

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

**2007 Report to Legislative Council**

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

### **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 support.

**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 six 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. Finally, 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.

**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. There are currently a number of individuals waiting for services in Colorado:

- 1,300 for Adult Comprehensive Services;
- 2,300 for Supported Living Services;
- 150 for Children's Extensive Support Services; and
- 4,100 for Family Support 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 2.91 percent to 3.21 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

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As a result of the interim committee's discussion and deliberation, the committee recommends 7 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) to identify 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 — Medical 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 (DVR) 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 DVR 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.

