

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0599.01 Jane Ritter x4342

SENATE BILL 22-102

SENATE SPONSORSHIP

Kirkmeyer, Bridges, Buckner, Cooke, Fenberg, Garcia, Gardner, Ginal, Hisey, Kolker, Lee, Liston, Moreno, Priola, Scott, Simpson, Smallwood, Winter, Woodward, Zenzinger

HOUSE SPONSORSHIP

Young,

Senate Committees
Health & Human Services

House Committees
Public & Behavioral Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING INCREASING TRANSPARENCY CONCERNING PROGRAMS**
102 **FOR YOUTH WITH INTELLECTUAL AND DEVELOPMENTAL**
103 **DISABILITIES WHO ARE IN OUT-OF-HOME PLACEMENTS.**

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>.)

The bill requires the state department of human services (department) to promulgate additional rules relating to children and youth with intellectual and developmental disabilities (children and youth) who are in out-of-home placements. The additional rules include access to the interdisciplinary appeals review panel (review panel) for the appeals

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
2nd Reading Unamended
March 8, 2022

SENATE
3rd Reading Unamended
February 17, 2022

SENATE
2nd Reading Unamended
February 16, 2022

process for children and youth who have been determined to be ineligible for the program of services (program) for children and youth who have been placed out of the home. The bill allows for the addition of additional members to the review panel.

To promote transparency and accountability, the bill requires the department to submit a report on details of the program to the health and human services committee of the senate and the public and behavioral health and human services committee of the house of representatives, or any successor committees, and details the information required on the report.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-5-102, **amend**
3 (3)(b); and **add** (3)(b.5) and (3)(l) 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) (b) The state department shall promulgate rules concerning the
8 placement of children or youth in the program. The rules must include,
9 but need not be limited to, quality assurance monitoring, admissions,
10 discharge planning, appropriate length of stay, and an appeals process for
11 children or youth who are determined to be ineligible for the program OR
12 WHO ARE BEING REMOVED FROM THE PROGRAM BEFORE MEETING
13 DISCHARGE CRITERIA, AS DEFINED BY THE CHILD'S OR YOUTH'S
14 TREATMENT PLAN, AND WITHOUT THE CONSENT OF A PARENT, LEGAL
15 GUARDIAN, OR COUNTY DEPARTMENT. THE RULES REGARDING THE
16 APPEALS PROCESS MUST INCLUDE ACCESS TO THE INTERDISCIPLINARY
17 APPEALS REVIEW PANEL, REFERENCED IN SECTION 26-6-106 (3). FOR AN
18 APPEAL PURSUANT TO THIS SUBSECTION (3)(b), THE PANEL SHALL INCLUDE
19 THE MEMBERS APPOINTED PURSUANT TO SECTION 26-6-106 (3) AND, AT A
20 MINIMUM:

- 1 (I) A REPRESENTATIVE FROM A COUNTY DEPARTMENT;
2 (II) A TREATMENT DIRECTOR OR COORDINATOR FOR A RESIDENTIAL
3 TREATMENT PROGRAM;
4 (III) A STAFF MEMBER FROM A PROGRAM-APPROVED SERVICE
5 AGENCY THAT OFFERS RESIDENTIAL HABILITATION; AND
6 (IV) A REPRESENTATIVE FROM THE DEPARTMENT OF HEALTH CARE
7 POLICY AND FINANCING WITH EXPERTISE IN THE CHILDREN'S HABILITATION
8 RESIDENTIAL PROGRAM, AS DESCRIBED IN THIS SECTION.

9 (b.5) ALL MEMBERS OF THE INTERDISCIPLINARY APPEALS REVIEW
10 PANEL ASSEMBLED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION
11 SHALL NOT BE ASSOCIATED WITH THE CHILD OR YOUTH WHO IS THE
12 SUBJECT OF THE APPEAL AND THE CHILD'S OR YOUTH'S PLACEMENT
13 PROVIDER. IF A PARENT, LEGAL GUARDIAN, COUNTY DEPARTMENT,
14 PROGRAM PROVIDER, OR THE STATE DEPARTMENT IS NOT SATISFIED WITH
15 THE INTERDISCIPLINARY APPEALS REVIEW PANEL RECOMMENDATION, THAT
16 PARTY TO THE APPEAL IS ENTITLED TO A REVIEW BY AN INDEPENDENT
17 HEARING OFFICER AT A STATE HEARING.

18 (I) ON OR BEFORE FEBRUARY 1, 2023, AND, NOTWITHSTANDING
19 THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), EVERY FEBRUARY 1
20 THEREAFTER, THE STATE DEPARTMENT SHALL REPORT THE FOLLOWING
21 INFORMATION FROM THE PREVIOUS CALENDAR YEAR TO THE HEALTH AND
22 HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC AND
23 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
24 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES:

25 (I) THE NUMBER OF CHILDREN OR YOUTH WHO MET TRANSITION OR
26 DISCHARGE CRITERIA AND LEFT THE PROGRAM;

27 (II) THE TOTAL NUMBER OF APPLICATIONS RECEIVED FOR THE

1 PROGRAM DURING THE APPLICABLE YEAR AND THE NUMBER OF
2 APPLICANTS WHO:

3 (A) MET PROGRAM ELIGIBILITY CRITERIA;

4 (B) DID NOT MEET PROGRAM ELIGIBILITY CRITERIA;

5 (C) WERE ADMITTED TO THE PROGRAM; AND

6 (D) WERE ADDED TO THE WAIT LIST;

7 (III) THE NUMBER OF CHILDREN OR YOUTH REMOVED FROM THE
8 WAIT LIST AND PLACED IN THE PROGRAM;

9 (IV) THE NUMBER OF CHILDREN OR YOUTH REMOVED FROM THE
10 PROGRAM BEFORE MEETING TRANSITION CRITERIA AND THE REASON OR
11 REASONS FOR REMOVAL;

12 (V) THE NUMBER OF APPEALS TO THE INTERDISCIPLINARY APPEALS
13 REVIEW PANEL DURING THE PREVIOUS YEAR, INCLUDING THE NUMBER
14 THAT WERE APPROVED AND THE NUMBER THAT WERE DENIED;

15 (VI) THE NUMBER OF BEDS DURING EACH MONTH THAT WERE:

16 (A) OPEN OR UNOCCUPIED;

17 (B) OCCUPIED; OR

18 (C) USED FOR EMERGENCY PLACEMENTS; AND

19 (VII) THE AVERAGE LENGTH OF STAY.

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.