

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

INTRODUCED

LLS NO. 23-0450.01 Jane Ritter x4342

HOUSE BILL 23-1067

HOUSE SPONSORSHIP

Young and Bradfield,

SENATE SPONSORSHIP

Cutter,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CREATION OF A FAMILY AND COMMUNITY INTERVENER**
102 **PROGRAM TO SUPPORT CHILDREN EXPERIENCING**
103 **DEAFBLINDNESS.**

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 creates the family and community intervener program (program) to support children who are deafblind and their families. The program provides deafblind children the services of an intervener who is specifically trained in deafblindness, building language and communication skills, and intervention strategies with children who are

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

deafblind and their community, families, and environment. The Colorado commission for the deaf, hard of hearing, and deafblind (commission) shall contract with an intervener program manager (manager) who has oversight over the program, the intervener activities, and the outcomes for children who are deafblind.

Starting in 2025, and upon the approval of the department of health care policy and financing, the commission shall have the manager direct eligible children to receive intervener services through the home- and community-based services provided by the community first choice option of the federal "Social Security Act".

The program is funded through the Colorado telephone users with disabilities fund.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Children who are deafblind have incomplete, distorted, or
5 unreliable access to visual or auditory information, or both;

6 (b) The term "deafblind" does not refer to total deafness or total
7 blindness but rather degrees of hearing and vision loss;

8 (c) Children who are deafblind need a clear and consistent flow
9 of visual and auditory information for learning, interaction, and overall
10 development;

11 (d) Many children who are deafblind have other disabling
12 conditions, such as physical disabilities, health problems, and cognitive
13 challenges;

14 (e) Children who are deafblind are diverse and have unique needs,
15 yet they share similar learning, communication, and social and emotional
16 challenges; and

17 (f) Learning through independent observation and exploration is
18 difficult for children experiencing deafblindness because they have
19 difficulty detecting their environment, and when essential information is

1 missed, incidental learning is greatly limited.

2 (2) Therefore, the general assembly finds and declares that it is in
3 the best interest of the state of Colorado and, particularly, children who
4 are experiencing deafblindness and their families to:

5 (a) Create and fund the family and community intervener
6 program, housed within the commission for the deaf, hard of hearing, and
7 deafblind in the department of human services; and

8 (b) Support the program's work with children who are deafblind
9 and their families and its values of facilitating critical connections
10 between family, community, people, and environments that promote
11 social and emotional well-being.

12 **SECTION 2.** In Colorado Revised Statutes, 26-21-103, **add** (4.3),
13 (4.7), and (4.8) as follows:

14 **26-21-103. Definitions.** As used in this article 21, unless the
15 context otherwise requires:

16 (4.3) "DEAFBLIND" MEANS A PERSON WHO HAS CONCOMITANT
17 HEARING AND VISUAL IMPAIRMENTS, THE COMBINATION OF WHICH CAUSES
18 SUCH SEVERE COMMUNICATION BARRIERS AND DEVELOPMENTAL AND
19 EDUCATIONAL CHALLENGES THAT A CHILD WHO IS DEAFBLIND CANNOT BE
20 ACCOMMODATED IN SPECIAL EDUCATION PROGRAMS DESIGNED SOLELY
21 FOR CHILDREN WHO ARE DEAF OR CHILDREN WHO ARE BLIND.

22 (4.7) "INTERVENER" MEANS A PERSON WHO IS AT LEAST EIGHTEEN
23 YEARS OF AGE AND:

24 (a) IS KNOWLEDGEABLE IN A VARIETY OF TECHNIQUES USED TO
25 SUPPORT A CHILD WHO IS DEAFBLIND TO MEANINGFULLY PARTICIPATE IN
26 THE CHILD'S COMMUNITY;

27 (b) HAS COMPLETED OR IS ENROLLED IN AN INTERVENER TRAINING

1 PROGRAM AND HAS OBTAINED AN INTERVENER CERTIFICATE OR
2 PROVISIONAL INTERVENER CERTIFICATE;

3 (c) HAS THE ABILITY TO PROFICIENTLY COMMUNICATE IN THE
4 FUNCTIONAL LANGUAGE OF THE CHILD TO WHOM THE INTERVENER IS
5 ASSIGNED;

6 (d) HAS AT LEAST ONE YEAR OF EXPERIENCE WORKING WITH
7 INDIVIDUALS WITH DEAFNESS, BLINDNESS, DEAFBLINDNESS, OR
8 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; AND

9 (e) HAS AT LEAST SIX MONTHS OF EXPERIENCE WORKING WITH
10 INDIVIDUALS WHO HAVE DEAFBLINDNESS.

11 (4.8) "INTERVENER PROGRAM MANAGER" MEANS A PERSON WHO
12 HAS DEMONSTRATED INTERVENER ABILITIES AND CAN PROFICIENTLY
13 COMMUNICATE IN THE FUNCTIONAL LANGUAGE OF CHILDREN WHO ARE
14 DEAFBLIND AND:

15 (a) HAS A MINIMUM OF ONE YEAR OF PAID EXPERIENCE IN
16 COMMUNITY PROGRAMS PLANNING AND PROVIDING DIRECT SERVICES TO
17 CHILDREN WITH DEAFNESS, BLINDNESS, DEAFBLINDNESS, OR MULTIPLE
18 DISABILITIES, AND HAS A MASTER'S DEGREE IN A HEALTH AND HUMAN
19 SERVICES-RELATED FIELD; OR

20 (b) HAS A MINIMUM OF TWO YEARS OF PAID EXPERIENCE IN
21 COMMUNITY PROGRAMS PLANNING AND PROVIDING DIRECT SERVICES TO
22 INDIVIDUALS WITH DEAFNESS, BLINDNESS, DEAFBLINDNESS, OR MULTIPLE
23 DISABILITIES, AND HAS A BACHELOR'S DEGREE IN A HEALTH AND HUMAN
24 SERVICES-RELATED FIELD.

25 **SECTION 3.** In Colorado Revised Statutes, 26-21-106, **add** (8.5)
26 as follows:

27 **26-21-106. Powers, functions, and duties of commission -**

1 **community access program - report - rules - definitions.** (8.5) (a) ON
2 OR BEFORE OCTOBER 1, 2023, THE COMMISSION SHALL ESTABLISH A
3 FAMILY AND COMMUNITY INTERVENER PROGRAM. THE FAMILY AND
4 COMMUNITY INTERVENER PROGRAM SHALL WORK WITH CHILDREN WHO
5 ARE DEAFBLIND TO FACILITATE CRITICAL CONNECTIONS BETWEEN THE
6 CHILD AND THE CHILD'S FAMILY, COMMUNITY, AND ENVIRONMENT. THE
7 FAMILY AND COMMUNITY INTERVENER PROGRAM MUST INCLUDE, BUT
8 NEED NOT BE LIMITED TO, ACCESS TO A FAMILY AND COMMUNITY
9 INTERVENER WITH SPECIFIC TRAINING IN DEAFBLINDNESS, STRATEGIES TO
10 BUILD LANGUAGE AND COMMUNICATION SKILLS, AND INTERVENTION
11 STRATEGIES. THE INTERVENER SHALL:

12 (I) WORK ONE-ON-ONE WITH A CHILD WHO IS DEAFBLIND IN ORDER
13 TO FACILITATE CRITICAL CONNECTIONS BETWEEN THE CHILD AND THE
14 CHILD'S COMMUNITY, FAMILY, AND ENVIRONMENT;

15 (II) OPEN CHANNELS OF COMMUNICATION BETWEEN THE CHILD
16 AND OTHERS;

17 (III) FACILITATE THE DEVELOPMENT OR USE OF RECEPTIVE AND
18 EXPRESSIVE COMMUNICATION SKILLS BY THE CHILD;

19 (IV) DEVELOP AND MAINTAIN A TRUSTING, INTERACTIVE
20 RELATIONSHIP WITH THE CHILD THAT PROMOTES SOCIAL AND EMOTIONAL
21 WELL-BEING; AND

22 (V) PROVIDE THE CHILD WITH OPPORTUNITIES FOR LEARNING AND
23 DEVELOPMENT IN THE COMMUNITY AND AT HOME.

24 (b) THE COMMISSION SHALL CONTRACT WITH AN INTERVENER
25 PROGRAM MANAGER TO DIRECT SERVICES FOR CHILDREN WHO ARE
26 DEAFBLIND AND ENSURE THAT AN INTERVENER:

27 (I) WORKS WITH NO MORE THAN ONE CHILD AT A TIME;

1 (II) INSTRUCTS AND SUPPORTS THE CHILD IN SKILLS RELATED TO
2 COMMUNITY INVOLVEMENT;

3 (III) TRANSPORTS THE CHILD TO GAIN ACCESS TO COMMUNITY
4 SERVICES AND RESOURCES;

5 (IV) PROVIDES COMMUNICATION AND INFORMATION TO THE CHILD
6 CONCERNING THE CHILD'S ENVIRONMENT THAT OTHERWISE WOULD BE
7 AVAILABLE THROUGH VISION AND HEARING;

8 (V) USES INTERPERSONAL COMMUNICATION, INCLUDING SIGN
9 LANGUAGE, SPEECH, TANGIBLE COMMUNICATION SYMBOLS, GESTURES,
10 CALENDARS, AND AUGMENTATIVE COMMUNICATION DEVICES;

11 (VI) MAKES SIGHTS, SOUNDS, AND ACTIVITIES ACCESSIBLE TO THE
12 CHILD BY LEARNING THE CHILD'S SPECIFIC COMMUNICATION SYSTEM; AND

13 (VII) FORMS A WORKING ALLIANCE WITH THE DEAFBLIND CHILD'S
14 FAMILY MEMBERS, NEIGHBORS, COMMUNITY ORGANIZATIONS, AND
15 PROFESSIONALS WITH WHOM THE CHILD HAS CONTACT.

16 (c) THE INTERVENER PROGRAM MANAGER SHALL DOCUMENT THE
17 FOLLOWING OUTCOMES FOR INTERVENER SERVICES IN THE CHILD'S
18 RECORD:

19 (I) WHETHER THE CHILD IS EFFECTIVELY COMMUNICATING WANTS
20 AND NEEDS TO THE CHILD'S INTERVENER; AND

21 (II) WHETHER THE CHILD IS ACTIVELY PARTICIPATING IN
22 COMMUNITY ACTIVITIES AND ACTIVITIES OF DAILY LIVING TO THE EXTENT
23 OF THE CHILD'S ABILITY.

24 (d) STARTING JULY 1, 2025, AND UPON THE APPROVAL OF THE
25 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE COMMISSION
26 SHALL HAVE THE INTERVENER PROGRAM MANAGER DIRECT ELIGIBLE
27 CHILDREN WHO ARE DEAFBLIND TO RECEIVE INTERVENER SERVICES

1 THROUGH THE FAMILY AND COMMUNITY INTERVENER PROGRAM USING THE
2 HOME- AND COMMUNITY-BASED SERVICES IN THE COMMUNITY FIRST
3 CHOICE OPTION CREATED IN SECTION 1915(k) OF THE FEDERAL "SOCIAL
4 SECURITY ACT", 42 U.S.C. 1396n.

5 **SECTION 4.** In Colorado Revised Statutes, 40-17-104, **amend**
6 (1)(b)(II) and (1)(b)(III); and **add** (1)(b)(IV) as follows:

7 **40-17-104. Colorado telephone users with disabilities fund -**
8 **creation - purpose.** (1) (b) The general assembly shall make annual
9 appropriations out of the fund:

10 (II) To the reading services for the blind cash fund, created in
11 section 24-90-105.5 (5), for use by the state librarian in support of
12 privately operated reading services for people who are blind; ~~and~~

13 (III) To provide support for library services as authorized by
14 section 24-90-105 (1)(e); AND

15 (IV) TO PROVIDE SUPPORT FOR THE FAMILY AND COMMUNITY
16 INTERVENER PROGRAM ESTABLISHED IN SECTION 26-21-106 (8.5).

17 **SECTION 5. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2024 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.