



# COLORADO

## Department of Human Services

### Regulatory Agenda Department of Human Services November 1, 2014 - October 31, 2015

The Colorado Department of Human Services (CDHS) respectfully submits the following document in fulfillment of the statutory requirements set forth in Sections 2-7-202, 2-7-203(2), (4) and 24-4-103(2), (3), (11)(a), Colorado Revised Statutes.

#### **Overview of Department of Human Services Rule-making Entities**

CDHS has four Type I rule-making entities for which it was required to submit this report concerning their anticipated regulatory agendas for November 1, 2014 through October 31, 2015, pursuant to Sections 2-7-202(6) and 2-7-203, C.R.S. These rule-making entities include the: Executive Director of the Department of Human Services; State Board of Human Services; Juvenile Parole Board; and the Adoption Intermediary Commission.

All four rule-making entities follow the requirements set forth in the Colorado Administrative Procedure Act (APA) including, but not limited to, noticing and posting of rule-making, involvement of stakeholders in the rule-making process, and preparing regulatory analyses for each rule proposed for adoption by its respective board. Additionally, all rule-making sessions are conducted as open public meetings.

#### ***Executive Director Rules***

An Executive Director rule-making session occurs on an as needed basis for rule-making purposes which are also preceded by stakeholder input and feedback on proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules.

#### ***State Board of Human Services***

The State Board of Human Services meets on a regular basis, usually the first Friday of each month, to conduct business including rule-making. Prior to the rule-making session, stakeholder input and feedback is sought on all proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules.

#### ***Juvenile Parole Board***

The Juvenile Parole Board meets regularly to conduct its work pursuant to statutory mandates; however, they meet on an as needed basis for rule-making purposes. Prior to rule-making, stakeholder input is sought on proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules.

**State Board of Human Services**

The following rules are inclusive of anticipated rules, as of November 1, 2014. Changes may occur pursuant to changes in state or federal law and other factors that cannot be fully anticipated. At this time, the Department does not anticipate fee increases related to the adoption of these rules. The Department reserves the right to amend this agenda as additional information becomes available.

The following list of rules is presented according to the primary office within the Department that is bringing the rule before the Board. However, it should be noted that some rules may have an affect on multiple programs.

***Rules Concerning the Office of Behavioral Health***

Persons or parties who may be affected positively or negatively by rule-making regarding the programs and services provided by the Office of Behavioral Health: county departments of human and social services; state departments providing services to clients of the department; community behavioral health centers; residents of the state mental health institutes; entities providing services to children, youth and families; entities providing mental health and substance use/abuse services; and, recipients of mental health and substance use/abuse services.

Rule	Coordinated Community Behavioral Health Crisis System Rules Pursuant to Senate Bill 13-266.
New rule or revision	Revision and/or new rules.
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 27-60-103, C.R.S. To revise and update current rules.
Purpose	To implement Senate Bill 13-266, which authorizes the State Board of Human Services to establish any necessary rules for crisis services.
Proposed Stakeholder Outreach	Colorado Department of Public Health and Environment (CDPHE); Colorado Department of Health Care Policy and Financing (HCPF); Colorado Department of Regulatory Agencies (DORA); Colorado Behavioral Healthcare Council; community mental health centers; mental health clinics; Colorado Designated Managed Service Organizations; Colorado Hospital Association; consumer and family advocacy agencies; designated mental health facilities; substance use/abuse treatment providers; county departments of human/social services; Policy Advisory Committee (PAC) and Sub-PAC committees.
Schedule	TBD

***Rules Concerning the Office of Children, Youth and Families***

Affected parties may include: county departments of human and social services; state departments providing services to clients of CDHS; entities interacting with children and youth in Child Welfare and Youth Corrections settings; private youth corrections facilities; recipients of child welfare services; entities providing services to children, youth and families; and persons affected by domestic violence.

Rule	14-3-4-1: Child Protection and Child Welfare Rule Rewrite, Realignment, and Modification to Special Economic Assistance (SEA)
New rule or revision	Revisions and new rules
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 19-1-116(1.5), (2)(b)(I), C.R.S.; 26-5-110, C.R.S.; 26-5.5-103(1), C.R.S.; 26-5.5-104(2)(b), (4)(a)(I); 26-5-201, C.R.S.; 42 USC 671, Section 471(a)(28). To revise and update current rules.
Purpose	The purposes for the rule changes are to: remove outdated goals, definitions and language; re-structure rules to be more easily understood by workers and supervisors; add new rules that have been approved by the Child Welfare Sub-Policy Advisory Committee (Sub-PAC) covering jurisdiction, new safety and risk assessment, new definitions, case closure summaries, and domestic violence; and, increase the Core Services Program Special Economic Assistance (SEA) limit from \$400 per family to \$800 per family, per year, to align with the cost of living increases.
Proposed Stakeholder Outreach	Child Protection Task Group, Office of the Child's Representative, Child Protection Ombudsman's office, Rocky Mountain Children's Law Center, Child Welfare Executive Leadership Council, Child Welfare Training Academy, Colorado Department of Human Services (CDHS) Policy Advisory Committee (PAC), the Division of Child Welfare PAC-Subcommittee members, CDHS Administrative Review Division, County Departments of Human/Social Services, Office of Information and Technology - Colorado Trails Automation,
Schedule	Tabled until November 2014 for final adoption, effective January 2015

Rule	14-9-3-1: Colorado Child Abuse and Neglect Hotline Pursuant to H.B. 13-1271
New rule or revision	Revisions and new rules pursuant to legislation
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-5-111(1)(a)(II), C.R.S.; 26-5-111(4), C.R.S. To create and revise current rules.
Purpose	Section 26-5-111, C.R.S., requires the creation of a statewide child abuse and neglect reporting hotline system and authorizes rule-making to outline standards to promote consistency in hotline and screening practices throughout the state.

Rule	Sex Offender Registry Check
New rule or revision	Revision of existing rules
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 16-22-101, C.R.S. et seq.; 19-2-403.3, C.R.S.; 19-2-410, C.R.S. To revise and update current rules.
Purpose	Include in the foster care home, kinship homes, adoptive home, Child Placement Agency (CPA), group home, group centers and Residential Child Care Facility (RCCF) certification and licensing an additional check for applicants, all adults in the homes, and the physical address of the home/facility against the National Sex Offender Registry.
Proposed Stakeholder Outreach	County departments of human/social services; Child Placement Agencies, foster families, kinship families, and congregate care facilities.
Schedule	Potentially to be included in a CPA rule re-write early 2015.

Rule	Reinstatement of Parental Rights Pursuant to S.B. 14-062
New rule or revision	New rule
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 19-3-612, C.R.S. To revise and update current rules, including new rules to reinstate parental rights.
Purpose	To implement Senate Bill 14-062, this authorizes the State Board of Human Services to establish rules for assessment of parents to support reinstatement of the parent-child legal relationship.
Proposed Stakeholder Outreach	County departments of human/social services; Policy Advisory Committee (PAC) and Sub-PAC committees, State Court Administrator's Office for judicial officer and Respondent Parent Attorney, Office of Child Representatives (OCR), and Court Appointed Special Advocate (CASA)
Schedule	TBD

Rule	Other Permanent Placement Living Arrangement (OPPLA) Rule Revisions
New rule or revision	Revision of existing rule
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 19-1-115.5, C.R.S; 19-1-116, C.R.S. To revise and update current rules.
Purpose	Alignment of Colorado's rules and practice with the federal law and promising practices from other states is needed in order to ensure that Colorado youth have

Rule	Domestic Violence Program
New rule or revision	Revisions, repeals, and additions of new rules
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the authority granted pursuant to 26-1-107, C.R.S.; 26-7.5-104, C.R.S. To add, repeal, and revise current rules.
Purpose	To make Domestic Violence Program (DVP) rules current with programmatic trends, shore up existing standards, and make consistent with practice.
Proposed Stakeholder Outreach	DVP-funded programs, Colorado Coalition Against Domestic Violence, Colorado Organization for Victim Assistance, county departments of social/human services, individual crime victims, CDHS internal stakeholders, and others.
Schedule	TBD: possibly Spring 2015

***Rules Concerning the Office of Early Childhood***

Affected parties may include: county departments of human and social services; public health providers; state departments providing services to clients of the Department; recipients of early childhood services; providers of early intervention and early childhood mental health services; case management entities; entities providing licensed child care; recipients of child care services and child care assistance; clients impacted by home visitation programs; and, entities providing services to children and their families.

Rule	Child Care Safe Sleep and Disaster Preparedness
New rule or revision	New rules and/or revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-6-101, C.R.S., et seq. National report on disaster preparedness and a letter from the Department of Public Health and Environment on safe sleep prompt these changes. To revise and update current rules.
Purpose	New rules to revise existing safe sleep and disaster preparedness rules; to increase safety in child care facilities.
Proposed Stakeholder Outreach	All licensed child care facilities and stakeholder groups; county departments of social/human services
Schedule	Proposed for Initial Review January 2015, adoption February 2015, effective April 2015.

Rule	Child Care Center Rules
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-6-101, C.R.S., et seq. To revise and update current rules.
Purpose	To promulgate provider and stakeholder rule changes. Updates to the Child Care Center rules, Section 7.702 (12 CCR 2509-8), based on a stakeholder group's recommendations over two years of monthly meetings.
Proposed Stakeholder Outreach	All licensed child care centers and stakeholder groups; county departments of social/human services
Schedule	Proposed for early 2015

Rule	Early Intervention Program
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 27-10.5-703, C.R.S. To revise and update current rules.
Purpose	Changes are needed in the Early Intervention Program rules to add new definitions, revise child outcomes and general data collection requirements, and revise fiscal reporting requirements. To revise and update current rules.
Proposed Stakeholder Outreach	Colorado Department of Education; Colorado Department of Health Care Policy and Financing; Community Centered Boards; Child Find teams; Colorado Coordinating Council; Federal Office of Special Education Programs, and local early intervention providers.
Schedule	Proposed adoption in Summer 2015

Rule	14-10-14-1: Clarifying the Restricted Use of Electronic Benefits Transfer for Temporary Assistance for Needy Families (TANF)/Colorado Works and Adult Financial Cash Benefits
New rule or revision	To revise and update current rules.
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-104, C.R.S.; Public Law 112-96.  The Office of Legislative Legal Services (OLLS) has the authority to review all rules promulgated by State Agencies. OLLS staff have found the rule regarding EBT restrictions does not completely meet the statutory requirements.
Purpose	The purpose of this rule is to clarify the appropriate use of the Electronic Benefits Transfer (EBT) for recipients of Temporary Assistance for Needy Families (TANF)/Colorado Works and Adult Financial Cash Benefits to include all of the locations where EBT use is prohibited pursuant to state law. It is required to include the prohibition of cash EBT withdrawals from automated teller machines at race tracks and in stores or establishments in which the principal business is the sale of firearms. There also needs to be clarification that "gambling establishments" include commercial bingo facilities, in-state simulcast facilities, and any other type of gaming establishment defined in state law.
Proposed Stakeholder Outreach	County Human Services Directors Association; Colorado Commission on Aging; Colorado Legal Services; The Legal Center; Colorado Senior Lobby; Single Entry Point agencies; Economic Security Sub-PAC; Colorado Gerontological Society; All Families Deserve a Chance (AFDC) Coalition; Area Agencies on Aging; Legal Aid of Metropolitan Denver; Colorado Center on Law and Policy; CDHS Food Assistance Division, Low-Income Energy Assistance Program, Colorado Refugee Services Program, and Division of Child Welfare; Colorado Department of Health Care Policy and Financing; Policy Advisory Committee (PAC)-Subcommittee members; and, Colorado Department of Revenue Liquor/Tobacco Enforcement Division.
Schedule	Proposed Initial Review in December 2014

Rule	Transitional Food Assistance
New rule or revision	New Rule
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-301, C.R.S. To revise and update current rules.
Purpose	The purpose of this rule is to implement transitional food assistance benefits to provide stable food benefits to families leaving the Colorado Works program while receiving Food Assistance. Transitional food assistance is meant to help meet a family's nutritional needs for five months as it transitions into self-sufficiency.



Rule	Further Revisions to the Adult Financial Rules
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; Colorado Constitution, Article XXIV, Section 6; 26-2-109, C.R.S.; 26-2-111, C.R.S.; 26-2-122.3, C.R.S.; 26-2-122.4, C.R.S.; 26-2-129, C.R.S. To revise and update current rules.
Purpose	To modernize the Adult Financial Programs and streamline rules to better meet the needs of the elderly and disabled population.
Proposed Stakeholder Outreach	County Human Services Directors Association; Colorado Commission on Aging; Area Agencies on Aging; Colorado Legal Services; The Legal Center; Colorado Senior Lobby; Colorado Gerontological Society; Single Entry Point agencies; Economic Security Sub-Policy Advisory Committee; and, county departments of human/social services.
Schedule	TBD

Rule	Social Security Number Change for Colorado Works
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-2-705, C.R.S.; 26-2-706, C.R.S.; 26-2-706.5, C.R.S.; 26-2-706.6, C.R.S.; 26-2-711, C.R.S.; 45 CFR 260. To revise and update current rules.
Purpose	To allow adequate time for customers to provide proof of a Social Security Number for newly added members of the household.
Proposed Stakeholder Outreach	County Human Services Directors Association; Employment and Benefits Division, Food and Energy Assistance; All Families Deserve a Chance (AFDC) Coalition; Economic Security Sub-Policy Advisory Committee; and, county departments of human/social services.
Schedule	TBD

Rule	Simplifying Income for Colorado Works
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-2-705, C.R.S.; 26-2-706, C.R.S.; 26-2-706.5, C.R.S.; 26-2-706.6, C.R.S.; 26-2-711, C.R.S.; 45 CFR 260. To revise and update current rules.
Purpose	To simplify complex rules around earned and unearned income requirements for the Colorado Works Program.
Proposed Stakeholder Outreach	County Human Services Directors Association; All Families Deserve a Chance (AFDC) Coalition; Economic Security Sub-Policy Advisory Committee; and, county departments of human/social services.
Schedule	TBD

Rule	Federal Fiscal Year 2015 Change in Resource Standards
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-301, C.R.S.; 26-2-302, C.R.S.; Agricultural Act of 2014; 7 CFR 273.9; 7 CFR 273.10; 7 CFR 273.12(e). To revise and update current rules.
Purpose	To update the resource standards that changed beginning with Federal Fiscal Year (FFY) 2015. This information is usually received in late September.
Proposed Stakeholder Outreach	Aurora Community Connection; Hunger Free Colorado; Share Our Strength/Cooking Matters; Care and Share; Food Assistance Performance Improvement Plan workgroup; Office of Economic Security Sub-Policy Advisory Committee; county departments of human/social services.
Schedule	Proposed for emergency adoption in December 2014

Rule	Federal Fiscal Year 2016 Cost of Living Adjustment (COLA) and Utility Allowance Updates
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-301, C.R.S.; 26-2-302, C.R.S.; Agricultural Act of 2014; 7 CFR 273.9; 7 CFR 273.10; 7 CFR 273.12(e). To revise and update current rules.
Purpose	To update the eligibility standards that change each year and are effective each October 1 <sup>st</sup> . This information is received in August and, therefore, results in an emergency rule change to ensure the information is in rule effective October 1 <sup>st</sup> .
Proposed Stakeholder Outreach	Aurora Community Connection; Hunger Free Colorado; Share Our Strength/Cooking Matters; Care and Share; Food Assistance Performance Improvement Plan workgroup; Office of Economic Security Sub-Policy Advisory Committee; county departments of human/social services.
Schedule	Proposed for Initial Review September 2015, effective October 1, 2015

Rule	Food Assistance Updates and Clarifications to Fair Hearing Rules
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-301 through 26-2-306, C.R.S. To revise and update current rules.
Purpose	To clarify rules on fair hearings and fraud to resolve federal compliance issues regarding fair hearings.
Proposed Stakeholder Outreach	Aurora Community Connection; Hunger Free Colorado; Share Our Strength/Cooking Matters; Care and Share; Food Assistance Performance Improvement Plan workgroup; Office of Economic Security Sub-Policy Advisory Committee; county departments of human/social services.
Schedule	Proposed for second quarter of 2015

Rule	Annual Update for the Low-Income Energy Assistance Program (LEAP)
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-2-122.5 C.R.S.; 40-8.7-109, C.R.S.; 40-8.7-112(1), C.R.S. To revise and update current rules.
Purpose	To revise, clarify and update the income guidelines and flat rates for benefit calculation.
Proposed Stakeholder Outreach	Colorado Legal Services, Policy Advisory Committee (PAC), Economic Security Sub-PAC, Energy Outreach Colorado (EOC), Colorado Energy Office (CEO), Governor's Commission on Low Income Energy Assistance, Colorado Cross-Disability Coalition, Colorado Rural Electric Association, County LEAP managers, County Human Services Directors Association
Schedule	TBD: end of calendar year 2014

***Rules Concerning the Office Enterprise Partnerships***

Affected parties may include: Persons or parties who may be affected positively or negatively by rule-making regarding the programs and services provided by the Commission for the Deaf and Hard of Hearing; state departments providing services to clients of the department; entities providing services; non-profit community organizations; and, recipients of services such as deaf, late-deafened, hard-of-hearing and deaf-blind communities.

Rule	Telecommunications Equipment Distribution Program (TEDP)
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-21-106 through 26-21-107, C.R.S. To revise and update current rules.
Purpose	The rules found in Section 27.100 (12 CCR 2516-1) establish types of telecommunications equipment for CCDHH to distribute, coordination of quality services including criteria for applicants, and other procedures. Revisions would ensure clarity and efficiency for internal and external stakeholders. A technical clean up may be required after the sunset review process is completed in the 2015 legislative session.
Proposed Stakeholder Outreach	Colorado Association of the Deaf/Veditz Policy Institute, Hearing Loss Association of America/Colorado, Association of Late-Deafened Adults Association/Colorado, Helen Keller National Center, Division of Vocational Rehabilitation, Division of Aging and Adult Services, Colorado Department of Education, Assistive Technology Partners, Senior Centers
Schedule	TBD

## **Juvenile Parole Board**

### ***Rules Concerning the Juvenile Parole Board***

An extensive list of individuals and organizations are routinely consulted in the development of rules and in the formal rule-making process. Due to the range of subject matter falling under the purview of the Department, this list is diverse and can change. Affected parties may include: youth and families who are involved in the Division of Youth Corrections system and in the related process of Juvenile Parole; Judicial; law enforcement; and county departments of human and social services.

There are no rules anticipated rules as of November 1, 2014. Changes may occur pursuant to changes in state or federal law and other factors that cannot be fully anticipated. The Department reserves the right to amend this agenda as additional information becomes available.

## **Adoption Intermediary Commission**

### ***Rules Concerning the Adoption Intermediary Commission***

An extensive list of individuals and organizations are routinely consulted in the development of rules and in the formal rule-making process. Due to the range of subject matter falling under the purview of the Department, this list is diverse and can change. Affected parties may include: confidential adoption intermediaries; Child Placement Agencies; individuals seeking research into adoption records.

There are no rules anticipated rules as of November 1, 2014. Changes may occur pursuant to changes in state or federal law and other factors that cannot be fully anticipated. The Department reserves the right to amend this agenda as additional information becomes available.