

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 12, 2012
Date

Committee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

SB12-159 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 4, strike lines 21 through 23 and substitute
2 "PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (8) BY THE CHILD'S
3 LEAD THERAPIST OR OTHER TRAINED PROFESSIONALS AS DESIGNATED BY
4 THE DEPARTMENT."

5 Page 5, after line 10 insert:
6 "(f) THE ON-GOING EVALUATION OF CHILDREN RECEIVING
7 SERVICES UNDER THE PROGRAM PURSUANT TO THIS SUBSECTION (8) SHALL
8 NOT BE USED TO ALTER A CHILD'S ELIGIBILITY TO PARTICIPATE IN THE
9 PROGRAM."

10 Page 6, strike lines 7 through 27 and substitute:
11 "**program evaluation.** (1) AS PART OF ITS REGULAR WAIVER REVIEW
12 PROCESS, AND IN CONJUNCTION WITH A REQUEST FOR FEDERAL
13 REAUTHORIZATION OF THE AUTISM WAIVER PROGRAM, THE STATE
14 DEPARTMENT SHALL CONSULT WITH STAKEHOLDERS AND THE CENTER FOR
15 MEDICARE AND MEDICAID SERVICES TO DESIGN PROGRAM ELIGIBILITY
16 CRITERIA THAT ARE CONSISTENT WITH FEDERAL LAW AND THAT ENSURE
17 THAT SERVICES PROVIDED PURSUANT TO THIS PART 8 ARE AVAILABLE TO
18 THOSE CHILDREN WHO ARE MOST VULNERABLE TO INSTITUTIONALIZATION
19 WITHOUT HOME- AND COMMUNITY-BASED SERVICES. IN ADDITION TO A
20 DIAGNOSIS OF AUTISM, THE STATE DEPARTMENT'S ELIGIBILITY CRITERIA
21 FOR A CHILD RECEIVING SERVICES UNDER THE PROGRAM SHALL INCLUDE
22 SIGNIFICANT IMPAIRMENT IN THE CHILD'S INTELLECTUAL ABILITY OR

1 SIGNIFICANT IMPAIRMENT IN THE CHILD'S ADAPTIVE BEHAVIOR.

2 (2) AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, THE STATE
3 DEPARTMENT SHALL SUBMIT WRITTEN PROGRAM EVALUATIONS TO THE
4 HEALTH AND ENVIRONMENT COMMITTEE OF THE HOUSE OF
5 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEE, AND TO THE HEALTH
6 AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR
7 COMMITTEE, CONCERNING HOME- AND COMMUNITY-BASED SERVICES
8 PROVIDED TO CHILDREN WITH AUTISM PURSUANT TO THIS PART 8. THE
9 STATE DEPARTMENT SHALL DETERMINE THE APPROPRIATE PROCESS AND
10 PROCEDURES FOR CONDUCTING THE EVALUATION, INCLUDING PROCEDURES
11 TO PROTECT A PROGRAM PARTICIPANT'S INDIVIDUALLY IDENTIFYING
12 INFORMATION.

13 (3) (a) ON OR BEFORE JUNE 1, 2013, THE STATE DEPARTMENT'S
14 EVALUATION SHALL INCLUDE, AT A MINIMUM, INFORMATION CONCERNING:
15 (I) THE NUMBER OF ELIGIBLE CHILDREN RECEIVING SERVICES OR
16 WHO HAVE RECEIVED SERVICES UNDER THE WAIVER PROGRAM;
17 (II) THE AVERAGE AND MEDIAN AGE OF ELIGIBLE CHILDREN WHEN
18 THEY BEGIN RECEIVING SERVICES AND THE AVERAGE LENGTH OF TIME
19 THAT CHILDREN RECEIVE SERVICES; AND
20 (III) THE AVERAGE COST OF SERVICES PROVIDED TO AN ELIGIBLE
21 CHILD.

22 (b) ON OR BEFORE JUNE 1, 2014, THE STATE DEPARTMENT'S
23 EVALUATION SHALL INCLUDE, AT A MINIMUM, INFORMATION CONCERNING
24 THE DESIGN AND IMPLEMENTATION OF THE ON-GOING EVALUATION
25 PROCESS PURSUANT TO SECTION 25.5-6-804 (8).

26 (c) (I) ON OR BEFORE JUNE 1, 2015, THE STATE DEPARTMENT'S
27 EVALUATION SHALL INCLUDE AN EVALUATION OF ELIGIBLE CHILDREN'S
28 CARE PLANS AND EVALUATIONS CONDUCTED AT THE BEGINNING AND
29 ENDING OF SERVICES, AS WELL AS ON-GOING EVALUATIONS DURING THE
30 COURSE OF SERVICES, TO DETERMINE WHETHER HOME- AND
31 COMMUNITY-BASED SERVICES PROVIDED PURSUANT TO THIS PART 8 ARE
32 EFFECTIVE IN MEETING THE GOALS OF THE WAIVER PROGRAM, WHICH
33 GOALS INCLUDE, BUT ARE NOT LIMITED TO:
34 (A) SERVING THE CHILDREN MOST VULNERABLE TO
35 INSTITUTIONALIZATION WITHOUT THE SERVICES PROVIDED PURSUANT TO
36 THIS PART 8;
37 (B) KEEPING CHILDREN OUT OF INSTITUTIONS; AND
38 (C) DEMONSTRATING IMPROVEMENT IN THE CHILD'S EXPRESSIVE
39 AND RECEPTIVE COMMUNICATION, ADAPTIVE SKILLS, SUCH AS DRESSING
40 AND TOILETING, AND A REDUCTION IN THE SEVERITY OF THE CHILD'S
41 MALADAPTIVE BEHAVIOR, INCLUDING SELF-INJURIOUS OR AGGRESSIVE

1 BEHAVIOR AND TANTRUMS, THROUGH THE USE OF STANDARDIZED AND
2 NORM-REFERENCED ASSESSMENTS.

3 (II) THE STATE DEPARTMENT MAY CONTRACT WITH AN
4 INDEPENDENT PROGRAM EVALUATOR WITH EXPERTISE IN REVIEWING
5 TREATMENT PROGRESS REPORTS, INDIVIDUAL EVALUATIONS, AND MEDICAL
6 RECORDS FOR PURPOSES OF CONDUCTING THE EVALUATION PURSUANT TO
7 THIS PARAGRAPH (c) CONCERNING THE EFFECTIVENESS OF THE HOME- AND
8 COMMUNITY-BASED SERVICES PROVIDED PURSUANT TO THIS PART 8."

9 Strike page 7.

10 Page 8, strike lines 1 through 10.

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