

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 21-0306.01 Shelby Ross x4510

**HOUSE BILL 21-1187**

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**A BILL FOR AN ACT**

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

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
April 5, 2021

HOUSE  
Amended 2nd Reading  
April 1, 2021

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

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

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

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

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

4 PART 17

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

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

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

1 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

25 (5) "COMMUNITY-CENTERED BOARD" MEANS A PRIVATE  
26 FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT IS AN  
27 ADMINISTRATOR OF LOCALLY GENERATED FUNDING PURSUANT TO SECTION

1 25.5-10-206 (6) AND ACTS AS A RESOURCE FOR PERSONS WITH AN  
2 INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR A CHILD WITH A  
3 DEVELOPMENTAL DELAY.

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

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

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

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

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

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

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

7 (13) "PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL  
8 DISABILITY" HAS THE SAME MEANING AS SET FORTH IN SECTION 25.5-6-403  
9 (3.3)(b).

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

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

15 **25.5-6-1703. Case management system - defined service areas**  
16 **- case management services - only willing and qualified provider**  
17 **exemption - rules.** (1) NO LATER THAN JULY 1, 2024, THE STATE BOARD  
18 SHALL ADOPT RULES PROVIDING FOR THE ESTABLISHMENT OF A CASE  
19 MANAGEMENT SYSTEM THAT CONSISTS OF CASE MANAGEMENT AGENCIES  
20 THROUGHOUT THE STATE FOR THE PURPOSE OF ENABLING INDIVIDUALS IN  
21 NEED OF LONG-TERM CARE TO ACCESS APPROPRIATE LONG-TERM SERVICES  
22 AND SUPPORTS. MEMBERS IN NEED OF SPECIALIZED ASSISTANCE MAY BE  
23 REFERRED TO OTHER SERVICES OUTSIDE OF LONG-TERM SERVICES AND  
24 SUPPORTS, AS NECESSARY FOR ADDITIONAL CARE COORDINATION.

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

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

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

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

13 (5) A CASE MANAGEMENT AGENCY MAY PROVIDE CASE  
14 MANAGEMENT SERVICES TO PRIVATE PAYING INDIVIDUALS ON A  
15 FEE-FOR-SERVICE BASIS AND SHALL PROVIDE CASE MANAGEMENT  
16 SERVICES TO MEMBERS OF PUBLICLY FUNDED LONG-TERM SERVICES AND  
17 SUPPORTS PROGRAMS, INCLUDING BUT NOT LIMITED TO PROGRAMS  
18 CREATED PURSUANT TO THIS ARTICLE 6 AND ARTICLE 10 OF THIS TITLE  
19 25.5.

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

27 (7) THE STATE BOARD SHALL UTILIZE A STAKEHOLDER PROCESS

1 WHEN PROMULGATING RULES TO IMPLEMENT THIS SECTION.

2 **25.5-6-1704. Intellectual and developmental disability**  
3 **determination - functional eligibility determination - rules.**

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

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

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

26 (4) SUBJECT TO AVAILABLE APPROPRIATIONS PURSUANT TO  
27 SECTION 25.5-10-206 AND TO THE CAPACITY OF A SERVICE PROVIDER, THE

1 PERSON MUST BE PROVIDED OPTIONS FOR LONG-TERM SERVICES AND  
2 SUPPORTS WITHIN THE DEFINED SERVICE AREA THAT CAN APPROPRIATELY  
3 MEET THE PERSON'S IDENTIFIED NEEDS, PURSUANT TO THIS SECTION.

4 **25.5-6-1705. Person-centered support plan.** (1) EACH MEMBER  
5 RECEIVING SERVICES SHALL HAVE A PERSON-CENTERED SUPPORT PLAN, OR  
6 A SIMILAR PLAN SPECIFIED BY THE STATE DEPARTMENT, DEVELOPED AND  
7 MANAGED BY A CASE MANAGEMENT AGENCY OR AN ENTITY, AND SUBJECT  
8 TO REVIEW AND APPROVAL PURSUANT TO SECTION 25.5-6-404. THE  
9 PERSON-CENTERED SUPPORT PLAN SHALL:

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

12 (b) DESCRIBE THE SERVICES NECESSARY TO AVOID  
13 INSTITUTIONALIZATION;

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

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

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

21 (3) A PERSON-CENTERED SUPPORT PLAN IS NOT REQUIRED FOR A  
22 PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR A  
23 DEVELOPMENTAL DELAY WHO IS ELIGIBLE FOR LONG-TERM SERVICES AND  
24 SUPPORTS AND WHO IS ON A WAITING LIST FOR ENROLLMENT INTO A  
25 PROGRAM FUNDED PURSUANT TO ARTICLE 10 OF THIS TITLE 25.5. EACH  
26 CASE MANAGEMENT AGENCY SHALL PROVIDE INFORMATION AND  
27 REFERRAL SERVICES TO EACH MEMBER ON THE WAITING LIST FOR



1 ENROLLMENT IN A PROGRAM AT THE TIME OF THE MEMBER'S ELIGIBILITY  
2 AND ANNUALLY THEREAFTER, REGARDING LONG-TERM SERVICES AND  
3 SUPPORTS THAT ARE RELEVANT TO PERSONS AND ARE COMMONLY USED BY  
4 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND A  
5 DEVELOPMENTAL DELAY AS PROVIDED BY RULES PROMULGATED BY THE  
6 STATE BOARD. THE CRITERIA FOR INFORMATION AND REFERRAL MUST BE  
7 UNIFORM IN NATURE AND APPLIED THROUGHOUT THE STATE IN A  
8 CONSISTENT MANNER.

9 **25.5-6-1706. Termination of long-term services and supports**  
10 **for member receiving services.** (1) A MEMBER RECEIVING LONG-TERM  
11 SERVICES AND SUPPORTS PURSUANT TO THIS ARTICLE 6 OR ARTICLE 10 OF  
12 THIS TITLE 25.5 MUST BE TERMINATED FROM LONG-TERM SERVICES AND  
13 SUPPORTS UPON A DETERMINATION, MADE PURSUANT TO THE  
14 PERSON-CENTERED SUPPORT PLANNING PROCESS, THAT THE LONG-TERM  
15 SERVICES AND SUPPORTS ARE NO LONGER NECESSARY. PRIOR TO THE  
16 EFFECTIVE DATE OF THE TERMINATION, NOTIFICATION OF TERMINATION  
17 MUST BE GIVEN TO THE MEMBER RECEIVING SERVICES, THE PARENTS OR  
18 GUARDIAN OF A MINOR RECEIVING SERVICES, AND THE PERSON'S LEGAL  
19 GUARDIAN OR OTHER LEGAL REPRESENTATIVE WHEN APPLICABLE. A  
20 MEMBER TERMINATED FROM SERVICES PURSUANT TO THIS SUBSECTION (1)  
21 HAS A RIGHT TO CHALLENGE THE TERMINATION IN ACCORDANCE WITH  
22 STATE DEPARTMENT RULES.

23 (2) WHEN A MEMBER RECEIVING SERVICES NOTIFIES THE CASE  
24 MANAGEMENT AGENCY THAT THE MEMBER NO LONGER WISHES TO  
25 RECEIVE LONG-TERM SERVICES AND SUPPORTS, THE MEMBER MUST BE  
26 TERMINATED FROM LONG-TERM SERVICES AND SUPPORTS UNLESS THE  
27 MEMBER IS SUBJECT TO A PETITION TO IMPOSE A LEGAL DISABILITY OR TO

1 REMOVE A LEGAL RIGHT, FILED PURSUANT TO SECTION 25.5-10-216, OR  
2 THE MEMBER HAS A LEGAL GUARDIAN OR OTHER LEGAL REPRESENTATIVE  
3 APPOINTED AFFECTING THE MEMBER'S ABILITY TO VOLUNTARILY  
4 TERMINATE LONG-TERM SERVICES AND SUPPORTS. THE PARENTS OF A  
5 MINOR WHO IS RECEIVING LONG-TERM SERVICES AND SUPPORTS AND THE  
6 MINOR'S GUARDIAN MUST BE NOTIFIED OF THE MINOR'S WISH TO  
7 TERMINATE LONG-TERM SERVICES AND SUPPORTS, BUT NO MINOR'S  
8 LONG-TERM SERVICES AND SUPPORTS WILL BE TERMINATED WITHOUT THE  
9 CONSENT OF THE MINOR'S PARENT OR LEGAL GUARDIAN.

10 **25.5-6-1707. Records and confidentiality of information.** (1) A  
11 RECORD FOR EACH MEMBER RECEIVING SERVICES MUST BE DILIGENTLY  
12 MAINTAINED BY THE CASE MANAGEMENT AGENCY OR THE ENTITY. THE  
13 RECORD MUST INCLUDE, BUT NOT BE LIMITED TO, INFORMATION  
14 PERTAINING TO THE DETERMINATION OF ELIGIBILITY FOR SERVICES AND  
15 THE PERSON-CENTERED SUPPORT PLAN. THE RECORD IS NOT A PUBLIC  
16 RECORD FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART  
17 2 OF ARTICLE 72 OF TITLE 24.

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

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

1 SERVICES;

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

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

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

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

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

25 (g) TO SAFEGUARD THE HEALTH AND SAFETY OF AN AT-RISK  
26 MEMBER BY COORDINATING APPROPRIATE SERVICES AND MEDICAL  
27 SUPPORTS;

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

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

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

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

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

14 (4) NOTHING IN THIS SECTION INTERFERES WITH THE PROTECTIONS  
15 AFFORDED TO A PERSON UNDER THE FEDERAL "HEALTH INSURANCE  
16 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 1320d,  
17 AND THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF  
18 1974", 20 U.S.C. SEC. 1232g.

19 **25.5-6-1708. Performance audits - Colorado local government**  
20 **audit law - public disclosure of board administration and operations.**

21 (1) THE STATE AUDITOR MAY CONDUCT OR CAUSE TO BE CONDUCTED A  
22 PERFORMANCE AUDIT THAT INCLUDES EACH CASE MANAGEMENT AGENCY  
23 OR EACH ENTITY THAT RECEIVES MORE THAN SEVENTY-FIVE PERCENT OF  
24 ITS FUNDING ON AN ANNUAL BASIS FROM THE FEDERAL, THE STATE, OR A  
25 LOCAL GOVERNMENT OR FROM ANY COMBINATION OF GOVERNMENTAL  
26 ENTITIES TO DETERMINE WHETHER THE BOARD OF DIRECTORS OR THE  
27 GOVERNING BODY IS EFFECTIVELY AND EFFICIENTLY FULFILLING ITS

1 STATUTORY OBLIGATIONS. A CASE MANAGEMENT AGENCY OR AN ENTITY  
2 BECOMES SUBJECT TO THE AUDIT REQUIREMENT UNDER THIS SUBSECTION  
3 (1) AT THE TIME THE CASE MANAGEMENT AGENCY OR THE ENTITY  
4 INITIALLY SATISFIES THE SEVENTY-FIVE PERCENT FUNDING REQUIREMENT  
5 FOR ANY ONE YEAR REGARDLESS OF WHETHER OR NOT THE FUNDING LEVEL  
6 DECREASES BELOW SEVENTY-FIVE PERCENT IN ANY SUBSEQUENT YEAR.  
7 THE STATE AUDITOR SHALL SUBMIT A WRITTEN REPORT AND  
8 RECOMMENDATIONS ON EACH AUDIT CONDUCTED PURSUANT TO THIS  
9 SUBSECTION (1) AND SHALL PRESENT THE REPORT AND  
10 RECOMMENDATIONS TO THE LEGISLATIVE AUDIT COMMITTEE CREATED IN  
11 SECTION 2-3-101 (1). THE STATE AUDITOR SHALL PAY THE COSTS OF ANY  
12 PERFORMANCE AUDIT CONDUCTED PURSUANT TO THIS SECTION.

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

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

21 (a) THE CASE MANAGEMENT AGENCY OR THE ENTITY SHALL POST  
22 THE DATE, TIME, AND LOCATION OF EACH REGULARLY SCHEDULED  
23 MEETING OF THE BOARD OF DIRECTORS OR THE GOVERNING BODY ON THE  
24 WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY NOT LESS  
25 THAN FOURTEEN BUSINESS DAYS BEFORE THE MEETING. THE CASE  
26 MANAGEMENT AGENCY OR THE ENTITY SHALL POST THE DATE, TIME, AND  
27 LOCATION OF ANY SPECIAL OR EMERGENCY MEETING OF THE BOARD OF

1 DIRECTORS OR THE GOVERNING BODY ON THE WEBSITE OF THE CASE  
2 MANAGEMENT AGENCY OR THE ENTITY NOT LESS THAN TWENTY-FOUR  
3 HOURS BEFORE THE MEETING.

4 (b) EACH CASE MANAGEMENT AGENCY OR EACH ENTITY SHALL  
5 POST THE AGENDA FOR EACH MEETING OF THE BOARD OF DIRECTORS OR  
6 THE GOVERNING BODY ON THE WEBSITE OF THE CASE MANAGEMENT  
7 AGENCY OR THE ENTITY NOT LESS THAN SEVEN BUSINESS DAYS BEFORE  
8 THE MEETING. THE CASE MANAGEMENT AGENCY OR THE ENTITY SHALL  
9 POST THE AGENDA OF ANY SPECIAL OR EMERGENCY MEETING OF THE  
10 BOARD OF DIRECTORS OR THE GOVERNING BODY ON THE WEBSITE OF THE  
11 CASE MANAGEMENT AGENCY OR THE ENTITY NOT LESS THAN  
12 TWENTY-FOUR HOURS BEFORE THE MEETING. EACH MEETING OF THE  
13 BOARD OF DIRECTORS OR THE GOVERNING BODY MUST ALLOW FOR PUBLIC  
14 COMMENT, AND THE AGENDA MUST REFLECT THIS REQUIREMENT. PUBLIC  
15 COMMENT MUST BE REASONABLY PERMITTED DURING THE BOARD'S OR THE  
16 GOVERNING BODY'S MEETING TO ACCOMMODATE COMMUNITY NEEDS. ANY  
17 DOCUMENTS RELATED TO FUNCTIONS OF THE CASE MANAGEMENT AGENCY  
18 OR THE ENTITY TO BE DISTRIBUTED AT A MEETING OF THE BOARD OF  
19 DIRECTORS OR THE GOVERNING BODY THAT ARE AVAILABLE FOR PUBLIC  
20 DISSEMINATION AT THE TIME THE AGENDA IS POSTED MUST ALSO BE  
21 POSTED ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE  
22 ENTITY AT THE TIME THE AGENDA IS POSTED. WRITTEN COPIES OF THE  
23 DOCUMENTS MUST BE MADE AVAILABLE FOR PUBLIC DISSEMINATION AT  
24 THE BOARD OF DIRECTORS' OR THE GOVERNING BODY'S MEETING; EXCEPT  
25 THAT THE POSTING REQUIREMENT SPECIFIED IN THIS SUBSECTION (3)(b)  
26 DOES NOT APPLY TO ANY DOCUMENT, OR ANY PORTION OF A DOCUMENT,  
27 THE DISCLOSURE OF WHICH REQUIRES THE APPROVAL OF THE BOARD OF

1 DIRECTORS OR THE GOVERNING BODY AND WHICH APPROVAL HAS NOT  
2 BEEN OBTAINED AT THE TIME THE AGENDA IS POSTED OR ANY OTHER  
3 DOCUMENT, OR ANY PORTION OF A DOCUMENT, CONTAINING ANY  
4 INFORMATION THAT IS LEGALLY PROHIBITED FROM BEING DISCLOSED TO  
5 THE PUBLIC PURSUANT TO THE PRIVACY REQUIREMENTS SPECIFIED IN THE  
6 FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT  
7 OF 1996", 42 U.S.C. SEC. 1320d, ANY DOCUMENT THAT HAS BEEN OR WILL  
8 BE DISCUSSED BY THE BOARD OF DIRECTORS OR THE GOVERNING BODY  
9 MEETING IN EXECUTIVE SESSION, OR ANY OTHER DOCUMENT THE  
10 DISCLOSURE OF WHICH IS OTHERWISE PROHIBITED BY LAW.

11 (c) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL  
12 PROVIDE A DIRECT E-MAIL ADDRESS TO EACH MEMBER OF THE BOARD OF  
13 DIRECTORS OR THE GOVERNING BODY ON THE WEBSITE OF THE CASE  
14 MANAGEMENT AGENCY OR THE ENTITY. THE E-MAIL ADDRESS SELECTED  
15 MUST SPECIFY THE NAME OF THE INDIVIDUAL BOARD OR GOVERNING BODY  
16 MEMBER AND MAKE REFERENCE TO THE PARTICULAR CASE MANAGEMENT  
17 AGENCY OR ENTITY FOR WHICH THE BOARD OR GOVERNING BODY MEMBER  
18 SERVES AS A MEMBER OF THE BOARD OF DIRECTORS OR THE GOVERNING  
19 BODY. AN E-MAIL THAT IS SENT TO A MEMBER OF THE BOARD OF  
20 DIRECTORS OR THE GOVERNING BODY OF A CASE MANAGEMENT AGENCY  
21 OR AN ENTITY MUST NOT BE FILTERED BY THE CASE MANAGEMENT  
22 AGENCY OR THE ENTITY THROUGH AN EMPLOYEE OF THE CASE  
23 MANAGEMENT AGENCY OR THE ENTITY BEFORE IT IS SENT TO THE BOARD  
24 OR GOVERNING BODY MEMBER.

25 (d) THE BOARD OF DIRECTORS OR THE GOVERNING BODY OF EACH  
26 CASE MANAGEMENT AGENCY OR EACH ENTITY SHALL PRESENT THE  
27 FINANCIAL STATEMENTS OF THE ORGANIZATION FOR THE APPROVAL OF THE

1 BOARD OF DIRECTORS OR THE GOVERNING BODY AT EACH REGULARLY  
2 SCHEDULED MEETING OF THE BOARD OF DIRECTORS OR THE GOVERNING  
3 BODY. THE FINANCIAL STATEMENTS MUST REFLECT ACCURATE AND  
4 CURRENT FINANCIAL INFORMATION AND BE PREPARED USING GENERALLY  
5 ACCEPTED ACCOUNTING PRINCIPLES. WHERE EXIGENT CIRCUMSTANCES  
6 ARE PRESENT THAT MATERIALLY AFFECT THE PREPARATION OF THE  
7 FINANCIAL STATEMENTS ON A MONTHLY BASIS, THE STATEMENTS MAY BE  
8 PRESENTED FOR THE APPROVAL OF THE BOARD OF DIRECTORS OR THE  
9 GOVERNING BODY AT THE NEXT REGULARLY SCHEDULED MEETING OF THE  
10 BOARD OF DIRECTORS OR THE GOVERNING BODY BUT NOT LESS THAN AT  
11 LEAST ONCE EACH QUARTER OF THE CALENDAR YEAR.

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

19 (f) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL  
20 PROVIDE TO THE INCOMING MEMBERS OF THE BOARD OF DIRECTORS OR THE  
21 GOVERNING BODY TRAINING IN SUCH TOPICS AS THE DUTIES OF A BOARD  
22 OR GOVERNING BODY MEMBER, THE FINANCIAL AND FIDUCIARY  
23 RESPONSIBILITIES ASSUMED BY BOARD OR GOVERNING BODY MEMBERS,  
24 THE INTELLECTUAL AND DEVELOPMENTAL DISABILITY AND LONG-TERM  
25 SERVICES AND SUPPORTS SYSTEM IN THE STATE, THE OVERALL BUSINESS  
26 FUNCTIONS OF THE CASE MANAGEMENT AGENCY OR THE ENTITY, AND ANY  
27 OTHER MATTERS THAT WILL, IN THE DETERMINATION OF THE CASE



1 MANAGEMENT AGENCY OR THE ENTITY, ALLOW THE BOARD OR GOVERNING  
2 BODY MEMBER TO BETTER UNDERSTAND AND FULFILL THE BOARD OR  
3 GOVERNING BODY MEMBER'S OBLIGATIONS TO THE BOARD OF DIRECTORS  
4 OR THE GOVERNING BODY AND THE CASE MANAGEMENT AGENCY OR THE  
5 ENTITY AND THE ROLE PLAYED BY THE CASE MANAGEMENT AGENCY OR  
6 THE ENTITY IN THE STATE IN CONNECTION WITH THE DELIVERY OF  
7 SERVICES FOR MEMBERS RECEIVING SERVICES PURSUANT TO THIS ARTICLE  
8 6 AND ARTICLE 10 OF THIS TITLE 25.5; AND

9 (g) EACH CASE MANAGEMENT AGENCY AND EACH ENTITY SHALL  
10 POST ON THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY  
11 THE MINUTES OF EACH MEETING OF ITS BOARD OF DIRECTORS OR ITS  
12 GOVERNING BODY AS THE MINUTES ARE APPROVED BY THE BOARD OF  
13 DIRECTORS OR THE GOVERNING BODY. EACH CASE MANAGEMENT AGENCY  
14 AND EACH ENTITY SHALL ALSO POST ON THE WEBSITE OF THE CASE  
15 MANAGEMENT AGENCY OR THE ENTITY ANY ADDITIONAL DOCUMENTS  
16 THAT WERE DISTRIBUTED TO THE BOARD OR GOVERNING BODY AT THE  
17 MEETING THAT WERE NOT, AS OF THAT DATE, ALREADY POSTED ON THE  
18 WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY UNLESS THE  
19 PUBLIC DISTRIBUTION OF THE DOCUMENTS, OR ANY PORTION OF THE  
20 DOCUMENTS, IS OTHERWISE PROHIBITED PURSUANT TO THE PRIVACY  
21 REQUIREMENTS SPECIFIED IN THE FEDERAL "HEALTH INSURANCE  
22 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 1320d,  
23 OR AS OTHERWISE PROHIBITED BY LAW. MINUTES OF SPECIAL MEETINGS OF  
24 THE BOARD OF DIRECTORS OR THE GOVERNING BODY MUST BE POSTED ON  
25 THE WEBSITE OF THE CASE MANAGEMENT AGENCY OR THE ENTITY AFTER  
26 APPROVAL BY THE BOARD OF DIRECTORS OR THE GOVERNING BODY AT THE  
27 BOARD'S OR GOVERNING BODY'S NEXT REGULAR MEETING.

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

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

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

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

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

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

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

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

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

27 (6) THIS SECTION DOES NOT APPLY TO A COUNTY AGENCY,

1 INCLUDING A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A  
2 COUNTY NURSING SERVICE, AN AREA AGENCY ON AGING, OR A  
3 MULTICOUNTY AGENCY ACTING AS A CASE MANAGEMENT AGENCY THAT  
4 ALREADY HAS EXISTING OR DUPLICATIVE AUDIT AND TRANSPARENCY  
5 REQUIREMENTS.

6 **25.5-6-1709. Community-centered board designation - rules.**

7 THE STATE DEPARTMENT SHALL DEVELOP A PROCESS TO DESIGNATE LOCAL  
8 OR REGIONAL ORGANIZATIONS AS COMMUNITY-CENTERED BOARDS. THE  
9 STATE DEPARTMENT SHALL PROMULGATE RULES OUTLINING THE  
10 DESIGNATION PROCESS NO LATER THAN JULY 1, 2024. ANY CONTRACTS OR  
11 AGREEMENTS ENTERED INTO PURSUANT TO THIS SECTION ARE EXEMPT  
12 FROM THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

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

15 **2-3-103.7. Disclosure of reports before filing.** (1) Any state  
16 employee or other individual acting in an oversight role as a member of  
17 a committee, board, or commission, or any employee or other individual  
18 acting in an oversight role with respect to any audit conducted pursuant  
19 to sections 2-3-120, 2-3-123, 10-22-105 (4)(c), ~~and 25.5-10-209 (4)~~ AND  
20 25.5-6-1708 (1), who willfully and knowingly discloses the contents of  
21 any report prepared by or at the direction of the state auditor's office prior  
22 to the release of such report by a majority vote of the committee as  
23 provided in section 2-3-103 (2) is guilty of a misdemeanor and, upon  
24 conviction thereof, shall be punished by a fine of not more than five  
25 hundred dollars.

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

1 follows:

2 **2-3-107. Authority to subpoena witnesses - access to records.**

3 (2) (a) (I) Notwithstanding any provision of law to the contrary, the state  
4 auditor or ~~his or her~~ THE STATE AUDITOR'S designated representative shall  
5 have access at all times, except as provided by sections 39-1-116,  
6 39-4-103, and 39-5-120, to all of the books, accounts, reports, vouchers,  
7 or other records or information in any department, institution, or agency,  
8 including but not limited to records or information required to be kept  
9 confidential or exempt from public disclosure upon subpoena, search  
10 warrant, discovery proceedings, or otherwise. The authority of the state  
11 auditor or ~~his or her~~ THE STATE AUDITOR'S designated representative to  
12 access at all times the books, accounts, reports, vouchers, or other records  
13 or information in accordance with this subsection (2)(a) also extends to  
14 any fiscal or performance audit the state auditor or ~~his or her~~ THE STATE  
15 AUDITOR'S designated representative conducts of:

16 (D) Community-centered boards, ~~in accordance with section~~  
17 ~~25.5-10-209 (4)~~ AS DEFINED IN SECTION 25.5-6-1702 (5); AND

18 (E) CASE MANAGEMENT AGENCIES IN ACCORDANCE WITH SECTION  
19 25.5-6-1708 (1).

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

22 **8-40-301. Scope of term "employee" - definition.** (7) Persons  
23 who provide host home services as part of residential services and  
24 supports, as described in section 25.5-10-206 (1)(e), ~~€R.S.~~, for an  
25 eligible person, as defined in section 25.5-6-403 (2)(a), ~~€R.S.~~, pursuant  
26 to the "Home- and Community-based Services for Persons with  
27 Developmental Disabilities Act", part 4 of article 6 of title 25.5, ~~€R.S.~~,

1 and pursuant to a contract ~~with a community-centered board designated~~  
2 ~~pursuant to section 25.5-10-209, C.R.S., or a contract with a service~~  
3 ~~agency as defined in section 25.5-10-202, C.R.S., shall~~ SECTION  
4 25.5-10-202 (34) ARE not be considered employees of the  
5 ~~community-centered board or the service agency.~~

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

9 **13-21-117.5. Civil liability - intellectual and developmental**  
10 **disability service providers - definitions. (2) Definitions.** As used in  
11 this section, unless the context otherwise requires:

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

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

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

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

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

1 10.5 of title 27.

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

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

18 (5) No action in tort under this section may be maintained on  
19 behalf of, for, or by a person with ~~a~~ AN INTELLECTUAL AND developmental  
20 disability or by a family member of a person with ~~a~~ AN INTELLECTUAL  
21 AND developmental disability against a provider unless ~~that~~ THE person  
22 claiming to have suffered an injury or grievance or ~~that~~ THE person's  
23 guardian or representative has filed for dispute resolution or other  
24 applicable intervention, if any, by the department ~~department of health~~  
25 ~~care policy and financing~~, OR A case management agency ~~or~~  
26 ~~community-centered board~~ pursuant to rules promulgated under ~~article 10~~  
27 ARTICLE 6 OR 10 of title 25.5 or article 10.5 of title 27 within one year

1 after the date of the discovery of the injury or grievance, regardless of  
2 whether the person then knew all of the elements of a claim or of a cause  
3 of action for such injury or grievance. Compliance with ~~the provisions of~~  
4 this subsection (5), documented by a letter from the department ~~or the~~  
5 ~~department of health care policy and financing~~ certifying that any and all  
6 ~~such~~ interventions and dispute resolution procedures, with either the  
7 department ~~department of health care policy and financing~~, OR A case  
8 management agency ~~or community-centered board~~ applicable to the  
9 matter at hand have been exhausted, or by submission of evidence that  
10 such an intervention or dispute resolution request has been filed and no  
11 action has been taken by the department ~~or the department of health care~~  
12 ~~policy and financing~~ within ninety days, is a jurisdictional prerequisite to  
13 any action brought under the provisions of this section, and failure of  
14 compliance forever bars any such action and must result in a dismissal of  
15 any claim with prejudice. Certification by the department ~~or the~~  
16 ~~department of health care policy and financing~~ that all applicable  
17 interventions and dispute resolution procedures have been exhausted ~~shall~~  
18 DOES not result in ~~such~~ THE department becoming a party to the tort claim  
19 action.

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

25 (10) ~~Community-centered boards~~, Case management agencies and  
26 service agencies ~~shall~~ have the authority to move a person with ~~a~~ AN  
27 INTELLECTUAL AND developmental disability from any residential setting



1 that they operate ~~or for which they contract, directly or indirectly~~, UNDER  
2 MEDICAID AUTHORITY if the ~~community-centered board~~, case management  
3 agency or service agency believes that the person with a AN  
4 INTELLECTUAL AND developmental disability may be at risk of abuse,  
5 neglect, mistreatment, exploitation, or other harm in such setting. If a  
6 person is moved for one of the aforementioned reasons, the  
7 person-centered planning required by this subsection (10) must occur as  
8 soon as possible following the move. In the absence of willful and wanton  
9 acts or omissions, ~~community-centered boards~~, case management  
10 agencies and service agencies have no civil liability for exercising such  
11 authority or for termination of any related contracts if ~~such~~ THE risk is  
12 substantiated by investigation pursuant to the rules of the department. ~~or~~  
13 ~~the rules of the department of health care policy and financing.~~

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

16 **18-6.5-108. Mandatory reports of mistreatment of at-risk**  
17 **elders and at-risk adults with IDD - list of reporters - penalties.**

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

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

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

24 **19-1-116. Funding - alternatives to placement out of the home**  
25 **- services to prevent continued involvement in child welfare system.**

26 (2) (a) The county commissioners in each county may appoint a  
27 placement alternatives commission consisting, where possible, of a

1 physician or a licensed health professional, an attorney, representatives  
2 of a local law enforcement agency, representatives recommended by the  
3 court and probation department, representatives from the county  
4 department of human or social services, a local mental health clinic, and  
5 the county, district, or municipal public health agency, a representative of  
6 a local school district specializing in special education, a representative  
7 of a local ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS  
8 DEFINED IN SECTION 25.5-6-1702, representatives of a local residential  
9 child care facility and a private nonprofit agency providing nonresidential  
10 services for children and families, a representative specializing in  
11 occupational training or employment programs, a foster parent, and one  
12 or more representatives of the lay community. At least fifty percent of the  
13 commission members must represent the private sector. The county  
14 commissioners of two or more counties may jointly establish a district  
15 placement alternatives commission. A placement alternatives commission  
16 may be consolidated with other local advisory boards pursuant to section  
17 24-1.7-103.

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

20 **19-2-508. Detention and temporary shelter - hearing - time**  
21 **limits - findings - review - confinement with adult offenders -**  
22 **restrictions.** (3) (b) (I) If it appears that any juvenile being held in  
23 detention or temporary shelter may have an intellectual and  
24 developmental disability, as provided in article 10.5 of title 27, the court  
25 or detention personnel shall refer the juvenile to the nearest  
26 ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN  
27 SECTION 25.5-6-1702, for an eligibility determination. If it appears that

1 any juvenile being held in a detention or temporary shelter facility  
2 pursuant to the provisions of this article 2 may have a mental health  
3 disorder, as provided in sections 27-65-105 and 27-65-106, the intake  
4 personnel or other appropriate personnel shall contact a mental health  
5 professional to do a mental health hospital placement prescreening on the  
6 juvenile. The court ~~shall~~ MUST be notified of the contact and may take  
7 appropriate action. If a mental health hospital placement prescreening is  
8 requested, it must be conducted in an appropriate place accessible to the  
9 juvenile and the mental health professional. A request for a mental health  
10 hospital placement prescreening must not extend the time within which  
11 a detention hearing must be held pursuant to this section. If a detention  
12 hearing has been set but has not yet occurred, the mental health hospital  
13 placement prescreening must be conducted prior to the hearing; except  
14 that the prescreening must not extend the time within which a detention  
15 hearing must be held.

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

18 **19-2-906. Sentencing hearing.** (2) If the court has reason to  
19 believe that the juvenile may have an intellectual and developmental  
20 disability, the court shall refer the juvenile to the ~~community-centered~~  
21 ~~board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702,  
22 in the ~~designated~~ DEFINED service area where the action is pending for an  
23 eligibility determination pursuant to article 10.5 of title 27. If the court  
24 has reason to believe that the juvenile may have a behavioral or mental  
25 health disorder, the court shall order a mental health hospital placement  
26 prescreening to be conducted in any appropriate place.

27 **SECTION 10.** In Colorado Revised Statutes, 19-3-403, **amend**

1 (4)(a) as follows:

2 **19-3-403. Temporary custody - hearing - time limits -**  
3 **restriction - rules.** (4) (a) If it appears that any child being held in a  
4 shelter facility may have an intellectual and developmental disability, as  
5 provided in article 10.5 of title 27, the court shall refer the child to the  
6 nearest ~~community-centered board~~ CASE MANAGEMENT AGENCY, AS  
7 DEFINED IN SECTION 25.5-6-1702, for an eligibility determination. If it  
8 appears that any child being held in a shelter facility pursuant to ~~the~~  
9 ~~provisions of~~ this article 3 may have a mental health disorder, as provided  
10 in sections 27-65-105 and 27-65-106, the intake personnel or other  
11 appropriate personnel shall contact a mental health professional to do a  
12 mental health disorder prescreening on the child. The court ~~shall~~ MUST be  
13 notified of the contact and may take appropriate action. If a mental health  
14 disorder prescreening is requested, it ~~shall~~ MUST be conducted in an  
15 appropriate place accessible to the child and the mental health  
16 professional. A request for a mental health disorder prescreening must not  
17 extend the time within which a hearing is to be held pursuant to this  
18 section. If a hearing has been set but has not yet occurred, the mental  
19 health disorder prescreening ~~shall~~ MUST be conducted prior to the hearing;  
20 except that the prescreening must not extend the time within which a  
21 hearing is to be held pursuant to this section.

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

24 **19-3-506. Child with a mental health disorder or an**  
25 **intellectual and developmental disability - procedure.** (1) (a) If it  
26 appears from the evidence presented at an adjudicatory hearing or  
27 otherwise that a child may have an intellectual and developmental

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

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

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

15 **19-3-507. Dispositional hearing.** (2) If the court has reason to  
16 believe that the child may have an intellectual and developmental  
17 disability, the court shall refer the child to the ~~community-centered board~~  
18 CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, in the  
19 ~~designated~~ DEFINED service area where the action is pending for an  
20 eligibility determination pursuant to ARTICLE 6 OF TITLE 25.5 OR article  
21 10.5 of title 27. If the court has reason to believe that the child may have  
22 a behavioral or mental health disorder, the court shall order a behavioral  
23 or mental health disorder prescreening to be conducted in any appropriate  
24 place.

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

27 **22-20-106. Special education programs - early intervening**

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

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

9 **22-20-107. Authority to contract with institutions of higher**  
10 **education or case management agencies.** (1) An administrative unit  
11 may contract with an institution of higher education, ~~or a~~  
12 ~~community-centered board~~ CASE MANAGEMENT AGENCY, OR AN ENTITY,  
13 AS THOSE TERMS ARE DEFINED IN SECTION 25.5-6-1702, as provided in  
14 section 25.5-10-206, ~~C.R.S.~~, for the provision by the administrative unit  
15 of an education and training program for children with disabilities. If an  
16 agreement is arrived at by the two agencies, the administrative unit shall  
17 place the responsibility for administering the program with the director  
18 of special education of the administrative unit.

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

21 **22-20-118. Child find from birth through two years of age -**  
22 **responsibilities - rules - interagency operating agreements - funding.**

23 (2) The administrative units shall:  
24 (a) Establish local-level interagency operating agreements with  
25 ~~community-centered boards~~ CASE MANAGEMENT AGENCIES OR ENTITIES,  
26 as described in section 27-10.5-102 C.R.S. ~~THOSE TERMS ARE DEFINED IN~~  
27 SECTION 25.5-6-1702, as necessary to assist in developing and

1 implementing the department of human services' statewide plan defined  
2 in section 27-10.5-704 ~~C.R.S.~~, for community education outreach and  
3 awareness efforts related to part C child find and the availability of early  
4 intervention services. The administrative units' responsibilities ~~shall be~~  
5 ARE limited to those activities that relate to facilitating the  
6 implementation of part C child find activities and a collaborative system  
7 of early intervention services.

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

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

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

21 **24-110-207.5. Certification of certain entities as local public**  
22 **procurement units - rules - report.** (1) The executive director may  
23 certify any of the following entities as a local public procurement unit:

24 (a) Any nonprofit community mental health center, as defined in  
25 section 27-66-101, ~~C.R.S.~~, any nonprofit community mental health clinic,  
26 as defined in section 27-66-101, ~~C.R.S.~~, any nonprofit  
27 ~~community-centered board~~ CASE MANAGEMENT AGENCY, as defined in


1 ~~section 25.5-10-202, C.R.S.~~ SECTION 25.5-6-1702 (2), or any nonprofit  
2 service agency, as defined in section 25.5-10-202, ~~C.R.S.~~; if the entity  
3 uses the supplies, services, or construction procured for the public mental  
4 health system or the public developmental disability system;

5 **SECTION 17.** In Colorado Revised Statutes, 25-1-124, **amend**  
6 (2.5)(a) as follows:

7 **25-1-124. Health-care facilities - consumer information -**  
8 **reporting - release.** (2.5) (a) In addition to the reports required by  
9 subsection (2) of this section, if the Colorado attorney general, the  
10 ~~division for developmental disabilities in the department of human~~  
11 ~~services~~ DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, a  
12 ~~community centered board~~ CASE MANAGEMENT AGENCY, **AS DEFINED IN**  
13 **SECTION 25.5-6-1702**, an adult protection service, or a law enforcement  
14 agency makes a report of an occurrence as described in subsection (2) of  
15 this section involving a licensed long-term care facility, that report ~~shall~~  
16 **MUST** be provided to the department and ~~shall be~~ made available for  
17 inspection consistent with the provisions of subsection (6) of this section.  
18 Any reports concerning an adult protection service ~~shall~~ **MUST** be in  
19 compliance with the confidentiality requirements of section 26-3.1-102  
20 (7). ~~C.R.S.~~

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

23 **25-27.5-102. Definitions.** As used in this ~~article~~ ARTICLE 27.5,  
24 unless the context otherwise requires:

25   
26 (1.5) ~~"Community-centered board" means a community-centered~~  
27 ~~board, as defined in section 25.5-10-202, C.R.S., that is designated~~



1 pursuant to section ~~25.5-10-209, C.R.S.~~, by the department of health care  
2 policy and financing.

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

5 **25-27.5-103. Home care agency license required - home care**  
6 **placement agency registration required - civil and criminal penalties.**

7 (1.5) It is unlawful for a ~~community-centered board~~ SERVICE AGENCY that  
8 is directly providing home care services or a ~~service agency~~ to conduct or  
9 maintain a home care agency that provides in-home personal care services  
10 without having obtained a license from the department. Any person who  
11 violates this subsection (1.5) is guilty of a misdemeanor and is subject to  
12 the civil and criminal penalties described in ~~paragraphs (a) and (b) of~~  
13 ~~subsection (1)~~ SUBSECTIONS (1)(a) AND (1)(b) of this section. Nothing in  
14 this section relieves an entity that contracts or arranges with a  
15 ~~community-centered board~~ or service agency and that meets the definition  
16 of a home care agency from the entity's obligation to apply for and  
17 operate under a license in accordance with this article.

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

20 **25-27.5-104. Minimum standards for home care agencies and**  
21 **home care placement agencies - rules - advisory committee.** (1) The

22 state board shall promulgate rules pursuant to section 24-4-103 ~~C.R.S.~~,  
23 providing minimum standards for the operation of home care agencies  
24 and home care placement agencies within the state of Colorado that apply  
25 regardless of the source of payment for the home care services or the  
26 diagnosis of the home care consumer. In promulgating these rules, the  
27 state board shall establish different requirements appropriate to the

1 various types of skilled home health and personal care services, including  
2 differentiating requirements for providers that are substantially funded  
3 through medicare and medicaid reimbursement, providers for the program  
4 of all-inclusive care for the elderly established in section 25.5-5-412,  
5 ~~C.R.S.~~, providers that are already licensed under this ~~title~~ TITLE 25, and  
6 providers that are solely or substantially privately funded. This  
7 differentiation must include consideration of the requirements already  
8 imposed by other federal and state regulatory agencies and must require  
9 the department of health care policy and financing and the department to  
10 work jointly to resolve differing requirements. The rules must include the  
11 following:

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

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

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

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

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

10           **25.5-1-117. County departments - district departments.**

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

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

20           **25.5-4-103. Definitions.** As used in this article 4 and articles 5  
21 and 6 of this title 25.5, unless the context otherwise requires:

22           (2.5) "CASE MANAGEMENT AGENCY" HAS THE SAME MEANING AS  
23 SET FORTH IN SECTION 25.5-6-1702 (2).

24           (3) "Case management services" means services provided by  
25 ~~community-centered boards, as defined by section 25.5-10-202~~ CASE  
26 MANAGEMENT AGENCIES and community mental health centers and  
27 community mental health clinics, as defined by ~~section 27-66-101~~ IN

1 SECTION 27-66-101 (2) AND (3), to assist persons ~~with intellectual and~~  
2 ~~developmental disabilities, as defined by section 25.5-10-202, and~~  
3 ~~persons with mental health disorders, as defined by section 27-65-102~~  
4 ~~(11.5), by case management agencies, as defined in section 25.5-6-303~~  
5 ~~(5), providing case management services, as defined in sections~~  
6 ~~25.5-6-104(2)(b) and 25.5-6-303 (6), to persons with a disability, persons~~  
7 ~~who are elderly or blind, and long-term care clients, in gaining access to~~  
8 needed medical, social, educational, and other services.

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

11 **25.5-4-205. Application - verification of eligibility -**  
12 **demonstration project - rules.** (1) (a.7) As part of the medicaid  
13 eligibility modernization, the department is authorized to create a  
14 universal application for ~~single point of entry~~ CASE MANAGEMENT  
15 AGENCIES for home- and community-based services waivers for children.

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

18 **25.5-4-401.5. Review of provider rates - advisory committee**  
19 **- recommendations - repeal.** (3) (b) The advisory committee consists of  
20 the following twenty-four members:

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

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

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

27 **25.5-5-204. Presumptive eligibility - pregnant women -**

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

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

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

21 **25.5-5-301. Clinic services.** (2) Under the federal option for  
22 clinic services, Colorado has selected clinic services provided by the  
23 following:

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

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

27 **25.5-5-412. Program of all-inclusive care for the elderly -**

1 **services - eligibility - legislative declaration - rules - definitions.**

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

6 The state board shall adopt rules:

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

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

18 **25.5-6-113. Health home - integrated services - legislative**  
19 **declaration - contracting - definitions.** (3) (b) The health home may  
20 consist of a multi-disciplinary team, including primary care management  
21 providers, behavioral ~~health care~~ HEALTH-CARE providers, case managers,  
22 and providers of long-term ~~care~~ services and supports, including but not  
23 limited to ~~single entry point~~ CASE MANAGEMENT agencies, **AS DEFINED IN**  
24 **SECTION 25.5-6-1702,** nursing homes, alternative care facilities, day  
25 programs for the elderly, home care agencies, community mental health  
26 centers, AND hospice and palliative care centers. ~~and community centered~~  
27 ~~boards.~~

1           **SECTION 30.** In Colorado Revised Statutes, 25.5-6-303, **amend**  
2 (5), (6), and (7) as follows:

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

5           (5) (a) "Case management agency" means agencies providing  
6 services on and before July 1, 1995, for home- and community-based  
7 programs for the elderly, blind, and disabled shall be terminated July 1,  
8 1995, and case management functions shall thereafter be performed in  
9 accordance with this article 6.

10           (b) "Case management agency" ~~for counties participating in the~~  
11 ~~single entry point system pursuant to this article before July 1, 1995, and~~  
12 ~~for all counties on and after said date, means a public or private, nonprofit~~  
13 ~~or for profit agency that meets all applicable state and federal~~  
14 ~~requirements and is certified by the state department to provide case~~  
15 ~~management functions reimbursable under this article and articles 4 and~~  
16 ~~5 of this title, within a geographic area of the state consisting of one or~~  
17 ~~more counties. Such functions shall be provided by the agency under a~~  
18 ~~contract executed with the state department or other state designated~~  
19 ~~agency. The state department shall establish procedures for the~~  
20 ~~designation, certification, and decertification of case management~~  
21 ~~agencies and requirements for performance and staffing of the agencies.~~  
22 ~~Such procedures and requirements shall be set forth in rules promulgated~~  
23 ~~by the state board or shall be included in the contracts executed by the~~  
24 ~~state department~~ HAS THE SAME MEANING AS SET FORTH IN SECTION  
25 25.5-6-1702 (2).

26           (6) "Case management services" ~~means functions performed by~~  
27 ~~a case management agency, including: The assessment of a client's needs;~~

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

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

13 **SECTION 31.** In Colorado Revised Statutes, 25.5-6-403, **amend**  
14 (1), (3.3)(b), and (4); and **add** (2.5) as follows:

15 **25.5-6-403. Definitions.** As used in this part 4, unless the context  
16 otherwise requires:

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

21 (2.5) "ENTITY" HAS THE SAME MEANING AS SET FORTH IN SECTION  
22 25.5-6-1702 (8).

23 (3.3) (b) "Person with an intellectual and developmental  
24 disability" or "youth with an intellectual and developmental disability"  
25 means a person or youth determined by a ~~community-centered board~~ CASE  
26 MANAGEMENT AGENCY to have an intellectual and developmental  
27 disability and ~~shall include~~ INCLUDES a child with a developmental delay.



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

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

12 **25.5-6-406. Appropriations - reimbursement for services -**  
13 **direct support professionals - legislative declaration - definitions.**

14 **■ ■**  
15 **(2) (e)** Service agencies shall use one hundred percent of the  
16 funding resulting from the increase in the reimbursement rate pursuant to  
17 subsection (2)(c) of this section to increase compensation for direct  
18 support professionals above the rate of compensation that direct support  
19 professionals are receiving as of June 30, 2018. This requirement applies  
20 to funds billed by ~~community-centered boards~~ CASE MANAGEMENT  
21 AGENCIES AND ENTITIES in their role as organized ~~health-care~~  
22 HEALTH-CARE delivery systems, AS DEFINED IN 42 CFR 447.10 (b).  
23 Service agencies shall not use funding resulting from the reimbursement  
24 rate increase for general and administrative expenses, such as chief  
25 executive officer salaries, human resources, information technology,  
26 oversight, business management, general record keeping, budgeting and  
27 finance, and other activities not identifiable to a single program.

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

3           **25.5-6-409. Services for persons with intellectual and**  
4 **developmental disabilities.** (2) Services for persons with INTELLECTUAL  
5 AND developmental disabilities provided through this program ~~shall~~ MUST  
6 be delivered under the provisions of a statewide services plan, in the form  
7 of home- and community-based services waivers or model waivers,  
8 developed by the state department and the department of human services  
9 and approved by the federal centers for medicare and medicaid services,  
10 or any successor agency. This plan ~~shall~~ MUST include the specific  
11 services to be offered, a plan for the delivery of such services through  
12 ~~community centered boards~~ CASE MANAGEMENT AGENCIES or other  
13 service agencies approved pursuant to THIS ARTICLE 6 OR article 10.5 of  
14 title 27 C.R.S., utilizing where appropriate the provision of in-home  
15 services, the expected costs of such services, the expected benefits of  
16 providing those services, and the administrative provisions which shall  
17 govern the implementation of the plan. The plan ~~shall~~ MUST provide for  
18 all necessary safeguards to ensure the health and welfare of any eligible  
19 persons. The average per capita expenditure for services under this plan  
20 ~~shall~~ MUST not exceed the average per capita expenditure the department  
21 of human services or the state department would have made for services  
22 otherwise available without this plan.

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

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

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

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

12           ~~(II) Nothing in this paragraph (c) requires a community centered~~  
13 ~~board to provide services set forth in a plan of care that the community~~  
14 ~~centered board is not otherwise required to provide to the person~~  
15 ~~receiving services, only that the plan of care include a contingency for~~  
16 ~~such services.~~

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

19           **25.5-6-409.5. Transition plan for youth with intellectual and**  
20 **developmental disabilities to adult services - legislative declaration -**  
21 **report - rules - cash fund.** (4) For each youth with intellectual and  
22 developmental disabilities who is going to be transitioned to adult  
23 services for persons with intellectual and developmental disabilities  
24 pursuant to subsection (3) of this section, the county department of human  
25 or social services that is currently providing services to the youth through  
26 its child welfare system shall develop a transition plan for that youth. The  
27 transition plan must, at a minimum:

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

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

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

16 **25.5-6-804. Services - duties of the state department - rules.**

17 (5) The state department shall contract with a ~~community centered board~~  
18 CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, for  
19 persons with INTELLECTUAL AND developmental disabilities to serve as  
20 the ~~single entry point~~ agency for services and as the care planning agency  
21 for eligible children. ~~If a community centered board is unwilling or~~  
22 ~~unable to enter into the contract with the state department, the state~~  
23 ~~department may contract with a single entry point agency identified~~  
24 ~~pursuant to section 25.5-6-106 or a state-department-approved case~~  
25 ~~management agency to serve as the entry point agency and as the care~~  
26 ~~planning agency.~~ The care planning process shall include the eligible  
27 child's family or guardian, the eligible child's lead provider, and the

1 eligible child's case manager. For the purpose of implementing this part  
2 8, the care planning process shall be coordinated with any other care plan  
3 or case manager the eligible child may have.

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

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

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

16 **25.5-6-1203. In-home support services - eligibility - licensure**  
17 **exclusion - in-home support service agency responsibilities - rules.**  
18 (5) The ~~single entry point~~ CASE MANAGEMENT agencies established in  
19 ~~section 25.5-6-106~~ SECTION 25.5-6-1703 shall be responsible for  
20 determining a person's eligibility for in-home support services; except that  
21 for eligible disabled children the state department shall designate the  
22 entity that will determine the child's eligibility. The state board shall  
23 promulgate rules specifying the ~~single entry point~~ CASE MANAGEMENT  
24 agencies' responsibilities ~~under~~ PURSUANT TO this part 12. At a minimum,  
25 these rules ~~shall~~ MUST require that case managers discuss the option and  
26 potential benefits of in-home support services with all eligible long-term  
27 care clients.

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

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

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

9 **25.5-10-202. Definitions.** As used in this article 10, unless the  
10 context otherwise requires:

11 (1.9) "Case management agency" ~~means a public or private~~  
12 ~~not-for-profit or for-profit agency that meets all applicable state and~~  
13 ~~federal requirements and is certified by the state department to provide~~  
14 ~~case management services pursuant to section 25.5-10-209.5. The case~~  
15 ~~management agency shall provide case management services pursuant to~~  
16 ~~a contract with the state department~~ HAS THE SAME MEANING AS SET  
17 FORTH IN SECTION 25.5-6-1702 (2).

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

19 (a) ~~Repealed.~~

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

21 (c) ~~The monitoring of all services and supports delivered pursuant~~  
22 ~~to the individualized plan and the evaluation of results identified in the~~  
23 ~~individualized plan~~ HAS THE SAME MEANING AS SET FORTH IN SECTION  
24 25.5-6-1702 (3).

25 (3) "Case manager" ~~means a person who assists with case~~  
26 ~~management services and supports provided pursuant to this article for~~  
27 ~~persons with intellectual and developmental disabilities~~ HAS THE SAME

1 MEANING AS SET FORTH IN SECTION 25.5-6-1702 (4).

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

5 (5.7) "Conflict-free case management" means, pursuant to 42 CFR  
6 441.301 (c)(1)(VI), case management services provided to a person with  
7 an intellectual and developmental disability enrolled in a home- and  
8 community-based services waiver that are provided by a case  
9 management agency that is not the same agency that provides services  
10 and supports to that person. Service agencies and case management  
11 agencies are responsible for ensuring persons who are employed by the  
12 agency meet the requirements of this article 10 HAS THE SAME MEANING  
13 AS SET FORTH IN SECTION 25.5-6-1702 (6).

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

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

22 (15.3) "ENTITY" HAS THE SAME MEANING AS SET FORTH IN SECTION  
23 25.5-6-1702 (8).

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

1 agency.

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

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

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

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

24 **25.5-10-204. Duties of the executive director - state board**  
25 **rules - definition.** (1) In order to implement the provisions of this article  
26 10, the executive director shall, subject to available appropriations, carry  
27 out the following duties:



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

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

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

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

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

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

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

26 **25.5-10-205. Case management agencies - local public**  
27 **procurement units.** For purposes of entering into a cooperative

1 purchasing agreement pursuant to section 24-110-201, ~~€R.S.~~, a nonprofit  
2 ~~community-centered board~~ CASE MANAGEMENT AGENCY or a nonprofit  
3 service agency may be certified as a local public procurement unit as  
4 provided in section 24-110-207.5. ~~€R.S.~~

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

8 **25.5-10-206. Authorized long-term services and supports -**  
9 **conditions of funding - purchase of services and supports - adult**  
10 **protective services data system check - boards of county**  
11 **commissioners - appropriation.** (1) Subject to annual appropriations by  
12 the general assembly, the state department shall provide or purchase,  
13 pursuant to subsection (4) of this section, authorized LONG-TERM services  
14 and supports from ~~community-centered boards~~, case management  
15 agencies or service agencies for persons who have been determined to be  
16 eligible for such LONG-TERM services and supports pursuant to ~~section~~  
17 ~~25.5-10-211~~ SECTION 25.5-6-1704 and as specified in the eligible person's  
18 individualized plan. Those LONG-TERM services and supports may  
19 include, but need not be limited to, the following:

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

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

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

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

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

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

25 (7) (b) Each school district shall pay to the ~~community-centered~~  
26 ~~board~~ **providing** CASE MANAGEMENT AGENCY **PURCHASING** programs  
27 attended by a student with an intellectual and developmental disability,

1 who is domiciled in the school district and may be counted in the district's  
2 pupil enrollment, an amount at least equal to the district's per pupil  
3 revenues as determined pursuant to the "Public School Finance Act of  
4 1994", article 54 of title 22. ~~C.R.S.~~ This subsection (7) applies to students  
5 who are less than twenty-two years of age.

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

8 **25.5-10-207. Long-term services and supports - waiting list**  
9 **reduction - cash fund - repeal.** (3) The general assembly may annually  
10 appropriate money in the intellectual and developmental disabilities  
11 services cash fund to the state department for:

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

15 (d) ~~The development of an assessment tool pursuant to section~~  
16 ~~25.5-6-104 (5); and~~

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

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

23 **25.5-10-207.5. Strategic plan for long-term services and**  
24 **supports - joint hearing - appropriation - reporting - legislative**  
25 **declaration - rules.** (2) During each regular session of the general  
26 assembly, the joint budget committee and the health and human services  
27 committees of the senate and the house of representatives, or any

1 successor committees, shall hold a joint hearing and take public testimony  
2 on the status of the waiting lists for persons with intellectual and  
3 developmental disabilities who are waiting for enrollment into a home-  
4 and community-based services program or a program provided pursuant  
5 to this article 10 and the availability of general fund money to reduce the  
6 number of persons on the waiting lists and the amount of time eligible  
7 persons wait for such services. Notwithstanding the provisions of section  
8 24-1-136 (11)(a)(I), the state department shall present testimony,  
9 including the information provided in the report pursuant to subsection  
10 (3) of this section, as well as information concerning the ongoing  
11 implementation of the strategic plan required pursuant to subsection (4)  
12 of this section, including any revisions to the strategic plan. Additionally,  
13 the state department, ~~community-centered boards~~ CASE MANAGEMENT  
14 AGENCIES, and providers shall report on the use and effectiveness of any  
15 money appropriated in the preceding state fiscal year for increasing  
16 system capacity. The goal of the hearing is to propose an appropriation  
17 from the general fund to the intellectual and developmental disabilities  
18 services cash fund.

19 (4) (a) On or before November 1, 2014, the state department shall  
20 develop, in consultation with intellectual and developmental disability  
21 system stakeholders, a comprehensive strategic plan including  
22 administrative procedures and adequate funding to enroll eligible persons  
23 with intellectual and developmental disabilities into home- and  
24 community-based services programs and programs provided pursuant to  
25 this ~~article~~ ARTICLE 10 at the time those persons choose to enroll in the  
26 programs or need the services or supports. As part of developing the  
27 strategic plan, the state department shall review the statutory definition of

1 "waiting list" set forth in section 25.5-10-202 and make recommendations  
2 concerning amendments to the definition. In engaging stakeholders, the  
3 state department shall include both persons and families receiving  
4 services, as well as persons and families waiting for enrollment into  
5 programs, services, or supports. These persons and families ~~shall~~ MUST  
6 include, at a minimum, persons and families who reside in each  
7 ~~community-centered, board-designated~~ DEFINED service area within the  
8 state. In developing the strategic plan, the state department shall review  
9 relevant recommendations from the community living advisory group  
10 created in the office pursuant to the governor's executive order D  
11 2012-027, as well as other relevant information. The strategic plan ~~shall~~  
12 MUST include specific recommendations and annual benchmarks for  
13 achieving this enrollment goal by July 1, 2020, including  
14 recommendations relating to increasing system capacity. The state  
15 department shall review the strategic plan annually and revise the plan as  
16 needed to meet the enrollment goal. Nothing in this section precludes the  
17 state department from considering changes in the structure of the state's  
18 intellectual and developmental disabilities programs, including medicaid  
19 waiver modification.

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

23 **25.5-10-208. Service agencies and case management agencies**  
24 **- money - rules.** (2) The state board shall promulgate rules to implement  
25 the purchase of LONG-TERM services and supports from a  
26 ~~community-centered board~~, service agency, case management agency, or  
27 family caregiver. The rules must include, but need not be limited to:

1 (b) Procedures for obtaining an annual audit of ~~designated~~  
2 ~~community-centered boards~~, case management agencies and service  
3 agencies to provide financial information deemed necessary by the state  
4 department to establish costs of LONG-TERM services and supports and to  
5 ensure proper management of money received pursuant to section  
6 25.5-10-206;

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

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

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

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

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

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

16           **25.5-10-218. Persons' rights.** (3) The rights of any person  
17 receiving services which are specified in this ~~article~~ ARTICLE 10 may be  
18 ~~suspended~~ MODIFIED to protect the person receiving services from  
19 endangering ~~such~~ THE person, others, or property. ~~Such~~ THE rights may  
20 be ~~suspended~~ MODIFIED only by the ~~intellectual and developmental~~  
21 ~~disabilities professional~~ WITH THE INFORMED CONSENT OF THE PERSON  
22 RECEIVING SERVICES OR THE PERSON'S LEGALLY AUTHORIZED  
23 REPRESENTATIVE AND with subsequent review by the PERSON RECEIVING  
24 SERVICES, THE PERSON'S LEGALLY AUTHORIZED REPRESENTATIVE, THE  
25 PERSON'S interdisciplinary team, and by the human rights committee in  
26 order to provide specific services or supports to the person receiving  
27 services, which will promote the least restriction on the person's rights.



1 ~~Such~~ THE person's legal rights may be removed by a court pursuant to  
2 section 25.5-10-216.

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

5 **25.5-10-240. Retaliation prohibited.** No person shall be  
6 discriminated against because ~~he or she~~ THE PERSON has made a  
7 complaint, testified, assisted, or participated in any manner in an  
8 investigation, proceeding, or hearing pursuant to this ~~article~~ ARTICLE 10,  
9 including the dispute resolution procedures in section 25.5-10-212 and  
10 section 27-10.5-107. ~~C.R.S.~~ A service agency, including the state  
11 department and any ~~community-centered board~~ CASE MANAGEMENT  
12 AGENCY, shall not coerce, intimidate, threaten, or interfere with any  
13 person in the exercise or enjoyment of any right pursuant to this ~~article~~  
14 ARTICLE 10, or on account of ~~his or her~~ THE PERSON having exercised or  
15 enjoyed any right pursuant to this ~~article~~ ARTICLE 10, or on account of ~~his~~  
16 ~~or her~~ THE PERSON having aided or encouraged any other person in the  
17 exercise or enjoyment of any right pursuant to this ~~article~~ ARTICLE 10.

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

20 **25.5-10-303. Administration - duties of department.** (2) The  
21 state department may contract with ~~community-centered boards and other~~  
22 ~~service providers~~ CASE MANAGEMENT AGENCIES OR ENTITIES approved by  
23 the state department to provide family support services in accordance  
24 with this part 3. Programs developed shall be flexible in order to address  
25 individual family needs.

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

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

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

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

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

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

21 **25.5-10-304. Family support councils.** (1) The state department  
22 shall ensure that each ~~community-centered board~~ CASE MANAGEMENT  
23 AGENCY OR SERVICE AGENCY APPROVED TO PROVIDE FAMILY SUPPORT  
24 SERVICES establishes a family support council in each  
25 ~~community-centered board designated~~ DEFINED service area. The family  
26 support councils ~~shall~~ MUST consist of professionals, interested citizens,  
27 family members of persons with an intellectual and developmental

1 disability, and persons with an intellectual and developmental disability  
2 with a majority of the council being made up of family members.

3 (2) The family support council shall:

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

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

9 **26-2-103. Definitions.** As used in this article 2 and article 1 of  
10 this title 26, unless the context otherwise requires:

11 (1) ~~"Applicant" means any individual or family who individually~~  
12 ~~or through a designated representative or someone acting responsibly for~~  
13 ~~him has applied for benefits under the programs of public assistance~~  
14 ~~administered or supervised by the state department pursuant to the~~  
15 ~~provisions of this article.~~ "ACTIVITIES OF DAILY LIVING" MEANS THE BASIC  
16 SELF-CARE ACTIVITIES, INCLUDING EATING, BATHING, DRESSING,  
17 TRANSFERRING FROM BED TO CHAIR, BOWEL AND BLADDER CONTROL, AND  
18 INDEPENDENT AMBULATION.

19 (1.3) "APPLICANT" MEANS ANY INDIVIDUAL OR FAMILY WHO  
20 INDIVIDUALLY OR THROUGH A DESIGNATED REPRESENTATIVE OR SOMEONE  
21 ACTING RESPONSIBLY FOR THE INDIVIDUAL OR FAMILY HAS APPLIED FOR  
22 BENEFITS UNDER THE PROGRAMS OF PUBLIC ASSISTANCE ADMINISTERED OR  
23 SUPERVISED BY THE STATE DEPARTMENT PURSUANT TO THIS ARTICLE 2.

24 (5.3) "INSTRUMENTAL ACTIVITIES OF DAILY LIVING" MEANS HOME  
25 MANAGEMENT AND INDEPENDENT LIVING ACTIVITIES SUCH AS COOKING,  
26 CLEANING, USING A TELEPHONE, SHOPPING, DOING LAUNDRY, PROVIDING  
27 TRANSPORTATION, AND MANAGING MONEY.

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

3           **26-2-122.3. Home care allowance.** (1) (a) ~~(F)~~—The state  
4           department, subject to available appropriations, may provide adult foster  
5           care for persons eligible to receive old age pension, aid to the needy  
6           disabled, or aid to the blind. For purposes of this paragraph (a), "adult  
7           foster care" means care and services that, in addition to room and board,  
8           may include, but are not limited to, personal services, recreational  
9           opportunities, transportation, utilization of volunteer services, and special  
10          diets. Such care and services are provided to recipients of federal  
11          supplemental security income benefits who are also eligible for the  
12          Colorado supplement program for aid to the needy disabled or aid to the  
13          blind and who do not require skilled nursing care or intermediate health  
14          care and cannot remain in or return to their residences but who need to  
15          reside in a supervised nonmedical setting on a twenty-four-hour basis.  
16          Those persons with intellectual and developmental disabilities as defined  
17          in section 25.5-10-202, C.R.S., or who are receiving or are eligible to  
18          receive services pursuant to article 10 of title 25.5, C.R.S., or any  
19          provision of title 27, C.R.S., do not qualify for adult foster care under this  
20          paragraph (a).

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

23          (b) (III) For the purposes of this paragraph ~~(b)~~ SUBSECTION (1)(b),  
24          "home care allowance" is a program that provides payments, subject to  
25          available appropriations, to functionally impaired persons who meet the  
26          criteria specified in ~~subparagraph (F)~~ of this paragraph ~~(b)~~ SUBSECTION  
27          (1)(b)(I) OF THIS SECTION as determined in accordance with rules. The

1 payments allow recipients who are in need of long-term care SERVICES  
2 AND SUPPORTS to purchase community-based services as defined in rules  
3 adopted by the state department. These services may include, but need not  
4 be limited to, the supervision of self-administered medications, assistance  
5 with activities of daily living, ~~as defined in section 25.5-6-104 (2)(a),~~  
6 ~~C.R.S.~~, and assistance with instrumental activities of daily living. ~~as~~  
7 ~~defined in section 25.5-6-104 (2)(g), C.R.S.~~ The rules adopted by the state  
8 department shall specify, in accordance with the provisions of this  
9 section, the services available under the program and shall specify  
10 eligibility criteria for the home care allowance program. In addition, the  
11 rules shall specifically provide for a determination as to the person's  
12 functional impairment and the person's unmet need for paid care and shall  
13 address amounts awarded to persons eligible for home care allowance.  
14 The state department shall specify in the rules the methods for  
15 determining the unmet need for paid care and the amount of a home care  
16 allowance that may be awarded to eligible persons. Such methods may be  
17 based on how often a person experiences unmet need for paid care or any  
18 other method that the state board determines is valid in correlating unmet  
19 need for paid care with an amount of a home care allowance award. The  
20 state department shall require that eligibility and unmet need for paid care  
21 be determined through the use of a comprehensive and uniform client  
22 assessment instrument prescribed by the state department. The state  
23 department may adjust income eligibility criteria, including any functional  
24 impairment standard, or the amounts awarded to eligible persons or may  
25 limit or suspend enrollments as necessary to manage the home care  
26 allowance program within the funds appropriated by the general  
27 assembly. In addition, the state department may adjust which services are

1 available under the program; except that the adjustment shall be  
2 consistent with the provisions of this subsection (1).

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

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

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

13 **26-3.1-102. Reporting requirements.** (1) (b) The following  
14 persons, whether paid or unpaid, are urged to report as described in  
15 subsection (1)(a) of this section:

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

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

20 **26-3.1-111. Access to CAPS - employment checks -**  
21 **confidentiality - fees - rules - legislative declaration - definitions.**

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

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

27 (e) A ~~single entry point~~ CASE MANAGEMENT agency, as ~~described~~

1 ~~in section 25.5-6-106~~ DEFINED IN SECTION 25.5-6-1702 (2);

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

4 **26-5-102. Provision of child welfare services - system reform**  
5 **goals - out-of-home placements for children and youth with**  
6 **intellectual and developmental disabilities - rules - definition.**

7 (3) (i) Entities other than county departments, including but not limited  
8 to hospitals, ~~health care~~ HEALTH-CARE providers, ~~single entry point~~  
9 ~~agencies, and community-centered boards~~ AND CASE MANAGEMENT  
10 AGENCIES, AS DEFINED IN SECTION 25.5-6-1702, may refer a family to  
11 voluntarily apply and assist with the application to the state department  
12 for admission of the family's child or youth with intellectual and  
13 developmental disabilities into the program pursuant to this subsection  
14 (3). ~~Such~~ THE applications will be considered if space is available.  
15 However, children and youth with intellectual and developmental  
16 disabilities placed by county departments or the state department ~~shall~~  
17 MUST have priority for admission to the program. The state department  
18 shall not accept applications for placement of a child or youth who is  
19 exclusively insured by private insurance. A child or youth who is dually  
20 insured by private insurance and medicaid and whose residential level of  
21 care has been denied by private insurance may be eligible for services in  
22 the program.

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

25 **26-6-102. Definitions.** As used in this article 6, unless the context  
26 otherwise requires:

27 (5) "Child care center" means a facility, by whatever name known,

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

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

27 **26-6-104.5. Compliance with local government zoning**



1 **regulations - notice to local governments - provisional licensure.**

2 (4) The provisions of this section ~~shall~~ DO not apply to any foster care  
3 home certified pursuant to this part 1 or to any specialized group facility  
4 that is licensed to provide care for three or more children pursuant to this  
5 part 1 but that is providing care for three or fewer children who are  
6 determined to have a AN INTELLECTUAL AND developmental disability by  
7 a ~~community centered board~~ CASE MANAGEMENT AGENCY, AS DEFINED IN  
8 SECTION 25.5-6-1702, or who have a serious emotional disturbance.

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

12 **27-10.5-102. Definitions.** As used in this ~~article~~ ARTICLE 10.5,  
13 unless the context otherwise requires:

14 (1.5) "CASE MANAGEMENT AGENCY" HAS THE SAME MEANING AS  
15 SET FORTH IN SECTION 25.5-6-1702 (2).

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

18 (7.5) "DEFINED SERVICE AREA" HAS THE SAME MEANING AS SET  
19 FORTH IN SECTION 25.5-6-1702 (7).

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

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

26 (20) (b) Every individualized plan ~~will~~ MUST include a statement  
27 of agreement with the plan, signed by the person receiving services or

1 other such person legally authorized to sign on behalf of the person and  
2 a representative of the ~~community-centered board~~ CASE MANAGEMENT  
3 AGENCY.

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

7 **27-10.5-104. Authorized services and supports - conditions of**  
8 **funding - purchase of services and supports - boards of county**  
9 **commissioners - appropriation.** (1) Subject to annual appropriations by  
10 the general assembly, the department shall provide or purchase, pursuant  
11 to subsection (4) of this section, authorized LONG-TERM services and  
12 supports from ~~community-centered boards~~ CASE MANAGEMENT AGENCIES  
13 or service agencies for persons who have been determined to be eligible  
14 for such LONG-TERM services and supports pursuant to section  
15 27-10.5-106, and as specified in the eligible person's individualized plan.  
16 Those LONG-TERM services and supports may include, but need not be  
17 limited to, the following:

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

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

26 (b) The department shall only purchase LONG-TERM services and  
27 supports directly from those ~~community-centered boards~~ or service

1 agencies that meet established standards.

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

5 **27-10.5-104.5. Case management agencies when acting as**  
6 **service agency - money - rules.** (1) ~~A service agency, including a~~  
7 ~~community centered board when acting as a service agency, shall comply~~  
8 ~~with the requirements set forth in this article and the rules promulgated~~  
9 ~~thereunder.~~

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

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

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

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

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

10 (3.5) Any incorporated service agency which is registered in  
11 Colorado as a foreign corporation shall organize a local advisory board  
12 consisting of individuals who reside within the ~~designated~~ DEFINED  
13 service area. ~~Such~~ THE advisory board ~~shall~~ MUST be representative of the  
14 community at large and persons receiving services and their families.

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

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

3           **27-10.5-105. Case management agencies - purchase of services**  
4 **and supports.** (1) Once a ~~community-centered board~~ CASE  
5 MANAGEMENT AGENCY has been designated pursuant to ~~section~~  
6 ~~25.5-10-209, C.R.S.,~~ SECTION 25.5-6-1703 it shall, subject to available  
7 appropriations:

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

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

16           **27-10.5-106. Eligibility determination.** Any person may request  
17 an evaluation pursuant to ~~section 25.5-10-211, C.R.S.,~~ SECTION  
18 25.5-6-1704 to determine whether ~~he or she~~ THE PERSON has an  
19 intellectual and developmental disability and is eligible to receive  
20 LONG-TERM services and supports pursuant to this ~~article~~ ARTICLE 10.5.  
21 Application for eligibility determination ~~shall~~ MUST be made to the  
22 ~~designated community-centered board~~ CASE MANAGEMENT AGENCY in the  
23 ~~designated~~ DEFINED service area where the person resides.

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

26           **27-10.5-205. Powers and duties.** (1) The state council shall:  
27           (c) Review programs that provide LONG-TERM services and

1 supports to persons with INTELLECTUAL AND developmental disabilities  
2 under contracts with state agencies and ~~community centered boards~~ CASE  
3 MANAGEMENT AGENCIES as authorized by the state plan;

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

6 **27-10.5-702. Definitions.** As used in this part 7, unless the  
7 context otherwise requires:

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

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

26 **27-10.5-703. Early intervention services - administration -**  
27 **duties of department - rules.** (3) In administering early intervention

1 services, the department shall have and perform the following duties:

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

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

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

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

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

15 **27-10.5-704. Child find - responsibilities - interagency**  
16 **operating agreements - rules.** (1) The department shall have the  
17 following responsibilities and duties for children from birth through two  
18 years of age who are referred for early intervention services:

19 (a) To develop and implement, in coordination with ~~community~~  
20 ~~centered boards~~ CERTIFIED EARLY INTERVENTION SERVICE BROKERS,  
21 service agencies, governmental units, and the departments of education,  
22 public health and environment, and health care policy and financing, a  
23 statewide plan for public education, outreach, and awareness efforts  
24 related to child find and the availability of early intervention services;

25 (c) To ensure that intake and case management services are  
26 provided after a referral has been made by working with ~~community~~  
27 ~~centered-boards as the single entry point~~ CERTIFIED EARLY INTERVENTION

1 SERVICE BROKERS for a family into the developmental disabilities system,  
2 as described in section 27-10.5-102 (3) TO ACCESS EARLY INTERVENTION  
3 SERVICES AND SUPPORTS; and

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

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

13 27-10.5-705. Authorized services - conditions of funding -  
14 purchases of services - rules. (1) The department shall promulgate rules  
15 as ~~are~~ necessary, in accordance with this part 7 and consistent with  
16 section 27-10.5-104.5, to implement the purchase of early intervention  
17 services directly or through ~~community centered boards~~ or certified early  
18 intervention service brokers.

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

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

27 (b) Coordination of early intervention services with local agencies



1 and other community resources at the local level to avoid duplication and  
2 fragmentation of early intervention services. A ~~community centered board~~  
3 CERTIFIED EARLY INTERVENTION SERVICE BROKER shall:

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

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

11 **27-10.5-706. Coordinated system of payment for early**  
12 **intervention services - duties of departments.** (1) In order to  
13 implement the provisions of this part 7, the department, as lead agency for  
14 part C, shall be responsible for the following, subject to available  
15 appropriations:

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

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

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

27 **27-10.5-708. Certified early intervention service brokers -**

1 **duties - payment for early intervention services - fees.** (1) For each  
2 ~~designated~~ DEFINED service area in the state, the certified early  
3 intervention service broker for the area shall:

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

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

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

15 **27-69-104. Program scope - rules.** (3) Key components of the  
16 family advocacy behavioral and mental health juvenile justice programs  
17 for system-of-care family advocates and family systems navigators for  
18 behavioral or mental health juvenile justice populations include:

19 (a) Coordination with the key stakeholders involved in the local  
20 community to ensure consistent and effective collaboration. This  
21 collaboration may include, but need not be limited to, a family advocacy  
22 organization, representatives of the juvenile court, the probation  
23 department, the district attorney's office, the public defender's office, a  
24 school district, the division of youth services within the department of  
25 human services, a county department of social or human services, a local  
26 community mental health center, and a regional behavioral health  
27 organization, and may include representatives of a local law enforcement

1 agency, a county public health department, a substance use disorder  
2 treatment program, a ~~community-centered board~~ CASE MANAGEMENT  
3 AGENCY, AS DEFINED IN SECTION 25.5-6-1702, a local juvenile services  
4 planning committee, and other community partners;

5 **SECTION 69.** In Colorado Revised Statutes, **repeal** 25.5-6-104,  
6 25.5-6-105, 25.5-6-106, 25.5-6-107, 25.5-6-409.3, 25.5-6-605,  
7 25.5-6-902 (5)(d), 25.5-10-209, 25.5-10-209.5, 25.5-10-210, 25.5-10-211,  
8 25.5-10-211.5, 25.5-10-213, 25.5-10-219, and 25.5-10-226.

9 **SECTION 70. Act subject to petition - effective date.** Sections  
10 2 through 69 of this act take effect July 1, 2024, and the remainder of this  
11 act takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly; except  
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
14 of the state constitution against this act or an item, section, or part of this  
15 act within such period, then the act, item, section, or part will not take  
16 effect unless approved by the people at the general election to be held in  
17 November 2022 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor; except that  
19 sections 2 through 69 of this act take effect July, 1, 2024.