CHILDREN'S HABILITATION RESIDENTIAL PROGRAM MUST BE ENROLLED.

(j) ANY FAMILY THAT IS VOLUNTARILY APPLYING FOR PLACEMENT WITH ASSISTANCE FROM any entity defined in subsection (3)(i) of this section that receives placement approval from the state department shall contract directly with the provider for such placement and is responsible for the costs associated with the placement SHALL WORK DIRECTLY WITH THE PROVIDER TO DETERMINE RESPONSIBILITY FOR PAYMENT.

**SECTION 2. Appropriation.** For the 2021-22 state fiscal year, \$1,162,912 is

appropriated to the department of human services for use by the division of child welfare. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.5 FTE. To implement this act, the division may use this appropriation for residential placements for children with intellectual and developmental disabilities. Any money appropriated in this section not expended prior to July 1, 2022, is further appropriated to the division for the 2022-23 state fiscal year for the same purpose.

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

Approved: June 25, 2021