

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 20-1363

BY REPRESENTATIVE(S) McCluskie and Ransom, Esgar;  
also SENATOR(S) Moreno and Rankin, Zenzinger, Cooke, Gardner,  
Hansen, Lee, Marble, Scott, Smallwood, Sonnenberg, Tate.

CONCERNING THE REPEAL OF THE REQUIREMENT THAT SERVICE PROVIDERS  
REPORT ON THE USE OF MONEY TO INCREASE THE REIMBURSEMENT  
RATE TO DIRECT SUPPORT PROFESSIONALS.

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

**SECTION 1.** In Colorado Revised Statutes, 25.5-6-406, **amend**  
(2)(f) and (2)(h) as follows:

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

(2) (f) (I) FOR THE 2018-19 THROUGH 2020-21 FISCAL YEARS, service  
agencies shall track ~~and report~~ how they used the funding resulting from the  
increase in the reimbursement rate pursuant to subsection (2)(c) of this  
section using a reporting tool developed by the state department in  
collaboration with service agencies. On or before December 31, 2019,  
service agencies shall submit the report to the state department  
demonstrating how the funding was used to increase direct support

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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.*

professional compensation for the 2018-19 fiscal year. ~~On or before December 31, 2020, and December 31, 2021, service agencies shall report to the state department how they maintained increases in compensation for direct support professionals for the 2019-20 and 2020-21 fiscal years, respectively.~~ The state department shall have ongoing discretion to request information from service agencies demonstrating how they maintained increases in compensation for direct support professionals beyond the three-year ~~reporting~~ TRACKING period.

(II) Service agencies shall maintain all books, documents, papers, accounting records, and other evidence required to support the ~~reporting~~ TRACKING of payroll information for increased compensation to direct support professionals pursuant to subsection (2)(f)(I) of this section for at least three years from the ~~reporting deadlines described in subsection (2)(f)(I) of this section~~ for END OF each respective fiscal year. Service agencies shall make the information and materials available for inspection by the state department or its designees at all reasonable times.

(h) If the state department determines that the service agency did not use the funding resulting from the increase in the reimbursement rate pursuant to subsection (2)(c) of this section as required, within one year after the ~~close of each reporting period~~ END OF EACH FISCAL YEAR described in subsection (2)(f)(I) of this section, the state department shall notify the service agency in writing of the state department's intention to recoup funds pursuant to subsection (2)(g) of this section.

**SECTION 2. 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.

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KC Becker  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

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Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

\_\_\_\_\_  
Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

\_\_\_\_\_  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO