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**0566 Interim Committee on Long-Term Health Care Services and Supports to
Persons with Developmental Disabilities**



**Report to the
Colorado General Assembly**

**Interim Committee on
Long-Term Health Care Services
and Supports to Persons
with Developmental
Disabilities**

*The Colorado Legislative Council
Research Publication No. 566
December 2007*

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December 2007

To Members of the Sixty-sixth General Assembly:

Submitted herewith is the final report of the Developmental Disabilities Committee. This committee was created pursuant to House Joint Resolution 07-1043. The purpose of the committee is to oversee to study methods to improve the system that provides long-term health care services and supports to persons with developmental disabilities.

At its meeting on November 15, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2008 session was approved.

Respectfully Submitted,

/s/ Senator Peter Groff
Chairman

Interim Committee on Long-Term Health Care Services and Supports to Persons with Developmental Disabilities

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This report is also available online at:

http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2007/07interim.htm

Executive Summary

Committee Charge

Pursuant to House Joint Resolution 07-1043, the Interim Committee on Long-term Health Care Services and Supports to Persons with Developmental Disabilities is charged with considering methods to create more transparency, reliability, efficiency, and accountability in the system of long-term care for persons with developmental disabilities; discussing innovative options to meet the long-term health care needs of persons with developmental disabilities; and making recommendations to eliminate waiting lists for services for persons with developmental disabilities.

Committee Activities

The committee met six times during the legislative interim. The committee heard from national researchers, state departments, families, advocates, and local community centered boards regarding the system of long-term care for persons with developmental disabilities, waiting lists for services, and how Colorado ranks in terms of funding for services. At three of its meetings, the committee considered proposals submitted by members of the public on topics related to the committee's charge. An opportunity for public testimony was provided at each of the six meetings.

Transparency, reliability, efficiency, and accountability. The committee looked at ways to create more transparency, reliability, efficiency, and accountability (TREA) throughout the process of providing long-term health care services and supports for persons with developmental disabilities. The committee heard presentations on 16 written proposals addressing TREA issues. They encompassed a wide variety of subjects, including:

- a self-directed services delivery system;
- the definition of "emergency services";
- mistreatment, abuse, neglect, and exploitation;
- case management;
- a statewide hotline for ombudsman-like services;
- consistency and standardization of processes and information;
- salaries of community centered board employees;
- relocation of responsibility for eligibility determination; and
- commissions and task forces to further study services and supports.

The committee recommended one bill as a result of its discussions related to transparency, reliability, efficiency, and accountability. Bill G permits community centered boards to hire a person to serve as a waiting list navigator to assist individuals with developmental disabilities and requires the Department of Human Services to promulgate rules concerning the navigator.

Innovation. Another focus of the committee was the study of innovative options to meet the long-term health care needs of people with developmental disabilities. Members of the public submitted 21 proposals on a number of issues. Several of the proposals dealt with the issue of providing in-home services through family-provided or family-directed care options. Other proposals addressed individuals in transition from the state-sponsored school system who need employment options. A third group of proposals suggested pilot or demonstration programs to further study issues such as a General Fund risk pool, the development of a time bank and



exchange network, and a review of available technologies to assist in the service and support of individuals with developmental disabilities. The final group of proposals focused on case management and a Medicaid buy-in program.

Discussions about innovative options led to the recommendation of five legislative proposals. Three of the bills deal with the employment of individuals with developmental disabilities. Bill A creates the Disability Set Aside Contract Commission, which will provide assistance to nonprofit agencies that employ individuals with developmental disabilities in attaining preferences for state agency contract awards. In an effort to encourage state employment of individuals with developmental disabilities, Bill B creates the State Employment Program for Persons with Developmental Disabilities within the Department of Human Services. The program will provide coordination between state agencies that identify employment opportunities for persons with developmental disabilities and community centered boards that assist in identifying appropriate and interested persons for employment. Bill E establishes, within the Division of Vocational Rehabilitation in the Department of Human Services, an outcome-based supported employment system for integrated employment services for persons with developmental disabilities, chronic mental illness, and traumatic brain injuries. Under the system, the division will reimburse community centered boards and other agencies that work with persons with developmental disabilities on employment issues for employment services provided. The reimbursement will be based on a schedule related to employment outcomes set by prior agreement.

Bill C allows a family caregiver to receive reimbursement for services provided in the family home to a family member with developmental disabilities. Bill D creates a Medicaid buy-in program to allow persons with developmental disabilities who work and earn more than the allowable income for Medicaid to purchase coverage through the program on a sliding scale.

Waiting lists. In Colorado, although a person with a developmental disability may be eligible for state- and federally-funded services, he or she must usually wait, in some cases for several years, for services to become available. According to information compiled in March 2007 by the Division for Developmental Disabilities, there are currently a number of individuals waiting for services who would accept them as soon as they are available or in the next fiscal year:

- 1,400 for Adult Comprehensive Services;
- 2,300 for Supported Living Services;
- 160 for Children's Extensive Support Services; and
- 4,200 for Family Support Services.

In addition, the Division for Developmental Disabilities has estimated that there are a number of individuals who are not currently on a waiting list, but will need services in the future:

- an additional 3,400 individuals will likely need Adult Comprehensive Services but not until FY 2008-09 or later, or it is unknown when they will need services; and
- an additional 900 individuals will likely need Adult Supported Living Services but not until FY 2008-09 or later, or it is unknown when they will need services.

The committee heard testimony from family members of individuals with developmental disabilities who are waiting for services and considered several proposals submitted by members of the public to fund services for persons who are currently on the waiting list. Proposals submitted to the committee included the creation of a public/private funding mechanism to fund services for persons with developmental disabilities, the creation of a reinvestment plan to utilize revenue that

is appropriated in one fiscal year but not spent, and a sales tax increase to fund services for persons on the waiting list. As a result of its discussion, the committee is recommending Bill F, which directs the General Assembly to annually appropriate a specific amount of General Fund revenue for developmental disability services, with the goal of reducing the waiting list for services. The committee also discussed a bill to increase the state sales tax from 2.9 percent to 3.2 percent and use the increased revenue to fund services for persons with developmental disabilities. This bill was withdrawn prior to a committee vote.

Committee Recommendations

As a result of the interim committee's discussion and deliberation, the committee recommends seven bills for consideration in the 2008 legislative session.

Bill A — Preferences in State Contracts for Persons with Developmental Disabilities.

Bill A creates the Set Aside Contract Commission within the Department of Human Services to assist nonprofit agencies that employ persons with severe disabilities to perform specifically identified state agency services. Nonprofit agencies that employ persons with severe disabilities that are interested in performing state services may apply to the commission to attain prequalified status. The commission will be required to, with input from specified entities, create a list of the types of services solicitations that it deems appropriate for prequalified vendors to perform. The commission must review and update the services set aside list annually and provide the list to the purchasing director of each state agency. Any state agency that intends to solicit bids for services that are included on the services set aside list must solicit bids from prequalified vendors before soliciting bids through other approved procurement methods. State agencies must award contracts to prequalified vendors at a fair and reasonable price. Bill A allows state agencies that do not receive bids from any prequalified vendor to procure services through other approved methods.

Bill B — State Employment Program for Persons with Developmental Disabilities.

Bill B creates the State Employment Program for Persons with Developmental Disabilities within the Department of Human Services. Bill B requires the department to design and implement the program to provide coordination between state agencies and community centered boards (CCBs) in identifying appropriate and meaningful employment opportunities for persons with developmental disabilities. Pursuant to Bill B, a state agency that employs a person with a developmental disability is required to enter into a memorandum of understanding with the Department of Human Services with regard to hiring of, supervision of, and payment to the individual.

Bill C — Family Caregiver Developmentally Disabled. Bill C defines the term "family caregiver" and allows a family member who provides care in the family home to a family member with a developmentally disability to receive reimbursement for services.

Bill D — Medicaid Buy-in for Disabled Persons. Bill D directs the Department of Health Care Policy and Financing to request federal authorization to implement a Medicaid Buy-in Program for individuals with disabilities. Under the program, a person with a disability would pay a premium for Medicaid coverage on a sliding scale based upon his or her income. Bill D states there is no income or earned asset limitation for a participant in the Medicaid Buy-in Program.

Bill E — Employment Outcome System for Persons with Developmental Disabilities.

Bill E establishes an outcome-based supported employment system for integrated employment services for persons with developmental disabilities, chronic mental illness, and traumatic brain

injuries. The Division of Vocational Rehabilitation will reimburse CCBs and other agencies that work with persons with developmental disabilities on employment issues for employment services provided. The reimbursement schedule is dependent upon certain tasks the CCB or other agency performs, such as providing an employment plan or job placement. In addition, the Division of Vocational Rehabilitation must annually submit a report to the Department of Human Services and the House and Senate Health and Human Services committees which details the number of individuals with disabilities who were assessed for employment, provided with a job plan, placed in a job, and provided training.

Bill F — Increasing State Funding for Services for Persons with Developmental Disabilities. Bill F creates the Developmental Disabilities Services Cash Fund to fund program costs for Adult Comprehensive Services, Adult Supported Living Services, and Family Support Services for persons with developmental disabilities. The bill directs the General Assembly to make specific appropriations for the next five fiscal years to the fund. The appropriation is equal to 2 percent of the amount the total state General Fund appropriation is allowed to increase over the prior year's General Fund appropriation. For FY 2008-09, the projected appropriation is \$8.6 million.

Bill G — Developmentally Disabled Waiting List Navigator. Bill G creates the position of navigator to assist persons with developmental disabilities who are on the waiting list to receive services from the Department of Human Services, Division of the Developmentally Disabilities. Bill G outlines the duties of a navigator and requires CCBs to ensure the availability of a navigator to persons with developmental disabilities.

Committee Charge

The Interim Committee on Long-term Health Care Services and Supports to Persons with Developmental Disabilities was created pursuant to House Joint Resolution 07-1043. The committee was authorized to meet up to six times during the 2007 legislative interim and was comprised of five members from the Senate and five members from the House of Representatives.

Pursuant to House Joint Resolution 07-1043, the committee was required to solicit and accept reports and public testimony on the following issues:

- ways to create more transparency, reliability, efficiency, and accountability throughout the process of providing long-term health care services and supports for persons with developmental disabilities;
- innovative options to meet the long-term health care needs of people with developmental disabilities;
- recommendations to eliminate all waiting lists for long-term health care services and supports for persons with developmental disabilities with all deliberate speed; and
- recommendations for the creation of new funding for persons on the waiting lists.

Committee Activities

The committee met six times during the 2007 interim. The committee heard from national researchers, state departments, families, advocates, and local community centered boards (CCBs) regarding Colorado's system of long-term care for persons with developmental disabilities. The committee received briefings on the various programs available for persons with developmental disabilities, the waiting lists for those programs, and how Colorado compares with other states in terms of funding for services. At three of its meetings, members of the public were invited to submit and present proposals to the committee related to the committee's charge. In general, these proposals fell under one of three general topics considered by the committee:

- ways to create more transparency, reliability, efficiency, and accountability throughout the process of providing long-term care services and supports for persons with developmental disabilities;
- innovative options to meet the long-term health care needs of persons with developmental disabilities; and
- the creation of new funding sources for persons on the waiting list, and recommendations to end the waiting lists for services.

Transparency, Reliability, Efficiency, and Accountability

The committee devoted a meeting to reviewing proposals submitted by members of the public on issues related to transparency, reliability, efficiency, and accountability. Specific issues discussed included care for persons with development disabilities in emergency situations, mistreatment and abuse of persons with developmental disabilities, case management, and standardization across the service delivery system. The committee also considered several proposals to further study the system of services for persons with developmental disabilities.

Emergency care. The committee heard testimony from families and advocates that individuals on the waiting list often receive services only once their situation has become an emergency, although the definition of when a situation is considered an emergency can vary across the state. One proposal reviewed by the committee concerned the creation of a standard definition of "emergency" services. Emergencies would be defined to include the death or serious illness of an individual's caregiver parent. An additional proposal advocated for a statutory definition of "emergency" and the creation of a centralized list of persons statewide who are in emergency situations.

Mistreatment, abuse, neglect, and exploitation. The committee considered issues related to the mistreatment, abuse, neglect, and exploitation of persons with developmental disabilities. Proposals were presented to the committee to designate a lead agency to investigate reports related to mistreatment or abuse of persons with developmental disabilities and to establish a statewide registry of direct care providers who have been found culpable in any investigation related to mistreatment or abuse.

Case management. The committee considered several proposals related to case management services. Specific proposals included providing case management to persons who are on the waiting lists for services, requiring the Division for Developmental Disabilities within the Department of Human Services to establish a 1-800 number to disseminate information to persons receiving services and individuals who are waiting for services, and to create a single entry point for Children's Extensive Support Services.

CCB employee salaries. Some discussion was devoted to the salaries and benefits of CCB employees. One proposal suggested that the state establish an upper limit on the salaries of CCB administrative employees.

Standardization. The committee discussed several proposals relating to standardizing information and processes throughout the system of long-term care for persons with developmental disabilities. Specific proposals included standardizing intake, enrollment, eligibility determination, incident reporting, and other processes across all CCBs; reallocating the responsibility for eligibility determination for specific individuals from CCBs to the Division for Developmental Disabilities to promote consistency; and creating a standardized form for families to use when applying for various services.

Studies. Several proposals submitted to the committee suggested that the system of services for persons with developmental disabilities should be further studied. One proposal advocated for the appointment of an external commission to make recommendations on a potential redesign of the system of care for persons with developmental disabilities. An additional proposal suggested the creation of a commission to eliminate duplication of effort between various state agencies that deliver services to persons with developmental disabilities. Other proposals requested the completion of cost analysis of the entire system of services for persons with developmental disabilities, and that the Division for Developmental Disabilities make certain annual reports to the legislature.

Committee recommendation. Based on its discussion of issues related to transparency, reliability, efficiency, and accountability in Colorado's system of long-term care for persons with developmental disabilities, the committee recommends Bill G. Bill G permits CCBs to employ a person to serve as waiting list navigator to assist individuals with developmental disabilities and requires the Department of Human Services to promulgate rules concerning the navigator.

The committee considered innovative ways to improve the provision of services to persons with developmental disabilities. Again, members of the public were invited to submit proposals relating to the topic. Proposals reviewed by the committee included in-home services provided or directed by family members, employment opportunities for persons with developmental disabilities, pilot or demonstration programs to address various aspects of the provision of services to persons with developmental disabilities, and a Medicaid buy-in program for persons with disabilities.

In-home services. The committee received several proposals permitting individuals to be reimbursed for providing services to their family member with a developmental disability. The committee also considered proposals to allow persons with developmental disabilities to utilize state and federal funding to contract with case managers and service providers of their choosing. The committee extensively discussed a restriction in the Adult Comprehensive Services Program that requires persons receiving comprehensive services to live outside of their family home. The committee considered specific proposals to remove that restriction, to increase funding for Family Support Services, to expand eligibility for Family Support Services to include adults, and to allow family members to receive their allotted budget for services in a debit card or other format that could be spent at the family's direction. In addition, the committee considered a specific proposal to allow family members or friends of persons with developmental disabilities to receive payment for providing state or federally allowable services.

Employment opportunities for persons with developmental disabilities. The committee heard from advocates and family members about the importance of employment opportunities for persons with developmental disabilities. One proposal addressed programs for adults who are transitioning from receiving services through the public school system to receiving services through the developmental disabilities system. Committee members also discussed a proposal to require that the state Department of Personnel and Administration identify specific state services contracts to be "set aside" and awarded to nonprofit agencies that employ persons with developmental disabilities. In addition, the committee heard testimony from persons expressing concern that persons with developmental disabilities primarily work with other persons with developmental disabilities, rather than being naturally integrated into traditional workplaces.

Pilots and demonstration projects. The committee considered several proposals suggesting that pilot programs and demonstration projects be created to explore innovative methods of providing services to persons with developmental disabilities. One proposal advocated for the creation of a state General Fund risk pool to provide emergency support to persons with developmental disabilities. Another proposal suggested that a time bank and exchange network for persons with developmental disabilities be established. Under the proposal, the state would create a system to register services that individuals can provide and wish to receive, and individuals would be matched to provide and receive services appropriately. The committee reviewed a proposal to create a task force to review available technologies for persons with developmental disabilities, and to make recommendations on ways to incorporate technology into the provision of services and supports to persons with developmental disabilities. A final proposal suggested the creation of a three-year pilot to provide case management services to adults, independent of the CCB system.

Medicaid Buy-in Program. One proposal addressed the availability of Medicaid for persons with developmental disabilities. Although persons with physical and developmental disabilities may be eligible for Medicaid under state and federal law, persons who are employed can lose Medicaid eligibility if they earn a high enough income. Such persons may not be able to obtain a private health insurance policy that meets their needs. Under the proposal, the state would allow persons with disabilities to buy into the Medicaid program on a sliding scale.



Committee recommendations. As a result of its discussions related to innovative methods of providing services and supports to persons with developmental disabilities, the committee recommends five bills.

Three of the recommended bills concern employment opportunities for persons with developmental disabilities. Bill A creates the Disability Set Aside Contracts Commission, which will provide assistance to nonprofit agencies that employ individuals with developmental disabilities in attaining preferences for contract awards with state agencies. In an effort to encourage state employment of individuals with developmental disabilities, Bill B creates the State Employment Program for Persons with Developmental Disabilities within the Department of Human Services. The program will provide coordination between state agencies that identify employment opportunities for persons with developmental disabilities and CCBs that assist in identifying appropriate and interested persons for employment. Bill E establishes within the Division of Vocational Rehabilitation in the Department of Human Services, an outcome-based supported employment system for integrated employment services for persons with developmental disabilities, chronic mental illness, and traumatic brain injuries. Under the system, the division will reimburse CCBs and other agencies that work with persons with developmental disabilities based on a reimbursement schedule related to employment outcomes set by prior agreement.

One bill was recommended concerning the provision of services by family members. Bill C allows a family caregiver to receive reimbursement for services provided in the family home to a family member with developmental disabilities.

Finally, Bill D creates a Medicaid buy-in program to allow persons with developmental disabilities who work and earn more than the allowable income for Medicaid to purchase coverage through the program on a sliding scale.

Waiting Lists

The committee was specifically charged with making recommendations to eliminate waiting lists for services for persons with developmental disabilities. Waiting lists exist because most services for individuals with developmental disabilities are funded using federal Medicaid waivers. The state has the authority to limit the number of individuals participating in a Medicaid waiver program. Adult Comprehensive Services, Adult Supported Living Services, and Children's Extensive Support Services are funded through Medicaid with a 50 percent state contribution, while Family Support Services are funded with state-only funds. There is not sufficient money to fund program participation for all developmentally disabled individuals who need services, and the overflow are put on waiting lists, usually for years at a time. According to information compiled in March 2007 by the Division for Developmental Disabilities, there are currently a number of individuals waiting for services who would accept them as soon as they are available or in the next fiscal year:

- 1,400 for Adult Comprehensive Services;
- 2,300 for Supported Living Services;
- 160 for Children's Extensive Support Services; and
- 4,200 for Family Support Services.

In addition, the Division for Developmental Disabilities has estimated that there are a number of individuals who are not currently on a waiting list, but will need services in the future:

- an additional 3,400 individuals will likely need Adult Comprehensive Services but not until FY 2008-09 or later, or it is unknown when they will need services; and
- an additional 900 individuals will likely need Adult Supported Living Services but not until FY 2008-09 or later, or it is unknown when they will need services.

Three proposals were submitted to the committee that addressed the reduction or elimination of the waiting lists. The Life Invest Fund would allow families and other interested parties to enter into voluntary partnership of financial investment into long-term care. The Life Invest Fund would create an endowment jointly funded by the investment of public funds and dedicated private contributions that could be used for long-term care services for individuals with developmental disabilities. The program is modeled after one in Washington state called the Developmental Disabilities Endowment Trust Fund.

The second proposal discussed by the committee created the Annual Reinvestment Plan for Services to Support Persons with Developmental Disabilities (plan). The plan would allow the state to retain revenues left unspent from one fiscal year in order to spend them on approved items in the next fiscal year. Various circumstances (vacancies, delays in starting new services, provider turnover, etc.) can result in unspent allocated revenues. The plan would provide a process by which those unspent funds could be reallocated for specific purposes related to providing services for the developmentally disabled in the next fiscal year.

The committee extensively discussed a proposal that would have increased the state sales tax rate from 2.9 to 3.2 percent and used the increased revenue to eliminate the waiting lists. The proposal would have dedicated all new revenue generated under the higher sales tax rate to Adult Comprehensive Services, Adult Supported Living Services, Children's Extensive Support Services, and Family Support Services. It would have exempted all spending for those programs from the Arveschoug-Bird 6 percent spending limit and from TABOR and Referendum C considerations. The proposal was withdrawn at the last meeting of the committee without a vote.

Committee recommendation. Bill F creates the Developmental Disabilities Services Cash Fund. The General Assembly is directed to appropriate to the fund an amount equal to 2 percent of the amount by which total General Fund appropriations for a fiscal year increase over the prior fiscal year. The Department of Human Services will be appropriated the moneys in the fund for costs associated with Adult Comprehensive Services, Adult Supported Living Services, and Family Support Services. An estimated initial appropriation of \$8.6 million would be used to create the fund.

Summary of Recommendations

As a result of the committee's activities, the following seven bills are recommended to the Colorado General Assembly.

Bill A — Preferences in State Contracts for Persons with Developmental Disabilities

Bill A creates the Set Aside Contract Commission within the Department of Human Services to assist nonprofit agencies that employ persons with severe disabilities to perform specifically identified state agency services. Nonprofit agencies that employ persons with severe disabilities and are interested in performing state services may apply to the commission to attain prequalified



status. The commission will be required to, with input from specified entities, determine the type of tasks that persons with severe disabilities can reasonably perform and create a list of those tasks that can be placed on the services set aside list. The commission must review and update the services set aside list annually and provide the list to the purchasing director of each state agency. Any state agency that intends to solicit bids for services that are included on the services set aside list must solicit bids from prequalified vendors before soliciting bids through other approved procurement methods. The bill outlines guidelines for the commission on awarding contracts when two or more prequalified vendors apply, or if only one prequalified vendor bids. State agencies must award contracts to prequalified vendors at a fair and reasonable price. Bill A allows state agencies that do not receive bids from any prequalified vendor to procure services through other approved methods.

Bill B — State Employment Program for Persons with Developmental Disabilities

Bill B creates the State Employment Program for Persons with Developmental Disabilities within the Department of Human Services. Bill B requires the department to design and implement the program to provide coordination between state agencies and CCBs in identifying appropriate and meaningful employment opportunities for persons with developmental disabilities. Pursuant to the bill, a state agency that employs a person with a developmental disability is required to enter into a memorandum of understanding with the Department of Human Services with regard to hiring of, supervision of, and payment to the individual. The department is required to regularly provide information to state agencies to explain and promote the program. Each state agency is strongly encouraged to participate in the program by identifying meaningful and appropriate employment positions for persons with developmental disabilities.

Bill C — Family Caregiver Developmentally Disabled

Bill C defines the term "family caregiver" as a family member of the person with a developmental disability who provides care to the person with a developmental disability in the family home and who meets the requirements for a qualified family caregiver as established by rule of the executive director. The bill expands the definition of "least restrictive environment" to include a family caregiver's home. Expanding the definition of least restrictive environment allows a family member who provides care in the home to a family member with a developmentally disability to receive direct reimbursement for services from the Department of Human Services.

Bill D — Medicaid Buy-in for Disabled Persons

Bill D directs the Department of Health Care Policy and Financing to request federal authorization to implement a Medicaid Buy-in Program for individuals with disabilities. Under the program, a person with a disability would pay a premium, determined by the Medical Services Board, for Medicaid coverage on a sliding scale based upon his or her income. The bill directs the Medical Services Board to determine premiums based on an actuarial study, and requires the department to submit a report to the Joint Budget Committee on the results of the actuarial study and the fiscal analysis of the premiums.

Bill E — Employment Outcome System for Persons with Developmental Disabilities

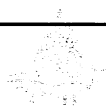
Bill E establishes an outcome-based supported employment system for integrated employment services for persons with developmental disabilities, chronic mental illness, and traumatic brain injuries. The Division of Vocational Rehabilitation will reimburse CCBs and other agencies that work with persons with developmental disabilities on employment issues for employment services provided. The reimbursement schedule is dependent upon certain tasks the CCB or other agency performs, such as providing an employment plan or job placement. In addition, the Division of Vocational Rehabilitation must annually submit a report to the Department of Human Services and the House and Senate Health and Human Services committees which details the number of individuals with disabilities who were assessed for employment, provided with a job plan, placed in a job, and provided training.

Bill F — Increasing State Funding for Services for Persons with Developmental Disabilities

Bill F creates the Developmental Disabilities Services Cash Fund to fund program costs for Adult Comprehensive Services, Adult Supported Living Services, and Family Support Services for persons with developmental disabilities. The bill directs the General Assembly to make specific appropriations for the next five fiscal years to the fund. The required appropriation is equal to 2 percent of the amount the total state General Fund appropriation is allowed to increase over the prior year's General Fund appropriation. For FY 2008-09, the projected appropriation is \$8.6 million.

Bill G — Developmentally Disabled Waiting List Navigator

Bill G creates the position of navigator to assist persons with developmental disabilities who are on the waiting list to receive services from the Department of Human Services, Division of the Developmentally Disabilities. Bill G outlines the duties of a navigator, which include helping individuals on the waiting list and their families to understand the waiting list process, the options available to individuals and families, an individual's status on the waiting list, and other appropriate available resources. The navigator will also be responsible for providing guidance to individuals and families regarding the CCB system. Bill G requires CCBs to ensure the availability of a navigator to persons with developmental disabilities and allows CCBs to combine resources in order to provide navigator services.



Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2007/07interim.htm

Meeting Date and Topics Discussed

July 18, 2007

- ◆ Overview of Children's Extensive Support Services, Family Support Services, Adult Supported Living Services, and Adult Comprehensive Services
- ◆ Funding for services for persons with developmental disabilities in Colorado and nationally
- ◆ Waiting lists for services for persons with developmental disabilities

July 31, 2007

- ◆ Consideration of proposals related to transparency, reliability, efficiency, and accountability

August 17, 2007

- ◆ Consideration of proposals related to innovative methods of providing services to persons with developmental disabilities

August 29, 2007

- ◆ Consideration of proposals related to the waiting lists for services for persons with developmental disabilities
- ◆ Discussion of potential legislation

October 10, 2007

- ◆ Discussion of draft legislation

October 24, 2007

- ◆ Final action on draft legislation

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL A

LLS NO. 08-0181.02 Nicole Myers

HOUSE BILL

HOUSE SPONSORSHIP

Gardner B., Garcia, Pommer, and Soper

SENATE SPONSORSHIP

Boyd, Keller, Spence, and Williams

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A SET ASIDE PROGRAM FOR A
102 NONPROFIT AGENCY THAT BIDS FOR STATE SERVICES
103 SOLICITATIONS WHEN THE NONPROFIT AGENCY EMPLOYS
104 PERSONS WITH SEVERE DISABILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Long-Term Health Care Services and Supports for Persons with Developmental Disabilities. Creates the set aside contracts commission (commission) to assist nonprofit agencies that employ persons with severe disabilities (nonprofit agencies) to perform

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

specifically identified state agency services. Specifies the membership and duties of the commission.

Requires any nonprofit agency that is interested in performing state services and that would like to bid on solicitations for such services through the set aside program to apply to the commission to attain prequalified status. Directs the commission to accept applications from any nonprofit agency and to ensure that the agency meets specified criteria before allowing a nonprofit agency to become prequalified (prequalified vendor). Requires the commission to create and maintain a list of all prequalified vendors and to make the list available to all state agencies.

Directs the commission to determine, with input from specified entities, the type of tasks that persons with severe disabilities can reasonably perform and to identify the type of activities that are within the capabilities of persons with severe disabilities. Directs the commission to create a list of the tasks and activities and to review and update the list at least annually.

Requires the commission to meet with the state purchasing director and to seek input from each state agency to determine the types of state services solicitations that would involve some or all of the tasks or activities specified on the list of tasks and activities and that could be successfully performed by prequalified vendors. Directs the commission to create a list of the types of services solicitations that it deems appropriate for a prequalified vendor to perform (services set aside list), to review and update the list at least annually, and to provide the list to the purchasing director of each state agency.

Requires any state agency that intends to solicit bids for a service that is included on the services set aside list to solicit bids from prequalified vendors before soliciting bids through other approved procurement methods. Specifies how the contract shall be awarded if 2 or more prequalified vendors bid on the services and if only one prequalified vendor bids. Specifies that, if the state agency does not receive a bid from any prequalified vendor, the state agency is permitted to procure the services through other approved procurement methods. Directs the department of personnel to establish a process whereby any state agency can solicit bids solely from prequalified vendors.

Requires any state agency that has awarded a solicitation for services to a prequalified vendor to renegotiate a fair and reasonable price for the services with the prequalified vendor before the expiration of the contract. Specifies circumstances under which the state agency is not required to renegotiate the contract price with the prequalified vendor.

Prohibits any state agency that is required to solicit bids for a service that is included on the services set aside list from bundling the

service with one or more services before soliciting bids from prequalified vendors.

Makes legislative findings and declarations. Defines terms.

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

2 **SECTION 1.** Article 103 of title 24, Colorado Revised Statutes,
3 is amended BY THE ADDITION OF A NEW PART to read:

4 PART 8

5 SET ASIDES IN STATE PROCUREMENT

6 FOR PERSONS WITH SEVERE DISABILITIES

7 **24-103-801. Legislative declaration.** THE GENERAL ASSEMBLY
8 HEREBY FINDS AND DECLARES THAT IT IS IN THE BEST INTEREST OF THE
9 STATE TO ENHANCE THE DIGNITY AND CAPACITY FOR SELF-SUPPORT OF
10 PERSONS WITH SEVERE DISABILITIES AND TO MINIMIZE THEIR DEPENDENCE
11 ON GOVERNMENT PROGRAMS FOR THEIR BASIC NEEDS. THE GENERAL
12 ASSEMBLY FURTHER FINDS AND DECLARES THAT IT BENEFITS THE STATE
13 AS WELL AS PERSONS WITH SEVERE DISABILITIES TO ENCOURAGE AND
14 ASSIST PERSONS WITH SEVERE DISABILITIES TO ACHIEVE MAXIMUM
15 PERSONAL INDEPENDENCE THROUGH USEFUL AND PRODUCTIVE GAINFUL
16 EMPLOYMENT BY IDENTIFYING A MARKET FOR THE SERVICES THAT THEY
17 CAN OFFER. THEREFORE, THE PURPOSE OF THIS ACT IS TO CREATE A SET
18 ASIDE PROGRAM FOR NONPROFIT AGENCIES THAT EMPLOY PERSONS WITH
19 SEVERE DISABILITIES AND TO ALLOW NONPROFIT AGENCIES TO BID ON
20 CERTAIN TYPES OF STATE SERVICES SOLICITATIONS.

21 **24-103-802. Definitions.** AS USED IN THIS PART 8, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

23 (1) "BUNDLING" MEANS A STATE AGENCY CONSOLIDATING TWO OR

1 MORE SOLICITATIONS FOR SERVICES PREVIOUSLY PROVIDED OR
2 PERFORMED UNDER SEPARATE SMALLER CONTRACTS INTO A SINGLE
3 SOLICITATION THAT IS LIKELY TO BE UNSUITABLE FOR AWARD TO A
4 NONPROFIT AGENCY DUE TO ANY OF THE FOLLOWING:

5 (a) THE DIVERSITY, SIZE, OR SPECIALIZED NATURE OF THE
6 ELEMENTS OF THE REQUIRED SERVICES;

7 (b) THE AGGREGATE DOLLAR VALUE OF THE ANTICIPATED AWARD;
8 OR

9 (c) THE GEOGRAPHICAL DISPERSION OF THE CONTRACT
10 PERFORMANCE SITES.

11 (2) "NONPROFIT AGENCY" MEANS A PRIVATE NONPROFIT
12 ORGANIZATION ESTABLISHED UNDER THE LAWS OF THE UNITED STATES OR
13 THIS STATE THAT IS OPERATED IN THE INTEREST OF PERSONS WITH SEVERE
14 DISABILITIES OR THAT SPECIALIZES IN SERVICES FOR PERSONS WITH SEVERE
15 DISABILITIES, THE NET INCOME OF WHICH DOES NOT BENEFIT IN WHOLE OR
16 IN PART ANY SHAREHOLDER OR OFFICER.

17 (3) "PREQUALIFIED VENDOR" MEANS A NONPROFIT AGENCY THAT
18 HAS APPLIED AND BEEN APPROVED BY THE COMMISSION TO BID ON
19 CERTAIN STATE SERVICES SOLICITATIONS PURSUANT TO THIS PART 8.

20 (4) "SERVICES SOLICITATION" MEANS A SOLICITATION BY A STATE
21 AGENCY FOR THE FURNISHING OF LABOR, TIME, OR EFFORT BY A
22 CONTRACTOR NOT INVOLVING THE DELIVERY OF A SPECIFIC END PRODUCT
23 OTHER THAN PRODUCTS THAT ARE MERELY INCIDENTAL TO THE REQUIRED
24 PERFORMANCE.

25 (5) "SEVERE DISABILITY" MEANS ONE OR MORE PHYSICAL OR
26 MENTAL DISABILITIES THAT CONSTITUTE A SUBSTANTIAL IMPAIRMENT TO

1 EMPLOYMENT AND THAT ARE OF SUCH A NATURE AS TO REQUIRE MULTIPLE
2 VOCATIONAL REHABILITATION SERVICES OVER AN EXTENDED PERIOD.

3 (6) "STATE AGENCY" MEANS ANY STATE OFFICE, DEPARTMENT,
4 COMMISSION, INSTITUTION, OR BUREAU, OR ANY AGENCY, DIVISION, OR
5 UNIT WITHIN A DEPARTMENT OR OFFICE. NOTWITHSTANDING THE
6 PROVISIONS OF SECTION 24-101-105, "STATE AGENCY" SHALL INCLUDE
7 EACH INSTITUTION OF HIGHER EDUCATION AND THE COLORADO
8 COMMISSION ON HIGHER EDUCATION. "STATE AGENCY" SHALL NOT
9 INCLUDE ANY MUNICIPALITY, COUNTY, SCHOOL DISTRICT, SPECIAL
10 DISTRICT, OR ANY OTHER LOCAL GOVERNMENT IN THE STATE.

11 **24-103-803. Set aside contract commission - creation -**
12 **composition - duties - rules.** (1) THERE IS HEREBY CREATED IN THE
13 DEPARTMENT OF HUMAN SERVICES THE SET ASIDE CONTRACT COMMISSION,
14 REFERRED TO IN THIS PART 8 AS THE "COMMISSION", WHICH SHALL BE
15 COMPRISED OF THE FOLLOWING FIVE MEMBERS:

16 (a) THE DIRECTOR OF THE DIVISION OF CENTRAL SERVICES IN THE
17 DEPARTMENT OF PERSONNEL OR THE DIRECTOR'S DESIGNEE;

18 (b) THE DIRECTOR OF THE DIVISION FOR DEVELOPMENTAL
19 DISABILITIES IN THE DEPARTMENT OF HUMAN SERVICES OR THE DIRECTOR'S
20 DESIGNEE;

21 (c) THE DIRECTOR OF THE DIVISION OF VOCATIONAL
22 REHABILITATION IN THE DEPARTMENT OF HUMAN SERVICES OR THE
23 DIRECTOR'S DESIGNEE; AND

24 (d) TWO MEMBERS OF THE PUBLIC WHO HAVE EXTENSIVE
25 EXPERIENCE WORKING WITH PERSONS WITH SEVERE DISABILITIES, ONE OF
26 WHOM SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE

1 OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF
2 REPRESENTATIVES. THE INITIAL SENATE APPOINTEE SHALL SERVE A
3 THREE-YEAR TERM AND EACH SENATE APPOINTEE THEREAFTER SHALL
4 SERVE A TWO-YEAR TERM. THE INITIAL HOUSE APPOINTEE AND EACH
5 APPOINTEE THEREAFTER SHALL SERVE A TWO-YEAR TERM.

6 (2) THE COMMISSION SHALL BE ESTABLISHED, WITH ALL MEMBERS
7 APPOINTED, ON OR BEFORE SEPTEMBER 1, 2008.

8 (3) THE COMMISSION SHALL MEET FOR THE FIRST TIME WITHIN
9 THIRTY DAYS AFTER ITS ESTABLISHMENT AND THEREAFTER ON A REGULAR
10 BASIS AND AS NECESSARY, AS DETERMINED BY THE COMMISSION, TO
11 FULFILL ITS DUTIES PURSUANT TO THIS PART 8. THE DUTIES OF THE
12 COMMISSION SHALL INCLUDE BUT NEED NOT BE LIMITED TO THE
13 FOLLOWING:

14 (a) TO ESTABLISH A PROCEDURE BY WHICH AN INTERESTED
15 NONPROFIT AGENCY MAY APPLY TO BECOME A PREQUALIFIED VENDOR
16 PURSUANT TO SECTION 24-103-804;

17 (b) TO CREATE AND MAINTAIN A PREQUALIFIED VENDOR LIST
18 PURSUANT TO SECTION 24-103-804;

19 (c) TO CREATE A LIST OF TASKS AND ACTIVITIES THAT PERSONS
20 WITH SEVERE DISABILITIES ARE CAPABLE OF PERFORMING PURSUANT TO
21 SECTION 24-103-805 (1); AND

22 (d) TO CREATE AND MAINTAIN A SERVICES SET ASIDE LIST
23 PURSUANT TO SECTION 24-103-805 (2), AND TO PROVIDE THE LIST TO THE
24 APPROPRIATE PERSONNEL IN EACH STATE AGENCY.

25 (4) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT
26 COMPENSATION OTHER THAN REIMBURSEMENT FOR EXPENSES ACTUALLY

1 INCURRED IN CONNECTION WITH THE WORK OF THE COMMISSION.
2 NOTHING IN THIS SUBSECTION (4) SHALL BE CONSTRUED TO REQUIRE A
3 STATE EMPLOYEE WHO IS A MEMBER OF THE COMMISSION TO FOREGO HIS
4 OR HER REGULAR WAGES IF THE COMMISSION MEETS DURING THE
5 EMPLOYEE'S REGULAR WORKING HOURS.

6 (5) THE COMMISSION SHALL PROMULGATE RULES TO IMPLEMENT
7 THE REQUIREMENTS OF THIS PART 8. SUCH RULES SHALL BE
8 PROMULGATED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 4 OF
9 THIS TITLE.

10 **24-103-804. Nonprofit agencies - prequalified list - creation.**

11 (1) ANY NONPROFIT AGENCY THAT IS INTERESTED IN PERFORMING STATE
12 SERVICES AND THAT WOULD LIKE TO BID ON SOLICITATIONS FOR SUCH
13 SERVICES THROUGH THE SET ASIDE PROGRAM CREATED IN THIS PART 8
14 SHALL FIRST APPLY TO THE COMMISSION TO BECOME A PREQUALIFIED
15 VENDOR PURSUANT TO THIS SECTION.

16 (2) THE COMMISSION SHALL ACCEPT APPLICATIONS FROM ANY
17 NONPROFIT AGENCY THAT SEEKS TO BECOME A PREQUALIFIED VENDOR TO
18 BID ON CERTAIN STATE SERVICES SOLICITATIONS. IN ORDER FOR A
19 NONPROFIT AGENCY TO BECOME A PREQUALIFIED VENDOR, THE
20 COMMISSION SHALL ENSURE THAT:

21 (a) THE NONPROFIT AGENCY IS AN INDEPENDENT TAX-EXEMPT
22 CHARITABLE OR SOCIAL WELFARE ORGANIZATION OPERATING UNDER
23 SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF
24 1986", AS AMENDED;

25 (b) THE NONPROFIT AGENCY IS REGISTERED ON THE CENTRALIZED
26 SUPPLIER DATABASE OF ALL BUSINESSES THAT ARE INTERESTED IN

1 PROVIDING GOODS AND SERVICES TO THE STATE, WHICH DATABASE IS
2 CREATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
3 PERSONNEL PURSUANT TO SECTION 24-102-202.5;

4 (c) THE NONPROFIT AGENCY SATISFIES THE STATUTORY
5 REQUIREMENTS TO BE ELIGIBLE TO BID ON A STATE SERVICES SOLICITATION
6 PURSUANT TO SECTION 24-103-401, AND ANY RULES PROMULGATED BY
7 THE DEPARTMENT OF PERSONNEL IN FURTHERANCE OF SAID SECTION;

8 (d) THE NONPROFIT AGENCY WOULD BE CAPABLE OF HIRING AND
9 WOULD EMPLOY PEOPLE TO PERFORM ANY SERVICE FOR WHICH THE
10 NONPROFIT AGENCY BIDS AND THAT OF THOSE PEOPLE EMPLOYED, A TOTAL
11 OF SEVENTY-FIVE PERCENT WOULD BE PERSONS WITH SEVERE DISABILITIES
12 AND A MINIMUM OF TWENTY PERCENT WOULD BE PERSONS WITH SEVERE
13 DISABILITIES WHO HAVE DEVELOPMENTAL DISABILITIES AS DEFINED IN
14 SECTION 27-10.5-102, C.R.S.; AND

15 (e) ANY OTHER CRITERIA CONSISTENT WITH THE PURPOSES OF THIS
16 PART 8 THAT ARE DEEMED NECESSARY BY THE COMMISSION AND THAT ARE
17 SPECIFIED IN THE RULES CREATED BY THE COMMISSION PURSUANT TO
18 SECTION 24-103-803 (5).

19 (3) THE COMMISSION SHALL CREATE AND MAINTAIN A LIST OF ALL
20 NONPROFIT AGENCIES THAT HAVE ATTAINED PREQUALIFIED VENDOR
21 STATUS AND SHALL MAKE THE LIST AVAILABLE TO THE DEPARTMENT OF
22 PERSONNEL. THE DEPARTMENT SHALL DISTRIBUTE THE LIST TO EACH
23 STATE AGENCY.

24 (4) A NONPROFIT AGENCY'S PREQUALIFIED VENDOR STATUS IS
25 VALID FOR ONE YEAR AFTER THE DATE THAT THE NONPROFIT AGENCY'S
26 PREQUALIFICATION APPLICATION WAS APPROVED. AFTER ONE YEAR, A

1 NONPROFIT AGENCY IS REQUIRED TO REAPPLY TO THE COMMISSION FOR
2 PREQUALIFIED VENDOR STATUS TO BE ELIGIBLE TO RESPOND TO A SET
3 ASIDE SOLICITATION PURSUANT TO THIS PART 8.

4 (5)(a) NOTHING IN THIS PART 8 SHALL BE CONSTRUED TO REQUIRE
5 A NONPROFIT AGENCY THAT SEEKS TO RESPOND TO STATE SERVICES
6 SOLICITATIONS TO BECOME A PREQUALIFIED VENDOR; EXCEPT THAT A
7 NONPROFIT AGENCY SHALL NOT BE ELIGIBLE TO BID FOR A SET ASIDE
8 SOLICITATION PURSUANT TO THIS PART 8 UNLESS THE NONPROFIT AGENCY
9 IS PREQUALIFIED PURSUANT TO THIS SECTION.

10 (b) NOTHING IN THIS PART 8 SHALL BE CONSTRUED TO PREVENT A
11 NONPROFIT AGENCY FROM BIDDING ON ANY STATE AGENCY SOLICITATION
12 THAT IS NOT A SET ASIDE SOLICITATION PURSUANT TO THIS PART 8.

13 **24-103-805. State services solicitations - categorical**
14 **identification.** (1) THE COMMISSION SHALL, WITH INPUT FROM
15 INTERESTED PERSONS FROM THE DEPARTMENT OF HUMAN SERVICES AND
16 ANY INTERESTED NONPROFIT AGENCY, DETERMINE THE TYPE OF TASKS
17 THAT PERSONS WITH SEVERE DISABILITIES CAN REASONABLY PERFORM
18 AND SHALL IDENTIFY THE TYPE OF ACTIVITIES THAT ARE WITHIN THE
19 CAPABILITIES OF PERSONS WITH SEVERE DISABILITIES. THE COMMISSION
20 SHALL CREATE AN INITIAL LIST OF THE TASKS AND ACTIVITIES WITHIN
21 NINETY DAYS AFTER THE ESTABLISHMENT OF THE COMMISSION AND SHALL
22 REVIEW AND UPDATE THE LIST AT LEAST ANNUALLY.

23 (2) AFTER CREATING THE LIST OF TASKS AND ACTIVITIES
24 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL
25 MEET WITH THE STATE PURCHASING DIRECTOR OR THE DIRECTOR'S
26 DESIGNEE TO DETERMINE THE TYPES OF STATE SERVICES SOLICITATIONS

1 THAT WOULD INVOLVE SOME OR ALL OF THE TASKS OR ACTIVITIES
2 SPECIFIED ON THE LIST AND THAT COULD BE SUCCESSFULLY PERFORMED
3 BY PREQUALIFIED VENDORS. THE COMMISSION AND THE STATE
4 PURCHASING DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL SOLICIT
5 INPUT FROM THE PURCHASING DIRECTOR FROM EACH STATE AGENCY
6 REGARDING THE NATURE OF SERVICES FOR WHICH THE STATE AGENCY
7 PERIODICALLY ISSUES SOLICITATIONS FOR BIDS AND THE TYPE OF SERVICES
8 THAT THE STATE AGENCY BELIEVES COULD BE SUCCESSFULLY PERFORMED
9 BY A PREQUALIFIED VENDOR. WITHIN SIXTY DAYS AFTER THE
10 ESTABLISHMENT OF THE LIST OF TASKS AND ACTIVITIES CREATED
11 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL
12 CREATE A LIST OF THE TYPES OF SERVICES SOLICITATIONS THAT IT DEEMS
13 APPROPRIATE FOR A PREQUALIFIED VENDOR TO PERFORM. THE LIST SHALL
14 BE REFERRED TO AS THE SERVICES SET ASIDE LIST. THE COMMISSION
15 SHALL REVIEW AND UPDATE THE LIST AT LEAST ANNUALLY.

16 (3) THE COMMISSION SHALL PROVIDE THE SERVICES SET ASIDE LIST
17 TO THE PURCHASING DIRECTOR OF EACH STATE AGENCY AND SHALL MAKE
18 THE LIST AVAILABLE TO ANY NONPROFIT AGENCY THAT IS PREQUALIFIED
19 TO BID ON STATE SERVICES SOLICITATIONS PURSUANT TO THIS PART 8.

20 **24-103-806. Contract set asides - bid process created by**
21 **department of personnel - obligation of state agencies - rules.**

22 (1) ANY STATE AGENCY THAT INTENDS TO SOLICIT BIDS FOR A SERVICE
23 THAT IS INCLUDED ON THE SERVICES SET ASIDE LIST CREATED PURSUANT
24 TO SECTION 24-103-805 SHALL FIRST SOLICIT BIDS FROM PREQUALIFIED
25 VENDORS FOR SUCH SERVICE AND SHALL FOLLOW THE PROCEDURES
26 SPECIFIED IN THIS SUBSECTION (1):

1 (a) IF TWO OR MORE PREQUALIFIED VENDORS BID ON THE
2 SOLICITATION FOR THE SERVICES, THE PURCHASING DIRECTOR OF THE
3 STATE AGENCY SHALL AWARD A CONTRACT TO ONE OF THE PREQUALIFIED
4 VENDORS BASED ON A COMPETITIVE PRICE DETERMINATION.

5 (b) IF ONE PREQUALIFIED VENDOR BIDS ON THE SOLICITATION FOR
6 THE SERVICES, THE PURCHASING DIRECTOR OF THE STATE AGENCY SHALL
7 AWARD A CONTRACT TO THE PREQUALIFIED VENDOR AND SHALL ENSURE
8 THAT THE CONTRACT IS AWARDED AT A FAIR AND REASONABLE PRICE
9 BASED ON THE FAIR MARKET VALUE OF THE SERVICES.

10 (c) IF THE STATE AGENCY DOES NOT RECEIVE A BID FROM ANY
11 PREQUALIFIED VENDOR FOR THE SERVICES, THE STATE AGENCY IS
12 PERMITTED TO PROCURE THE SERVICES THROUGH OTHER APPROVED
13 PROCUREMENT METHODS AND SHALL NOT BE SUBJECT TO THE
14 REQUIREMENTS OF THIS PART 8 FOR THAT SPECIFIC SOLICITATION.

15 (2) THE DEPARTMENT OF PERSONNEL SHALL, WITHIN ONE HUNDRED
16 TWENTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2),
17 ESTABLISH A PROCESS WHEREBY ANY STATE AGENCY THAT INTENDS TO
18 SOLICIT BIDS FOR A SERVICE THAT IS INCLUDED ON THE SERVICES SET
19 ASIDE LIST CREATED PURSUANT TO SECTION 24-103-805 MAY SOLICIT BIDS
20 SOLELY FROM PREQUALIFIED VENDORS.

21 (3) ANY STATE AGENCY THAT HAS AWARDED A SOLICITATION FOR
22 SERVICES TO A PREQUALIFIED VENDOR PURSUANT TO PARAGRAPH (a) OR
23 (b) OF SUBSECTION (1) OF THIS SECTION SHALL, BEFORE THE EXPIRATION
24 OF THE TERM OF THE CONTRACT, RENEGOTIATE A FAIR AND REASONABLE
25 PRICE FOR THE SERVICES WITH THE PREQUALIFIED VENDOR THAT HAS
26 PERFORMED THE SERVICES FOR THE STATE AGENCY. THE STATE AGENCY

1 IS NOT PERMITTED TO SOLICIT NEW BIDS FOR THE SERVICES PERFORMED BY
2 THE PREQUALIFIED VENDOR UNLESS ONE OF THE FOLLOWING OCCURS:

3 (a) THE NONPROFIT AGENCY THAT IS THE PREQUALIFIED VENDOR
4 NO LONGER WISHES TO PERFORM THE SERVICES FOR THE STATE AGENCY;

5 (b) THE STATE AGENCY DECIDES TO PERFORM THE SERVICES
6 INTERNALLY AND HIRES EMPLOYEES WHO WILL BE EMPLOYEES OF THE
7 STATE TO PERFORM THE SERVICES;

8 (c) THE STATE AGENCY NO LONGER NEEDS THE SERVICE THAT WAS
9 PROVIDED BY THE PREQUALIFIED VENDOR; OR

10 (d) THE PREQUALIFIED VENDOR HAS NOT MET THE REQUIREMENTS
11 FOR THE SERVICES OFFERED.

12 (4) ANY STATE AGENCY THAT IS REQUIRED TO SOLICIT BIDS FOR A
13 SERVICE THAT IS INCLUDED ON THE SERVICES SET ASIDE LIST IS
14 PROHIBITED FROM BUNDLING THE SERVICE WITH ONE OR MORE OTHER
15 SERVICES NOT INCLUDED ON THE SERVICES SET ASIDE LIST BEFORE
16 SOLICITING BIDS FROM PREQUALIFIED VENDORS PURSUANT TO THIS
17 SECTION. IF THE STATE AGENCY HAS NOT RECEIVED A BID FROM ANY
18 PREQUALIFIED VENDOR AND IS THEREFORE AUTHORIZED TO PROCURE THE
19 SERVICES THROUGH OTHER APPROVED PROCUREMENT METHODS, THE
20 BUNDLING PROHIBITION SHALL NO LONGER APPLY TO THE STATE AGENCY
21 FOR THAT SPECIFIC SOLICITATION FOR SERVICES.

22 (5) THE DEPARTMENT OF PERSONNEL SHALL PROMULGATE RULES
23 TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION PURSUANT TO
24 SECTION 24-102-101. SUCH RULES SHALL BE PROMULGATED IN
25 ACCORDANCE WITH THE PROVISIONS OF ARTICLE 4 OF THIS TITLE.

26 **SECTION 2. Effective date - applicability.** (1) This act shall

1 take effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly that is
3 allowed for submitting a referendum petition pursuant to article V,
4 section 1 (3) of the state constitution, (August 6, 2008, if adjournment
5 sine die is on May 7, 2008); except that, if a referendum petition is filed
6 against this act or an item, section, or part of this act within such period,
7 then the act, item, section, or part, if approved by the people, shall take
8 effect on the date of the official declaration of the vote thereon by
9 proclamation of the governor.

10 (2) The provisions of this act shall apply to solicitation for bids
11 issued on or after the applicable effective date of this act.

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL B

LLS NO. 08-0180.01 Julie Pelegrin

SENATE BILL

SENATE SPONSORSHIP

Keller, and Boyd

HOUSE SPONSORSHIP

Gardner B., and Pommer

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO ENCOURAGE STATE EMPLOYMENT OF
102 PERSONS WITH DEVELOPMENTAL DISABILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Long-term Health Care Services and Supports for Persons with Developmental Disabilities. Creates the state employment program for persons with developmental disabilities ("program") within the department of human services ("department"). Directs the state board of human services to adopt rules to implement the program. Requires a state agency that seeks to employ a person with disabilities through the program to enter into a memorandum of

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Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

understanding with the department with regard to employment of the person. Instructs the department to provide information to state agencies to explain and promote the program. Encourages each state agency to participate in the program.

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

2 **SECTION 1.** Article 10.5 of title 27, Colorado Revised Statutes,
3 is amended BY THE ADDITION OF A NEW PART to read:

4 PART 8

5 STATE EMPLOYMENT OF PERSONS WITH
6 DEVELOPMENTAL DISABILITIES

7 **27-10.5-801. Legislative declaration.** (1) THE GENERAL
8 ASSEMBLY HEREBY FINDS THAT:

9 (a) PERSONS WITH DEVELOPMENTAL DISABILITIES REPRESENT A
10 POPULATION THAT HAS LONG BEEN UNDERUTILIZED AND OFTEN DENIED
11 EMPLOYMENT OPPORTUNITIES WITHIN STATE GOVERNMENT, PARTIALLY
12 DUE TO HIRING PERSONNEL'S PERCEPTIONS AND UNDERSTANDING OF THE
13 OPERATION AND REQUIREMENTS OF THE STATE PERSONNEL SYSTEM;

14 (b) SOME STATE AGENCIES ARE UNAWARE OF THE AVENUES THAT
15 ARE AVAILABLE WITHIN THE STATE PERSONNEL SYSTEM BY WHICH STATE
16 AGENCIES CAN HIRE AND PROVIDE TRAINING AND SUPPORT FOR PERSONS
17 WITH DEVELOPMENTAL DISABILITIES; AND

18 (c) MANY PERSONS WITH DEVELOPMENTAL DISABILITIES, WHEN
19 PROVIDED APPROPRIATE TRAINING AND SUPPORT, CAN DEVELOP
20 SUFFICIENT SKILLS AND COMPETENCIES TO MORE THAN ADEQUATELY
21 FULFILL JOB EXPECTATIONS IN EMPLOYMENT POSITIONS IN STATE
22 GOVERNMENT.

1 (2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO
2 CREATE THE STATE EMPLOYMENT PROGRAM FOR PERSONS WITH
3 DEVELOPMENTAL DISABILITIES TO ENCOURAGE AND PROVIDE INCENTIVES
4 FOR STATE AGENCIES TO GIVE MEANINGFUL EMPLOYMENT OPPORTUNITIES
5 TO PERSONS WITH DEVELOPMENTAL DISABILITIES AND TO IMPROVE THE
6 STATE'S PRACTICES IN EMPLOYING, SUPERVISING, AND SUPPORTING
7 PERSONS WITH DEVELOPMENTAL DISABILITIES.

8 **27-10.5-802. State employment program for persons with**
9 **disabilities - creation - rules.** (1) THERE IS HEREBY CREATED WITHIN
10 THE DEPARTMENT THE STATE EMPLOYMENT PROGRAM FOR PERSONS WITH
11 DEVELOPMENTAL DISABILITIES, REFERRED TO IN THIS PART 8 AS THE
12 "PROGRAM". THE DEPARTMENT SHALL DESIGN AND IMPLEMENT THE
13 PROGRAM TO PROVIDE COORDINATION BETWEEN STATE AGENCIES THAT
14 IDENTIFY APPROPRIATE AND MEANINGFUL EMPLOYMENT OPPORTUNITIES
15 FOR PERSONS WITH DEVELOPMENTAL DISABILITIES AND COMMUNITY
16 CENTERED BOARDS THAT ASSIST IN IDENTIFYING APPROPRIATE AND
17 INTERESTED PERSONS FOR EMPLOYMENT. THE STATE BOARD OF HUMAN
18 SERVICES SHALL PROMULGATE RULES IN ACCORDANCE WITH THE "STATE
19 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., AS
20 NECESSARY FOR IMPLEMENTATION OF THE PROGRAM. THE DEPARTMENT
21 AND THE STATE BOARD OF HUMAN SERVICES SHALL COLLABORATE WITH
22 THE DEPARTMENT OF PERSONNEL IN DESIGNING AND IMPLEMENTING THE
23 PROGRAM.

24 (2) A STATE AGENCY THAT SEEKS TO EMPLOY A PERSON WITH
25 DEVELOPMENTAL DISABILITIES THROUGH THE PROGRAM SHALL ENTER
26 INTO A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT WITH

1 REGARD TO HIRING AND SUPERVISION OF THE PERSON, PAYMENT OF THE
2 PERSON'S SALARY AND BENEFITS, AND ANY ADDITIONAL ISSUES THAT ARE
3 PERTINENT TO THE PERSON'S EMPLOYMENT.

4 (3) THE DEPARTMENT SHALL REGULARLY PROVIDE INFORMATION
5 TO STATE AGENCIES TO EXPLAIN AND PROMOTE THE PROGRAM. EACH
6 STATE AGENCY IS STRONGLY ENCOURAGED TO PARTICIPATE IN THE
7 PROGRAM BY IDENTIFYING MEANINGFUL AND APPROPRIATE EMPLOYMENT
8 POSITIONS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES AND
9 WORKING WITH THE DEPARTMENT TO HIRE PERSONS WITH
10 DEVELOPMENTAL DISABILITIES FOR THESE POSITIONS.

11 **SECTION 2. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL C

LLS NO. 08-0179.01 Jane Ritter

SENATE BILL

SENATE SPONSORSHIP

Boyd, Keller, Spence, and Williams

HOUSE SPONSORSHIP

Garcia, Gardner B., Pommer, and Soper

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING REIMBURSEMENT FOR SERVICES PROVIDED IN THE
102 FAMILY HOME OF A PERSON WITH DEVELOPMENTAL
103 DISABILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Long-term Health Care Services and Supports for Persons with Developmental Disabilities. Expands the definition of "least restrictive environment" to include the family home, if appropriate, and adds a definition for "family caregiver". Allows the

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

department of human services to directly reimburse a qualified family caregiver for services or supports provided to the family caregiver's child with developmental disabilities. Clarifies that family support services can be delivered to a child or an adult family member.

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

2 **SECTION 1.** 27-10.5-102 (24), Colorado Revised Statutes, is
3 amended, and the said 27-10.5-102 is further amended BY THE
4 ADDITION OF A NEW SUBSECTION, to read:

5 **27-10.5-102. Definitions.** As used in this article, unless the
6 context otherwise requires:

7 (15.5) "FAMILY CAREGIVER" MEANS A FAMILY MEMBER OF THE
8 PERSON WITH A DEVELOPMENTAL DISABILITY WHO PROVIDES CARE TO THE
9 PERSON WITH A DEVELOPMENTAL DISABILITY IN THE FAMILY HOME AND
10 WHO MEETS THE REQUIREMENTS FOR A QUALIFIED FAMILY CAREGIVER AS
11 ESTABLISHED BY RULE OF THE EXECUTIVE DIRECTOR.

12 (24) "Least restrictive ~~setting~~ ENVIRONMENT" means an
13 environment that represents the least departure from the normal patterns
14 of living and ~~which~~ THAT effectively meets the needs of the person
15 receiving services. LEAST RESTRICTIVE ENVIRONMENT MAY INCLUDE, BUT
16 NEED NOT BE LIMITED TO, RECEIVING SERVICES FROM A DEVELOPMENTAL
17 DISABILITIES PROFESSIONAL OR A FAMILY CAREGIVER IN THE FAMILY
18 HOME.

19 **SECTION 2.** 27-10.5-104 (4), Colorado Revised Statutes, is
20 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

21 **27-10.5-104. Authorized services and supports - conditions of**
22 **funding - purchase of services and supports - boards of county**

1 **commissioners - appropriation.** (4) (a.5) THE DEPARTMENT MAY
2 PURCHASE SERVICES AND SUPPORTS, INCLUDING SERVICE AND SUPPORT
3 COORDINATION, DIRECTLY FROM A FAMILY CAREGIVER IF:

4 (I) THE CONDITIONS SET FORTH IN PARAGRAPH (a) OF THIS
5 SUBSECTION (4) HAVE BEEN MET; AND

6 (II) THE EXECUTIVE DIRECTOR HAS DETERMINED THAT THE
7 PROVISION OF A SERVICE OR SUPPORT BY A FAMILY CAREGIVER IN THE
8 FAMILY HOME WOULD PROVIDE THE PERSON RECEIVING THE SERVICE OR
9 SUPPORT WITH THE LEAST RESTRICTIVE ENVIRONMENT.

10 **SECTION 3.** The introductory portion to 27-10.5-104.5 (3) and
11 27-10.5-104.5 (3) (a), Colorado Revised Statutes, are amended to read:

12 **27-10.5-104.5. Service agencies - funds - rules.** (3) The
13 executive director shall promulgate ~~such rules and regulations as are~~
14 ~~necessary~~ to implement the purchase of services and supports ~~directly or~~
15 ~~through community centered boards.~~ ~~Such~~ FROM DEVELOPMENTAL
16 DISABILITIES PROFESSIONALS OR FAMILY CAREGIVERS. THE rules ~~and~~
17 ~~regulations~~ shall include, but need not be limited to: ~~the following:~~

18 (a) Terms and conditions ~~which are~~ necessary to promote the
19 effective delivery of services and supports, INCLUDING THOSE SERVICES
20 AND SUPPORTS DELIVERED BY A FAMILY CAREGIVER;

21 **SECTION 4. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL D

LLS NO. 08-0183.01 Jerry Barry

HOUSE BILL

HOUSE SPONSORSHIP

Soper, and Pommer

SENATE SPONSORSHIP

Williams,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EMPLOYMENT INCENTIVES FOR PEOPLE WITH**
102 **DISABILITIES THROUGH A MEDICAID BUY-IN PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Long-term Health Care Services and Supports for Persons with Developmental Disabilities. Directs the department of health care policy and financing ("department") to submit an amendment to the state medical assistance plan and to request any

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

waivers necessary to expand eligibility under medicaid to implement a medicaid buy-in program ("program") for individuals with disabilities who would otherwise be eligible for supplemental security income except for their income and for individuals with disabilities whose medical condition improves. Specifies the eligibility requirements for the program.

Requires the medical services board to promulgate rules to implement the program, including specifying the amount of the premium determined from a sliding-fee scale to buy into medicaid. Directs that the rules and premiums be based on an actuarial study. Requires the department to submit a report to the joint budget committee on the results of the actuarial study and the fiscal analysis of the premiums.



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

2 **SECTION 1.** Article 6 of title 25.5, Colorado Revised Statutes,
3 is amended BY THE ADDITION OF A NEW PART to read:

4 PART 13

5 MEDICAID BUY-IN

6 **25.5-6-1301. Legislative declaration.** THE GENERAL ASSEMBLY
7 HEREBY DECLARES ITS SUPPORT FOR THE FULL EMPLOYMENT OF PEOPLE
8 WITH DISABILITIES. IT IS THE GENERAL ASSEMBLY'S INTENT TO ENACT THIS
9 PART 13 FOR THE PURPOSE OF ALLOWING AN INDIVIDUAL WITH
10 DISABILITIES TO PURCHASE MEDICAID COVERAGE THAT WILL ENABLE THE
11 INDIVIDUAL TO MAINTAIN EMPLOYMENT WITHOUT LOSING HIS OR HER
12 MEDICAID BENEFITS.

13 **25.5-6-1302. Definitions.** AS USED IN THIS PART 13, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

- 15 (1) "BASIC COVERAGE GROUP" MEANS THE CATEGORY OF
16 ELIGIBILITY UNDER THE FEDERAL "TICKET TO WORK AND WORK
17 INCENTIVES IMPROVEMENT ACT OF 1999", PUB.L. 106-170, THAT
18 PROVIDES AN OPPORTUNITY TO BUY INTO MEDICAID CONSISTENT WITH THE

1 FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. 1396a (a) (10) (A) (ii) (XV),
2 AS AMENDED, FOR EACH WORKER WITH DISABILITIES WHO IS AT LEAST
3 SIXTEEN YEARS OF AGE BUT LESS THAN SIXTY-FIVE YEARS OF AGE AND
4 WHO, EXCEPT FOR EARNINGS, WOULD BE ELIGIBLE FOR THE SUPPLEMENTAL
5 SECURITY INCOME PROGRAM. A PERSON WHO IS ELIGIBLE UNDER THE
6 BASIC COVERAGE GROUP MAY ALSO BE A HOME- AND COMMUNITY-BASED
7 SERVICES WAIVER RECIPIENT.

8 (2) "FAMILY" MEANS AN INDIVIDUAL, THE INDIVIDUAL'S SPOUSE,
9 AND ANY DEPENDENT CHILD OF THE INDIVIDUAL.

10 (3) "HEALTH INSURANCE" MEANS SURGICAL, MEDICAL, HOSPITAL,
11 MAJOR MEDICAL, OR OTHER HEALTH SERVICE COVERAGE, INCLUDING A
12 SELF-INSURED HEALTH PLAN, BUT DOES NOT INCLUDE HOSPITAL
13 INDEMNITY POLICIES OR ANCILLARY COVERAGES SUCH AS INCOME
14 CONTINUATION, LOSS OF TIME, OR ACCIDENT BENEFITS.

15 (4) "MEDICAID BUY-IN PROGRAM" MEANS A PROGRAM THAT GIVES
16 EACH PERSON WITH DISABILITIES THE OPPORTUNITY TO BUY INTO
17 MEDICAID IF THE PERSON MEETS THE ELIGIBILITY CRITERIA SPECIFIED IN
18 SECTION 25.5-6-1304.

19 (5) "MEDICAL IMPROVEMENT GROUP" MEANS THE CATEGORY OF
20 ELIGIBILITY UNDER THE FEDERAL "TICKET TO WORK AND WORK
21 INCENTIVES IMPROVEMENT ACT OF 1999", PUB.L. 106-170, THAT
22 PROVIDES AN OPPORTUNITY TO BUY INTO MEDICAID CONSISTENT WITH THE
23 FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. 1396a (a) (10) (A) (ii) (XV),
24 AS AMENDED, FOR EACH WORKER WITH A MEDICALLY IMPROVED
25 DISABILITY WHO IS AT LEAST SIXTEEN YEARS OF AGE BUT LESS THAN
26 SIXTY-FIVE YEARS OF AGE AND WHO WAS PREVIOUSLY IN THE BASIC
27 COVERAGE GROUP AND IS NO LONGER ELIGIBLE FOR THE BASIC COVERAGE

1 GROUP DUE TO MEDICAL IMPROVEMENT. A PERSON WHO IS ELIGIBLE
2 UNDER THE MEDICAL IMPROVEMENT GROUP MAY ALSO BE A HOME- AND
3 COMMUNITY-BASED SERVICES WAIVER RECIPIENT.

4 **25.5-6-1303. Waivers and amendments.** (1) THE STATE
5 DEPARTMENT SHALL SUBMIT TO THE FEDERAL HEALTH CARE FINANCING
6 ADMINISTRATION AN AMENDMENT TO THE STATE MEDICAL ASSISTANCE
7 PLAN, AND SHALL REQUEST ANY NECESSARY WAIVERS FROM THE
8 SECRETARY OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
9 SERVICES, TO PERMIT THE STATE DEPARTMENT TO EXPAND MEDICAL
10 ASSISTANCE ELIGIBILITY AS PROVIDED IN THIS PART 13 FOR THE PURPOSE
11 OF IMPLEMENTING A MEDICAID BUY-IN PROGRAM FOR PEOPLE WITH
12 DISABILITIES WHO ARE IN THE BASIC COVERAGE GROUP OR THE MEDICAL
13 IMPROVEMENT GROUP. IN ADDITION, THE STATE DEPARTMENT SHALL
14 APPLY TO THE SECRETARY OF THE FEDERAL DEPARTMENT OF HEALTH AND
15 HUMAN SERVICES FOR A MEDICAID INFRASTRUCTURE GRANT, IF
16 AVAILABLE, TO DEVELOP AND IMPLEMENT THE FEDERAL "TICKET TO
17 WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999", PUB.L.
18 106-170.

19 (2) IF THE STATE MEDICAL ASSISTANCE PLAN AMENDMENT AND
20 ALL NECESSARY WAIVERS ARE APPROVED, THE STATE DEPARTMENT SHALL
21 IMPLEMENT THE MEDICAID BUY-IN PROGRAM PROVIDED IN THIS PART 13
22 NOT LATER THAN JULY 1, 2009, OR THREE MONTHS AFTER RECEIVING FULL
23 FEDERAL APPROVAL, WHICHEVER IS LATER.

24 **25.5-6-1304. Medicaid buy-in program - eligibility - premiums**
25 **- medicaid buy-in cash fund - report.** (1) **Eligibility.** AN INDIVIDUAL
26 IS ELIGIBLE FOR AND SHALL RECEIVE MEDICAID PROVIDED IN THIS PART 13
27 THROUGH A MEDICAID BUY-IN PROGRAM WITHOUT LOSING ELIGIBILITY FOR

1 MEDICAID IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

2 (a) THE INDIVIDUAL MEETS THE REQUIREMENTS FOR THE BASIC
3 COVERAGE GROUP OR THE INDIVIDUAL WAS PREVIOUSLY IN THE BASIC
4 COVERAGE GROUP AND NOW MEETS THE REQUIREMENTS FOR THE MEDICAL
5 IMPROVEMENT GROUP;

6 (b) THE INDIVIDUAL MAINTAINS PREMIUM PAYMENTS CALCULATED
7 BY THE STATE DEPARTMENT IN ACCORDANCE WITH SUBSECTION (3) OF
8 THIS SECTION, UNLESS THE INDIVIDUAL IS EXEMPTED FROM PREMIUM
9 PAYMENTS UNDER RULES PROMULGATED BY THE STATE BOARD; AND

10 (c) THE INDIVIDUAL MEETS ALL OTHER REQUIREMENTS
11 ESTABLISHED BY RULE OF THE STATE BOARD.

12 (2) THERE IS NO INCOME OR EARNED ASSET LIMITATION FOR A
13 PARTICIPANT IN THE MEDICAID BUY-IN PROGRAM. IN ADDITION, THERE IS
14 NO INCOME OR EARNED ASSET LIMITATION FOR AN INDIVIDUAL WHO
15 PARTICIPATES IN THE MEDICAID BUY-IN PROGRAM AND ALSO RECEIVES
16 HOME- AND COMMUNITY-BASED SERVICES.

17 (3) **Premiums.** (a) AN INDIVIDUAL WHO IS ELIGIBLE FOR AND
18 RECEIVES MEDICAID UNDER SUBSECTION (1) OF THIS SECTION SHALL PAY
19 A PREMIUM PURSUANT TO A PAYMENT SCHEDULE ESTABLISHED BY THE
20 STATE DEPARTMENT. THE AMOUNT OF THE PREMIUM SHALL BE
21 DETERMINED FROM A SLIDING-FEE SCALE ADOPTED BY RULE OF THE STATE
22 BOARD THAT IS BASED ON A PERCENTAGE OF THE INDIVIDUAL'S INCOME
23 ADJUSTED FOR FAMILY SIZE AND ON ANY IMPAIRMENT-RELATED WORK
24 EXPENSES; EXCEPT THAT, CONSISTENT WITH FEDERAL LAW, IF THE
25 AMOUNT OF THE INDIVIDUAL'S ADJUSTED GROSS INCOME EXCEEDS
26 SEVENTY-FIVE THOUSAND DOLLARS, THE INDIVIDUAL SHALL BE
27 RESPONSIBLE FOR PAYING ONE HUNDRED PERCENT OF THE PREMIUM. THE

1 RULES SHALL SPECIFY THE AMOUNT OF UNEARNED INCOME THE STATE
2 DEPARTMENT SHALL DISREGARD IN CALCULATING THE INDIVIDUAL'S
3 EARNED INCOME.

4 (b) THE RULES SETTING THE PREMIUMS AND THE SLIDING-FEE
5 SCALE SHALL BE BASED ON AN ACTUARIAL STUDY OF THE DISABLED
6 POPULATION IN THIS STATE. IN ADDITION TO ANY FEDERAL GRANTS, THE
7 STATE DEPARTMENT MAY SOLICIT AND ACCEPT GIFTS, GRANTS, OR
8 DONATIONS TO COVER THE COSTS OF THE ACTUARIAL STUDY. SUCH GIFTS,
9 GRANTS, AND DONATIONS, MONEYS RECEIVED THROUGH THE FEDERAL
10 MEDICAID INFRASTRUCTURE GRANT, AND ANY PREMIUMS SHALL BE
11 CREDITED TO THE MEDICAID BUY-IN CASH FUND, WHICH FUND IS HEREBY
12 CREATED IN THE STATE TREASURY. MONEYS IN THE FUND SHALL BE
13 APPROPRIATED BY THE GENERAL ASSEMBLY AND EXPENDED BY THE STATE
14 DEPARTMENT FOR THE PURPOSE OF CONDUCTING IMPLEMENTATION
15 ACTIVITIES AS DETERMINED BY THE STATE DEPARTMENT, INCLUDING
16 CONDUCTING THE ACTUARIAL STUDY. PREMIUMS SHALL BE CREDITED TO
17 THE FUND FOR THE PURPOSE OF OFFSETTING PROGRAM COSTS.

18 (c) THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE
19 JOINT BUDGET COMMITTEE ON OR BEFORE NOVEMBER 1, 2011, ON THE
20 RESULTS OF THE ACTUARIAL STUDY AND THE FISCAL ANALYSIS OF THE
21 PREMIUMS BASED UPON THE STUDY AND RULES ADOPTED PURSUANT TO
22 THIS SECTION.

23 (4) **Private health insurance.** THE STATE DEPARTMENT SHALL,
24 ON BEHALF OF AN INDIVIDUAL WHO IS ELIGIBLE FOR MEDICAID UNDER
25 SUBSECTION (1) OF THIS SECTION, PAY PREMIUMS FOR OR PURCHASE
26 INDIVIDUAL COVERAGE OFFERED BY THE INDIVIDUAL'S EMPLOYER IF THE
27 STATE DEPARTMENT DETERMINES THAT PAYING THE PREMIUMS OR

1 PURCHASING THE COVERAGE WILL BE LESS THAN PROVIDING MEDICAID
2 COVERAGE.

3 (5) **Medicare.** IF FEDERAL FINANCIAL PARTICIPATION IS
4 AVAILABLE, SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE
5 DEPARTMENT MAY PAY MEDICARE PART A AND PART B PREMIUMS FOR
6 INDIVIDUALS WHO ARE ELIGIBLE FOR MEDICARE AND FOR MEDICAID UNDER
7 SUBSECTION (1) OF THIS SECTION.

8 **25.5-6-1305. Rule-making authority.** (1) THE STATE BOARD
9 SHALL PROMULGATE RULES NECESSARY TO IMPLEMENT AND ADMINISTER
10 THE MEDICAID BUY-IN PROGRAM CREATED IN THIS PART 13, INCLUDING
11 THE ESTABLISHMENT OF APPROPRIATE PREMIUM AND COST-SHARING
12 CHARGES ON A SLIDING-FEE SCALE BASED ON INCOME. THE PREMIUMS
13 AND COST-SHARING CHARGES SHALL BE BASED UPON AN ACTUARIAL
14 STUDY OF THE DISABLED POPULATION IN THIS STATE.

15 (2) ANY RULES ADOPTED BY THE STATE BOARD SHALL BE
16 CONSISTENT WITH THE FEDERAL "TICKET TO WORK AND WORK
17 INCENTIVES IMPROVEMENT ACT OF 1999", PUB.L. 106-170.

18 **25.5-6-1306. Availability of federal financial assistance under**
19 **medical assistance.** NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
20 THIS PART 13 SHALL BE IMPLEMENTED ONLY IF, AND TO THE EXTENT THAT,
21 THE STATE DEPARTMENT DETERMINES THAT FEDERAL FINANCIAL
22 PARTICIPATION IS AVAILABLE UNDER THE MEDICAID PROGRAM.

23 **SECTION 2.** 25.5-5-201 (1), Colorado Revised Statutes, is
24 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25 **25.5-5-201. Optional provisions - optional groups.** (1) The
26 federal government allows the state to select optional groups to receive
27 medical assistance. Pursuant to federal law, any person who is eligible

1 for medical assistance under the optional groups specified in this section
2 shall receive both the mandatory services specified in sections 25.5-5-102
3 and 25.5-5-103 and the optional services specified in sections 25.5-5-202
4 and 25.5-5-203. Subject to the availability of federal financial aid funds,
5 the following are the individuals or groups that Colorado has selected as
6 optional groups to receive medical assistance pursuant to this article and
7 articles 4 and 6 of this title:

8 (o) INDIVIDUALS WITH DISABILITIES WHO ARE PARTICIPATING IN
9 THE MEDICAID BUY-IN PROGRAM ESTABLISHED IN PART 13 OF ARTICLE 6 OF
10 THIS TITLE.

11 **SECTION 3. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL E

LLS NO. 08-0184.01 Jane Ritter

SENATE BILL

SENATE SPONSORSHIP

Williams, Boyd, and Keller

HOUSE SPONSORSHIP

Pommer, and Soper

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING AN OUTCOME-BASED SUPPORTED EMPLOYMENT SYSTEM
102 FOR PERSONS WITH DISABILITIES, INCLUDING DEVELOPMENTAL
103 DISABILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Long-term Health Care Services and Supports for Persons with Developmental Disabilities. Establishes an outcome-based supported employment system for integrated employment services for persons with disabilities, including developmental disabilities ("system"), that creates a reimbursement schedule for community

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

centered boards and agencies that provide employment services to persons with developmental disabilities, mental disabilities, and brain injuries. Authorizes the executive director of the department of human services ("department") to promulgate rules for the system. Requires the division of vocational rehabilitation in the department to report annually to the department on the employment outcomes achieved. Requires the department to report annually the employment outcomes to the general assembly.

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

2 **SECTION 1.** 27-10.5-102, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SUBSECTION to read:

4 **27-10.5-102. Definitions.** As used in this article, unless the
5 context otherwise requires:

6 (11.5) "DIVISION" MEANS THE DIVISION OF VOCATIONAL
7 REHABILITATION IN THE DEPARTMENT OF HUMAN SERVICES.

8 **SECTION 2.** Article 10.5 of title 27, Colorado Revised Statutes,
9 is amended BY THE ADDITION OF A NEW PART to read:

10 PART 8

11 OUTCOME-BASED SUPPORTED EMPLOYMENT SYSTEM

12 FOR INTEGRATED EMPLOYMENT SERVICES

13 FOR PERSONS WITH DISABILITIES, INCLUDING

14 DEVELOPMENTAL DISABILITIES

15 **27-10.5-801. Legislative declaration.** (1) THE GENERAL
16 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

17 (a) THE STATE OF COLORADO BELIEVES THAT EVERY PERSON,
18 REGARDLESS OF DISABILITY, SHOULD HAVE THE OPPORTUNITY FOR
19 GAINFUL EMPLOYMENT.

20 (b) LONGITUDINAL STUDIES HAVE SHOWN THAT WHEN PERSONS

1 WITH DEVELOPMENTAL DISABILITIES MOVE FROM SHELTERED
2 EMPLOYMENT TO INTEGRATED OR SUPPORTED EMPLOYMENT, THE PERSONS
3 WITH DEVELOPMENTAL DISABILITIES AND TAXPAYERS BOTH BENEFIT.

4 (c) INTEGRATED EMPLOYMENT IN COLORADO FOR PERSONS WITH
5 DEVELOPMENTAL DISABILITIES DECLINED SUBSTANTIALLY BETWEEN 1997
6 AND 2003.

7 (d) THE CAPACITY FOR STATEWIDE INTEGRATED EMPLOYMENT
8 SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES IN COLORADO
9 DECLINED BY MORE THAN TWENTY-FIVE PERCENT FROM 2005-06 TO
10 2006-07, AND THE CAPACITY FOR STATEWIDE INTEGRATED EMPLOYMENT
11 JOB DEVELOPMENT FOR THIS POPULATION DECLINED BY MORE THAN FIFTY
12 PERCENT DURING THE SAME TIME PERIOD.

13 (e) THE TREND TOWARD LESS-INTEGRATED EMPLOYMENT AND
14 OTHER CONGREGATE DAY SERVICES IS MORE EXPENSIVE FOR COLORADO
15 TAXPAYERS AND CONTRADICTS THE UNITED STATES SUPREME COURT'S
16 OLMSTEAD STANDARD OF SERVING PERSONS WITH DISABILITIES IN THE
17 MOST INTEGRATED SETTING. IN ADDITION, THE TREND MAY BE
18 CONSIDERED DISCRIMINATORY AGAINST PERSONS WITH THE MOST
19 SIGNIFICANT NEEDS.

20 (f) RECENT STUDIES SUGGEST THAT OUTCOME-BASED FUNDING
21 SYSTEMS FOR INTEGRATED EMPLOYMENT SERVICES NOT ONLY YIELD A
22 MORE EFFICIENT USE OF TAX DOLLARS BUT ALSO RESULT IN SIGNIFICANTLY
23 IMPROVED AND INTEGRATED EMPLOYMENT OUTCOMES FOR PERSONS WITH
24 DEVELOPMENTAL DISABILITIES.

25 (g) ANALYSIS OF OTHER STATES' EXPERIENCES INDICATES THAT
26 SUCCESSFUL OUTCOME-BASED SUPPORTED EMPLOYMENT SYSTEMS
27 REQUIRE STRONG COLLABORATION BETWEEN THE SERVICE VENDORS AND

1 THE STATE IN THE DEVELOPMENT OF RATES LEADING TO SUCCESSFUL
2 EMPLOYMENT OUTCOMES.

3 (2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO
4 ADOPT A COLLABORATIVE, OUTCOME-BASED SUPPORTED EMPLOYMENT
5 SYSTEM FOR INTEGRATED EMPLOYMENT SERVICES TO INCREASE
6 EMPLOYMENT OPPORTUNITIES FOR AND THE LONG-TERM SUCCESS OF
7 EMPLOYMENT SERVICES FOR PERSONS WITH DEVELOPMENTAL
8 DISABILITIES.

9 **27-10.5-802. Outcome-based supported employment system**
10 **for integrated employment services - rules.** (1) (a) THERE IS HEREBY
11 CREATED IN THE DIVISION AN OUTCOME-BASED SUPPORTED EMPLOYMENT
12 SYSTEM, REFERRED TO IN THIS SECTION AS THE "SYSTEM", FOR
13 INTEGRATED EMPLOYMENT SERVICES FOR PERSONS WITH DEVELOPMENTAL
14 DISABILITIES, CHRONIC MENTAL ILLNESS, AND TRAUMATIC BRAIN INJURIES.
15 UNDER THE SYSTEM, THE DIVISION SHALL REIMBURSE COMMUNITY
16 CENTERED BOARDS AND OTHER AGENCIES THAT WORK WITH PERSONS WITH
17 DEVELOPMENTAL DISABILITIES ON EMPLOYMENT ISSUES FOR EMPLOYMENT
18 SERVICES PROVIDED. THE AMOUNT OF THE REIMBURSEMENT SHALL BE
19 BASED UPON A REIMBURSEMENT SCHEDULE CORRELATED WITH
20 EMPLOYMENT OUTCOMES.

21 (b) THE PURPOSE OF THE SYSTEM IS TO INCREASE THE EFFICIENCY
22 OF STATEWIDE EMPLOYMENT SERVICES FOR PERSONS WITH DISABILITIES
23 BY CONNECTING FUNDING FOR EMPLOYMENT SERVICES TO EMPLOYMENT
24 OUTCOMES, INCLUDING BUT NOT LIMITED TO INCREASED EMPLOYMENT
25 OPPORTUNITIES FOR AND LONG-TERM SUCCESS OF INTEGRATED
26 EMPLOYMENT SERVICES FOR PERSONS WITH DISABILITIES. AN ADDITIONAL
27 PURPOSE OF THE SYSTEM IS TO INCREASE CHOICE AND SATISFACTION FOR

1 PERSONS WITH DISABILITIES AND THEIR FAMILIES AS RELATED TO
2 INTEGRATED EMPLOYMENT OPPORTUNITIES AND OUTCOMES.

3 (2) (a) THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO
4 PROMULGATE RULES FOR THE IMPLEMENTATION OF THIS PART 8. AT A
5 MINIMUM, THE RULES SHALL ESTABLISH A REIMBURSEMENT SCHEDULE FOR
6 COMMUNITY CENTERED BOARDS AND AGENCIES THAT CORRELATES HIGHER
7 REIMBURSEMENT RATES WITH OUTCOMES, WITH THE HIGHEST
8 REIMBURSEMENT RATE CORRELATING TO CASE CLOSURE, AS DETERMINED
9 BY INDIVIDUAL DIVISION CASE COUNSELORS. THE REIMBURSEMENT
10 SCHEDULE SHALL PROVIDE FOR VARYING AMOUNTS TO BE REIMBURSED
11 FOR ASSESSMENT, PLANNING, PLACEMENT, TRAINING, STABILIZATION, AND
12 CASE CLOSURE. CASE CLOSURE SHALL SERVE AS THE FINAL, AND LARGEST,
13 PAYMENT OUTCOME. THE RULES SHALL DIRECT THAT THE AUTHORIZATION
14 OF A PAYMENT TO A COMMUNITY CENTERED BOARD OR OTHER AGENCY
15 UNDER THE SYSTEM SHALL BE BASED UPON THE RECOMMENDATION OF THE
16 INDIVIDUAL DIVISION CASE COUNSELOR.

17 (b) IN ESTABLISHING THE RULES, THE DEPARTMENT SHALL FACTOR
18 IN, AT A MINIMUM, THE FOLLOWING CRITICAL COMPONENTS:

19 (I) IN DEVELOPING THE REIMBURSEMENT SCHEDULE, THE
20 DEPARTMENT SHALL OBTAIN INPUT FROM CONTRACTED VENDORS AND
21 SHALL CONSIDER DUTIES OF VENDOR EMPLOYMENT STAFF, EXPENSES
22 INCURRED BY VENDORS, RELEVANT MARKET CONDITIONS, AND THE COST
23 OF DOING BUSINESS FOR VENDORS IN ORDER TO MAINTAIN A DIVERSE AND
24 STABLE VENDOR GROUP;

25 (II) REIMBURSEMENT AMOUNTS SHALL INCORPORATE EXPENSES
26 INVOLVED IN SERVING INDIVIDUALS FOR WHOM PAYMENTS ARE NOT
27 RECEIVED FROM OTHER SOURCES;

1 (III) THE SYSTEM SHALL PROVIDE SUPPORT FOR ADEQUATE
2 ASSESSMENT AND INDIVIDUALIZED PLANNING PROCESSES;

3 (IV) THE SYSTEM SHALL SUPPORT JOB REPLACEMENT ACTIVITIES
4 THAT MAY RESULT FROM JOB LOSS, JOB IMPROVEMENT, OR CAREER
5 FULFILLMENT;

6 (V) THE SYSTEM SHALL ADDRESS THE NEED FOR ACCESS TO A FULL
7 RANGE OF ADDITIONAL SUPPORT SERVICES, INCLUDING BUT NOT LIMITED
8 TO ACCESS TO ASSISTIVE TECHNOLOGY, INTERPRETER SERVICES, AND
9 COMMUNICATION SERVICES AND SUPPORTS; AND

10 (VI) THE SYSTEM SHALL CREATE RISK-ADJUSTED INCENTIVE
11 PAYMENTS AND A MULTI-TIERED PAYMENT SYSTEM FOR SERVING PERSONS
12 WITH THE MOST SIGNIFICANT DISABILITIES WHO WILL POTENTIALLY
13 REQUIRE A HIGHER LEVEL OF SUPPORT.

14 **27-10.5-803. Reporting requirements.** (1) ON OR BEFORE
15 SEPTEMBER 1, 2009, AND ON OR BEFORE SEPTEMBER 1 EACH YEAR
16 THEREAFTER, THE DIVISION SHALL SUBMIT A REPORT TO THE DEPARTMENT
17 THAT SUMMARIZES THE INTEGRATED EMPLOYMENT SERVICES PROVIDED
18 EACH YEAR TO PERSONS WITH DISABILITIES PURSUANT TO THIS PART 8.
19 THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE NUMBER
20 OF INDIVIDUALS WITH DISABILITIES WHO WERE:

- 21 (a) ASSESSED FOR EMPLOYMENT;
- 22 (b) PROVIDED WITH AN EMPLOYMENT PLAN;
- 23 (c) PLACED IN A JOB AND PROVIDED WITH TRAINING; AND
- 24 (d) DETERMINED BY AN INDIVIDUAL DIVISION CASE COUNSELOR TO
25 HAVE REACHED CASE CLOSURE.

26 (2) ON OR BEFORE NOVEMBER 1, 2009, AND ON OR BEFORE
27 NOVEMBER 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT

1 TO THE GENERAL ASSEMBLY AND TO THE HEALTH AND HUMAN SERVICES
2 COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR
3 ANY SUCCESSOR COMMITTEES, A REPORT THAT SHALL CONTAIN, AT A
4 MINIMUM, THE INFORMATION FROM THE REPORT SUBMITTED BY THE
5 DIVISION PURSUANT TO SUBSECTION (1) OF THIS SECTION.

6 **SECTION 3. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL F

LLS NO. 08-0182.03 John Hershey

HOUSE BILL

HOUSE SPONSORSHIP

Gardner B., and Gardner C.

SENATE SPONSORSHIP

Renfroe, and Spence

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASED STATE FUNDING FOR SERVICES FOR PERSONS**
102 **WITH DEVELOPMENTAL DISABILITIES FOR THE PURPOSE OF**
103 **REDUCING WAITING LISTS FOR SUCH SERVICES, AND MAKING AN**
104 **APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Long-term Health Care Services and Supports for Persons with Developmental Disabilities. Creates the developmental disabilities services cash fund. In each of the next 5 fiscal

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Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

years, directs the general assembly to appropriate to the fund a specified percentage of the amount by which total general fund appropriations for the fiscal year may increase over the prior fiscal year in accordance with the statutory limit on general fund appropriations. Directs the general assembly to make annual appropriations from the fund to the department of human services for program costs for adult comprehensive services, adult supported living services, and family support services for persons with developmental disabilities.

Makes legislative findings and declarations. Makes an appropriation.

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

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

4 (a) Many eligible persons with developmental disabilities in
5 Colorado are on extremely long waiting lists for comprehensive services,
6 supported living services, and family support services.

7 (b) Long waits for needed services cause serious and unacceptable
8 hardship to persons with developmental disabilities and their families.

9 (c) Eliminating the waiting lists for services for persons with
10 developmental disabilities and their families is a high priority of the
11 general assembly.

12 (d) It is the intent of the general assembly to appropriate moneys
13 in each fiscal year for the purpose of reducing the waiting lists for
14 services for persons with developmental disabilities and their families,
15 with the goal of eliminating the waiting lists by 2013.

16 **SECTION 2.** Part 1 of article 10.5 of title 27, Colorado Revised
17 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
18 read:

1 **27-10.5-104.2. Services and supports - waiting list reduction**
2 **- cash fund - appropriation.** (1) THERE IS HEREBY CREATED IN THE
3 STATE TREASURY THE DEVELOPMENTAL DISABILITIES SERVICES CASH
4 FUND, CONSISTING OF MONEYS APPROPRIATED THERETO BY THE GENERAL
5 ASSEMBLY PURSUANT TO SUBSECTION (2) OF THIS SECTION. ANY INTEREST
6 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE
7 DEVELOPMENTAL DISABILITIES SERVICES CASH FUND SHALL BE CREDITED
8 TO THE FUND. ANY MONEYS REMAINING IN THE FUND AT THE END OF A
9 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE
10 GENERAL FUND OR ANY OTHER FUND.

11 (2) FOR EACH FISCAL YEAR BEGINNING JULY 1, 2008, THROUGH
12 JULY 1, 2012, THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM THE
13 GENERAL FUND TO THE DEVELOPMENTAL DISABILITIES SERVICES CASH
14 FUND AN AMOUNT EQUAL TO TWO PERCENT OF THE AMOUNT BY WHICH
15 TOTAL STATE GENERAL FUND APPROPRIATIONS FOR THE FISCAL YEAR MAY
16 INCREASE OVER THE PRIOR FISCAL YEAR IN ACCORDANCE WITH THE
17 LIMITATION IMPOSED BY SECTION 24-75-201.1 (1) (a) (II), C.R.S., AS
18 DETERMINED BASED ON THE REVENUE ESTIMATE CERTIFIED PURSUANT TO
19 SECTION 24-75-201.3 (1), C.R.S.

20 (3) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
21 MONEYS IN THE DEVELOPMENTAL DISABILITIES SERVICES CASH FUND TO
22 THE DEPARTMENT FOR PROGRAM COSTS FOR ADULT COMPREHENSIVE
23 SERVICES, ADULT SUPPORTED LIVING SERVICES, AND FAMILY SUPPORT
24 SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES PROVIDED
25 PURSUANT TO THIS ARTICLE OR PART 4 OF ARTICLE 6 OF TITLE 25.5, C.R.S.
26 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE MONEYS IN THE

1 FUND BE USED TO REDUCE THE NUMBER OF PERSONS ON THE WAITING LISTS
2 FOR SUCH SERVICES AND THE AMOUNT OF TIME ELIGIBLE PERSONS WAIT
3 FOR SUCH SERVICES.

4 **SECTION 3. Appropriation.** (1) In addition to any other
5 appropriation, there is hereby appropriated, out of any moneys in the
6 general fund not otherwise appropriated, to the developmental disabilities
7 services cash fund created in section 27-10.5-104.2 (1), Colorado Revised
8 Statutes, for the fiscal year beginning July 1, 2008, the sum of eight
9 million six hundred forty thousand dollars (\$8,640,000), to be used for
10 purposes consistent with the creation of the fund.

11 (2) In addition to any other appropriation, there is hereby
12 appropriated, out of the developmental disabilities services cash fund
13 created in section 27-10.5-104.2 (1), Colorado Revised Statutes, to the
14 department of human services, for the fiscal year beginning July 1, 2008,
15 the sum of eight million six hundred forty thousand dollars (\$8,640,000),
16 to be allocated as follows:

17 (a) ____ dollars (\$ __) for program costs for services for persons
18 with disabilities, developmental disability services, adult comprehensive
19 services;

20 (b) _____ dollars (\$ __) for program costs for services for
21 persons with disabilities, developmental disability services, adult
22 supported living services; and

23 (c) ____ dollars (\$ __) for program costs for services for persons
24 with disabilities, developmental disability services, family support
25 services.

26 **SECTION 4. Effective date.** This act shall take effect July 1,

1 2008.

2 **SECTION 5. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL G

LLS NO. 08-0185.01 Jane Ritter

HOUSE BILL

HOUSE SPONSORSHIP

Pommer,

SENATE SPONSORSHIP

Keller, and Williams

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE POSITION OF NAVIGATOR TO
102 ASSIST PERSONS WHO ARE ON THE WAITING LIST FOR PERSONS
103 WITH DEVELOPMENTAL DISABILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Long-term Health Care Services and Supports for Persons with Developmental Disabilities. Creates the position of navigator ("navigator") for the waiting list for persons with developmental disabilities to assist persons with developmental disabilities and their families who are on the waiting list for services and

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supports. Allows community centered boards to employ a navigator. Outlines the duties of a navigator. Requires the department of human services to promulgate rules concerning the navigator.

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

2 **SECTION 1.** 27-10.5-102, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF THE FOLLOWING NEW
4 SUBSECTIONS to read:

5 **27-10.5-102. Definitions.** As used in this article, unless the
6 context otherwise requires:

7 (2.3) "CASE MANAGER" MEANS AN INDIVIDUAL WHO ASSISTS WITH
8 CASE MANAGEMENT SERVICES AND SUPPORTS PROVIDED PURSUANT TO
9 THIS ARTICLE FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.

10 (24.5) "NAVIGATOR" MEANS AN INDIVIDUAL WHO HOLDS THE
11 POSITION OF NAVIGATOR FOR THE WAITING LIST FOR THE
12 DEVELOPMENTALLY DISABLED AS ESTABLISHED IN SECTION 27-10.5-801.

13 (32) "WAITING LIST" MEANS THE LIST OF PERSONS WITH
14 DEVELOPMENTAL DISABILITIES WHO ARE WAITING FOR SERVICES AND
15 SUPPORTS PROVIDED PURSUANT TO THIS ARTICLE.

16 **SECTION 2.** Article 10.5 of title 27, Colorado Revised Statutes,
17 is amended BY THE ADDITION OF A NEW PART to read:

18 PART 8

19 GENERAL PROVISIONS

20 **27-10.5-801. Waiting list navigator - duties - rules.** (1) THERE
21 IS HEREBY CREATED THE POSITION OF NAVIGATOR FOR THE WAITING LIST
22 FOR PERSONS WITH DEVELOPMENTAL DISABILITIES. EACH COMMUNITY
23 CENTERED BOARD SHALL ENSURE THE AVAILABILITY OF THE SERVICES OF
24 A NAVIGATOR FOR PERSONS WITH DEVELOPMENTAL DISABILITIES ON THE

1 WAITINGLIST. COMMUNITY CENTEREDBOARDS MAY COMBINE RESOURCES
2 TO ENSURE THE AVAILABILITY OF A NAVIGATOR TO PERSONS WITH
3 DEVELOPMENTAL DISABILITIES ON THAT COMMUNITY CENTERED BOARD'S
4 WAITING LIST. THE DUTIES OF A NAVIGATOR SHALL INCLUDE, BUT NEED
5 NOT BE LIMITED TO:

6 (a) HELPING INDIVIDUALS ON THE WAITING LIST AND THEIR
7 FAMILIES TO UNDERSTAND THE WAITING LIST PROCESS;

8 (b) PROVIDING INDIVIDUALS AND FAMILIES ON THE WAITING LIST
9 WITH COMPREHENSIVE INFORMATION REGARDING THE OPTIONS AVAILABLE
10 TO THEM;

11 (c) PERFORMING SURVEYS AND OUTREACH TO INDIVIDUALS ON THE
12 WAITING LIST AS DESCRIBED IN THIS ARTICLE;

13 (d) PROVIDING INDIVIDUALS AND FAMILIES ON THE WAITING LIST
14 WITH ANSWERS AND GUIDANCE REGARDING THEIR STATUS ON THE
15 WAITING LIST;

16 (e) PROVIDING INDIVIDUALS AND FAMILIES WITH INFORMATION
17 AND GUIDANCE REGARDING COLORADO'S COMMUNITY CENTERED BOARD
18 SYSTEM FOR PERSONS WITH DEVELOPMENTAL DISABILITIES AND THE
19 AVAILABILITY OF RESOURCES AND CHOICES STATEWIDE THROUGH THE
20 COMMUNITY CENTERED BOARD SYSTEM;

21 (f) COMMUNICATING AND COORDINATING WITH CASE MANAGERS
22 AT COMMUNITY CENTERED BOARDS REGARDING AN INDIVIDUAL'S PLACE
23 ON THE WAITING LIST; AND

24 (g) ASSISTING INDIVIDUALS AND FAMILIES ON THE WAITING LIST
25 FIND AND CHOOSE APPROPRIATE RESOURCES WHILE ON THE WAITING LIST.

26 THIS ASSISTANCE MAY INCLUDE WORKING WITH INDIVIDUALS WHO ARE
27 WAITING FOR SERVICES TO FACILITATE ACCESS TO STATE AND LOCAL

1 RESOURCES AVAILABLE OUTSIDE OF, OR IN ADDITION TO, WAIVER-BASED
2 SERVICES AND SUPPORTS.

3 (2) THE EXECUTIVE DIRECTOR SHALL PROMULGATE SUCH RULES AS
4 ARE NECESSARY TO IMPLEMENT THIS PART 8, INCLUDING RULES
5 ESTABLISHING THE MINIMUM QUALIFICATIONS FOR NAVIGATORS.

6 **SECTION 3. Effective date.** This act shall take effect at 12:01
7 a.m. on the day following the expiration of the ninety-day period after
8 final adjournment of the general assembly that is allowed for submitting
9 a referendum petition pursuant to article V, section 1 (3) of the state
10 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
11 except that, if a referendum petition is filed against this act or an item,
12 section, or part of this act within such period, then the act, item, section,
13 or part, if approved by the people, shall take effect on the date of the
14 official declaration of the vote thereon by proclamation of the governor.