

CHAPTER 186

HUMAN SERVICES - BEHAVIORAL HEALTH

HOUSE BILL 23-1067

BY REPRESENTATIVE(S) Young and Bradfield, Amabile, Bird, Boesenecker, Brown, Dickson, Duran, Froelich, Garcia, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Marshall, Martinez, McCormick, McLachlan, Michaelson Jenet, Ortiz, Ricks, Snyder, Taggart, Titone, Valdez, McCluskie;
also SENATOR(S) Cutter and Ginal, Buckner, Exum, Kolker, Moreno, Priola, Winter F., Zenzinger.

AN ACT

CONCERNING CREATION OF A FAMILY AND COMMUNITY INTERVENER PROGRAM TO SUPPORT CHILDREN EXPERIENCING DEAFBLINDNESS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

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

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

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

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

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

(f) Learning through independent observation and exploration is difficult for children experiencing deafblindness because they have difficulty detecting their

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environment, and when essential information is missed, incidental learning is greatly limited.

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

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

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

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

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

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

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

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

(b) HAS COMPLETED OR IS ENROLLED IN AN INTERVENER TRAINING PROGRAM AND HAS OBTAINED AN INTERVENER CERTIFICATE OR PROVISIONAL INTERVENER CERTIFICATE;

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

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

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

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

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

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

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

26-21-106. Powers, functions, and duties of commission - community access program - report - rules - definitions. (8.5) (a) ON OR BEFORE OCTOBER 1, 2023, THE COMMISSION SHALL ESTABLISH A FAMILY AND COMMUNITY INTERVENER PROGRAM. THE FAMILY AND COMMUNITY INTERVENER PROGRAM SHALL WORK WITH CHILDREN WHO ARE DEAFBLIND TO FACILITATE CRITICAL CONNECTIONS BETWEEN THE CHILD AND THE CHILD'S FAMILY, COMMUNITY, AND ENVIRONMENT. THE FAMILY AND COMMUNITY INTERVENER PROGRAM MUST INCLUDE, BUT NEED NOT BE LIMITED TO, ACCESS TO A FAMILY AND COMMUNITY INTERVENER WITH SPECIFIC TRAINING IN DEAFBLINDNESS, STRATEGIES TO BUILD LANGUAGE AND COMMUNICATION SKILLS, AND INTERVENTION STRATEGIES. THE INTERVENER SHALL:

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

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

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

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

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

(b) THE COMMISSION SHALL HIRE AN INTERVENER PROGRAM MANAGER TO DIRECT SERVICES FOR CHILDREN WHO ARE DEAFBLIND AND ENSURE THAT AN INTERVENER:

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

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

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

(IV) PROVIDES COMMUNICATION AND INFORMATION TO THE CHILD CONCERNING

THE CHILD'S ENVIRONMENT THAT OTHERWISE WOULD BE AVAILABLE THROUGH VISION AND HEARING;

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

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

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

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

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

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

(d) THE INTERVENER PROGRAM MANAGER AND INTERVENER SHALL COLLABORATE WITH OTHER STATE AGENCIES AS APPROPRIATE THAT PROVIDE DIRECT OR INDIRECT SERVICES TO CHILDREN WHO ARE DEAFBLIND AND THEIR FAMILIES TO IDENTIFY POTENTIAL ADDITIONAL SERVICES OR OPPORTUNITIES FOR CHILDREN WHO ARE DEAFBLIND.

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

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

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

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

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

SECTION 5. Appropriation. (1) For the 2023-24 state fiscal year, \$130,092 is appropriated to the Colorado commission for the deaf, hard of hearing, and deafblind cash fund created in section 26-21-107 (1), C.R.S. This appropriation is from the Colorado telephone users with disabilities fund created in section

40-17-104 (1)(a), C.R.S. The public utilities commission in the department of regulatory agencies is responsible for the accounting related to this appropriation.

(2) For the 2023-24 state fiscal year, \$130,092 is appropriated to the department of human services for use by the office of adults, aging, and disability services. This appropriation is from reappropriated funds in the Colorado commission for the deaf, hard of hearing, and deafblind cash fund under subsection (1) of this section, and is based on the assumption that the office will require an additional 0.4 FTE. To implement this act, the office may use the appropriation for the Colorado commission for the deaf, hard of hearing, and deafblind.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 15, 2023