

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0912.01 Brita Darling x2241

HOUSE BILL 13-1314

HOUSE SPONSORSHIP

Levy and Gerou, Duran

SENATE SPONSORSHIP

Hodge, Steadman, Lambert

House Committees

Public Health Care & Human Services

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE TRANSFER OF THE ADMINISTRATION OF LONG-TERM**
102 **SERVICES FOR PERSONS WITH INTELLECTUAL AND**
103 **DEVELOPMENTAL DISABILITIES TO THE DEPARTMENT OF**
104 **HEALTH CARE POLICY AND FINANCING.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Joint Budget Committee. The bill transfers the powers, duties, and functions of the department of human services (DHS) relating to 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.*

HOUSE
3rd Reading Unamended
April 26, 2013

HOUSE
Amended 2nd Reading
April 25, 2013

programs, services, and supports for persons with intellectual and developmental disabilities contained in article 10.5 of title 27, Colorado Revised Statutes (C.R.S.) to the department of health care policy and financing (HCPF) on March 1, 2014. The transferred provisions are repealed and relocated, with amendments, to a new article 10 of title 25.5, C.R.S.

The following provisions of article 10.5 of title 27 are being relocated:

! Part 1 - Rights of Developmentally Disabled

! Part 4 - Family Support Services

! Part 5 - Colorado Family Support Loan Fund

Provisions relating to regional centers and the coordinated system of payment for early intervention services for infants and toddlers will remain in article 10.5 of title 27 and will continue to be administered by DHS. Because certain programs and responsibilities will remain with DHS, certain provisions in article 10.5 of title 27 relating to definitions for the article and the duties of the department are amended in the bill.

The transferred programs, services, and supports will be administered by the newly created division of intellectual and developmental disabilities (division) within the newly created office of community living (office). The director of the office will be appointed by the executive director of HCPF and will report to the executive director. The office is created as of July 1, 2013.

In September and November 2013, HCPF, in conjunction with intellectual and developmental disability advocates and service providers, will report to the joint budget committee of the general assembly concerning any issues relating to the set up of the office and the upcoming transfer of programs. Additionally, quarterly, commencing after the March 2014 transfer and concluding in December 2014, HCPF, along with the above-referenced advocates and providers will report to the joint budget committee and the health care committees of the general assembly concerning the operation of the division and its administration of the transferred programs, services, and supports.

The bill changes certain terminology in the provisions contained in the bill, including changing the phrase, "developmental disabilities" to "intellectual and developmental disabilities". Additionally, the bill makes conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add with amended**
3 **and relocated provisions** article 10 to title 25.5 as follows:

4 **ARTICLE 10**

1 **Community Living**

2 **PART 1**

3 **OFFICE OF COMMUNITY LIVING**

4 **25.5-10-101. Office of community living - creation - transfer**
5 **of duties and functions - rules - legislative declaration - repeal.**

6 (1) THERE IS HEREBY CREATED IN THE STATE DEPARTMENT THE OFFICE OF
7 COMMUNITY LIVING, REFERRED TO IN THIS ARTICLE AS THE "OFFICE". THE
8 HEAD OF THE OFFICE IS THE DIRECTOR OF COMMUNITY LIVING APPOINTED
9 BY THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH SECTION 13 OF
10 ARTICLE XII OF THE STATE CONSTITUTION. THE DIRECTOR OF COMMUNITY
11 LIVING REPORTS DIRECTLY TO THE EXECUTIVE DIRECTOR.

12 (2) (a) ON AND AFTER MARCH 1, 2014, THE POWERS, DUTIES, AND
13 FUNCTIONS RELATING TO THE PROGRAMS, SERVICES, AND SUPPORTS
14 CONTAINED IN THIS ARTICLE ARE TRANSFERRED FROM THE DEPARTMENT
15 OF HUMAN SERVICES TO THE DEPARTMENT OF HEALTH CARE POLICY AND
16 FINANCING BY A **TYPE 2** TRANSFER AS SUCH TRANSFER IS DEFINED IN THE
17 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24,
18 C.R.S., AND ALLOCATED TO THE DIVISION OF INTELLECTUAL AND
19 DEVELOPMENTAL DISABILITIES OF THE OFFICE, WHICH DIVISION IS CREATED
20 IN PART 2 OF THIS ARTICLE.

21 (b) (I) BY MARCH 1, 2014, ALL POSITIONS OF EMPLOYMENT IN THE
22 DEPARTMENT OF HUMAN SERVICES RELATED TO THE ADMINISTRATION OF
23 COMMUNITY-BASED LONG-TERM SERVICES AND SUPPORTS ARE
24 TRANSFERRED TO THE DIVISION OF INTELLECTUAL AND DEVELOPMENTAL
25 DISABILITIES OF THE OFFICE AND BECOME EMPLOYMENT POSITIONS
26 THEREIN.

27 (II) ALL EMPLOYEES IN POSITIONS TRANSFERRED TO THE DIVISION

1 OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES ARE CONSIDERED
2 EMPLOYEES OF THE DIVISION OF INTELLECTUAL AND DEVELOPMENTAL
3 DISABILITIES OF THE OFFICE. SUCH EMPLOYEES RETAIN ALL RIGHTS UNDER
4 THE STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT
5 TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO
6 HAVE BEEN CONTINUOUS.

7 (c) BY MARCH 1, 2014, ALL ITEMS OF PROPERTY, REAL AND
8 PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,
9 DOCUMENTS, AND RECORDS OF THE DEPARTMENT OF HUMAN SERVICES
10 RELATED TO THE ADMINISTRATION OF COMMUNITY-BASED LONG-TERM
11 SERVICES AND SUPPORTS ARE TRANSFERRED TO THE DIVISION OF
12 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES OF THE OFFICE AND
13 BECOME THE PROPERTY THEREOF.

14 (d) ON AND AFTER MARCH 1, 2014, WHENEVER THE EXECUTIVE
15 DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES OR THE DEPARTMENT
16 OF HUMAN SERVICES IS REFERRED TO OR DESIGNATED BY ANY CONTRACT
17 OR OTHER DOCUMENT IN CONNECTION WITH THE POWERS, DUTIES, AND
18 FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF HEALTH CARE POLICY
19 AND FINANCING, THE REFERENCE OR DESIGNATION SHALL BE DEEMED TO
20 APPLY TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING. ALL
21 CONTRACTS ENTERED INTO BY THE EXECUTIVE DIRECTOR OF THE
22 DEPARTMENT OF HUMAN SERVICES PRIOR TO MARCH 1, 2014, IN
23 CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED
24 TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING ARE
25 HEREBY VALIDATED, WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
26 OF HEALTH CARE POLICY AND FINANCING SUCCEEDING TO ALL THE RIGHTS
27 AND OBLIGATIONS OF SUCH CONTRACTS.

1 this article are:

2 (a) To provide appropriate services and supports to persons with
3 INTELLECTUAL AND developmental disabilities throughout their lifetimes
4 regardless of their age or degree of disability;

5 (b) To prohibit deprivation of liberty of persons with
6 INTELLECTUAL AND developmental disabilities, except when such
7 deprivation is for the purpose of providing services and supports which
8 constitute the least restrictive available alternative adequate to meet the
9 person's needs, and to ensure that these services and supports afford due
10 process protections;

11 (c) To ensure the fullest measure of privacy, dignity, rights, and
12 privileges to persons with INTELLECTUAL AND developmental disabilities;

13 (d) To ensure the provision of services and supports to all persons
14 with INTELLECTUAL AND developmental disabilities on a statewide basis;

15 (e) To enable persons with INTELLECTUAL AND developmental
16 disabilities to remain with their families and in ~~their home communities~~
17 THE COMMUNITY OF THEIR CHOICE, to minimize the likelihood of
18 out-of-home placement, and to enhance the capacity of families to meet
19 the needs of children with INTELLECTUAL AND developmental disabilities;

20 (f) To provide community services and supports for persons with
21 INTELLECTUAL AND developmental disabilities which reflect typical
22 patterns of everyday living;

23 (g) To encourage state and local agencies to provide a wide array
24 of innovative and cost-effective services and supports for persons with
25 INTELLECTUAL AND developmental disabilities;

26 (h) To ensure that persons with INTELLECTUAL AND developmental
27 disabilities receive services and supports which encourage and build on

1 existing social networks and natural sources of support, and result in
2 increased interdependence, contribution TO, and inclusion in community
3 life; and

4 (i) To recognize the efficacy of early intervention services and
5 supports in minimizing developmental delays and reducing the future
6 education costs to our society.

7 **25.5-10-202. [Similar to former 27-10.5-102.] Definitions.** AS
8 USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 (1) "AUTHORIZED REPRESENTATIVE" MEANS A PERSON
10 DESIGNATED BY THE PERSON RECEIVING SERVICES, OR BY THE PARENT OR
11 GUARDIAN OF THE PERSON RECEIVING SERVICES, IF APPROPRIATE, TO
12 ASSIST THE PERSON RECEIVING SERVICES IN ACQUIRING OR UTILIZING
13 SERVICES OR SUPPORTS PURSUANT TO THIS ARTICLE. THE EXTENT OF THE
14 AUTHORIZED REPRESENTATIVE'S INVOLVEMENT SHALL BE DETERMINED
15 UPON DESIGNATION.

16 (2) "CASE MANAGEMENT SERVICES" MEANS THE FOLLOWING:

17 (a) THE DETERMINATION OF ELIGIBILITY FOR SERVICES AND
18 SUPPORTS;

19 (b) SERVICE AND SUPPORT COORDINATION; AND

20 (c) THE MONITORING OF ALL SERVICES AND SUPPORTS DELIVERED
21 PURSUANT TO THE INDIVIDUALIZED PLAN AND THE EVALUATION OF
22 RESULTS IDENTIFIED IN THE INDIVIDUALIZED PLAN.

23 (3) "CASE MANAGER" MEANS A PERSON WHO ASSISTS WITH CASE
24 MANAGEMENT SERVICES AND SUPPORTS PROVIDED PURSUANT TO THIS
25 ARTICLE FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
26 DISABILITIES.

27 (4) "COMMUNITY-CENTERED BOARD" MEANS A PRIVATE

1 CORPORATION, FOR-PROFIT OR NOT-FOR-PROFIT, THAT, WHEN DESIGNATED
2 PURSUANT TO SECTION 25.5-10-208, PROVIDES CASE MANAGEMENT
3 SERVICES TO PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
4 DISABILITIES, IS AUTHORIZED TO DETERMINE ELIGIBILITY OF THOSE
5 PERSONS WITHIN A SPECIFIED GEOGRAPHICAL AREA, SERVES AS THE SINGLE
6 POINT OF ENTRY FOR PERSONS TO RECEIVE SERVICES AND SUPPORTS UNDER
7 THIS ARTICLE, AND PROVIDES AUTHORIZED SERVICES AND SUPPORTS TO
8 THOSE PERSONS EITHER DIRECTLY OR BY PURCHASING SERVICES AND
9 SUPPORTS FROM SERVICE AGENCIES.

10 (5) "COMMUNITY RESIDENTIAL HOME" MEANS A GROUP LIVING
11 SITUATION ACCOMMODATING AT LEAST FOUR BUT NO MORE THAN EIGHT
12 PERSONS, WHICH IS LICENSED BY THE STATE AND IN WHICH SERVICES AND
13 SUPPORTS ARE PROVIDED TO PERSONS WITH INTELLECTUAL AND
14 DEVELOPMENTAL DISABILITIES.

15 (6) "CONSENT" MEANS AN INFORMED ASSENT THAT IS EXPRESSED
16 IN WRITING AND FREELY GIVEN. CONSENT SHALL ALWAYS BE PRECEDED BY
17 THE FOLLOWING:

18 (a) A FAIR EXPLANATION OF THE PROCEDURES TO BE FOLLOWED,
19 INCLUDING AN IDENTIFICATION OF PROCEDURES THAT ARE EXPERIMENTAL;

20 (b) A DESCRIPTION OF THE ATTENDANT DISCOMFORTS AND RISKS;

21 (c) A DESCRIPTION OF THE EXPECTED BENEFITS;

22 (d) A DISCLOSURE OF APPROPRIATE ALTERNATIVE PROCEDURES
23 TOGETHER WITH AN EXPLANATION OF THE RESPECTIVE BENEFITS,
24 DISCOMFORTS, AND RISKS;

25 (e) AN OFFER TO ANSWER ANY INQUIRIES CONCERNING
26 PROCEDURES;

27 (f) AN INSTRUCTION THAT THE PERSON GIVING CONSENT IS FREE TO

1 WITHDRAW CONSENT AND TO DISCONTINUE PARTICIPATION IN THE PROJECT
2 OR ACTIVITY AT ANY TIME; AND

3 (g) A STATEMENT THAT WITHHOLDING OR WITHDRAWAL OF
4 CONSENT SHALL NOT PREJUDICE FUTURE PROVISION OF APPROPRIATE
5 SERVICES AND SUPPORTS TO PERSONS.

6 (7) "CONTRIBUTION" MEANS THE BENEFITS GAINED BY THE
7 HOUSEHOLD OR COMMUNITY IN WHICH A PERSON LIVES AS THE RESULT OF
8 THE PERSON ENGAGING IN MEANINGFUL ACTIVITIES, INCLUDING BUT NOT
9 LIMITED TO INCOME-PRODUCING WORK, VOLUNTEER WORK, CONTINUING
10 EDUCATION, AND PARTICIPATION IN COMMUNITY ACTIVITIES.

11 (8) "COURT" MEANS A DISTRICT COURT OF THE STATE OF
12 COLORADO OR THE PROBATE COURT IN THE APPROPRIATE JURISDICTION.

13 (9) "DESIGNATED SERVICE AREA" MEANS THE GEOGRAPHICAL
14 AREA SPECIFIED BY THE EXECUTIVE DIRECTOR TO BE SERVED BY A
15 DESIGNATED COMMUNITY-CENTERED BOARD.

16 (10) "DEVELOPMENTAL DISABILITIES PROFESSIONAL" HAS THE
17 SAME MEANING AS "INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
18 PROFESSIONAL" AS SET FORTH IN SUBSECTION (25) OF THIS SECTION.

19 (11) (a) "DEVELOPMENTAL DISABILITY" HAS THE SAME MEANING
20 AS "INTELLECTUAL AND DEVELOPMENTAL DISABILITY" AS SET FORTH IN
21 PARAGRAPH (a) OF SUBSECTION (26) OF THIS SECTION.

22 (b) "PERSON WITH A DEVELOPMENTAL DISABILITY" OR
23 "INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY" HAS THE SAME
24 MEANING AS "PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
25 DISABILITY" AS SET FORTH IN PARAGRAPH (b) OF SUBSECTION (26) OF THIS
26 SECTION.

27 (c) "CHILD WITH A DEVELOPMENTAL DELAY" HAS THE SAME

1 MEANING AS SET FORTH IN PARAGRAPH (c) OF SUBSECTION (26) OF THIS
2 SECTION.

3 (12) "DIVISION" MEANS THE DIVISION OF INTELLECTUAL AND
4 DEVELOPMENTAL DISABILITIES, CREATED IN THIS PART 2.

5 (13) "EARLY INTERVENTION SERVICES AND SUPPORTS" HAS THE
6 SAME MEANING AS SET FORTH IN SECTION 27-10.5-102, C.R.S.

7 (14) "ELIGIBLE FOR SUPPORTS AND SERVICES" REFERS TO ANY
8 PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY AS
9 DETERMINED ELIGIBLE BY THE COMMUNITY-CENTERED BOARDS,
10 PURSUANT TO SECTION 25.5-10-210.

11 (15) "ENROLLED" MEANS THAT A PERSON WITH AN INTELLECTUAL
12 AND DEVELOPMENTAL DISABILITY WHO IS ELIGIBLE FOR SUPPORTS AND
13 SERVICES HAS BEEN AUTHORIZED, AS DEFINED BY RULES PROMULGATED
14 BY THE STATE BOARD, TO PARTICIPATE IN THE PROGRAM FUNDED
15 PURSUANT TO THIS SECTION.

16 (16) (a) "FAMILY" MEANS THE INTERDEPENDENT GROUP OF
17 PERSONS THAT CONSISTS OF:

18 (I) A PARENT, CHILD, SIBLING, GRANDPARENT, AUNT, UNCLE,
19 SPOUSE, OR ANY COMBINATION THEREOF AND A FAMILY MEMBER WITH AN
20 INTELLECTUAL AND DEVELOPMENTAL DISABILITY;

21 (II) AN ADOPTIVE PARENT OF AND A FAMILY MEMBER WITH AN
22 INTELLECTUAL AND DEVELOPMENTAL DISABILITY;

23 (III) ONE OR MORE PERSONS TO WHOM LEGAL CUSTODY OF A
24 PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY HAS
25 BEEN GIVEN BY A COURT AND IN WHOSE HOME SUCH PERSON RESIDES; OR

26 (IV) ANY OTHER FAMILY UNIT AS MAY BE DEFINED IN RULES
27 DEVELOPED PURSUANT TO SECTION 25.5-10-306.

1 (b) STATE BOARD RULES MUST DEFINE THE FAMILIES THAT ARE
2 ELIGIBLE TO RECEIVE SERVICES AND SUPPORTS PURSUANT TO THIS
3 ARTICLE, AND RULES OF THE STATE BOARD OF HUMAN SERVICES MUST
4 DEFINE THE FAMILIES THAT ARE ELIGIBLE TO RECEIVE SERVICES AND
5 SUPPORTS PURSUANT TO ARTICLE 10.5 OF TITLE 27, C.R.S.

6 (17) "FAMILY CAREGIVER" MEANS A FAMILY MEMBER OF THE
7 PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY WHO
8 PROVIDES CARE TO THE PERSON WITH AN INTELLECTUAL AND
9 DEVELOPMENTAL DISABILITY IN THE FAMILY HOME, WHO MEETS THE
10 REQUIREMENTS FOR A QUALIFIED FAMILY CAREGIVER, AS ESTABLISHED BY
11 RULE OF THE STATE BOARD, AND WHO IS WORKING THROUGH A
12 PROGRAM-APPROVED SERVICE AGENCY, AS ESTABLISHED BY RULE OF THE
13 STATE BOARD.

14 (18) "GASTROSTOMY TUBE" MEANS A TUBE THAT HAS BEEN
15 SURGICALLY INSERTED INTO THE STOMACH THROUGH THE ABDOMINAL
16 WALL, OR A TUBE THAT HAS BEEN INSERTED THROUGH THE NASAL
17 PASSAGE INTO THE STOMACH, OR BOTH.

18 (19) "HUMAN RIGHTS COMMITTEE" MEANS A THIRD-PARTY
19 MECHANISM TO ADEQUATELY SAFEGUARD THE LEGAL RIGHTS OF PERSONS
20 RECEIVING SERVICES BY PARTICIPATING IN THE GRANTING OF INFORMED
21 CONSENT, MONITORING THE SUSPENSION OF RIGHTS OF PERSONS RECEIVING
22 SERVICES, MONITORING BEHAVIORAL DEVELOPMENT PROGRAMS IN WHICH
23 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES ARE
24 INVOLVED, MONITORING THE USE OF PSYCHOTROPIC MEDICATION BY
25 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AND,
26 AT THE COMMITTEE'S OPTION, EITHER PROVIDING OR ENSURING THE
27 INVESTIGATION OF ALLEGATIONS OF ABUSE OR NEGLECT OF PERSONS WITH

1 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO ARE RECEIVING
2 SERVICES OR SUPPORTS UNDER THIS ARTICLE.

3 (20) "IDEA" HAS THE SAME MEANING AS SET FORTH IN SECTION
4 27-10.5-102, C.R.S.

5 (21) "INCLUSION" MEANS:

6 (a) THE USE BY PERSONS WITH INTELLECTUAL AND
7 DEVELOPMENTAL DISABILITIES OF THE SAME COMMUNITY RESOURCES
8 THAT ARE USED BY AND AVAILABLE TO OTHER PERSONS;

9 (b) THE PARTICIPATION BY PERSONS WITH INTELLECTUAL AND
10 DEVELOPMENTAL DISABILITIES IN THE SAME COMMUNITY ACTIVITIES IN
11 WHICH PERSONS WITHOUT INTELLECTUAL AND DEVELOPMENTAL
12 DISABILITIES PARTICIPATE. PARTICIPATION INCLUDES REGULAR CONTACT
13 WITH PERSONS WITHOUT INTELLECTUAL AND DEVELOPMENTAL
14 DISABILITIES.

15 (c) VOCATIONAL EXPERIENCES FOR PERSONS WITH INTELLECTUAL
16 AND DEVELOPMENTAL DISABILITIES IN COMMUNITY SETTINGS THAT OFFER
17 OPPORTUNITIES TO ASSOCIATE WITH OTHER PERSONS WHO DO NOT HAVE
18 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; AND

19 (d) LIVING IN HOMES THAT ARE IN RESIDENTIAL NEIGHBORHOODS
20 AND IN PROXIMITY TO COMMUNITY RESOURCES.

21 (22) "INDEPENDENT RESIDENTIAL SUPPORT SERVICES" MEANS A
22 COMMUNITY LIVING SITUATION, DEFINED BY RULE OF THE STATE BOARD,
23 IN WHICH SERVICES AND SUPPORTS ARE PROVIDED TO NO MORE THAN
24 THREE PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
25 AND FOR WHICH A STATE LICENSE IS NOT REQUIRED.

26 (23) "INDIVIDUALIZED FAMILY SERVICE PLAN" OR "IFSP" HAS THE
27 SAME MEANING AS SET FORTH IN SECTION 27-10.5-102, C.R.S.

1 (24) (a) "INDIVIDUALIZED PLAN" MEANS A WRITTEN PLAN
2 DESIGNED BY AN INTERDISCIPLINARY TEAM FOR THE PURPOSE OF
3 IDENTIFYING:

4 (I) THE NEEDS AND PREFERENCES OF THE PERSON OR FAMILY
5 RECEIVING SERVICES;

6 (II) THE SPECIFIC SERVICES AND SUPPORTS APPROPRIATE TO MEET
7 THOSE NEEDS AND PREFERENCES;

8 (III) THE PROJECTED DATE FOR INITIATION OF SERVICES AND
9 SUPPORTS; AND

10 (IV) THE ANTICIPATED RESULTS TO BE ACHIEVED BY RECEIVING
11 THE SERVICES AND SUPPORTS.

12 (b) EVERY INDIVIDUALIZED PLAN MUST INCLUDE A STATEMENT OF
13 AGREEMENT WITH THE PLAN, SIGNED BY THE PERSON RECEIVING SERVICES
14 OR OTHER SUCH PERSON LEGALLY AUTHORIZED TO SIGN ON BEHALF OF THE
15 PERSON AND BY A REPRESENTATIVE OF THE COMMUNITY-CENTERED
16 BOARD.

17 (c) ANY OTHER SERVICE OR SUPPORT PLAN DESIGNATED BY THE
18 STATE DEPARTMENT THAT MEETS ALL OF THE REQUIREMENTS OF AN
19 INDIVIDUALIZED PLAN IS CONSIDERED TO BE AN INDIVIDUALIZED PLAN
20 PURSUANT TO THIS ARTICLE.

21 (d) (I) EVERY INDIVIDUALIZED PLAN THAT INCLUDES THE
22 PROVISION OF RESPITE CARE FOR MEDICAL PURPOSES, PURSUANT TO
23 SECTION 25.5-10-205, SHALL INCLUDE A PROCESS BY WHICH THE PERSON
24 RECEIVING SERVICES AND SUPPORTS MAY RECEIVE NECESSARY CARE IF
25 THE PERSON'S FAMILY OR CAREGIVER IS UNAVAILABLE DUE TO AN
26 EMERGENCY SITUATION OR UNFORESEEN CIRCUMSTANCES. THE FAMILY OR
27 CAREGIVER MUST BE DULY INFORMED BY THE INTERDISCIPLINARY TEAM

1 OF THESE ALTERNATIVE CARE PROVISIONS AT THE TIME THE
2 INDIVIDUALIZED PLAN IS INITIATED.

3 (II) NOTHING IN THIS PARAGRAPH (d) REQUIRES THE PROVISION OF
4 RESPITE CARE. HOWEVER, ANY INDIVIDUAL PLAN THAT INCLUDES THE
5 PROVISION OF RESPITE CARE FOR MEDICAL PURPOSES MUST CONTAIN A
6 CONTINGENCY PLAN.

7 (25) "INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
8 PROFESSIONAL" MEANS A PERSON WHO HAS PROFESSIONAL TRAINING AND
9 EXPERIENCE IN THE INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
10 FIELD, AS DEFINED BY RULE OF THE STATE BOARD.

11 (26) (a) "INTELLECTUAL AND DEVELOPMENTAL DISABILITY"
12 MEANS A DISABILITY THAT MANIFESTS BEFORE THE PERSON REACHES
13 TWENTY-TWO YEARS OF AGE, THAT CONSTITUTES A SUBSTANTIAL
14 DISABILITY TO THE AFFECTED PERSON, AND THAT IS ATTRIBUTABLE TO
15 MENTAL RETARDATION OR RELATED CONDITIONS, WHICH INCLUDE
16 CEREBRAL PALSY, EPILEPSY, AUTISM, OR OTHER NEUROLOGICAL
17 CONDITIONS WHEN THOSE CONDITIONS RESULT IN IMPAIRMENT OF
18 GENERAL INTELLECTUAL FUNCTIONING OR ADAPTIVE BEHAVIOR SIMILAR
19 TO THAT OF A PERSON WITH MENTAL RETARDATION. UNLESS OTHERWISE
20 SPECIFICALLY STATED, THE FEDERAL DEFINITION OF "DEVELOPMENTAL
21 DISABILITY" FOUND IN 42 U.S.C. SEC. 15001 ET SEQ. SHALL NOT APPLY.

22 (b) "PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
23 DISABILITY" MEANS A PERSON DETERMINED BY A COMMUNITY-CENTERED
24 BOARD TO HAVE AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY AND
25 SHALL INCLUDE A CHILD WITH A DEVELOPMENTAL DELAY.

26 (c) "CHILD WITH A DEVELOPMENTAL DELAY" MEANS:

27 (I) A PERSON LESS THAN FIVE YEARS OF AGE WITH DELAYED

1 DEVELOPMENT AS DEFINED BY RULE OF THE STATE BOARD; OR

2 (II) A PERSON LESS THAN FIVE YEARS OF AGE WHO IS AT RISK OF
3 HAVING A DEVELOPMENTAL DISABILITY AS DEFINED BY RULE OF THE
4 STATE BOARD.

5 (27) "INTERDEPENDENCE" MEANS THOSE MULTIPLE INTERACTIVE
6 RELATIONSHIPS THAT ARE NECESSARY TO CREATE A SENSE OF BELONGING
7 AND SUPPORT BETWEEN AND AMONG PEOPLE THAT ARE MUTUALLY
8 SOUGHT, SUSTAINED OVER TIME, AND BENEFICIAL TO THOSE INVOLVED.

9 (28) "INTERDISCIPLINARY TEAM" MEANS A GROUP OF PEOPLE
10 CONVENED BY A DESIGNATED COMMUNITY-CENTERED BOARD THAT
11 INCLUDES THE PERSON RECEIVING SERVICES; THE PARENTS OR GUARDIAN
12 OF A MINOR; A GUARDIAN OR AN AUTHORIZED REPRESENTATIVE, AS
13 APPROPRIATE; THE PERSON WHO COORDINATES THE PROVISIONS OF
14 SERVICES AND SUPPORTS; AND OTHERS AS DETERMINED BY THE PERSON'S
15 NEEDS AND PREFERENCE, WHO ARE ASSEMBLED TO WORK IN A
16 COOPERATIVE MANNER TO DEVELOP OR REVIEW THE INDIVIDUALIZED
17 PLAN.

18 (29) "LEAST RESTRICTIVE ENVIRONMENT" MEANS AN
19 ENVIRONMENT THAT REPRESENTS THE LEAST DEPARTURE FROM THE
20 TYPICAL PATTERNS OF LIVING AND THAT EFFECTIVELY MEETS THE NEEDS
21 AND PREFERENCES OF THE PERSON RECEIVING SERVICES. "LEAST
22 RESTRICTIVE ENVIRONMENT" MAY INCLUDE, BUT NEED NOT BE LIMITED TO,
23 RECEIVING SERVICES FROM A COMMUNITY-CENTERED BOARD, SERVICE
24 AGENCY, OR A FAMILY CAREGIVER IN THE FAMILY HOME.

25 (30) "OFFICE" MEANS THE OFFICE OF COMMUNITY LIVING CREATED
26 IN PART 1 OF THIS ARTICLE.

27 (31) "PERSON RECEIVING SERVICES" MEANS A PERSON WITH AN

1 INTELLECTUAL AND DEVELOPMENTAL DISABILITY WHO IS ENROLLED IN A
2 PROGRAM FUNDED PURSUANT TO THIS ARTICLE.

3 (32) "PROGRAM" MEANS A SPECIFIC GROUP OF SERVICES OR
4 SUPPORTS AS DEFINED BY RULES PROMULGATED BY THE STATE BOARD AND
5 FOR WHICH FUNDING IS AVAILABLE PURSUANT TO THIS ARTICLE TO A
6 PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY WHO
7 IS ELIGIBLE FOR SUPPORTS AND SERVICES.

8 (33) "REGIONAL CENTER" HAS THE SAME MEANING AS SET FORTH
9 IN SECTION 27-10.5-102, C.R.S.

10 (34) "SERVICE AGENCY" MEANS A PERSON OR ANY PUBLICLY OR
11 PRIVATELY OPERATED PROGRAM, ORGANIZATION, OR BUSINESS PROVIDING
12 SERVICES OR SUPPORTS FOR PERSONS WITH INTELLECTUAL AND
13 DEVELOPMENTAL DISABILITIES.

14 (35) "SERVICE AND SUPPORT COORDINATION" MEANS PLANNING,
15 LOCATING, FACILITATING ACCESS TO, COORDINATING, AND REVIEWING ALL
16 ASPECTS OF NEEDED SERVICES, SUPPORTS, AND RESOURCES THAT ARE
17 PROVIDED IN COOPERATION WITH THE PERSON RECEIVING SERVICES, THE
18 PERSON'S FAMILY, AS APPROPRIATE, THE FAMILY OF A CHILD WITH A
19 DEVELOPMENTAL DELAY, AND THE INVOLVED PUBLIC OR PRIVATE
20 AGENCIES. PLANNING INCLUDES THE DEVELOPMENT OR REVIEW OF AN
21 EXISTING INDIVIDUALIZED PLAN. "SERVICE AND SUPPORT COORDINATION"
22 ALSO INCLUDES THE REASSESSMENT OF THE NEEDS AND PREFERENCES OF
23 THE PERSON RECEIVING SERVICES OR THE NEEDS OF THE FAMILY OF THE
24 PERSON, WITH MAXIMUM PARTICIPATION OF THE PERSON RECEIVING
25 SERVICES AND THE PERSON'S PARENTS, GUARDIAN, OR AUTHORIZED
26 REPRESENTATIVE, AS APPROPRIATE.

27 (36) "SERVICES AND SUPPORTS" MEANS ONE OR MORE OF THE

1 FOLLOWING: EDUCATION, TRAINING, INDEPENDENT OR SUPPORTED LIVING
2 ASSISTANCE, THERAPIES, IDENTIFICATION OF NATURAL SUPPORTS, AND
3 OTHER ACTIVITIES PROVIDED:

4 (a) TO ENABLE PERSONS WITH INTELLECTUAL AND
5 DEVELOPMENTAL DISABILITIES TO MAKE RESPONSIBLE CHOICES, EXERT
6 GREATER CONTROL OVER THEIR LIVES, EXPERIENCE PRESENCE AND
7 INCLUSION IN THEIR COMMUNITIES, DEVELOP THEIR COMPETENCIES AND
8 TALENTS, MAINTAIN RELATIONSHIPS, FOSTER A SENSE OF BELONGING, AND
9 EXPERIENCE PERSONAL SECURITY AND SELF-RESPECT;

10 (b) TO ENHANCE CHILD DEVELOPMENT AND HEALTHY
11 PARENT-CHILD AND FAMILY INTERACTION FOR ELIGIBLE PERSONS AND
12 THEIR FAMILIES; AND

13 (c) TO ENABLE FAMILIES, WHO CHOOSE OR DESIRE TO MAINTAIN A
14 FAMILY MEMBER WITH AN INTELLECTUAL AND DEVELOPMENTAL
15 DISABILITY AT HOME, TO OBTAIN SUPPORT AND TO ENJOY A TYPICAL
16 LIFESTYLE.

17 (37) "STERILIZATION" MEANS ANY SURGICAL OR OTHER MEDICAL
18 PROCEDURE THAT HAS AS ITS PRIMARY PURPOSE TO RENDER A PERSON
19 PERMANENTLY INCAPABLE OF REPRODUCTION.

20 (38) "WAITING LIST" MEANS THE LIST OF PERSONS WITH
21 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO ARE WAITING FOR
22 ENROLLMENT INTO A PROGRAM PROVIDED PURSUANT TO THIS ARTICLE.

23 **25.5-10-203. Division of intellectual and developmental**
24 **disabilities - creation - functions - reporting - legislative declaration**
25 **- repeal.** (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

26 (I) AN EFFECTIVE SYSTEM OF COMMUNITY-BASED SERVICES AND
27 SUPPORTS IS ESSENTIAL TO ENABLE CHILDREN AND ADULTS WITH

1 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES TO LIVE IN THEIR
2 COMMUNITIES;

3 (I) THE DEMAND FOR HIGH-QUALITY INTELLECTUAL AND
4 DEVELOPMENTAL DISABILITIES SERVICES IS EXPECTED TO GROW; AND

5 (III) PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
6 DISABILITIES NEED A SYSTEM THAT PROMOTES SELF-DIRECTION OF
7 SERVICES AND SELF-DETERMINATION AND THAT IS DESIGNED TO IMPROVE
8 PERSONAL OUTCOMES.

9 (b) (I) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
10 THAT STATE AGENCIES SHOULD BE ORGANIZED IN A MANNER THAT ALLOWS
11 FOR IMPROVED DELIVERY OF LONG-TERM SERVICES AND SUPPORTS FOR
12 PERSONS AND PROVIDERS; AND

13 (II) THE TRANSFER PURSUANT TO PART 1 OF THIS ARTICLE OF THE
14 POWERS, DUTIES, AND FUNCTIONS RELATING TO THE PROGRAMS, SERVICES,
15 AND SUPPORTS FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
16 DISABILITIES TO THE OFFICE FOR ADMINISTRATION BY THE DIVISION OF
17 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, CREATED IN THIS
18 SECTION, IS AN INITIAL STEP IN THE PROCESS OF REDESIGNING COLORADO'S
19 LONG-TERM CARE SYSTEM.

20 (2) THERE IS HEREBY CREATED WITHIN THE OFFICE THE DIVISION
21 OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

22 (3) THE DIVISION SHALL ADMINISTER THE PROGRAMS, SERVICES,
23 AND SUPPORTS FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
24 DISABILITIES CONTAINED IN THIS ARTICLE.

25 (4) BECAUSE OF THE UNIQUE GOAL OF THE DIVISION IN
26 ADMINISTERING LIFELONG PROGRAMS, SERVICES, AND SUPPORTS FOR
27 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS

1 PART OF ITS ANNUAL BRIEFING TO THE JOINT BUDGET COMMITTEE, THE
2 STATE DEPARTMENT SHALL ALLOW SUFFICIENT BRIEFING TIME DEVOTED
3 SOLELY TO ISSUES RELATING TO THE DIVISION AND ITS ADMINISTRATION
4 OF THE PROGRAMS, SERVICES AND SUPPORTS CONTAINED IN THIS ARTICLE.

5 (5) (a) THE STATE DEPARTMENT, IN CONJUNCTION WITH A
6 REPRESENTATIVE OF THE COMMUNITY-CENTERED BOARDS, A
7 REPRESENTATIVE OF SERVICE PROVIDERS, AND A REPRESENTATIVE OF A
8 STATEWIDE ORGANIZATION ADVOCATING AND PROVIDING SUPPORT FOR
9 CHILDREN AND ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL
10 DISABILITIES, SHALL REPORT CONCERNING THE OPERATIONAL STATUS OF
11 THE DIVISION AND ANY UNRESOLVED ISSUES RELATING TO THE TRANSFER
12 OF POWERS, DUTIES, AND FUNCTIONS TO THE STATE DEPARTMENT
13 PURSUANT TO PART 1 OF THIS ARTICLE. THE REPORT SHALL BE MADE
14 QUARTERLY TO THE JOINT BUDGET COMMITTEE OF THE GENERAL
15 ASSEMBLY AND TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES
16 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND
17 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR
18 COMMITTEES, COMMENCING IN MARCH 2014 AND CONCLUDING IN
19 DECEMBER 2014.

20 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2015.

21 **25.5-10-204. [Similar to former 27-10.5-103.] Duties of the**
22 **executive director - state board rules.** (1) IN ORDER TO IMPLEMENT THE
23 PROVISIONS OF THIS ARTICLE, THE EXECUTIVE DIRECTOR SHALL, SUBJECT
24 TO AVAILABLE APPROPRIATIONS, CARRY OUT THE FOLLOWING DUTIES:

25 (a) CONDUCT MONITORING AND REVIEW ACTIVITIES THAT INCLUDE
26 COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES;

27 (b) PROVIDE OR OBTAIN TRAINING AND TECHNICAL ASSISTANCE

1 THROUGH COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES IN
2 ORDER TO IMPROVE THE QUALITY OF SERVICES AND SUPPORTS PROVIDED
3 TO PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES;

4 (c) PREPARE AND TRANSMIT ANNUALLY TO THE GOVERNOR AND
5 THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, IN THE FORM
6 AND MANNER PRESCRIBED PURSUANT TO SECTION 24-1-136, C.R.S., A
7 REPORT DETAILING THE FOLLOWING INFORMATION, AS AVAILABLE AND
8 APPROPRIATE, THAT IS BROKEN DOWN INTO DESIGNATED SERVICE AREAS
9 AS WELL AS PROVIDED IN AN OVERALL STATEWIDE FORMAT:

10 (I) THE TOTAL NUMBER OF PERSONS RECEIVING SERVICES
11 PURSUANT TO THIS ARTICLE;

12 (II) THE TYPES OF SERVICES AND SUPPORTS PROVIDED;

13 (III) THE COSTS OF SERVICES AND SUPPORTS REGARDLESS OF
14 FUNDING SOURCE;

15 (IV) AN EVALUATION OF THE QUALITY OF THE SERVICES AND
16 SUPPORTS RENDERED;

17 (V) AN EVALUATION OF THE EFFECTIVENESS OF THE SERVICES AND
18 SUPPORTS RENDERED IN IMPLEMENTING THE INDIVIDUALIZED PLANS OF
19 PERSONS RECEIVING SERVICES;

20 (VI) THE NUMBERS, TYPES, AND RESOLUTION OF APPEALS THAT
21 WERE HEARD BY THE STATE DEPARTMENT ARISING FROM DISPUTES
22 SPECIFIED IN SECTION 25.5-10-212; AND

23 (VII) THE NUMBER OF PERSONS DETERMINED TO BE ELIGIBLE TO
24 RECEIVE SERVICES AND SUPPORTS WHO ARE NOT RECEIVING SERVICES OR
25 SUPPORTS PURSUANT TO THIS ARTICLE ALONG WITH AN ANALYSIS OF THE
26 REASONS THEY ARE NOT RECEIVING SERVICES AND SUPPORTS;

27 (d) DESIGNATE A COMMUNITY-CENTERED BOARD IN EACH

1 DESIGNATED SERVICE AREA IN THE STATE;

2 (e) IMPLEMENT THE PROVISION OF HOME- AND COMMUNITY-BASED
3 SERVICES TO ELIGIBLE PERSONS WITH INTELLECTUAL AND
4 DEVELOPMENTAL DISABILITIES AND PURSUE OTHER MEDICAID-FUNDED
5 SERVICES DETERMINED BY THE STATE DEPARTMENT TO BE APPROPRIATE
6 FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES,
7 PURSUANT TO PART 4 OF ARTICLE 6 OF THIS TITLE AND SUBJECT TO
8 AVAILABLE APPROPRIATIONS; AND

9 (f) PROMOTE EFFECTIVE COORDINATION WITH AGENCIES SERVING
10 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IN
11 ORDER TO IMPROVE CONTINUITY OF SERVICES AND SUPPORTS FOR PERSONS
12 FACING LIFE TRANSITIONS FROM TODDLER TO PRESCHOOL, SCHOOL TO
13 ADULT LIFE, AND WORK TO RETIREMENT.

14 (2) THE STATE BOARD SHALL ADOPT SUCH RULES, IN ACCORDANCE
15 WITH SECTION 24-4-103, C.R.S., AS ARE NECESSARY TO CARRY OUT THE
16 PROVISIONS AND PURPOSES OF THIS ARTICLE, INCLUDING BUT NOT LIMITED
17 TO THE FOLLOWING SUBJECTS:

18 (a) STANDARDS FOR SERVICES AND SUPPORTS, INCLUDING
19 PREPARATION OF INDIVIDUALIZED PLANS;

20 (b) THE DESIGNATION OF COMMUNITY-CENTERED BOARDS AND THE
21 ORGANIZATION OF THOSE ENTITIES, INCLUDING STANDARDS OF
22 ORGANIZATION, STAFF QUALIFICATIONS, AND OTHER FACTORS NECESSARY
23 TO ENSURE PROGRAM INTEGRITY;

24 (c) PURCHASE OF SERVICES AND SUPPORTS AND FINANCIAL
25 ADMINISTRATION;

26 (d) PROCEDURES FOR RESOLVING DISPUTES OVER ELIGIBILITY
27 DETERMINATION AND THE MODIFICATION, DENIAL, OR TERMINATION OF

1 SERVICES;

2 (e) ELIGIBILITY DETERMINATION, THE CRITERIA FOR
3 DETERMINATION, AND ADMISSION TO THE PROGRAM;

4 (f) SYSTEMS OF QUALITY ASSURANCE AND DATA COLLECTION;

5 (g) THE RIGHTS OF A PERSON RECEIVING SERVICES;

6 (h) CONFIDENTIALITY OF RECORDS OF A PERSON RECEIVING
7 SERVICES;

8 (i) DESIGNATION OF AUTHORIZED REPRESENTATIVES AND
9 DELINEATION OF THEIR RIGHTS AND DUTIES PURSUANT TO THIS ARTICLE;

10 (j) (I) THE ESTABLISHMENT OF GUIDELINES AND PROCEDURES FOR
11 AUTHORIZATION OF PERSONS FOR ADMINISTRATION OF NUTRITION AND
12 FLUIDS THROUGH GASTROSTOMY TUBES.

13 (II) THE STATE DEPARTMENT SHALL REQUIRE THAT A SERVICE
14 AGENCY PROVIDING RESIDENTIAL OR DAY PROGRAM SERVICES OR
15 SUPPORTS HAVE A STAFF MEMBER QUALIFIED PURSUANT TO
16 SUBPARAGRAPH (III) OF THIS PARAGRAPH (j) ON DUTY AT ANY TIME THE
17 FACILITY ADMINISTERS SAID NUTRITION AND FLUIDS THROUGH
18 GASTROSTOMY TUBES, AND THAT THE FACILITY MAINTAIN A WRITTEN
19 RECORD OF EACH NUTRIENT OR FLUID ADMINISTERED TO EACH PERSON
20 RECEIVING SERVICES, INCLUDING THE TIME AND THE AMOUNT OF THE
21 NUTRIENT OR FLUID.

22 (III) A PERSON WHO IS NOT OTHERWISE AUTHORIZED BY LAW TO
23 ADMINISTER NUTRITION AND FLUIDS THROUGH GASTROSTOMY TUBES IS
24 ALLOWED TO PERFORM THE DUTIES ONLY UNDER THE SUPERVISION OF A
25 LICENSED NURSE OR PHYSICIAN. A PERSON WHO ADMINISTERS NUTRITION
26 AND FLUIDS IN COMPLIANCE WITH THE PROVISIONS OF THIS PARAGRAPH (j)
27 IS EXEMPT FROM THE LICENSING REQUIREMENTS OF THE "COLORADO

1 MEDICAL PRACTICE ACT", ARTICLE 36 OF TITLE 12, C.R.S., AND THE
2 "NURSE PRACTICE ACT", ARTICLE 38 OF TITLE 12, C.R.S. NOTHING IN THIS
3 PARAGRAPH (j) SHALL BE DEEMED TO AUTHORIZE THE ADMINISTRATION OF
4 MEDICATIONS THROUGH GASTROSTOMY TUBES. A PERSON ADMINISTERING
5 MEDICATIONS THROUGH GASTROSTOMY TUBES IS SUBJECT TO THE
6 REQUIREMENTS OF PART 3 OF ARTICLE 1.5 OF TITLE 25, C.R.S.

7 (IV) FOR PURPOSES OF THIS PARAGRAPH (j), "ADMINISTRATION"
8 MEANS ASSISTING A PERSON IN THE INGESTION OF NUTRITION OR FLUIDS
9 ACCORDING TO THE DIRECTION AND SUPERVISION OF A LICENSED NURSE OR
10 PHYSICIAN.

11 **25.5-10-205. [Formerly 27-10.5-103.5.] Community-centered**
12 **boards and service agencies - local public procurement units.** For
13 purposes of entering into a cooperative purchasing agreement pursuant to
14 section 24-110-201, C.R.S., a nonprofit community-centered board or a
15 nonprofit service agency may be certified as a local public procurement
16 unit as provided in section 24-110-207.5, C.R.S.

17 **25.5-10-206. [Similar to 27-10.5-104.] Authorized services and**
18 **supports - conditions of funding - purchase of services and supports**
19 **- boards of county commissioners - appropriation.** (1) SUBJECT TO
20 ANNUAL APPROPRIATIONS BY THE GENERAL ASSEMBLY, THE STATE
21 DEPARTMENT SHALL PROVIDE OR PURCHASE, PURSUANT TO SUBSECTION
22 (4) OF THIS SECTION, AUTHORIZED SERVICES AND SUPPORTS FROM
23 COMMUNITY-CENTERED BOARDS OR SERVICE AGENCIES FOR PERSONS WHO
24 HAVE BEEN DETERMINED TO BE ELIGIBLE FOR SUCH SERVICES AND
25 SUPPORTS PURSUANT TO SECTION 25.5-10-211 AND AS SPECIFIED IN THE
26 ELIGIBLE PERSON'S INDIVIDUALIZED PLAN. THOSE SERVICES AND SUPPORTS
27 MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

1 (a) FAMILY SUPPORT SERVICES, INCLUDING AN ARRAY OF
2 SUPPORTIVE SERVICES PROVIDED TO THE PERSON RECEIVING SERVICES AND
3 THE PERSON'S FAMILY, THAT ENABLE THE FAMILY TO MAINTAIN THE
4 PERSON IN THE FAMILY HOME, THEREBY PREVENTING OR DELAYING THE
5 NEED FOR OUT-OF-HOME PLACEMENT THAT IS UNWANTED BY THE PERSON
6 OR THE FAMILY, PURSUANT TO SECTION 25.5-10-301;

7 (b) CASE MANAGEMENT SERVICES;

8 (c) RESPITE CARE SERVICES, INCLUDING TEMPORARY CARE OF A
9 PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY TO
10 OFFER RELIEF TO THE PERSON'S FAMILY OR CAREGIVER OR TO ALLOW THE
11 FAMILY OR CAREGIVER TO DEAL WITH EMERGENCY SITUATIONS OR TO
12 ENGAGE IN PERSONAL, SOCIAL, OR ROUTINE ACTIVITIES AND TASKS THAT
13 OTHERWISE MAY BE NEGLECTED, POSTPONED, OR CURTAILED DUE TO THE
14 DEMANDS OF SUPPORTING A PERSON WHO HAS AN INTELLECTUAL AND
15 DEVELOPMENTAL DISABILITY;

16 (d) DAY SERVICES AND SUPPORTS THAT OFFER OPPORTUNITIES FOR
17 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES TO
18 EXPERIENCE AND ACTIVELY PARTICIPATE IN VALUED ADULT ROLES IN THE
19 COMMUNITY. THESE SERVICES AND SUPPORTS WILL ENABLE PERSONS
20 RECEIVING SERVICES TO ACCESS AND PARTICIPATE IN COMMUNITY
21 ACTIVITIES, SUCH AS WORK, RECREATION, HIGHER EDUCATION, AND
22 SENIOR CITIZEN ACTIVITIES. DAY SERVICES MAY ALSO INCLUDE THE
23 ADMINISTRATION OF NUTRITION OR FLUIDS THROUGH GASTROSTOMY
24 TUBES, IF ADMINISTERED BY A PERSON AUTHORIZED PURSUANT TO
25 SECTION 25.5-10-204 (2) (j) AND SUPERVISED BY A LICENSED NURSE OR
26 PHYSICIAN.

27 (e) RESIDENTIAL SERVICES AND SUPPORTS, INCLUDING AN ARRAY

1 OF TRAINING, LEARNING, EXPERIENTIAL, AND SUPPORT ACTIVITIES
2 PROVIDED IN LIVING ALTERNATIVES DESIGNED TO MEET THE INDIVIDUAL
3 NEEDS AND PREFERENCES OF PERSONS RECEIVING SERVICES AND MAY
4 INCLUDE THE ADMINISTRATION OF NUTRITION OR FLUIDS THROUGH
5 GASTROSTOMY TUBES, IF ADMINISTERED BY A PERSON AUTHORIZED
6 PURSUANT TO SECTION 25.5-10-204 (2) (j) AND SUPERVISED BY A
7 LICENSED NURSE OR PHYSICIAN; AND

8 (f) ANCILLARY SERVICES, INCLUDING ACTIVITIES THAT ARE
9 SECONDARY BUT INTEGRAL TO THE PROVISION OF THE SERVICES AND
10 SUPPORTS SPECIFIED IN THIS SUBSECTION (1).

11 (2) SERVICE AGENCIES RECEIVING FUNDS PURSUANT TO
12 SUBSECTION (1) OF THIS SECTION SHALL COMPLY WITH ALL OF THE
13 PROVISIONS OF THIS ARTICLE AND THE RULES PROMULGATED
14 THEREUNDER.

15 (3) SERVICE AND SUPPORT COORDINATION SHALL BE PURCHASED
16 FROM THE COMMUNITY-CENTERED BOARD DESIGNATED PURSUANT TO
17 SECTION 25.5-10-209 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)
18 OF THIS SECTION.

19 (4) (a) THE STATE DEPARTMENT MAY PURCHASE SERVICES AND
20 SUPPORTS, INCLUDING SERVICE AND SUPPORT COORDINATION, DIRECTLY
21 FROM SERVICE AGENCIES IF:

22 (I) REQUIRED BY THE FEDERAL REQUIREMENTS FOR THE STATE TO
23 QUALIFY FOR FEDERAL FUNDS UNDER TITLE XIX OF THE FEDERAL "SOCIAL
24 SECURITY ACT", AS AMENDED, INCLUDING PROGRAMS AUTHORIZED
25 PURSUANT TO PART 4 OF ARTICLE 6 OF THIS TITLE; OR

26 (II) THE EXECUTIVE DIRECTOR HAS DETERMINED THAT A SERVICE
27 OR SUPPORT PROVIDED OR PURCHASED BY A DESIGNATED

1 COMMUNITY-CENTERED BOARD DOES NOT MEET ESTABLISHED STANDARDS
2 AND THE CONTINUATION OF PURCHASE OF THE SERVICE OR SUPPORT
3 THROUGH THE COMMUNITY-CENTERED BOARD IS NOT IN THE BEST
4 INTERESTS OF THE PERSONS RECEIVING SERVICES.

5 (b) THE STATE DEPARTMENT SHALL ONLY PURCHASE SERVICES
6 AND SUPPORTS DIRECTLY FROM THOSE COMMUNITY-CENTERED BOARDS OR
7 SERVICE AGENCIES THAT MEET ESTABLISHED STANDARDS.

8 (c) THE STATE DEPARTMENT MAY PURCHASE SERVICES AND
9 SUPPORTS, INCLUDING SERVICE AND SUPPORT COORDINATION, FROM A
10 FAMILY CAREGIVER IF THE EXECUTIVE DIRECTOR HAS DETERMINED THAT
11 THE PROVISION OF A SERVICE OR SUPPORT BY A FAMILY CAREGIVER IN THE
12 FAMILY HOME WOULD PROVIDE THE PERSON RECEIVING THE SERVICE OR
13 SUPPORT WITH THE LEAST RESTRICTIVE ENVIRONMENT.

14 (d) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
15 THE PROVISION OF SERVICES AND SUPPORTS, INCLUDING CASE
16 MANAGEMENT SERVICES, DIRECTLY BY THE DEPARTMENT OF HUMAN
17 SERVICES THROUGH REGIONAL CENTERS, FOR PERSONS RECEIVING
18 SERVICES IN REGIONAL CENTERS.

19 (e) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
20 THE PROVISION OF SERVICES AND SUPPORTS, INCLUDING CASE
21 MANAGEMENT SERVICES, DIRECTLY BY THE STATE DEPARTMENT.

22 (5) GOVERNMENTAL UNITS, INCLUDING BUT NOT LIMITED TO
23 COUNTIES, MUNICIPALITIES, SCHOOL DISTRICTS, HEALTH SERVICE
24 DISTRICTS, AND STATE INSTITUTIONS OF HIGHER EDUCATION, ARE
25 AUTHORIZED AT THEIR OWN EXPENSE TO FURNISH MONEY, MATERIALS, OR
26 SERVICES AND SUPPORTS TO PERSONS WITH INTELLECTUAL AND
27 DEVELOPMENTAL DISABILITIES, OR TO PURCHASE SERVICES AND SUPPORTS

1 FOR SUCH PERSONS THROUGH DESIGNATED COMMUNITY-CENTERED
2 BOARDS OR SERVICE AGENCIES, SO LONG AS NO CONDITIONS OR
3 REQUIREMENTS IMPOSED AS A RESULT OF THE PROVISION OR PURCHASE
4 THROUGH A COMMUNITY-CENTERED BOARD OR SERVICE AGENCY
5 CONFLICT WITH THE PROVISIONS OF THIS ARTICLE OR THE RULES
6 PROMULGATED THEREUNDER.

7 (6) BOARDS OF COUNTY COMMISSIONERS MAY LEVY UP TO ONE
8 MILL FOR THE PURPOSE OF PURCHASING SERVICES AND SUPPORTS FOR
9 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. TO THE
10 EXTENT AUTHORIZED BY FEDERAL LAW, AND SUBJECT TO ANNUAL
11 APPROPRIATION BY THE GENERAL ASSEMBLY, AND PURSUANT TO RULES
12 ESTABLISHED BY THE STATE BOARD, A COUNTY MAY TRANSFER THE
13 REVENUE RAISED PURSUANT TO THE MILL LEVY TO THE STATE
14 DEPARTMENT TO RECEIVE MATCHING FEDERAL FUNDS TO PROVIDE
15 MEDICAID-APPROVED WAIVER SERVICES TO PERSONS WITH INTELLECTUAL
16 AND DEVELOPMENTAL DISABILITIES.

17 (7) (a) EACH YEAR THE GENERAL ASSEMBLY SHALL APPROPRIATE
18 MONEYS TO THE STATE DEPARTMENT TO PROVIDE OR PURCHASE SERVICES
19 AND SUPPORTS FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
20 DISABILITIES PURSUANT TO THIS SECTION. UNLESS SPECIFICALLY
21 PROVIDED OTHERWISE, SERVICES AND SUPPORTS SHALL BE PURCHASED ON
22 THE BASIS OF STATE FUNDING LESS ANY FEDERAL OR CASH FUNDS
23 RECEIVED FOR GENERAL OPERATING EXPENSES FROM ANY OTHER STATE OR
24 FEDERAL SOURCE, LESS FUNDS AVAILABLE TO A PERSON RECEIVING
25 RESIDENTIAL SERVICES OR SUPPORTS AFTER SUCH PERSON RECEIVES AN
26 ALLOWANCE FOR PERSONAL NEEDS OR FOR MEETING OTHER OBLIGATIONS
27 IMPOSED BY FEDERAL OR STATE LAW, AND LESS THE REQUIRED LOCAL

1 SCHOOL DISTRICT FUNDS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION
2 (7). THE YEARLY APPROPRIATION, WHEN COMBINED WITH ALL OTHER
3 SOURCES OF FUNDS, SHALL IN NO CASE EXCEED ONE HUNDRED PERCENT OF
4 THE APPROVED PROGRAM COSTS AS DETERMINED BY THE GENERAL
5 ASSEMBLY.

6 (b) EACH SCHOOL DISTRICT SHALL PAY TO THE
7 COMMUNITY-CENTERED BOARD PROVIDING PROGRAMS ATTENDED BY A
8 STUDENT WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, WHO
9 IS DOMICILED IN THE SCHOOL DISTRICT AND MAY BE COUNTED IN THE
10 DISTRICT'S PUPIL ENROLLMENT, AN AMOUNT AT LEAST EQUAL TO THE
11 DISTRICT'S PER PUPIL REVENUES AS DETERMINED PURSUANT TO THE
12 "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, C.R.S.
13 THIS SUBSECTION (7) APPLIES TO STUDENTS WHO ARE LESS THAN
14 TWENTY-TWO YEARS OF AGE.

15 **25.5-10-207. [Formerly 27-10.5-104.2.] Services and supports**
16 **- waiting list reduction - cash fund.** (1) There is hereby created in the
17 state treasury the INTELLECTUAL AND developmental disabilities services
18 cash fund, consisting of moneys appropriated thereto by the general
19 assembly AND ANY MONEYS TRANSFERRED TO THE INTELLECTUAL AND
20 DEVELOPMENTAL DISABILITIES SERVICES CASH FUND PURSUANT TO
21 SUBSECTION (1.5) OF THIS SECTION. Any interest derived from the deposit
22 and investment of moneys in the INTELLECTUAL AND developmental
23 disabilities services cash fund shall be credited to the fund. Any moneys
24 remaining in the fund at the end of a fiscal year shall remain in the fund
25 and shall not revert to the general fund or any other fund.

26 (1.5) THE STATE TREASURER SHALL TRANSFER TO THE
27 DEVELOPMENTAL DISABILITIES SERVICES CASH FUND ANY AVAILABLE

1 MONEYS THAT ARE APPROPRIATED BY THE GENERAL ASSEMBLY FOR A
2 FISCAL YEAR FOR ADULT COMPREHENSIVE SERVICES, ADULT SUPPORTED
3 LIVING SERVICES, CHILDREN'S EXTENSIVE SUPPORT SERVICES, AND FAMILY
4 SUPPORT SERVICES FOR PERSONS WITH INTELLECTUAL AND
5 DEVELOPMENTAL DISABILITIES PROVIDED PURSUANT TO THIS ARTICLE OR
6 PART 4 OF ARTICLE 6 OF THIS TITLE THAT ARE UNEXPENDED AND
7 UNENCUMBERED AT THE END OF A FISCAL YEAR.

8 (2) During each regular session of the general assembly, the joint
9 budget committee and the health and human services committees of the
10 senate and the house of representatives, or any successor committees,
11 shall hold a joint hearing and take public testimony on the status of the
12 waiting lists for adult comprehensive services, adult supported living
13 services, CHILDREN'S EXTENSIVE SUPPORT SERVICES, and family support
14 services for persons with INTELLECTUAL AND developmental disabilities
15 and the availability of general fund moneys to reduce the number of
16 persons on the waiting lists and the amount of time eligible persons wait
17 for such services. The goal of the hearing shall be to propose an
18 appropriation from the general fund to the INTELLECTUAL AND
19 developmental disabilities services cash fund.

20 (3) The general assembly may annually appropriate moneys in the
21 INTELLECTUAL AND developmental disabilities services cash fund to:

22 (a) TO the STATE department for program costs for adult
23 comprehensive services, adult supported living services, CHILDREN'S
24 EXTENSIVE SUPPORT SERVICES, and family support services for persons
25 with INTELLECTUAL AND developmental disabilities provided pursuant to
26 this article or part 4 of article 6 of THIS title. ~~25.5, C.R.S.; and~~

27 (b) ~~The department of health care policy and financing for~~

1 ~~program costs for adult comprehensive services and adult supported~~
2 ~~living services for persons with developmental disabilities provided~~
3 ~~pursuant to this article or part 4 of article 6 of title 25.5, C.R.S.~~

4 (4) Any moneys appropriated from the INTELLECTUAL AND
5 developmental disabilities services cash fund pursuant to subsection (3)
6 of this section that are unexpended at the end of a fiscal year shall revert
7 to the fund.

8 (5) It is the intent of the general assembly that the moneys in the
9 INTELLECTUAL AND developmental disabilities services cash fund be used
10 to reduce the number of persons on the waiting lists for such services and
11 the amount of time eligible persons wait for such services.

12 **25.5-10-208. [Similar to 27-10.5-104.5.] Service agencies -**
13 **moneys - rules.** (1) A SERVICE AGENCY, INCLUDING A
14 COMMUNITY-CENTERED BOARD WHEN ACTING AS A SERVICE AGENCY,
15 SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THIS ARTICLE AND
16 THE RULES PROMULGATED THEREUNDER.

17 (2) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT
18 THE PURCHASE OF SERVICES AND SUPPORTS FROM A
19 COMMUNITY-CENTERED BOARD, SERVICE AGENCY, OR FAMILY CAREGIVER.
20 THE RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

21 (a) TERMS AND CONDITIONS NECESSARY TO PROMOTE THE
22 EFFECTIVE DELIVERY OF SERVICES AND SUPPORTS, INCLUDING THOSE
23 SERVICES AND SUPPORTS DELIVERED BY A FAMILY CAREGIVER;

24 (b) PROCEDURES FOR OBTAINING AN ANNUAL AUDIT OF
25 DESIGNATED COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES NOT
26 AFFILIATED WITH A DESIGNATED COMMUNITY-CENTERED BOARD TO
27 PROVIDE FINANCIAL INFORMATION DEEMED NECESSARY BY THE STATE

1 DEPARTMENT TO ESTABLISH COSTS OF SERVICES AND SUPPORTS AND TO
2 ENSURE PROPER MANAGEMENT OF MONEYS RECEIVED PURSUANT TO
3 SECTION 25.5-10-206;

4 (c) DELINEATION OF A SYSTEM TO RESOLVE CONTRACTUAL
5 DISPUTES BETWEEN THE STATE DEPARTMENT AND DESIGNATED
6 COMMUNITY-CENTERED BOARDS OR SERVICE AGENCIES AND BETWEEN
7 DESIGNATED COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES,
8 INCLUDING THE CONTESTING OF ANY RATES THAT THE DESIGNATED
9 COMMUNITY-CENTERED BOARDS CHARGE TO SERVICE AGENCIES BASED
10 UPON A PERCENTAGE OF THE RATES THAT SERVICE AGENCIES CHARGE FOR
11 SERVICES AND SUPPORTS;

12 (d) SPECIFICATION OF WHICH SERVICES AND SUPPORTS ARE TO BE
13 REIMBURSED BY THE STATE DEPARTMENT AND SECONDARILY BY THE
14 COMMUNITY-CENTERED BOARD, THE SOURCE OF REIMBURSEMENT, ACTUAL
15 SERVICE OR SUPPORT COSTS, INCENTIVES, AND PROGRAM SERVICE
16 OBJECTIVES THAT AFFECT REIMBURSEMENT;

17 (e) THE METHODS OF COORDINATING THE PURCHASE OF SERVICES
18 AND SUPPORTS, INCLUDING BUT NOT LIMITED TO SERVICE AND SUPPORT
19 COORDINATION, WITH OTHER FEDERAL, STATE, AND LOCAL PROGRAMS
20 THAT PROVIDE FUNDING FOR AUTHORIZED SERVICES AND SUPPORTS; AND

21 (f) CRITERIA FOR AND LIMITATIONS ON ANY RATES THAT
22 DESIGNATED COMMUNITY-CENTERED BOARDS CHARGE TO SERVICE
23 AGENCIES BASED UPON A PERCENTAGE OF THE RATES THAT SERVICE
24 AGENCIES CHARGE FOR SERVICES AND SUPPORTS.

25 (3) ANY INCORPORATED SERVICE AGENCY THAT IS REGISTERED IN
26 COLORADO AS A FOREIGN CORPORATION SHALL ORGANIZE A LOCAL
27 ADVISORY BOARD CONSISTING OF PERSONS WHO RESIDE WITHIN THE

1 DESIGNATED SERVICE AREA. SUCH ADVISORY BOARD SHALL BE
2 REPRESENTATIVE OF THE COMMUNITY AT LARGE AND PERSONS RECEIVING
3 SERVICES AND THEIR FAMILIES.

4 (4) UPON A DETERMINATION BY THE EXECUTIVE DIRECTOR THAT
5 SERVICES OR SUPPORTS HAVE NOT BEEN PROVIDED IN ACCORDANCE WITH
6 THE PROGRAM OR FINANCIAL ADMINISTRATION STANDARDS SPECIFIED IN
7 THIS ARTICLE AND THE RULES PROMULGATED THEREUNDER, THE
8 EXECUTIVE DIRECTOR MAY REDUCE, SUSPEND, OR WITHHOLD PAYMENT TO
9 A DESIGNATED COMMUNITY-CENTERED BOARD, SERVICE AGENCY UNDER
10 CONTRACT WITH A DESIGNATED COMMUNITY-CENTERED BOARD, OR
11 SERVICE AGENCY FROM WHICH THE STATE DEPARTMENT PURCHASED
12 SERVICES OR SUPPORTS DIRECTLY. WHEN THE EXECUTIVE DIRECTOR
13 DECIDES TO REDUCE, SUSPEND, OR WITHHOLD PAYMENT, THE EXECUTIVE
14 DIRECTOR SHALL SPECIFY THE REASONS THEREFOR AND THE ACTIONS THAT
15 ARE NECESSARY TO BRING THE DESIGNATED COMMUNITY-CENTERED
16 BOARD OR SERVICE AGENCY INTO COMPLIANCE.

17 (5) NOTHING IN THIS ARTICLE OR IN ANY RULES PROMULGATED
18 PURSUANT THERETO AND NO ACTIONS TAKEN BY THE EXECUTIVE
19 DIRECTOR PURSUANT TO THIS ARTICLE SHALL BE CONSTRUED TO AFFECT
20 THE OBTAINING OF FUNDS FROM LOCAL AUTHORITIES, INCLUDING THOSE
21 FUNDS OBTAINED FROM A MILL LEVY ASSESSED BY A COUNTY OR
22 MUNICIPALITY FOR THE PURPOSE OF PURCHASING SERVICES OR SUPPORTS
23 FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, OR
24 TO REQUIRE THAT SUCH FUNDS FROM LOCAL AUTHORITIES BE USED TO
25 SUPPLANT STATE OR FEDERAL FUNDS AVAILABLE FOR PURCHASING
26 SERVICES AND SUPPORTS FOR PERSONS WITH DEVELOPMENTAL
27 DISABILITIES.

1 **25.5-10-209. [Similar to former 27-10.5-105.]**

2 **Community-centered boards - designation - purchase of services and**
3 **supports by community-centered boards. (1) IN ORDER TO BE**

4 DESIGNATED AS THE COMMUNITY-CENTERED BOARD IN A PARTICULAR
5 DESIGNATED SERVICE AREA, A PRIVATE FOR-PROFIT OR NOT-FOR-PROFIT
6 CORPORATION SHALL ANNUALLY APPLY FOR SUCH DESIGNATION TO THE
7 STATE DEPARTMENT IN THE FORM AND MANNER SPECIFIED BY THE
8 EXECUTIVE DIRECTOR. DESIGNATION SHALL BE BASED ON THE FOLLOWING
9 FACTORS:

10 (a) UTILIZATION OF EXISTING SERVICE AGENCIES OR EXISTING
11 SOCIAL NETWORKS OR NATURAL SOURCES OF SUPPORT IN THE DESIGNATED
12 SERVICE AREA;

13 (b) ENCOURAGEMENT OF COMPETITION AMONG SERVICE AGENCIES
14 WITHIN THE DESIGNATED SERVICE AREA TO PROVIDE NEWLY IDENTIFIED
15 SERVICES OR SUPPORTS, THE VARIETY OF SERVICE AGENCIES AVAILABLE
16 TO THE PERSON RECEIVING SERVICES WITHIN THE DESIGNATED SERVICE
17 AREA, AND THE DEMONSTRATED EFFORT TO PURCHASE NEW OR EXPANDED
18 SERVICES OR SUPPORTS FROM SERVICE AGENCIES OTHER THAN THOSE
19 AFFILIATED WITH THE COMMUNITY-CENTERED BOARD;

20 (c) UTILIZATION OF STATE-FUNDED SERVICES AND SUPPORTS
21 ADMINISTERED AT THE LOCAL LEVEL, INCLUDING BUT NOT LIMITED TO
22 PUBLIC EDUCATION, SOCIAL SERVICES, PUBLIC HEALTH, AND
23 REHABILITATION PROGRAMS;

24 (d) QUALITY OF SERVICES AND SUPPORTS PROVIDED DIRECTLY OR
25 BY CONTRACT FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
26 DISABILITIES;

27 (e) THE ESTABLISHMENT OF NEW SERVICES AND SUPPORTS FOR THE

1 PREVENTION OF INSTITUTIONALIZATION, THE SUPPORT OF
2 DEINSTITUTIONALIZATION, AND A COMMITMENT TO INNOVATIVE,
3 EFFECTIVE, AND INCLUSIVE SERVICES AND SUPPORTS FOR PERSONS WITH
4 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; AND

5 (f) THE WILLINGNESS OF THE APPLICANT TO PURSUE AUTHORIZED
6 SERVICES AND SUPPORTS FROM ALL ELIGIBLE PERSONS WITHIN THE
7 DESIGNATED SERVICE AREA.

8 (2) ONCE A COMMUNITY-CENTERED BOARD HAS BEEN DESIGNATED
9 PURSUANT TO THIS SECTION, IT SHALL, SUBJECT TO AVAILABLE
10 APPROPRIATIONS:

11 (a) BE UNDER THE CONTROL AND DIRECTION OF A BOARD OF
12 DIRECTORS OR TRUSTEES COMPOSED OF ONE OR MORE PERSONS FROM
13 EACH OF THE FOLLOWING CATEGORIES:

14 (I) INTERESTED PERSONS REPRESENTING THE COMMUNITY AT
15 LARGE;

16 (II) FAMILY MEMBERS OF PERSONS WITH INTELLECTUAL AND
17 DEVELOPMENTAL DISABILITIES WHO ARE RECEIVING SERVICES OR
18 SUPPORTS; AND

19 (III) PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
20 DISABILITIES WHO ARE RECEIVING SERVICES OR SUPPORTS;

21 (b) ADOPT BY-LAW PROVISIONS TO ENSURE THAT:

22 (I) MEMBERS OF THE GOVERNING BOARD ARE PROHIBITED FROM
23 VOTING ON ISSUES IN WHICH THEY HAVE A CONFLICT OF INTEREST;

24 (II) STAFF MEMBERS OF THE COMMUNITY-CENTERED BOARD AND
25 EMPLOYEES OR BOARD MEMBERS OF SERVICE AGENCIES MAY NOT SERVE
26 ON THE GOVERNING BOARD;

27 (III) STAFF MEMBERS OF THE COMMUNITY-CENTERED BOARD AND

1 EMPLOYEES OR BOARD MEMBERS OF SERVICE AGENCIES ARE PROHIBITED
2 FROM VOTING IN ELECTIONS FOR MEMBERS OF THE GOVERNING BOARD;
3 AND

4 (IV) BOARD MEETINGS MUST BE SCHEDULED AFTER ADEQUATE
5 NOTICE AND MUST BE OPEN TO THE PUBLIC; EXCEPT THAT, BY VOTE OF A
6 TWO-THIRDS MAJORITY OF MEMBERS PRESENT, THE BOARD MAY ELECT TO
7 ADDRESS THE FOLLOWING MATTERS IN EXECUTIVE SESSION:

8 (A) THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF
9 ANY REAL, PERSONAL, OR OTHER PROPERTY INTEREST;

10 (B) CONFERENCES WITH AN ATTORNEY FOR THE PURPOSE OF
11 RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS;

12 (C) MATTERS REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL
13 OR STATE LAW OR RULES;

14 (D) SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS OR
15 INVESTIGATIONS;

16 (E) DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE
17 SUBJECT TO NEGOTIATIONS;

18 (F) DEVELOPING STRATEGY FOR NEGOTIATIONS AND INSTRUCTING
19 NEGOTIATORS; AND

20 (G) PERSONNEL MATTERS;

21 (c) DETERMINE THE NEEDS OF ELIGIBLE PERSONS WITHIN THE
22 COMMUNITY-CENTERED BOARD DESIGNATED SERVICE AREA AND PREPARE
23 AND IMPLEMENT A LONG-RANGE PLAN AND ANNUAL UPDATES TO THAT
24 PLAN FOR THE DEVELOPMENT AND COORDINATION OF SERVICES AND
25 SUPPORTS TO ADDRESS THOSE NEEDS. THE NEEDS DETERMINATION AND
26 DESIGNATED SERVICE AREA PLANS OR ANNUAL UPDATE SHALL BE
27 SUBMITTED TO THE STATE DEPARTMENT.

1 (d) DETERMINE ELIGIBILITY AND DEVELOP AN INDIVIDUALIZED
2 PLAN FOR EACH PERSON WHO RECEIVES SERVICES OR SUPPORTS PURSUANT
3 TO SECTION 25.5-10-211; EXCEPT THAT, FOR A CHILD FROM BIRTH
4 THROUGH TWO YEARS OF AGE, ELIGIBILITY DETERMINATION AND
5 DEVELOPMENT OF AN INDIVIDUALIZED FAMILY SERVICE PLAN ARE MADE
6 PURSUANT TO THE PROVISIONS OF PART 7 OF ARTICLE 10.5 OF TITLE 27,
7 C.R.S.;

8 (e) PROVIDE CASE MANAGEMENT SERVICES, INCLUDING SERVICE
9 AND SUPPORT COORDINATION AND PERIODIC REVIEWS, FOR PERSONS
10 RECEIVING SERVICES AND FAMILIES WITH CHILDREN WITH INTELLECTUAL
11 AND DEVELOPMENTAL DISABILITIES OR DELAYS;

12 (f) OBTAIN OR PROVIDE EARLY INTERVENTION SERVICES AND
13 SUPPORTS PURSUANT TO THE PROVISIONS OF PART 7 OF ARTICLE 10.5 OF
14 TITLE 27, C.R.S.;

15 (g) TAKE STEPS TO NOTIFY ELIGIBLE PERSONS, AND THEIR FAMILIES
16 AS APPROPRIATE, REGARDING THE AVAILABILITY OF SERVICES AND
17 SUPPORTS; AND

18 (h) ESTABLISH A HUMAN RIGHTS COMMITTEE. THE HUMAN RIGHTS
19 COMMITTEE IS COMPOSED, TO THE EXTENT POSSIBLE, OF TWO
20 PROFESSIONAL PERSONS TRAINED IN THE APPLICATION OF BEHAVIOR
21 DEVELOPMENT TECHNIQUES AND THREE REPRESENTATIVES OF PERSONS
22 RECEIVING SERVICES, THEIR PARENTS, LEGAL GUARDIANS, OR AUTHORIZED
23 REPRESENTATIVES. AN EMPLOYEE OR BOARD MEMBER OF A SERVICE
24 AGENCY WITHIN THE COMMUNITY-CENTERED BOARD'S DESIGNATED
25 SERVICE AREA SHALL NOT SERVE AS A MEMBER OF THE HUMAN RIGHTS
26 COMMITTEE.

27 (3) THE EXECUTIVE DIRECTOR SHALL REVIEW EACH DESIGNATED

1 COMMUNITY-CENTERED BOARD PROGRAM TO ENSURE THAT THE PROGRAM
2 COMPLIES WITH THE REQUIREMENTS AND STANDARDS SET FORTH IN THIS
3 ARTICLE AND THE RULES PROMULGATED THEREUNDER.

4 **25.5-10-210. [Formerly 27-10.5-105.5.] Revocation of**
5 **designation.** (1) The executive director may revoke the designation of
6 a community-centered board upon a finding that the community-centered
7 board is in violation of the provisions of this article and the rules ~~and~~
8 ~~regulations~~ promulgated thereunder. Such revocation shall conform to the
9 provisions and procedures specified in article 4 of title 24, C.R.S., and
10 shall be made only after a hearing is provided as specified in that article.

11 (2) Once a designation has been revoked pursuant to subsection
12 (1) of this section, the executive director may designate a service agency
13 to perform the case management services of the designated
14 community-centered board pending designation of a new
15 community-centered board.

16 (3) ~~(Deleted by amendment, L. 92, p. 1368, § 7, effective July 1,~~
17 ~~1992.)~~

18 **25.5-10-211. [Similar to former 27-10.5-106.] Eligibility**
19 **determination - individualized plan - periodic review - rules.**

20 (1) (a) ANY PERSON MAY REQUEST AN EVALUATION TO DETERMINE
21 WHETHER HE OR SHE HAS AN INTELLECTUAL AND DEVELOPMENTAL
22 DISABILITY AND IS ELIGIBLE TO RECEIVE SERVICES AND SUPPORTS
23 PURSUANT TO THIS ARTICLE. THE PERSON MUST APPLY FOR ELIGIBILITY
24 DETERMINATION TO THE DESIGNATED COMMUNITY-CENTERED BOARD IN
25 THE DESIGNATED SERVICE AREA WHERE THE PERSON RESIDES.

26 (b) PURSUANT TO THE CONTRACT WITH THE STATE DEPARTMENT,
27 DESIGNATED COMMUNITY-CENTERED BOARDS SHALL DETERMINE

1 WHETHER A PERSON IS ELIGIBLE TO RECEIVE SERVICES AND SUPPORTS
2 PURSUANT TO THIS ARTICLE AND, IF SO, SHALL DEVELOP AN
3 INDIVIDUALIZED PLAN FOR HIM OR HER AS PART OF HIS OR HER
4 ENROLLMENT INTO A PROGRAM. THE STATE BOARD SHALL PROMULGATE
5 RULES, PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S., SETTING FORTH THE
6 PROCEDURE AND CRITERIA FOR DETERMINATION OF ELIGIBILITY AND
7 INDIVIDUALIZED PLAN DEVELOPMENT. THE PROCEDURE AND CRITERIA
8 SHALL BE UNIFORM IN NATURE AND APPLIED THROUGHOUT THE STATE IN
9 A CONSISTENT MANNER.

10 (2) FOLLOWING INTAKE AND ASSESSMENT, THE DESIGNATED
11 COMMUNITY-CENTERED BOARD SHALL DEVELOP AN INDIVIDUALIZED PLAN
12 AS PROVIDED BY RULES PROMULGATED BY THE STATE BOARD. THE
13 DESIGNATED COMMUNITY-CENTERED BOARD SHALL DEVELOP AN
14 INDIVIDUALIZED FAMILY SERVICE PLAN FOR A CHILD WITH DISABILITIES
15 FROM BIRTH THROUGH TWO YEARS OF AGE PURSUANT TO SECTION
16 27-10.5-703, C.R.S.

17 (3) SUBJECT TO AVAILABLE APPROPRIATIONS PURSUANT TO
18 SECTION 25.5-10-206 AND TO THE CAPACITY OF AN INDIVIDUAL SERVICE
19 AGENCY, THE PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
20 DISABILITY MUST BE PROVIDED OPTIONS FOR SERVICES AND SUPPORTS
21 WITHIN THE DESIGNATED SERVICE AREA THAT CAN APPROPRIATELY MEET
22 THE PERSON'S IDENTIFIED NEEDS, AS IDENTIFIED PURSUANT TO SUBSECTION
23 (2) OF THIS SECTION, AND MAY SELECT THE SERVICE AGENCY FROM WHICH
24 TO RECEIVE SERVICES OR SUPPORTS.

25 (4) (a) EACH PERSON RECEIVING SERVICES MUST RECEIVE PERIODIC
26 AND ADEQUATE REVIEWS TO ASCERTAIN WHETHER THE SERVICES AND
27 SUPPORTS SPECIFIED IN HIS OR HER INDIVIDUALIZED PLAN HAVE BEEN

1 PROVIDED, DETERMINE THE APPROPRIATENESS OF CURRENT SERVICES AND
2 SUPPORTS, IDENTIFY WHETHER THE OUTCOMES SPECIFIED IN THE PERSON'S
3 INDIVIDUALIZED PLAN HAVE BEEN ACHIEVED, AND MODIFY AND REVISE
4 CURRENT SERVICES OR SUPPORTS TO MEET THE IDENTIFIED NEEDS AND
5 PREFERENCES OF THE PERSON RECEIVING SERVICES. THE DESIGNATED
6 COMMUNITY-CENTERED BOARD SHALL DEVELOP MODIFICATIONS OR
7 REVISIONS TO THE INDIVIDUALIZED FAMILY SERVICE PLAN FOR A CHILD
8 WITH DISABILITIES FROM BIRTH THROUGH TWO YEARS OF AGE PURSUANT
9 TO SECTION 27-10.5-703, C.R.S.

10 (b) IN ORDER TO ACCURATELY REVIEW THE SERVICES AND
11 SUPPORTS BEING PROVIDED, THE COMMUNITY-CENTERED BOARD OR
12 REGIONAL CENTER MAY MAKE COGNITIVE, PHYSICAL, MEDICAL,
13 BEHAVIORAL, SOCIAL, VOCATIONAL, EDUCATIONAL, OR OTHER NECESSARY
14 TYPES OF EVALUATIONS OF A PERSON RECEIVING SERVICES. AN
15 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES PROFESSIONAL SHALL
16 SUPERVISE THE REVIEWS. THE PERSON RECEIVING SERVICES, THE PARENTS
17 OR GUARDIAN OF A MINOR, OR THE GUARDIAN OF THE PERSON RECEIVING
18 SERVICES, AND THE AUTHORIZED REPRESENTATIVE OF THE PERSON
19 RECEIVING SERVICES MAY ATTEND AND SHALL RECEIVE ADEQUATE
20 ADVANCE NOTICE OF THE REVIEWS. PARENTAL OR LEGAL GUARDIAN
21 CONSENT MUST BE OBTAINED PRIOR TO ADMINISTERING EVALUATIONS FOR
22 PROGRAM REVIEW TO MINORS. THE RESULTS OF A REVIEW MUST BE GIVEN
23 TO THE PERSON RECEIVING SERVICES AND TO THE PERSON'S PARENT, OR
24 GUARDIAN, AS APPROPRIATE, AND MUST BE MADE A PART OF THE PERSON'S
25 RECORD.

26 (c) A PERSON'S INDIVIDUALIZED PLAN MUST BE REVIEWED AT
27 LEAST ANNUALLY; EXCEPT THAT AN INDIVIDUALIZED FAMILY SERVICE

1 PLAN FOR A CHILD WITH DISABILITIES FROM BIRTH THROUGH TWO YEARS
2 OF AGE MUST BE REVIEWED AS REQUIRED PURSUANT TO PART 7 OF ARTICLE
3 10.5 OF TITLE 27, C.R.S.

4 (5) AN INDIVIDUALIZED PLAN IS NOT REQUIRED FOR A PERSON
5 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO IS ELIGIBLE
6 FOR SUPPORTS AND SERVICES AND WHO IS ON A WAITING LIST FOR
7 ENROLLMENT INTO A PROGRAM FUNDED PURSUANT TO THIS ARTICLE.
8 EACH COMMUNITY-CENTERED BOARD SHALL PROVIDE INFORMATION AND
9 REFERRAL SERVICES TO EACH PERSON ON THE WAITING LIST FOR
10 ENROLLMENT IN A PROGRAM, AT THE TIME OF HIS OR HER ELIGIBILITY AND
11 ANNUALLY THEREAFTER, REGARDING SERVICES AND SUPPORTS THAT ARE
12 RELEVANT TO PERSONS AND ARE COMMONLY USED BY PERSONS WITH
13 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AS PROVIDED BY RULES
14 PROMULGATED BY THE STATE BOARD. THE CRITERIA FOR INFORMATION
15 AND REFERRAL SHALL BE UNIFORM IN NATURE AND APPLIED THROUGHOUT
16 THE STATE IN A CONSISTENT MANNER.

17 **25.5-10-212. [Similar to 27-10.5-107.] Procedure for resolving**
18 **disputes over eligibility, modification of services or supports, and**
19 **termination of services or supports.** (1) EVERY STATE OR LOCAL
20 SERVICE AGENCY RECEIVING STATE MONEYS PURSUANT TO SECTION
21 25.5-10-206 SHALL ADOPT A PROCEDURE FOR THE RESOLUTION OF
22 DISPUTES ARISING BETWEEN THE SERVICE AGENCY AND ANY RECIPIENT OF,
23 OR APPLICANT FOR, SERVICES OR SUPPORTS AUTHORIZED UNDER SECTION
24 25.5-10-206. PROCEDURES FOR THE RESOLUTION OF DISPUTES REGARDING
25 EARLY INTERVENTION SERVICES MUST COMPLY WITH IDEA AND WITH
26 PART 7 OF ARTICLE 10.5 OF TITLE 27, C.R.S. THE PROCEDURES MUST BE
27 CONSISTENT WITH RULES PROMULGATED BY THE STATE BOARD PURSUANT

1 TO ARTICLE 4 OF TITLE 24, C.R.S., AND MUST APPLY TO THE FOLLOWING
2 DISPUTES:

3 (a) A CONTESTED DECISION THAT THE APPLICANT IS NOT ELIGIBLE
4 FOR SERVICES OR SUPPORTS;

5 (b) A CONTESTED DECISION TO PROVIDE, MODIFY, REDUCE, OR
6 DENY SERVICES OR SUPPORTS SET FORTH IN THE INDIVIDUALIZED PLAN OR
7 INDIVIDUALIZED FAMILY SERVICE PLAN OF THE PERSON RECEIVING
8 SERVICES;

9 (c) A CONTESTED DECISION TO TERMINATE SERVICES OR SUPPORTS;

10 (d) A CONTESTED DECISION THAT THE PERSON RECEIVING
11 SERVICES IS NO LONGER ELIGIBLE FOR SERVICES OR SUPPORTS.

12 (2) THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO
13 ARTICLE 4 OF TITLE 24, C.R.S., SETTING FORTH PROCEDURES FOR THE
14 RESOLUTION OF DISPUTES SPECIFIED IN SUBSECTION (1) OF THIS SECTION
15 THAT MUST:

16 (a) REQUIRE THAT ALL APPLICANTS FOR SERVICES AND SUPPORTS
17 AND THE PARENTS OR GUARDIAN OF A MINOR, THE GUARDIAN, OR AN
18 AUTHORIZED REPRESENTATIVE BE INFORMED ORALLY AND IN WRITING, IN
19 THEIR NATIVE LANGUAGE, OF THE DISPUTE RESOLUTION PROCEDURES AT
20 THE TIME OF APPLICATION, AT THE TIME THE INDIVIDUALIZED PLAN IS
21 DEVELOPED, AND ANY TIME CHANGES IN THE PLAN ARE CONTEMPLATED;

22 (b) REQUIRE THAT A SERVICE AGENCY KEEP A WRITTEN RECORD OF
23 ALL PROCEEDINGS SPECIFIED PURSUANT TO THIS SECTION;

24 (c) REQUIRE THAT NO PERSON RECEIVING SERVICES BE
25 TERMINATED FROM SUCH SERVICES OR SUPPORTS DURING THE RESOLUTION
26 PROCESS;

27 (d) REQUIRE THAT UTILIZING THE DISPUTE RESOLUTION

1 PROCEDURE MUST NOT PREJUDICE THE FUTURE PROVISION OF APPROPRIATE
2 SERVICES OR SUPPORTS TO PERSONS; AND

3 (e) REQUIRE THAT THE INTENDED ACTION NOT OCCUR UNTIL AFTER
4 REASONABLE NOTICE HAS BEEN PROVIDED TO THE PERSON, THE PARENTS
5 OR GUARDIAN OF A MINOR, THE GUARDIAN, OR AN AUTHORIZED
6 REPRESENTATIVE, ALONG WITH AN OPPORTUNITY TO UTILIZE THE
7 RESOLUTION PROCESS, EXCEPT IN EMERGENCY SITUATIONS, AS
8 DETERMINED BY THE STATE DEPARTMENT.

9 (3) THE RESOLUTION PROCESS NEED NOT CONFORM TO THE
10 REQUIREMENTS OF SECTION 24-4-105, C.R.S., AS LONG AS THE RULES
11 ADOPTED BY THE STATE BOARD INCLUDE PROVISIONS SPECIFICALLY
12 SETTING FORTH PROCEDURES, TIME FRAMES, NOTICE, AN OPPORTUNITY TO
13 BE HEARD AND TO PRESENT EVIDENCE, AND THE OPPORTUNITY FOR
14 IMPARTIAL REVIEW OF THE DECISION IN DISPUTE BY THE EXECUTIVE
15 DIRECTOR OR DESIGNEE, IF THE RESOLUTION PROCESS HAS FAILED.

16 **25.5-10-213. [Similar to 27-10.5-108.] Discharge.** (1) A PERSON
17 RECEIVING SERVICES MUST BE DISCHARGED FROM SERVICES OR SUPPORTS
18 UPON A DETERMINATION, MADE PURSUANT TO THE INDIVIDUALIZED
19 PLANNING PROCESS, THAT THE SERVICES OR SUPPORTS ARE NO LONGER
20 APPROPRIATE. AT LEAST TEN DAYS PRIOR TO EFFECTUATION OF THE
21 DISCHARGE, NOTIFICATION OF DISCHARGE MUST BE GIVEN TO THE PERSON
22 RECEIVING SERVICES, THE PARENTS OR GUARDIAN OF SUCH A PERSON WHO
23 IS A MINOR, AND THE PERSON'S LEGAL GUARDIAN AND AUTHORIZED
24 REPRESENTATIVE WHEN APPLICABLE.

25 (2) WHEN A PERSON RECEIVING SERVICES NOTIFIES A SERVICE
26 AGENCY THAT THE PERSON NO LONGER WISHES TO RECEIVE A SERVICE OR
27 SUPPORT, THE PERSON MUST BE DISCHARGED FROM THE SERVICE OR

1 SUPPORT UNLESS THE PERSON IS SUBJECT TO A PETITION TO IMPOSE A
2 LEGAL DISABILITY OR TO REMOVE A LEGAL RIGHT, FILED PURSUANT TO
3 SECTION 25.5-10-216, OR FOR WHOM A LEGAL GUARDIAN HAS BEEN
4 APPOINTED, AFFECTING THE PERSON'S ABILITY TO VOLUNTARILY
5 TERMINATE SERVICES OR SUPPORTS. THE PARENTS OF THE PERSON
6 RECEIVING SERVICES WHO IS A MINOR AND SUCH PERSON'S GUARDIAN
7 MUST BE NOTIFIED OF THE PERSON'S WISH TO TERMINATE SERVICES OR
8 SUPPORTS, BUT NO MINOR WILL BE DISCHARGED WITHOUT THE CONSENT
9 OF THE PARENT OR LEGAL GUARDIAN.

10 **25.5-10-214. [Formerly 27-10.5-109.] Community residential**
11 **home - licenses - rules.** (1) ~~(Deleted by amendment, L. 92, p. 1371, § 11,~~
12 ~~effective July 1, 1992.)~~

13 ~~(2)(a) (1) The department of public health and environment and~~
14 ~~the STATE department of human services shall implement a system of~~
15 ~~joint licensure and certification of community residential homes.~~
16 ~~Independent residential support services provided by the STATE~~
17 ~~department of human services do not require licensure by the department~~
18 ~~of public health and environment.~~

19 ~~(b) By December 31, 2012, the department of public health and~~
20 ~~environment, the department of health care policy and financing, and the~~
21 ~~department of human services shall develop an implementation plan, in~~
22 ~~consultation with industry representatives, to resolve differing~~
23 ~~requirements and to eliminate obsolete, redundant rules and reporting,~~
24 ~~monitoring, compliance, auditing certification, licensing, and work~~
25 ~~processes pertaining to the regulation of community residential homes~~
26 ~~pursuant to this section. The departments shall study the feasibility of~~
27 ~~implementing a single, consolidated survey and methods for conducting~~

1 surveys simultaneously. The departments shall report their progress in
2 meeting the requirements of this paragraph (b) to their respective
3 committees of reference when making their departmental presentations
4 as required by part 2 of article 7 of title 2, C.R.S. The departments shall
5 send copies of the report to the health care facility stakeholder forum
6 created in section 25-3-113, C.R.S.

7 (3) (2) (a) The department of public health and environment and
8 the STATE department of human services shall develop standards for the
9 licensure and certification of community residential homes. The standards
10 shall include health, life, and fire safety, as well as standards to ensure the
11 effective delivery of services and supports to residents; except that any
12 community residential home must comply with local codes.

13 (b) (I) The STATE department of human services or the state board
14 of health, as appropriate, shall adopt the standards by rule and shall
15 specify the responsibilities of each department in the program. Surveys
16 undertaken to ensure compliance with these standards shall, as
17 appropriate, be undertaken as joint surveys by the departments.

18 (II) If a service agency operates a community residential home
19 and provides personal care services, as defined in section 25-27.5-102,
20 C.R.S., the department of public health and environment or the STATE
21 department, of human services as appropriate, is responsible for surveying
22 those services provided by the service agency, which survey shall be
23 conducted simultaneously with the survey of the community residential
24 home.

25 (4) (3) Any community residential home applying for a license or
26 certification on or after January 1, 1986, shall accommodate at least four
27 but no more than eight persons with INTELLECTUAL AND developmental

1 disabilities. All licenses and certificates issued by the department of
2 public health and environment or the STATE department of ~~human~~
3 ~~services~~ shall bear the date of issuance and shall be valid for not more
4 than a twenty-four-month period.

5 ~~(5)~~ (4) The issuance, suspension, revocation, modification,
6 renewal, or denial of a license or certification shall be governed by the
7 provisions of section 24-4-104, C.R.S. The failure of a community
8 residential home to comply with the provisions of this article and the rules
9 promulgated thereunder, or any local fire, safety, and health codes shall
10 be sufficient grounds for the department of public health and environment
11 or the STATE department of ~~human services~~ to deny, suspend, revoke, or
12 modify the community residential home's license or certification.

13 ~~(6)~~ (5) The STATE department of ~~human services~~ and the state
14 board of health shall promulgate such rules as are necessary to implement
15 this section, pursuant to the provisions specified in article 4 of title 24,
16 C.R.S. The rules shall include, but shall not be limited to, the following:

17 ~~(a) (Deleted by amendment, L. 92, p. 1371, § 11, effective July 1,~~
18 ~~1992.)~~

19 ~~(b)~~ (a) Requirements concerning the distance between the location
20 of community residential homes and factors to be considered in waiving
21 such requirements for existing community residential homes; AND

22 ~~(c)~~ (b) Procedures to secure the health and safety of persons
23 receiving services or supports residing in a community residential home
24 in the event the community residential home closes or its license is
25 denied, suspended, or revoked pursuant to this section.

26 **25.5-10-215. [Formerly 27-10.5-109.5.] Compliance with local**
27 **government zoning regulations - notice to local governments -**

1 **provisional licensure.** (1) The STATE department shall require any
2 community residential home seeking licensure pursuant to section
3 ~~27-10.5-109~~ 25.5-10-214 to comply with any applicable zoning
4 regulations of the municipality, city and county, or county where the
5 home is situated. Failure to comply with applicable zoning regulations
6 shall constitute grounds for the denial of a license to a home; except that
7 nothing in this section shall be construed to supersede the provisions of
8 sections 30-28-115 (2), 31-23-301 (4), and 31-23-303 (2), C.R.S.

9 (2) The STATE department shall ~~assure~~ ENSURE that timely written
10 notice is provided to the municipality, city and county, or county where
11 a community residential home is situated, including the address of the
12 home and the population and number of persons to be served by the
13 home, when any of the following occurs:

14 (a) An application for a license to operate a community residential
15 home pursuant to section ~~27-10.5-109~~ 25.5-10-214 is made;

16 (b) A license is granted to a community residential home pursuant
17 to section ~~27-10.5-109~~ 25.5-10-214;

18 (c) A change in the license of a community residential home
19 occurs; or

20 (d) The license of a community residential home is revoked or
21 otherwise terminated for any reason.

22 (3) In the event of a zoning or other delay or dispute between a
23 community residential home and the municipality, city and county, or
24 county where the home is situated, the STATE department may grant a
25 provisional license to the home for up to one hundred twenty days
26 pending resolution of the delay or dispute.

27 **25.5-10-216. [Similar to former 27-10.5-110.] Imposition of**

1 **legal disability - removal of legal right.** (1) ANY INTERESTED PERSON
2 MAY PETITION THE COURT TO IMPOSE A LEGAL DISABILITY ON OR TO
3 REMOVE A LEGAL RIGHT FROM A PERSON WITH AN INTELLECTUAL AND
4 DEVELOPMENTAL DISABILITY AS DEFINED IN SECTION 25.5-10-202. THE
5 PETITION MUST SET FORTH THE DISABILITY TO BE IMPOSED OR THE LEGAL
6 RIGHT TO BE REMOVED AND THE REASONS THEREFOR. THE PETITION MAY
7 AFFECT THE RIGHT TO CONTRACT, THE RIGHT TO DETERMINE PLACE OF
8 ABODE OR PROVISIONS OF SERVICES AND SUPPORTS, THE RIGHT TO
9 OPERATE A MOTOR VEHICLE, AND OTHER SIMILAR RIGHTS.

10 (2) (a) PRIOR TO GRANTING THE PETITION, THE COURT MUST FIND:

11 (I) THAT THE PERSON SUBJECT TO THE PETITION HAS BEEN
12 DETERMINED TO BE A PERSON WITH AN INTELLECTUAL AND
13 DEVELOPMENTAL DISABILITY PURSUANT TO THE PROVISIONS OF THIS
14 ARTICLE; AND

15 (II) THAT THE REQUESTED DISABILITY OR REMOVAL IS BOTH
16 NECESSARY AND DESIRABLE TO IMPLEMENT THE INDIVIDUALIZED PLAN
17 DEVELOPED FOR THE PERSON RECEIVING SERVICES OR SUPPORTS UNDER
18 THE SUPERVISION OF AN INTELLECTUAL AND DEVELOPMENTAL
19 DISABILITIES PROFESSIONAL AND THE INTERDISCIPLINARY TEAM. SUCH
20 PROFESSIONAL MUST HAVE AN UNDERSTANDING OF THE RIGHTS OF
21 PERSONS RECEIVING SERVICES AS SET FORTH IN SECTIONS 25.5-10-218 TO
22 25.5-10-229. SUCH PLAN MUST BE SUBMITTED TO THE COURT AND MUST
23 BE SIGNED BY THE INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
24 PROFESSIONAL.

25 (b) WHEN A PETITION FILED PURSUANT TO SUBSECTION (1) OF THIS
26 SECTION SEEKS TO IMPOSE A DISABILITY OR TO REMOVE A LEGAL RIGHT,
27 RELATED TO THE SELECTION OF PLACE OF ABODE BY THE PERSON WITH AN

1 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, THE COURT MUST ALSO
2 FIND:

3 (I) THAT, BASED ON THE RECENT OVERT ACTIONS OR OMISSIONS OF
4 THE PERSON SUBJECT TO THE PETITION, AND BECAUSE OF THE PRESENCE OF
5 AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, WITHOUT THE
6 RELIEF REQUESTED IN THE PETITION SUCH PERSON POSES A PROBABLE
7 THREAT OF SERIOUS PHYSICAL HARM TO SUCH PERSON OR OTHERS OR IS
8 UNABLE TO CARE FOR SUCH PERSON'S OWN NEEDS TO THE EXTENT THAT
9 SUCH PERSON'S OWN LIFE OR SAFETY IS SERIOUSLY THREATENED; AND

10 (II) THAT THE PLACE OF ABODE REQUESTED IN THE PETITION IS THE
11 LEAST RESTRICTIVE RESIDENTIAL SETTING THAT IS APPROPRIATE FOR THE
12 INDIVIDUAL NEEDS OF THE PERSON WITH AN INTELLECTUAL AND
13 DEVELOPMENTAL DISABILITY.

14 (3) WITHIN SIX MONTHS AFTER A LEGAL DISABILITY HAS BEEN
15 IMPOSED OR A LEGAL RIGHT HAS BEEN REMOVED, THE COURT SHALL HOLD
16 A HEARING TO REVIEW ITS ORDER AND EITHER REAFFIRM THE FINDINGS
17 MADE PURSUANT TO SUBSECTION (2) OF THIS SECTION AND CONTINUE THE
18 LEGAL DISABILITY OR REMOVAL OR REMOVE THE LEGAL DISABILITY OR
19 RESTORE THE LEGAL RIGHTS TO THE PERSON SUBJECT TO THE PETITION.
20 THE COURT MAY REMOVE A LEGAL DISABILITY FROM OR RESTORE A LEGAL
21 RIGHT TO A PERSON WITHOUT A HEARING UPON THE FILING OF A MOTION
22 REQUESTING SUCH RELIEF CONTAINING AFFIDAVITS IN SUPPORT OF THE
23 MOTION SIGNED BY ALL OF THE PARTIES.

24 (4) ANY INTERESTED PERSON MAY MOVE THAT THE COURT
25 REMOVE A LEGAL DISABILITY OR RESTORE A LEGAL RIGHT. IF SUCH
26 MOTION IS CONTESTED, IT MUST BE SERVED ON THE PERSON WHOSE RIGHTS
27 ARE AFFECTED AND UPON THE PARTY WHO FILED THE ORIGINAL PETITION

1 IF THE PERSON IS NOT THE MOVING PARTY.

2 (5) THE FOLLOWING PROCEDURES MUST APPLY TO ANY
3 PROCEEDINGS INSTITUTED PURSUANT TO THIS SECTION:

4 (a) WHEN A PETITION IS FILED PURSUANT TO SUBSECTION (1) OF
5 THIS SECTION, THE PERSON SUBJECT TO THE PETITION SHALL BE ADVISED
6 BY THE COURT OF SUCH PERSON'S RIGHT TO RETAIN AND CONSULT WITH AN
7 ATTORNEY AT ANY TIME, AND THAT IF SUCH PERSON CANNOT AFFORD TO
8 PAY AN ATTORNEY, ONE WILL BE APPOINTED BY THE COURT WITHOUT
9 COST. ATTORNEY FEES FOR COURT-APPOINTED COUNSEL SHALL BE PAID BY
10 THE COURT.

11 (b) UPON THE REQUEST OF AN INDIGENT RESPONDENT OR SUCH
12 RESPONDENT'S ATTORNEY, THE COURT SHALL APPOINT ONE OR MORE
13 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES PROFESSIONALS OF THE
14 RESPONDENT'S CHOICE TO ASSIST THE RESPONDENT IN THE PREPARATION
15 OF THE RESPONDENT'S CASE. THE COURT SHALL PAY THE FEES FOR SUCH
16 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES PROFESSIONALS.

17 (c) THE COURT MAY ISSUE A TEMPORARY ORDER IMPOSING A
18 LEGAL DISABILITY OR REMOVING A LEGAL RIGHT, PENDING A HEARING, FOR
19 A PERIOD NOT TO EXCEED TEN DAYS, BASED UPON THE STANDARDS
20 REQUIRED FOR ISSUANCE OF A TEMPORARY RESTRAINING ORDER. NO
21 INDIVIDUALIZED PLAN SHALL BE REQUIRED BY THE COURT TO SUPPORT THE
22 ISSUANCE OF SUCH ORDER.

23 (d) THE BURDEN OF PROOF IS AT ALL TIMES UPON THE PARTY
24 SEEKING IMPOSITION OF A DISABILITY OR REMOVAL OF A LEGAL RIGHT OR
25 OPPOSING REMOVAL OF A DISABILITY OR RESTORATION OF A LEGAL RIGHT,
26 AND THE STANDARD OF PROOF IS BY CLEAR AND CONVINCING EVIDENCE.

27 (e) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (5), ALL

1 PROCEEDINGS MUST BE HELD IN CONFORMANCE WITH THE COLORADO
2 RULES OF CIVIL PROCEDURE, BUT NO COSTS MUST BE ASSESSED AGAINST
3 THE RESPONDENT.

4 (6) IN ORDER TO PROVIDE REPRESENTATION TO ELIGIBLE PERSONS
5 AS PROVIDED IN THIS SECTION, THE JUDICIAL DEPARTMENT MAY PAY
6 MONEYS, OUT OF APPROPRIATIONS MADE THEREFOR BY THE GENERAL
7 ASSEMBLY, DIRECTLY TO APPOINTED COUNSEL OR INTELLECTUAL AND
8 DEVELOPMENTAL DISABILITIES PROFESSIONALS ON A CASE-BY-CASE BASIS
9 OR, ON BEHALF OF THE STATE, TO CONTRACT WITH INDIVIDUAL
10 ATTORNEYS, LEGAL PARTNERSHIPS, LEGAL PROFESSIONAL CORPORATIONS,
11 PUBLIC INTEREST LAW FIRMS, OR NONPROFIT LEGAL SERVICES
12 CORPORATIONS TO PROVIDE LEGAL REPRESENTATION FOR AN
13 AGREED-UPON LUMP SUM.

14 (7) A PERSON SHALL NOT BE ADMITTED TO A REGIONAL CENTER,
15 AS DEFINED IN SECTION 27-10.5-102, C.R.S., WITHOUT A COURT ORDER
16 ISSUED PURSUANT TO THIS SECTION EXCEPT IN AN EMERGENCY OR FOR THE
17 PURPOSE OF TEMPORARY RESPITE CARE.

18 **25.5-10-217. [Formerly 27-10.5-111.] Conduct of court**
19 **proceedings.** All court proceedings arising under section ~~27-10.5-110~~
20 25.5-10-216 shall be conducted by the district attorney of the county
21 where the proceeding is held or by a qualified attorney acting for the
22 district attorney appointed by the district court for that purpose; except
23 that, in any county or in any city and county having a population
24 exceeding one hundred thousand persons, the proceedings shall be
25 conducted by the county attorney or by a qualified attorney acting for the
26 county attorney appointed by the district court. In any case in which there
27 has been a change of venue to a county other than the county of residence

1 of the respondent or the county in which the proceeding was commenced,
2 the county from which the proceeding was transferred shall either
3 reimburse the county in which the proceeding was held for the reasonable
4 costs incurred in conducting the proceeding or conduct the proceeding
5 itself using its own personnel and resources, including its own district or
6 county attorney, as the case may be.

7 **25.5-10-218. [Formerly 27-10.5-112.] Persons' rights.**

8 (1) Unless a person's rights are modified by court order, a person with a
9 AN INTELLECTUAL AND developmental disability ~~shall have~~ HAS the same
10 legal rights and responsibilities guaranteed to all other ~~individuals~~
11 PERSONS under the federal and state constitutions and federal and state
12 laws. No otherwise qualified person, by reason of having a AN
13 INTELLECTUAL AND developmental disability, ~~shall~~ MAY be excluded from
14 participation in, denied the benefits of, or subjected to discrimination
15 under any program or activity which receives public funds.

16 (2) The receipt of services and supports pursuant to this article
17 ~~shall not operate to~~ DOES NOT deprive any person of any other rights,
18 benefits, or privileges or cause the person to be declared legally
19 incompetent.

20 (3) The rights of any person receiving services which are specified
21 in this article may be suspended to protect the person receiving services
22 from endangering such person, others, or property. Such rights may be
23 suspended only by the INTELLECTUAL AND developmental disabilities
24 professional with subsequent review by the interdisciplinary team and by
25 the human rights committee in order to provide specific services or
26 supports to the person receiving services, which will promote the least
27 restriction on the person's rights. Such person's legal rights may be

1 removed by a court pursuant to section ~~27-10.5-110~~ 25.5-10-216.

2 (4) None of the rights established pursuant to this article shall be
3 construed to interfere with the rights and privileges of parents regarding
4 their minor child.

5 **25.5-10-219. [Formerly 27-10.5-113.] Right to individualized**
6 **plan or individualized family service plan.** (1) Each person receiving
7 services shall have an individualized plan, an individualized family
8 service plan, or a similar plan specified by the STATE department that
9 qualifies as an individualized plan that is developed by the person's
10 interdisciplinary team. The individualized family service plan for a child
11 with disabilities from birth through two years of age shall be developed
12 in compliance with part 7 of ~~this~~ article 10.5 OF TITLE 27, C.R.S.

13 (2) Pursuant to section ~~27-10.5-106~~ 25.5-10-211, the
14 individualized plan for each person who receives services or supports
15 shall be reviewed at least annually and modified as necessary or
16 appropriate; except that an individualized family service plan for a child
17 with disabilities from birth through two years of age shall be reviewed as
18 required pursuant to part 7 of ~~this~~ article 10.5 OF TITLE 27, C.R.S. A
19 review shall consist of, but is not limited to, the determination by the
20 interdisciplinary team as to whether the needs AND PREFERENCES of the
21 person receiving services or supports are accurately reflected in the plan,
22 whether the services and supports provided pursuant to the plan are
23 appropriate to meet the person's needs AND PREFERENCES, and what
24 actions are necessary for the plan to be achieved.

25 **25.5-10-220. [Formerly 27-10.5-114.] Right to medical care**
26 **and treatment.** (1) Each person receiving services ~~shall~~ MUST have
27 access to appropriate dental and medical care and treatment for any

1 physical ailments and for the prevention of any illness or disability.

2 (2) No medication for which a prescription is required shall be
3 administered without the written order of a physician. A physician shall
4 conduct a review of all prescriptions and other orders for medications in
5 order to determine the appropriateness of the person's medication regimen
6 annually, or more often, if required by law.

7 (3) All service agencies which administer medication shall require
8 that notation of the medication of a person receiving services be kept in
9 the person's medical records. All medications ~~shall~~ MUST be administered
10 pursuant to part 3 of article 1.5 of title 25, C.R.S.

11 (4) Persons receiving services ~~shall~~ MUST have a right to be free
12 from unnecessary or excessive medication. The service agency's records
13 ~~shall~~ MUST state the effects of psychoactive medication if administered to
14 the person receiving services. When dosages of such are changed or other
15 psychoactive medications are prescribed, a notation ~~shall~~ MUST be made
16 in such person's record concerning the effect of the new medication or
17 new dosages and the behavior changes, if any, which occur.

18 (5) Medication ~~shall~~ MUST not be used for the convenience of the
19 staff, for punishment, as a substitute for a treatment program, or in
20 quantities that interfere with the treatment program of the person
21 receiving services.

22 (6) Only appropriately trained staff shall be allowed to administer
23 ~~drugs~~ MEDICATIONS.

24 ~~(6.5)~~ (7) The executive director has the power to direct the
25 administration or monitoring of medications to persons ~~being cared for~~
26 ~~and treated~~ RECEIVING SERVICES AND SUPPORTS in centers for ~~the~~
27 ~~developmentally disabled~~ PERSONS WITH INTELLECTUAL AND

1 DEVELOPMENTAL DISABILITIES pursuant to section 25-1.5-301 (2) (h),
2 C.R.S.

3 ~~(7)~~ (8) No person receiving services ~~shall~~ MAY be subjected to any
4 experimental research or hazardous treatment procedures without the
5 consent of such person, if the person is over eighteen years of age and is
6 able to give such consent, or of the person's parent, if the person is under
7 eighteen years of age, or of the person's legal guardian. Such consent may
8 be given only after consultation with the interdisciplinary team and a AN
9 INTELLECTUAL AND developmental disabilities professional not affiliated
10 with the facility or community residential home in which the person
11 receiving services resides. However, no such person of any age ~~shall~~ MAY
12 be subjected to experimental research or hazardous treatment procedures
13 if said person implicitly or expressly objects to such procedure.

14 ~~(8)~~ (9) No person receiving services ~~shall~~ MAY have any organs
15 removed for the purpose of transplantation without the consent of such
16 person, if the person is over eighteen years of age and is able to give such
17 consent. If the person's ability to give consent to the medical procedure
18 is challenged by the physician, the same procedures as those set forth in
19 section ~~27-10.5-129~~ 25.5-10-232 shall be followed. Consent for the
20 removal of organs for transplantation may be given by the parents of a
21 person receiving services, if the person is under eighteen years of age, or
22 by the person's legal guardian. Such consent may be given only after
23 consultation with the interdisciplinary team and a AN INTELLECTUAL AND
24 developmental disabilities professional not affiliated with the facility or
25 community residential home in which the person receiving services
26 resides. However, no person receiving services of any age ~~shall~~ MAY be
27 a donor of an organ if the person implicitly or expressly objects to such

1 procedure.

2 (9) (10) (a) As used in subsections ~~(7) and (8)~~ AND (9) of this
3 section, consent also ~~shall require~~ REQUIRES that the person whose
4 consent is sought has been adequately and effectively informed as to the:

5 (I) Method of experimental research, hazardous treatment, or
6 transplantation;

7 (II) Nature and consequence of such procedures; and

8 (III) Risks, benefits, and purposes of such procedures.

9 (b) The consent of any person may be revoked at any time.

10 ~~(10)~~ (11) Subsections ~~(7), (8), and (9)~~ (8), (9), AND (10) of this
11 section ~~shall~~ DO not apply when a physician renders emergency medical
12 care or treatment to any resident.

13 **25.5-10-221. [Formerly 27-10.5-115.] Right to humane**
14 **treatment.** (1) Corporal punishment of persons with a AN INTELLECTUAL
15 AND developmental disability ~~shall~~ IS not be permitted.

16 (2) All service agencies shall prohibit mistreatment, exploitation,
17 neglect, or abuse in any form of any person receiving services.

18 (3) Service agencies shall provide every person receiving services
19 with a humane physical environment.

20 (4) Each person receiving services ~~shall~~ MUST be attended to by
21 qualified staff in numbers sufficient to provide appropriate services and
22 supports.

23 (5) Seclusion, defined as the placement of a person receiving
24 services alone in a closed room for the purpose of punishment, is
25 prohibited.

26 (6) "Time out" procedures, defined as separation from other
27 persons receiving services and group activities, may be employed under

1 close and direct professional supervision, as defined BY RULE by the
2 ~~department~~ STATE BOARD, and only as a technique in behavior-shaping
3 programs. Behavior-shaping programs utilizing a "time out" procedure
4 ~~shall~~ MAY be implemented only when it incorporates a positive approach
5 designed to result in the acquisition of adaptive behaviors. Such behavior
6 programs ~~shall~~ MAY only be implemented following the completion of a
7 comprehensive functional analysis, when alternative nonrestrictive
8 procedures have been proven to be ineffective, and only with the
9 informed consent of the ~~individual~~ PERSON, parents, or legal guardian.
10 Such behavior programs ~~shall~~ MAY be implemented only following the
11 review and approval process defined in rules. ~~and regulations~~. Behavior
12 development programs ~~shall~~ MUST be developed in conjunction with the
13 interdisciplinary team and implemented only following review by the
14 human rights committee. Behavior development programs involving the
15 use of the procedure in a "time out room" are prohibited.

16 (7) Behavior development programs involving the use of aversive
17 or noxious stimuli are prohibited.

18 (8) Physical restraint, defined as the use of manual methods
19 intended to restrict the movement or normal functioning of a portion of
20 ~~an individual's~~ A PERSON'S body through direct contact by staff, ~~shall~~ MAY
21 be employed only when necessary to protect the person receiving services
22 from injury to self or others. Physical restraint ~~shall~~ MAY not be employed
23 as punishment, for the convenience of staff, or as a substitute for a
24 program of services and supports. Physical guidance or prompting
25 techniques of short duration such as those employed in training
26 techniques are not considered physical restraint. Physical restraint ~~shall~~
27 MAY be applied only if alternative techniques have failed and only if such

1 restraint imposed the least possible restriction consistent with its purpose.
2 If physical restraint is used in an emergency or on a continuing basis its
3 use shall be reviewed by the interdisciplinary team and the human rights
4 committee in accordance with the rules ~~and regulations~~ of the department
5 STATE BOARD.

6 (9) The use of a mechanical restraint, defined as the use of
7 mechanical devices intended to restrict the movement or normal
8 functioning of a portion of ~~an individual's~~ A PERSON'S body, is subject to
9 special review and oversight, as defined in rules. ~~and regulations~~. Use of
10 mechanical restraints ~~shall~~ MAY be applied only in an emergency if
11 alternative techniques have failed and in conjunction with a behavior
12 development program. Mechanical restraints ~~shall~~ MUST be designed and
13 used so as not to cause physical injury to the person receiving services
14 and so as to cause the least possible discomfort. The use of mechanical
15 restraints shall be reviewed by the human rights committee. The use of
16 posey vests, straight jackets, ankle and wrist restraints, and other devices
17 defined in rules ~~and regulations~~ is prohibited.

18 (10) A record ~~shall~~ MUST be maintained of all physical injuries to
19 any person receiving services, all incidents of mistreatment, exploitation,
20 neglect, or abuse, and all uses of physical or mechanical restraint. All
21 records ~~shall be~~ ARE subject to review by the human rights committee.

22 (11) Behavior development programs ~~shall~~ MUST be supervised by
23 a AN INTELLECTUAL AND developmental disabilities professional having
24 specific knowledge and skills to develop and implement positive
25 behavioral intervention strategies.

26 **25.5-10-222. [Formerly 27-10.5-116.] Right to religious belief,**
27 **practice, and worship.** No person receiving services ~~shall be~~ IS required

1 to perform any act or be subject to any procedure whatsoever which is
2 contrary to the person's religious belief, and each such person ~~shall have~~
3 HAS the right to practice such religious belief and be accorded the
4 opportunity for religious worship. Provisions for religious worship ~~shall~~
5 MUST be made available to all persons receiving services on a
6 nondiscriminatory basis. No such person shall be coerced into engaging
7 in or refraining from any religious activity, practice, or belief.

8 **25.5-10-223. [Formerly 27-10.5-117.] Rights to**
9 **communications and visits.** (1) Each person receiving services has the
10 right to communicate freely and privately with others of the person's own
11 choosing.

12 (2) Each person receiving services has the right to receive and
13 send sealed, unopened correspondence. No such person's incoming or
14 outgoing correspondence shall be opened, delayed, held, or censored by
15 any person.

16 (3) Each person receiving services shall have the right to receive
17 and send packages. No such person's outgoing packages shall be opened,
18 delayed, held, or censored by any person.

19 ~~(4) Repealed.~~

20 ~~(5)~~ (4) Each person receiving services ~~shall~~ MUST have reasonable
21 access to telephones, both to make and to receive calls in privacy, and
22 ~~shall~~ MUST be afforded reasonable and frequent opportunities to meet
23 with visitors.

24 ~~(6)~~ (5) All service agencies shall ensure that persons receiving
25 services have suitable opportunities for interaction with persons of their
26 choice. Nothing in this section will limit the protections provided under
27 article 3.1 of title 26, C.R.S.

1 ~~(7) Repealed.~~

2 **25.5-10-224. [Formerly 27-10.5-118.] Right to fair**

3 **employment practices.** (1) No person receiving services shall be
4 required to perform labor; except that persons receiving services may
5 voluntarily engage in such labor if the labor is compensated in accordance
6 with applicable minimum wage laws.

7 (2) No person receiving services shall be involved in the physical
8 care, care and treatment, training, or supervision of other persons
9 receiving services unless such person has volunteered, has been
10 specifically trained in the necessary skills, and has the judgment required
11 for such activities, is adequately supervised, and is reimbursed in
12 accordance with the applicable minimum wage laws.

13 (3) Each person receiving services may perform vocational
14 training tasks, subject to a presumption that an assignment longer than
15 three months to any task is not a training task, if the specific task or any
16 change in task assignment is an integral part of such person's
17 individualized plan. If such person performs vocational training tasks for
18 which the service agency is receiving compensation from any outside
19 source, the person shall be compensated in accordance with the applicable
20 minimum wage laws.

21 (4) Each person receiving services may voluntarily engage in
22 labor for which the service agency would otherwise have to pay an
23 employee if the specific labor or any change in labor is an integral part of
24 such person's individualized plan and the person is compensated in
25 accordance with the applicable minimum wage laws.

26 (5) Each person receiving services may be required to perform
27 tasks of a personal housekeeping nature or tasks oriented to improving

1 community living skills in accordance with the person's individualized
2 plan.

3 (6) Payment to persons receiving services pursuant to this section
4 shall not be collected by the service agency to offset the costs of
5 providing services and supports to such person.

6 **25.5-10-225. [Formerly 27-10.5-119.] Right to vote.** Each
7 person receiving services who is eligible to vote according to law has the
8 right to vote in all primary and general elections. As necessary, all service
9 agencies shall assist such persons to register to vote, to obtain
10 applications for mail-in ballots and to obtain mail-in ballots, to comply
11 with other requirements which are prerequisite to voting, and to vote.

12 **25.5-10-226. [Formerly 27-10.5-120.] Records and**
13 **confidentiality of information pertaining to eligible persons or their**
14 **families.** (1) A record for each person receiving services shall be
15 diligently maintained by the community-centered board. The record ~~shall~~
16 MUST include, but not be limited to, information pertaining to the
17 determination of eligibility for services and the individualized plan. The
18 record ~~shall~~ IS not be a public record.

19 (2) Except as otherwise provided by law, all information obtained
20 and any records prepared in the course of determining eligibility or
21 providing services and supports pursuant to this article ~~shall be~~ ARE
22 confidential and subject to the evidentiary privileges established by law.
23 The disclosure of this information and these records in any manner shall
24 be permitted only:

25 (a) To the applicant or person receiving services, to the parents of
26 a minor, TO such person's legal guardian, and to any person authorized by
27 the above named person;

1 (b) In communications between qualified professional personnel,
2 including the board of directors of community-centered boards and
3 service agencies providing services to persons with INTELLECTUAL AND
4 developmental disabilities, to the extent necessary for the acquisition,
5 provision, oversight, or referral of services and supports;

6 ~~(c) (Deleted by amendment, L. 92, p. 1380, § 21, effective July 1,~~
7 ~~1992.)~~

8 ~~(d)~~ (c) To the extent necessary to make claims for aid, insurance,
9 or medical assistance to which a person receiving services may be
10 entitled, or to access services and supports pursuant to the individualized
11 plan;

12 ~~(e)~~ (d) For the purposes of evaluation, gathering statistics, or
13 research when no identifying information concerning an individual person
14 or family is disclosed. Identifying information is information which could
15 reasonably be expected to identify a specific ~~individual~~ PERSON and
16 includes, but is not limited to, name, address, telephone number, social
17 security number, medicaid number, household number, and photograph.

18 ~~(f)~~ (e) To the court when necessary to implement the provisions
19 of this article;

20 ~~(g)~~ (f) To persons authorized by an order of court issued after a
21 hearing, notice of which was given to the person, parents or legal
22 guardian, where appropriate, and the custodian of the information;

23 ~~(h)~~ (g) To the agency designated pursuant to 42 U.S.C. sec. 6012
24 as the protection and advocacy system for Colorado when:

25 (I) A complaint has been received by the protection and advocacy
26 system from or on behalf of a person with a AN INTELLECTUAL AND
27 developmental disability; and

1 (II) Such person does not have a legal guardian or the state or the
2 designee of the state is the legal guardian of such person;

3 (†) (h) To the STATE department or its designees as deemed
4 necessary by the executive director to fulfill the duties prescribed by this
5 article.

6 (3) Nothing in this section shall be construed to limit access by a
7 person receiving services to such person's records.

8 (4) Nothing in this section shall be construed to interfere with the
9 protections afforded to a person under the federal "Health Insurance
10 Portability and Accountability Act of 1996", 42 U.S.C. sec. 1320d, and
11 the federal "Family Education Rights and Privacy Act of 1974", 20
12 U.S.C. sec. 1232g.

13 **25.5-10-227. [Formerly 27-10.5-121.] Right to personal**
14 **property.** (1) Each person receiving services has the right to the
15 possession and use of such person's own clothing and personal effects. If
16 the service agency holds any of such person's personal effects for any
17 reason, such retention shall be promptly recorded in such person's record
18 and the reason for retention shall also be recorded.

19 (2) Upon the request of a person receiving services, a service
20 agency may hold money or funds belonging to the person receiving
21 services, received by such person, or received by the service agency for
22 such person. All such money or funds shall be held by the service agency
23 as trustee for the person receiving services. Upon request, an accounting
24 shall be rendered by the service agency.

25 (3) Upon request, a person receiving services ~~shall be~~ IS entitled
26 to receive reasonable amounts of such person's money or funds held in
27 trust.

1 **25.5-10-228. [Formerly 27-10.5-122.] Right to influence**
2 **policy.** The persons receiving services of a service agency ~~shall be~~ ARE
3 entitled to establish a committee to hear the views and represent the
4 interests of all such persons served by the agency and to attempt to
5 influence the policies of the agency to the extent that they influence
6 provision of services and supports.

7 **25.5-10-229. [Formerly 27-10.5-123.] Right to notification.**
8 Each person receiving services ~~shall have~~ HAS the right to read or have
9 explained, in each person's or family's native language, any rules ~~or~~
10 ~~regulations~~ adopted by the service agency and pertaining to such person's
11 activities.

12 **25.5-10-230. [Formerly 27-10.5-124.] Discrimination.** No
13 person who has received services or supports under any provision of this
14 article shall be discriminated against because of such status. For purposes
15 of this section, "discrimination" means the giving of any unfavorable
16 weight to the fact that a person has received such services or supports.

17 **25.5-10-231. [Formerly 27-10.5-128.] Sterilization rights.**
18 (1) It is the intent of the general assembly that the procedures set forth in
19 the following subsections be utilized when sterilization is being
20 considered for the primary purpose of rendering the ~~individual~~ PERSON
21 incapable of reproduction.

22 (2) Any person with ~~a~~ AN INTELLECTUAL AND developmental
23 disability over eighteen years of age who has given informed consent has
24 the right to be sterilized, subject to the following:

25 (a) Prior to the procedure, competency to give informed consent
26 and assurance that such consent is voluntarily and freely given shall be
27 evaluated by the following:

1 (I) A psychiatrist, psychologist, or physician who does not provide
2 services or supports to the person and who has consulted with and
3 interviewed the person with a AN INTELLECTUAL AND developmental
4 disability; and

5 (II) A AN INTELLECTUAL AND developmental disabilities
6 professional who does not provide services or supports in which said
7 person participates, and who has consulted with and interviewed the
8 person with a AN INTELLECTUAL AND developmental disability.

9 (b) The professionals who conducted the evaluation pursuant to
10 paragraph (a) of this subsection (2) shall consult with the physician who
11 is to perform the operation concerning each professional's opinion in
12 regard to the informed consent of the person requesting the sterilization.

13 (3) Any person with a AN INTELLECTUAL AND developmental
14 disability whose capacity to give an informed consent is challenged by the
15 INTELLECTUAL AND developmental disabilities professional or the
16 physician may file a petition with the court to declare competency to give
17 consent pursuant to the procedures set forth in section ~~27-10.5-129~~
18 25.5-10-232.

19 (4) No person with a AN INTELLECTUAL AND developmental
20 disability who is over eighteen years of age and has the capacity to
21 participate in the decision-making process regarding sterilization shall be
22 sterilized in the absence of the person's informed consent. No minor may
23 be sterilized without a court order pursuant to section ~~27-10.5-130~~
24 25.5-10-233.

25 (5) Sterilization conducted pursuant to this section shall be legal.
26 Consent given by any person pursuant to subsection (2) of this section
27 shall IS not be revocable after sterilization, and no person shall be liable

1 for acting pursuant to such consent.

2 **25.5-10-232. [Formerly 27-10.5-129.] Competency to give**
3 **consent to sterilization.** (1) If the competency of the person with a AN
4 INTELLECTUAL AND developmental disability to give consent to
5 sterilization is disputed by the INTELLECTUAL AND developmental
6 disabilities professional, the psychiatrist or psychologist, or physician,
7 said person may file a petition for declaration of competency to give
8 consent to sterilization with the court. Upon the filing of a petition which
9 shows that said person is over eighteen years of age and desires to give
10 consent to sterilization, the court shall immediately set a hearing to
11 determine the person's competency to give such consent. For the purpose
12 of determining competency, the court shall appoint two or more
13 independent professional persons with expertise in the field of
14 INTELLECTUAL AND developmental disabilities who do not provide
15 services and supports to said person to examine said person and to present
16 their findings as to said person's competency to give consent to
17 sterilization at the competency hearing.

18 (2) If the court determines that the person has given consent to
19 sterilization and is competent to give such consent, the court ~~shall~~ MAY
20 order that the sterilization be performed unless the person withdraws
21 consent to sterilization prior to the sterilization being performed. If the
22 court determines that the person is incompetent to give consent to
23 sterilization, the court shall order that no sterilization be performed
24 without further court proceedings pursuant to section ~~27-10.5-130~~
25 25.5-10-233.

26 (3) Determination of competency in these proceedings is specific
27 to the ability to give consent to sterilization and does not determine legal

1 competency for any other purpose.

2 **25.5-10-233. [Formerly 27-10.5-130.] Court-ordered**

3 **sterilization.** (1) A person with a AN INTELLECTUAL AND developmental
4 disability who has been determined to be incompetent to give consent, the
5 person's legal guardian, or the parents of a minor with a AN
6 INTELLECTUAL AND developmental disability, may petition the court to
7 hold a hearing to determine whether said person should be ordered to be
8 sterilized. The petition shall set forth the following:

9 (a) The name, age, and residence of the person to be sterilized;

10 (b) The name, address, and relation to said person of the
11 petitioner;

12 (c) The names and addresses of any parents, spouse, legal
13 guardian, or custodian of said person;

14 (d) The mental condition of the person to be sterilized;

15 (e) A statement that the sterilization is medically necessary to
16 preserve the life or physical or mental health of the person, including a
17 short and plain description of the reasons behind the determination of
18 medical necessity;

19 (f) A statement that other less intrusive measures were considered
20 and the reasons behind the determination that less intrusive means would
21 not protect the interests of the individual PERSON.

22 (2) Upon petition to the court, the court shall appoint an attorney
23 who will represent the interests of the person with a AN INTELLECTUAL
24 AND developmental disability and one or more experts in the
25 INTELLECTUAL AND developmental disability field to examine the person
26 and to give testimony at the hearing regarding the person's mental and
27 physical status and other relevant matters.

1 (3) The hearing on the petition shall MUST be held promptly. The
2 person with a AN INTELLECTUAL AND developmental disability shall MUST
3 be represented by an attorney and shall MUST have the opportunity to
4 present testimony and to cross-examine witnesses.

5 (4) Copies of the petition and notices of the time and place of the
6 hearing shall be mailed, not less than ten days prior to the hearing, to the
7 person with a AN INTELLECTUAL AND developmental disability, that
8 person's attorney, a parent or next of kin, and legal guardian or custodian.

9 (5) Reasonable fees and costs incurred pursuant to this section
10 shall be paid by the court for a person who is indigent.

11 (6) Prior to ordering sterilization, the court must find:

12 (a) That the person lacks the capacity to effectively participate in
13 the decision-making process regarding sterilization or is a minor with a
14 AN INTELLECTUAL AND developmental disability;

15 (b) That the court has heard from the person regarding that
16 person's desires, if possible, and the court has considered the desires of
17 the person;

18 (c) That the person lacks the capacity to make a decision
19 regarding sterilization and that the person's capacity to make such a
20 decision is unlikely to improve in the future;

21 (d) That the person is capable of reproduction and is likely to
22 engage in activities at the present or in the near future which could result
23 in pregnancy;

24 (e) By clear and convincing evidence, that the sterilization is
25 medically necessary to preserve the life or physical or mental health of the
26 person, including a short and plain description of the reasons behind the
27 determination of medical necessity;

1 (f) That other less intrusive measures were considered and the
2 reasons behind the determination that less intrusive means would not
3 protect the interests of the person.

4 **25.5-10-234. [Formerly 27-10.5-131.] Confidentiality of**
5 **sterilization proceedings.** All records, hearings, and proceedings
6 pursuant to sections ~~27-10.5-128 to 27-10.5-130~~ shall be 25.5-10-231 TO
7 25.5-10-233 ARE strictly confidential unless requested to be open to the
8 public by the person with a AN INTELLECTUAL AND developmental
9 disability or the person's legal guardian.

10 **25.5-10-235. [Formerly 27-10.5-132.] Limitations on**
11 **sterilization.** (1) Consent to sterilization shall be made neither a
12 condition for release from any institution nor a condition for the exercise
13 of any right, privilege, or freedom.

14 (2) Nothing in this article ~~shall require~~ REQUIRES any hospital or
15 any person to participate in any sterilization, nor shall any hospital or any
16 person be civilly or criminally liable for refusing to participate in any
17 sterilization.

18 **25.5-10-236. [Formerly 27-10.5-134.] Civil action and attorney**
19 **fees.** A violation of any provision of this article ~~shall give~~ GIVES rise to a
20 civil cause of action by the person adversely affected by such violation,
21 and any judgment may include plaintiff's reasonable attorney fees.

22 **25.5-10-237. [Formerly 27-10.5-135.] Terminology.**
23 (1) Whenever the terms "insane", "insanity", "mentally or mental
24 incompetent", "mental incompetency", or "of unsound mind" are used in
25 the laws of the state of Colorado, they shall be deemed to refer to the
26 insane, as defined in section 16-8-101, C.R.S., or to a person with a AN
27 INTELLECTUAL AND developmental disability, as defined in section

1 ~~27-10.5-102~~ 25.5-10-202, as the context of the particular law requires.

2 (2) Whenever the term "mentally deficient person" is used in the
3 laws of the state of Colorado, it shall be deemed to mean and be included
4 with the term "person with a AN INTELLECTUAL AND developmental
5 disability", as defined in section ~~27-10.5-102 (11) (b)~~ 25.5-10-202.

6 **25.5-10-238. [Formerly 27-10.5-137.] Federal funds.** The STATE
7 department is authorized to accept, on behalf of the state, any grants of
8 federal funds made available for any purposes consistent with the
9 provisions of this article. The executive director of the STATE department,
10 with the approval of the governor, shall have power to direct the
11 disposition of any such grants so accepted in conformity with the terms
12 and conditions under which they are given.

13 **25.5-10-239. [Formerly 27-10.5-139.] Evaluations to determine**
14 **whether a defendant is mentally retarded for purposes of class 1**
15 **felony trials.** Upon request of the court, the executive director, or his or
16 her designee, shall recommend specific professionals who are qualified to
17 perform an evaluation to determine whether a defendant is mentally
18 retarded, as defined in section 18-1.3-1101, C.R.S. Any professional who
19 is recommended shall be licensed as a psychologist in the state of
20 Colorado and shall have experience in and shall have demonstrated
21 competence in determination and evaluation of persons with mental
22 retardation. The executive director shall convene a panel of not fewer than
23 three ~~individuals~~ PERSONS with expertise in mental retardation who shall
24 assess the qualifications of licensed psychologists and make
25 recommendations to the executive director.

26 **25.5-10-240. [Formerly 27-10.5-141.] Retaliation prohibited.**
27 No person shall be discriminated against because he or she has made a

1 complaint, testified, assisted, or participated in any manner in an
2 investigation, proceeding, or hearing pursuant to this article, including the
3 dispute resolution procedures in section 25.5-10-212 AND SECTION
4 27-10.5-107, C.R.S. A service agency, including the ~~STATE~~ department
5 and any community-centered board, shall not coerce, intimidate, threaten,
6 or interfere with any ~~individual~~ PERSON in the exercise or enjoyment of
7 any right pursuant to this article, or on account of his or her having
8 exercised or enjoyed any right pursuant to this article, or on account of his
9 or her having aided or encouraged any other ~~individual~~ PERSON in the
10 exercise or enjoyment of any right pursuant to this article.

11 PART 3

12 FAMILY SUPPORT SERVICES

13 **25.5-10-301. [Formerly 27-10.5-401.] Legislative declaration.**

14 (1) It is the intent of the general assembly that the service delivery system
15 for ~~individuals~~ PERSONS with INTELLECTUAL AND developmental
16 disabilities emphasize community living for persons with INTELLECTUAL
17 AND developmental disabilities and provide supports to ~~individuals~~
18 PERSONS that enable them to enjoy typical lifestyles. One way to
19 accomplish this is to recognize that families are the greatest resource
20 available to ~~individuals~~ PERSONS who have a AN INTELLECTUAL AND
21 developmental disability and that families must be supported in their role
22 as primary care givers. The general assembly finds that supporting
23 families in their effort to ~~care~~ PROVIDE SUPPORTS for their family members
24 at home is more efficient, cost-effective, and humane than maintaining
25 ~~people~~ PERSONS with INTELLECTUAL AND developmental disabilities in
26 out-of-home residential settings. In recognition of the importance of
27 families, the general assembly states that the following principles should

1 be used as guidelines in developing programs to support ~~families who~~
2 ~~have children~~ A FAMILY THAT HAS A CHILD with disabilities:

3 (a) Families of ~~individuals~~ PERSONS with INTELLECTUAL AND
4 developmental disabilities are best able to determine their own needs AND
5 PREFERENCES and should be empowered to make decisions concerning
6 necessary, desirable, and appropriate services and supports;

7 (b) Families must receive the services and supports necessary to
8 care for their children at home;

9 (c) Family support must be responsive to the needs of the entire
10 family unit;

11 (d) Family support must be sensitive to the unique strengths and
12 needs of individual families;

13 (e) Family support must build on existing social networks and
14 natural sources of support;

15 (f) Family support is needed throughout the lifespan of the
16 ~~individual~~ PERSON who ~~is disabled~~ HAS A DISABILITY;

17 (g) Family support must encourage the inclusion of people with
18 INTELLECTUAL AND developmental disabilities within the community;

19 (h) Family support services must be flexible enough to
20 accommodate unique needs of families as they evolve over time;

21 (i) Family support services must be consistent with the cultural
22 preferences and orientations of individual families;

23 (j) Family support services should be comprehensive and
24 coordinated across the numerous agencies likely to provide resources,
25 supports, or services to families;

26 (k) Family support services should be based on the principles of
27 sharing ordinary places, developing meaningful relationships, learning

1 things that are useful, making choices, as well as increasing the status and
2 enhancing the reputation of people served;

3 (l) Supports should be developed by the state that are necessary,
4 desirable, and appropriate to support families;

5 (m) INTELLECTUAL AND developmental disabilities programs and
6 policies must enhance the development of the ~~individual~~ PERSON with a
7 AN INTELLECTUAL AND developmental disability and the family;

8 (n) State programs should provide sufficient services and supports
9 to enable families to keep their family members with INTELLECTUAL AND
10 developmental disabilities at home;

11 (o) A comprehensive, coordinated system of supports to families
12 effectively uses existing resources and minimizes gaps in supports to
13 families and ~~individuals~~ PERSONS in all areas of the state;

14 (p) Services and supports provided through the family support
15 program ~~shall~~ MUST be closely coordinated with early intervention
16 services and ~~shall~~ MUST foster collaboration and cooperation with all
17 agencies providing services and supports to infants and preschool
18 children; and

19 (q) Any rights, entitlements, services, or supports created by this
20 ~~part 4~~ PART 3 are not to be considered a limitation, modification, or
21 infringement on any existing rights, entitlements, services, or supports,
22 otherwise expressly provided by this article.

23 (2) In addition, the general assembly recognizes that the STATE
24 department has for several years developed and maintained a family
25 resource service program that provides support services to families of
26 children with INTELLECTUAL AND developmental disabilities who are at
27 risk of out-of-home placement. Because of the success of this program the

1 general assembly recommends that this valuable program be continued
2 and expanded so that more families in this state are able to receive
3 appropriate services, supports, and assistance needed to stabilize the
4 family unit. In recognition of the basic goal to support families, on an
5 individual family basis, in maintaining a person with a AN INTELLECTUAL
6 AND developmental disability at home and in recognition of the principles
7 stated in subsection (1) of this section, the general assembly declares that
8 its purpose in enacting this ~~part 4~~ PART 3 is to create, subject to annual
9 appropriation, a comprehensive statewide family support service program.

10 **25.5-10-302. [Formerly 27-10.5-402.] Purpose.** The purpose of
11 the family support services program created in this ~~part 4~~ PART 3 is to
12 provide support to families in their role as primary care givers for a family
13 member with a AN INTELLECTUAL AND developmental disability.

14 **25.5-10-303. [Formerly 27-10.5-404.] Administration - duties**
15 **of department.** (1) Subject to annual appropriation by the general
16 assembly, the STATE department shall administer the family support
17 services program and shall coordinate family support services with other
18 existing services provided to families and individuals. Family support
19 services ~~shall~~ MUST be provided in a manner ~~which~~ THAT develops
20 comprehensive, responsive, and flexible support to families in their role
21 as the primary care givers for a family member with a AN INTELLECTUAL
22 AND developmental disability.

23 (2) The STATE department ~~is authorized to~~ MAY contract with
24 community-centered boards and other service providers approved by the
25 STATE department to provide family support services in accordance with
26 this ~~part 4~~ PART 3. Programs developed shall be flexible in order to
27 address individual family needs.

1 (3) In administering the family support services program, the
2 STATE department shall have the following duties:

3 (a) To design the program;

4 (b) To pursue a family support model 200 waiver for approval by
5 the federal health care financing administration in order to utilize
6 medicaid funds for the provision of family support services, implemented
7 subject to appropriation;

8 (c) To develop ~~and promulgate~~ rules ~~and regulations~~ TO BE
9 PROMULGATED BY THE STATE BOARD pursuant to section ~~27-10.5-407~~
10 25.5-10-306, with consultation from service providers, including
11 representatives of families of persons with INTELLECTUAL AND
12 developmental disabilities;

13 (d) To allocate funds;

14 (e) To coordinate training and provide technical assistance to
15 community-centered boards and service providers;

16 (f) To monitor and evaluate the program;

17 (g) To coordinate contracts, expenditures, and billing of the
18 program; and

19 (h) To recommend changes in the program.

20 (4) Subject to annual appropriation by the general assembly, out
21 of the appropriation to the STATE department of ~~human services~~ for
22 community programs in the general appropriation act, the STATE
23 department is authorized to use up to seven percent of such appropriation
24 allocated for family support services to pay for administrative costs within
25 the STATE department and the community-centered boards.

26 **25.5-10-304. [Formerly 27-10.5-405.] Family support councils.**

27 (1) The STATE department shall ~~assure~~ ENSURE that each

1 community-centered board establishes a family support council in each
2 community-centered board designated service area. The family support
3 councils shall consist of professionals, interested citizens, family members
4 of persons with a AN INTELLECTUAL AND developmental disability, and
5 persons with a AN INTELLECTUAL AND developmental disability with a
6 majority of the council being made up of family members.

7 (2) The family support council shall:

8 (a) Provide direction and assistance to the community-centered
9 board in the development of a family support plan for the designated
10 service area;

11 (b) Make recommendations regarding other family supports or
12 services not specifically listed in this ~~part 4~~ PART 3;

13 (c) Monitor the implementation of the supports or services
14 provided pursuant to the plan; AND

15 (d) Provide a written report to the STATE department of its
16 involvement in the duties specified in this subsection (2).

17 **25.5-10-305. [Formerly 27-10.5-406.] Authorized family**
18 **support services.** (1) The family support services included in this
19 program include, but are not limited to, family support grants, family
20 support services coordination, information and referral, educational
21 materials, emergency and outreach services, and other ~~individual~~ PERSON
22 and family centered assistance services such as:

23 (a) Medical and dental expenses not covered by medical or health
24 insurance or other programs;

25 (b) Insurance expenses;

26 (c) Respite; ~~child care, and sitter services;~~

27 (d) Mobility aids; adaptive equipment; assistive technology,

1 including the cost of therapies essential for a child's development, as
2 prescribed by a physician or specialized therapist; and home adaptations;

- 3 (e) Home health services and therapies;
- 4 (f) Family counseling, training, and support groups;
- 5 (g) Recreation and leisure needs;
- 6 (h) Transportation;
- 7 (i) Special diets, clothing, materials, and equipment; AND
- 8 (j) Homemaker services.

9 **25.5-10-306. [Formerly 27-10.5-407.] Rules.** (1) The
10 ~~department~~ STATE BOARD shall develop rules ~~and regulations~~ concerning:

- 11 (a) Further definition of services and supports to be provided by
12 the family support services program described in this ~~part 4~~ PART 3;
- 13 (b) The requirements for eligibility for services and supports;
- 14 (c) The manner of providing services and supports; and
- 15 (d) The size, makeup, and duties of family support councils.

16 PART 4

17 COLORADO FAMILY SUPPORT LOAN FUND

18 **25.5-10-401. [Formerly 27-10.5-501.] Legislative declaration.**

19 The general assembly hereby finds and declares that there is a need to
20 establish a Colorado family support loan fund to assist families in
21 obtaining family support services for those families who choose to
22 maintain a dependent family member with a AN INTELLECTUAL AND
23 developmental disability in their home setting.

24 **25.5-10-402. [Formerly 27-10.5-502.] Colorado family support**
25 **loan fund - creation - loans to families.** (1) There is hereby created in
26 the state treasury a fund to be known as the Colorado family support loan
27 fund, referred to in this ~~part 5~~ PART 4 as the "fund", which shall be

1 administered by the STATE department and which ~~shall consist~~ CONSISTS
2 of moneys appropriated to the fund by the general assembly, interest
3 earned on loans made out of the fund, and any moneys received pursuant
4 to subsection (5) of this section.

5 (2) Moneys in the fund ~~shall be~~ ARE continuously appropriated to
6 the STATE department for the purposes of this ~~part 5~~ PART 4. At the end of
7 any fiscal year, all unexpended and unencumbered moneys in the fund
8 ~~shall~~ MUST remain in the fund and shall not be credited or transferred to
9 the general fund or any other fund. All interest derived from the deposit
10 and investment of moneys in the fund ~~shall~~ MUST be credited to the fund.

11 (3) The STATE department is authorized to make loans, up to a
12 maximum amount of eight thousand dollars, out of the moneys in the fund
13 to eligible families in order to enable them to obtain family short-term
14 support services or equipment as defined in section ~~27-10.5-406~~
15 25.5-10-305. For purposes of this section, "families" has the same
16 meaning as defined in section ~~27-10.5-102 (15)~~ 25.5-10-202. The STATE
17 department shall only approve loans to families who maintain a person or
18 persons with a AN INTELLECTUAL AND developmental disability at home.
19 The STATE department may establish whatever terms and conditions it
20 deems appropriate in making such loans. The loan amount and any interest
21 assessed to families shall be paid back to the STATE department. All
22 moneys received from families to pay back loans, including the interest
23 assessed thereon, shall be transmitted to the state treasurer, who shall
24 credit the same to the fund. All moneys in the fund may be used by the
25 STATE department to make loans as provided in this subsection (3).

26 (4) Subject to annual appropriation by the general assembly, the
27 STATE department of ~~human services~~ is hereby authorized to transfer from

1 the appropriation for community programs in the general appropriation act
2 up to three percent of such appropriation allocated for family short-term
3 support services or equipment to the Colorado family support loan fund.
4 Any moneys received as a result of this subsection (4) shall be transmitted
5 to the state treasurer and credited to the fund.

6 (5) The STATE department is hereby authorized to receive
7 contributions, grants, services, in-kind donations, and property from
8 federal agencies, local governments, or private sources for use in carrying
9 out the purposes of this ~~part 5~~ PART 4. Any moneys received as a result of
10 this subsection (5) shall be transmitted to the state treasurer and credited
11 to the fund.

12 **25.5-10-403. [Formerly 27-10.5-503.] Duties relating to the**
13 **fund.** (1) The ~~department~~ STATE BOARD has the following duties with
14 regard to the fund:

15 (a) To develop rules ~~and regulations and guidelines~~ for the
16 administration of the fund;

17 (b) To adopt eligibility requirements for access to the fund;

18 (c) To develop application and review criteria for the approval of
19 loans from the fund; AND

20 (d) To establish a low-cost fixed interest rate to be applied to all
21 loans made from the fund.

22 (2) THE STATE DEPARTMENT HAS THE FOLLOWING DUTIES WITH
23 REGARD TO THE FUND:

24 ~~(e)~~ (a) To determine effective ways to communicate the
25 availability of the fund to eligible families;

26 ~~(f)~~ (b) To account for the expenditures and to develop a system to
27 ensure timely payback of any loans made pursuant to this ~~part 5~~ PART 4;

- 1 ~~(g)~~ (c) To perform a yearly audit of the fund; and
2 ~~(h)~~ (d) To take other measures as needed to ensure the intent and
3 success of this ~~part 5~~ PART 4.

4 **SECTION 2.** In Colorado Revised Statutes, **amend** 27-10.5-102
5 as follows:

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

8 (1) "Authorized representative" ~~means an individual designated by~~
9 ~~the person receiving services, or by the parent or guardian of the person~~
10 ~~receiving services, if appropriate, to assist the person receiving services~~
11 ~~in acquiring or utilizing services or supports pursuant to this article. The~~
12 ~~extent of the authorized representative's involvement shall be determined~~
13 ~~upon designation~~ HAS THE SAME MEANING AS SET FORTH IN SECTION
14 25.5-10-202, C.R.S.

15 (2) "Case management services" ~~means the following:~~

16 ~~(a) The determination of eligibility for services and supports;~~

17 ~~(b) Service and support coordination; and~~

18 ~~(c) The monitoring of all services and supports delivered pursuant~~
19 ~~to the individualized plan, and the evaluation of results identified in the~~
20 ~~individualized plan~~ HAS THE SAME MEANING AS SET FORTH IN SECTION
21 25.5-10-202, C.R.S.

22 (2.3) "Case manager" ~~means an individual who assists with case~~
23 ~~management services and supports provided pursuant to this article for~~
24 ~~persons with developmental disabilities~~ HAS THE SAME MEANING AS SET
25 FORTH IN SECTION 25.5-10-202, C.R.S.

26 (2.5) (Deleted by amendment, L. 2008, p. 1442, § 1, effective
27 August 5, 2008.)

1 (3) "~~Community-centered board~~" means ~~a private corporation, for~~
2 ~~profit or not for profit, that, when designated pursuant to section~~
3 ~~27-10.5-105, provides case management services to persons with~~
4 ~~developmental disabilities, is authorized to determine eligibility of those~~
5 ~~persons within a specified geographical area, serves as the single point of~~
6 ~~entry for persons to receive services and supports under this article, and~~
7 ~~provides authorized services and supports to those persons either directly~~
8 ~~or by purchasing services and supports from service agencies~~ HAS THE
9 SAME MEANING AS SET FORTH IN SECTION 25.5-10-202, C.R.S.

10 (4) "~~Community residential home~~" means ~~a group living situation~~
11 ~~accommodating at least four but no more than eight persons, licensed by~~
12 ~~the state, where services and supports are provided to persons with~~
13 ~~developmental disabilities.~~

14 (5) "~~Consent~~" means ~~an informed assent that is expressed in~~
15 ~~writing and freely given. Consent shall always be preceded by the~~
16 ~~following:~~

17 (a) ~~A fair explanation of the procedures to be followed, including~~
18 ~~an identification of procedures that are experimental;~~

19 (b) ~~A description of the attendant discomforts and risks;~~

20 (c) ~~A description of the expected benefits;~~

21 (d) ~~A disclosure of appropriate alternative procedures together~~
22 ~~with an explanation of the respective benefits, discomforts, and risks;~~

23 (e) ~~An offer to answer any inquiries concerning procedures;~~

24 (f) ~~An instruction that the person giving consent is free to~~
25 ~~withdraw consent and to discontinue participation in the project or activity~~
26 ~~at any time; and~~

27 (g) ~~A statement that withholding or withdrawal of consent shall~~

1 ~~not prejudice future provision of appropriate services and supports to~~
2 ~~individuals~~ HAS THE SAME MEANING AS SET FORTH IN SECTION
3 25.5-10-202, C.R.S.

4 (6) ~~"Contribution" means the benefits gained by the household or~~
5 ~~community in which a person lives as the result of the person engaging in~~
6 ~~meaningful activities, including, but not limited to, income producing~~
7 ~~work, volunteer work, continuing education, and participation in~~
8 ~~community activities~~ HAS THE SAME MEANING AS SET FORTH IN SECTION
9 25.5-10-202, C.R.S.

10 (7) ~~"Court" means a district court of the state of Colorado or the~~
11 ~~probate court in the city and county of Denver~~ HAS THE SAME MEANING AS
12 SET FORTH IN SECTION 25.5-10-202, C.R.S.

13 (8) "Department" means the department of human services.

14 (9) ~~"Designated service area" means the geographical area~~
15 ~~specified by the executive director to be served by a designated~~
16 ~~community-centered board~~ HAS THE SAME MEANING AS SET FORTH IN
17 SECTION 25.5-10-202, C.R.S.

18 (10) ~~"Developmental disabilities professional" means a person~~
19 ~~who has professional training and experience in the developmental~~
20 ~~disabilities field, as defined by the department~~ HAS THE SAME MEANING AS
21 "INTELLECTUAL AND DEVELOPMENTAL DISABILITIES PROFESSIONAL" AS SET
22 FORTH IN SUBSECTION (21.5) OF THIS SECTION.

23 (11) (a) ~~"Developmental disability" means a disability that is~~
24 ~~manifested before the person reaches twenty-two years of age, that~~
25 ~~constitutes a substantial disability to the affected individual, and that is~~
26 ~~attributable to mental retardation or related conditions which include~~
27 ~~cerebral palsy, epilepsy, autism, or other neurological conditions when~~

1 ~~those conditions result in impairment of general intellectual functioning~~
2 ~~or adaptive behavior similar to that of a person with mental retardation.~~
3 ~~Unless otherwise specifically stated, the federal definition of~~
4 ~~"developmental disability" found in 42 U.S.C. sec. 15001 et seq. shall not~~
5 ~~apply~~ HAS THE SAME MEANING AS "INTELLECTUAL AND DEVELOPMENTAL
6 DISABILITY" AS SET FORTH IN SECTION 25.5-10-202, C.R.S.

7 (b) "Person with a developmental disability" ~~means a person~~
8 ~~determined by a community-centered board to have a developmental~~
9 ~~disability and shall include a child with a developmental delay~~ HAS THE
10 SAME MEANING "PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
11 DISABILITY" AS SET FORTH IN SECTION 25.5-10-202, C.R.S.

12 (c) "Child with a developmental delay" means:

13 (I) A person less than five years of age with delayed development
14 as defined by the department; or

15 (II) A person less than five years of age who is at risk of having a
16 developmental disability as defined by the department.

17 (12) "Early intervention services and supports" means services
18 described in and provided pursuant to part 7 of this article, including
19 education, training, and assistance in child development, parent education,
20 therapies, and other activities for infants and toddlers and their families
21 that are designed to meet the developmental needs of infants and toddlers
22 including, but not limited to, cognition, speech, communication, physical,
23 motor, vision, hearing, social-emotional, and self-help skills.

24 (13) "Eligible for supports and services" refers to any person with
25 ~~a~~ AN INTELLECTUAL AND developmental disability OR DELAY as
26 determined eligible by the community-centered boards, pursuant to section
27 27-10.5-106.

1 (13.5) (Deleted by amendment, L. 2008, p. 1442, § 1, effective
2 August 5, 2008.)

3 (13.7) "Enrolled" means that a person with a AN INTELLECTUAL
4 AND developmental disability who is eligible for supports and services has
5 been authorized, as defined by rules promulgated by the department, to
6 participate in a program funded pursuant to this article.

7 (14) "Executive director" means the executive director of the
8 department of human services.

9 (15) (a) ~~"Family" means the interdependent group of persons that~~
10 ~~consists of:~~

11 ~~(I) A parent, child, sibling, grandparent, aunt, uncle, spouse, or any~~
12 ~~combination thereof and a family member with a developmental disability;~~

13 ~~(II) An adoptive parent of and a family member with a~~
14 ~~developmental disability;~~

15 ~~(III) One or more persons to whom legal custody of a person with~~
16 ~~a developmental disability has been given by a court and in whose home~~
17 ~~such person resides; or~~

18 ~~(IV) Any other family unit as may be defined in rules developed~~
19 ~~pursuant to section 27-10.5-407.~~

20 ~~(b) Department rules shall define the families that are eligible to~~
21 ~~receive services and supports pursuant to this article~~ HAS THE SAME
22 MEANING AS SET FORTH IN SECTION 25.5-10-202, C.R.S.

23 (15.5) "Family caregiver" means a family member of the person
24 with a developmental disability who provides care to the person with a
25 developmental disability in the family home, who meets the requirements
26 for a qualified family caregiver, as established by rule of the department,
27 and who is working through a program-approved service agency, as

1 ~~established by rule of the department.~~

2 (16) ~~"Gastrostomy tube" means a tube that has been surgically~~
3 ~~inserted into the stomach through the abdominal wall, or a tube that has~~
4 ~~been inserted through the nasal passage into the stomach, or both HAS THE~~
5 ~~SAME MEANING AS SET FORTH IN SECTION 25.5-10-202, C.R.S.~~

6 (17) ~~"Human rights committee" means a third-party mechanism to~~
7 ~~adequately safeguard the legal rights of persons receiving services by~~
8 ~~participating in the granting of informed consent, monitoring the~~
9 ~~suspension of rights of persons receiving services, monitoring behavior~~
10 ~~development programs in which persons with developmental disabilities~~
11 ~~are involved, monitoring the use of psychotropic medication by persons~~
12 ~~with developmental disabilities, and at the committee's option, either~~
13 ~~providing or ensuring the investigation of allegations of abuse or neglect~~
14 ~~of persons with developmental disabilities who are receiving services or~~
15 ~~supports under this article HAS THE SAME MEANING AS SET FORTH IN~~
16 ~~SECTION 25.5-10-202, C.R.S.~~

17 (17.5) ~~"IDEA" means the federal "Individuals with Disabilities~~
18 ~~Education Improvement Act of 2004", 20 U.S.C. sec. 1400 et seq., as~~
19 ~~amended, and its implementing regulations, 34 CFR part 303.~~

20 (18) ~~"Inclusion" means:~~

21 (a) ~~The use by persons with developmental disabilities of the same~~
22 ~~community resources that are used by and available to other persons;~~

23 (b) ~~The participation by persons with developmental disabilities~~
24 ~~in the same community activities in which persons without developmental~~
25 ~~disabilities participate. Participation includes regular contact with persons~~
26 ~~without developmental disabilities.~~

27 (c) ~~Vocational experiences for persons with developmental~~

1 disabilities in community settings that offer opportunities to associate with
2 other individuals who do not have developmental disabilities; and

3 (d) ~~Living in homes that are in residential neighborhoods and in~~
4 ~~proximity to community resources~~ HAS THE SAME MEANING AS SET FORTH
5 IN SECTION 25.5-10-202, C.R.S.

6 (19) ~~"Independent residential support services" means a~~
7 ~~community living situation, defined by the department, where services and~~
8 ~~supports are provided to no more than three persons with developmental~~
9 ~~disabilities and that is not required to be licensed by the state.~~

10 (19.5) "Individualized family service plan" or "IFSP" means a
11 written plan developed pursuant to 20 U.S.C. sec. 1436 and 34 CFR
12 303.340 that authorizes the provision of early intervention services to an
13 eligible child and the child's family. An IFSP shall serve as the
14 individualized plan, pursuant to paragraph (c) of subsection (20) of this
15 section, for a child from birth through two years of age.

16 (20) (a) "Individualized plan" means a written plan designed by an
17 interdisciplinary team for the purpose of identifying:

18 (I) The needs AND PREFERENCES of the person or family receiving
19 services;

20 (II) The specific services and supports appropriate to meet those
21 needs AND PREFERENCES;

22 (III) The projected date for initiation of services and supports; and

23 (IV) The anticipated ~~results~~ OUTCOMES to be achieved by receiving
24 the services and supports.

25 (b) Every individualized plan will include a statement of
26 agreement with the plan, signed by the person receiving services or other
27 such person legally authorized to sign on behalf of the person and a

1 representative of the community-centered board.

2 (c) Any other service or support plan, designated by the
3 department, that meets all of the requirements of an individualized plan
4 will be considered to be an individualized plan pursuant to this article.

5 ~~(d) (F) Every individualized plan that includes the provision of
6 respite care for medical purposes, pursuant to section 27-10.5-104, shall
7 include a process by which the person receiving services and supports may
8 receive necessary care if the person's family or caregiver is unavailable
9 due to an emergency situation or unforeseen circumstances. The family or
10 caregiver shall be duly informed by the interdisciplinary team of these
11 alternative care provisions at the time the individualized plan is initiated.~~

12 ~~(H) Nothing in this paragraph (d) requires the provision of respite
13 care, only that each individual plan that includes the provision of respite
14 care for medical purposes have a contingency plan.~~

15 (21) "Infants and toddlers" means a child with a developmental
16 delay from birth through two years of age.

17 (21.5) "INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
18 PROFESSIONAL" MEANS A PERSON WHO HAS PROFESSIONAL TRAINING AND
19 EXPERIENCE IN THE INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
20 FIELD, AS DEFINED BY THE DEPARTMENT.

21 (22) "Interdependence" ~~means those multiple interactive
22 relationships that are necessary to create a sense of belonging and support
23 between people that are mutually sought, sustained over time, and
24 beneficial to those involved~~ HAS THE SAME MEANING AS SET FORTH IN
25 SECTION 25.5-10-202, C.R.S.

26 (23) "Interdisciplinary team" ~~means a group of people convened
27 by a designated community-centered board that shall include the person~~

1 ~~receiving services, the parents or guardian of a minor, a guardian or an~~
2 ~~authorized representative, as appropriate, the person who coordinates the~~
3 ~~provisions of services and supports, and others as determined by the~~
4 ~~person's needs and preference, who are assembled to work in a~~
5 ~~cooperative manner to develop or review the individualized plan HAS THE~~
6 SAME MEANING AS SET FORTH IN SECTION 25.5-10-202, C.R.S.

7 (24) ~~"Least restrictive environment" means an environment that~~
8 ~~represents the least departure from the normal patterns of living and that~~
9 ~~effectively meets the needs of the person receiving services. Least~~
10 ~~restrictive environment may include, but need not be limited to, receiving~~
11 ~~services from a community-centered board, service agency, or a family~~
12 ~~caregiver in the family home HAS THE SAME MEANING AS SET FORTH IN~~
13 SECTION 25.5-10-202, C.R.S.

14 (25) "Person receiving services" means a person with a AN
15 INTELLECTUAL AND developmental disability who is enrolled in a program
16 funded pursuant to this article.

17 (25.5) "Program" means a specific group of services or supports
18 as defined by rules promulgated by the department and for which funding
19 is available pursuant to this article to a person with a AN INTELLECTUAL
20 AND developmental disability who is eligible for supports and services.

21 (26) Repealed.

22 (27) "Regional center" means a facility or program operated
23 directly by the department that provides services and supports to persons
24 with INTELLECTUAL AND developmental disabilities.

25 (28) ~~"Service agency" means an individual or any publicly or~~
26 ~~privately operated program, organization, or business providing services~~
27 ~~or supports for persons with developmental disabilities HAS THE SAME~~

1 MEANING AS SET FORTH IN SECTION 25.5-10-202, C.R.S.

2 (29) "Service and support coordination" means planning, locating,
3 facilitating access to, coordinating, and reviewing all aspects of needed
4 AND PREFERRED services, supports, and resources that are provided in
5 cooperation with the person receiving services, the person's family, as
6 appropriate, the family of a child with a developmental delay, and the
7 involved public or private agencies. Planning includes the development
8 or review of an existing individualized plan. "Service and support
9 coordination" also includes the reassessment of the needs AND
10 PREFERENCES of the person receiving services or the needs AND
11 PREFERENCES of the family of the person, with maximum participation of
12 the person receiving services and the person's parents, guardian, or
13 authorized representative, as appropriate.

14 (30) "Services and supports" means one or more of the following:
15 Education, training, ~~independent or supported living assistance~~, therapies,
16 identification of natural supports, and other activities provided to:

17 (a) Enable persons with INTELLECTUAL AND developmental
18 disabilities to make ~~increasingly~~ responsible choices, exert greater control
19 over their lives, experience presence and inclusion in their communities,
20 develop their competencies and talents, maintain relationships, foster a
21 sense of belonging, and experience personal security and self-respect;

22 (b) Enhance child development and healthy parent-child and
23 family interaction for eligible infants and toddlers and their families
24 pursuant to part 7 of this article; and

25 (c) Enable families, who choose or desire to maintain a family
26 member with a AN INTELLECTUAL AND developmental disability at home,
27 to obtain support and to enjoy a typical lifestyle.

1 (31) "~~Sterilization~~" ~~means any surgical or other medical procedure~~
2 ~~that has as its primary purpose to render a person permanently incapable~~
3 ~~of reproduction~~ HAS THE SAME MEANING AS SET FORTH IN SECTION
4 25.5-10-202, C.R.S.

5 (32) "~~Waiting list~~" ~~means the list of persons with developmental~~
6 ~~disabilities who are waiting for enrollment into a program provided~~
7 ~~pursuant to this article.~~

8 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**
9 **with amendments,** 27-10.5-103 as follows:

10 **27-10.5-103. Duties of the executive director - rules.** (1) IN
11 ORDER TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE, THE EXECUTIVE
12 DIRECTOR SHALL CARRY OUT THE FOLLOWING DUTIES, SUBJECT TO
13 AVAILABLE APPROPRIATIONS:

14 (a) PROMOTE EFFECTIVE COORDINATION WITH AGENCIES SERVING
15 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IN
16 ORDER TO IMPROVE CONTINUITY OF SERVICES AND SUPPORTS FOR PERSONS
17 FACING LIFE TRANSITIONS FROM TODDLER TO PRESCHOOL, SCHOOL TO
18 ADULT LIFE, AND WORK TO RETIREMENT;

19 (b) CONDUCT APPROPRIATE PART C CHILD FIND ACTIVITIES AS
20 DESCRIBED IN SECTION 27-10.5-704. PART C CHILD FIND ACTIVITIES
21 CONDUCTED BY THE DEPARTMENT SHALL INCLUDE, BUT NEED NOT BE
22 LIMITED TO, CASE MANAGEMENT, REFERRAL, TRANSITIONS, AND PUBLIC
23 EDUCATION OUTREACH AND AWARENESS OF EARLY INTERVENTION
24 SERVICES; AND

25 (c) OPERATE REGIONAL CENTERS PURSUANT TO PART 3 OF THIS
26 ARTICLE.

27 (2) IN ACCORDANCE WITH SECTION 24-4-103, C.R.S., AND IN

1 COORDINATION WITH THE REQUIREMENTS OF ARTICLE 10 OF TITLE 25.5,
2 C.R.S., THE DEPARTMENT SHALL ADOPT SUCH RULES AS ARE NECESSARY
3 TO CARRY OUT THE PROVISIONS AND PURPOSES OF THIS ARTICLE,
4 INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

5 (a) STANDARDS FOR SERVICES AND SUPPORTS, INCLUDING
6 PREPARATION OF INDIVIDUALIZED PLANS;

7 (b) PURCHASE OF SERVICES AND SUPPORTS AND FINANCIAL
8 ADMINISTRATION;

9 (c) PROCEDURES FOR RESOLVING DISPUTES OVER ELIGIBILITY
10 DETERMINATION AND THE MODIFICATION, DENIAL, OR TERMINATION OF
11 SERVICES;

12 (d) PROCEDURES FOR ADMISSION TO PROGRAMS CONTAINED IN THIS
13 ARTICLE;

14 (e) SYSTEMS OF QUALITY ASSURANCE AND DATA COLLECTION;

15 (f) THE RIGHTS OF A PERSON RECEIVING SERVICES;

16 (g) CONFIDENTIALITY OF RECORDS OF A PERSON RECEIVING
17 SERVICES;

18 (h) DESIGNATION OF AUTHORIZED REPRESENTATIVES AND
19 DELINEATION OF THEIR RIGHTS AND DUTIES PURSUANT TO THIS ARTICLE;

20 (i) (I) THE ESTABLISHMENT OF GUIDELINES AND PROCEDURES FOR
21 AUTHORIZATION OF PERSONS FOR ADMINISTRATION OF NUTRITION AND
22 FLUIDS THROUGH GASTROSTOMY TUBES.

23 (II) THE DEPARTMENT SHALL REQUIRE THAT A SERVICE AGENCY
24 PROVIDING RESIDENTIAL OR DAY PROGRAM SERVICES OR SUPPORTS HAVE
25 A STAFF MEMBER QUALIFIED PURSUANT TO SUBPARAGRAPH (III) OF THIS
26 PARAGRAPH (i) ON DUTY AT ANY TIME THE FACILITY ADMINISTERS SAID
27 NUTRITION AND FLUIDS THROUGH GASTROSTOMY TUBES, AND THAT THE

1 FACILITY MAINTAIN A WRITTEN RECORD OF EACH NUTRIENT OR FLUID
2 ADMINISTERED TO EACH PERSON RECEIVING SERVICES, INCLUDING THE
3 TIME AND THE AMOUNT OF THE NUTRIENT OR FLUID.

4 (III) A PERSON WHO IS NOT OTHERWISE AUTHORIZED BY LAW TO
5 ADMINISTER NUTRITION AND FLUIDS THROUGH GASTROSTOMY TUBES IS
6 ALLOWED TO PERFORM THE DUTIES ONLY UNDER THE SUPERVISION OF A
7 LICENSED NURSE OR PHYSICIAN. A PERSON WHO ADMINISTERS NUTRITION
8 AND FLUIDS IN COMPLIANCE WITH THE PROVISIONS OF THIS PARAGRAPH (i)
9 IS EXEMPT FROM THE LICENSING REQUIREMENTS OF THE "COLORADO
10 MEDICAL PRACTICE ACT", ARTICLE 36 OF TITLE 12, C.R.S., AND THE
11 "NURSE PRACTICE ACT", ARTICLE 38 OF TITLE 12, C.R.S. NOTHING IN THIS
12 PARAGRAPH (i) SHALL BE DEEMED TO AUTHORIZE THE ADMINISTRATION OF
13 MEDICATIONS THROUGH GASTROSTOMY TUBES. A PERSON ADMINISTERING
14 MEDICATIONS THROUGH GASTROSTOMY TUBES IS SUBJECT TO THE
15 REQUIREMENTS OF PART 3 OF ARTICLE 1.5 OF TITLE 25, C.R.S.

16 (IV) FOR PURPOSES OF THIS PARAGRAPH (i) "ADMINISTRATION"
17 MEANS ASSISTING A PERSON IN THE INGESTION OF NUTRITION OR FLUIDS
18 ACCORDING TO THE DIRECTION AND SUPERVISION OF A LICENSED NURSE OR
19 PHYSICIAN; AND

20 (j) CHILD FIND ACTIVITIES, AS DESCRIBED IN SECTION 27-10.5-704.

21 **SECTION 4.** In Colorado Revised Statutes, **repeal and reenact,**
22 **with amendments,** 27-10.5-104 as follows:

23 **27-10.5-104. Authorized services and supports - conditions of**
24 **funding - purchase of services and supports - boards of county**
25 **commissioners - appropriation.** (1) SUBJECT TO ANNUAL
26 APPROPRIATIONS BY THE GENERAL ASSEMBLY, THE DEPARTMENT SHALL
27 PROVIDE OR PURCHASE, PURSUANT TO SUBSECTION (4) OF THIS SECTION,

1 AUTHORIZED SERVICES AND SUPPORTS FROM COMMUNITY-CENTERED
2 BOARDS OR SERVICE AGENCIES FOR PERSONS WHO HAVE BEEN DETERMINED
3 TO BE ELIGIBLE FOR SUCH SERVICES AND SUPPORTS PURSUANT TO SECTION
4 27-10.5-106, AND AS SPECIFIED IN THE ELIGIBLE PERSON'S INDIVIDUALIZED
5 PLAN. THOSE SERVICES AND SUPPORTS MAY INCLUDE, BUT NEED NOT BE
6 LIMITED TO, THE FOLLOWING:

7 (a) EARLY INTERVENTION SERVICES AND SUPPORTS THAT OFFER
8 INFANTS AND TODDLERS AND THEIR FAMILIES SERVICES AND SUPPORTS TO
9 ENHANCE CHILD DEVELOPMENT IN THE AREAS OF COGNITION, SPEECH,
10 COMMUNICATION, PHYSICAL, MOTOR, VISION, HEARING,
11 SOCIAL-EMOTIONAL DEVELOPMENT, AND SELF-HELP SKILLS; PARENT-CHILD
12 OR FAMILY INTERACTION; AND EARLY IDENTIFICATION, SCREENING, AND
13 ASSESSMENT SERVICES THAT ARE PROVIDED PURSUANT TO PART 7 OF THIS
14 ARTICLE;

15 (b) CASE MANAGEMENT SERVICES;

16 (c) DAY SERVICES AND SUPPORTS THAT OFFER OPPORTUNITIES FOR
17 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES TO
18 EXPERIENCE AND ACTIVELY PARTICIPATE IN VALUED ADULT ROLES IN THE
19 COMMUNITY. THESE SERVICES AND SUPPORTS WILL ENABLE PERSONS
20 RECEIVING SERVICES TO ACCESS AND PARTICIPATE IN COMMUNITY
21 ACTIVITIES, SUCH AS WORK, RECREATION, HIGHER EDUCATION, AND SENIOR
22 CITIZEN ACTIVITIES. DAY SERVICES AND SUPPORTS, INCLUDING EARLY
23 INTERVENTION SERVICES, MAY ALSO INCLUDE THE ADMINISTRATION OF
24 NUTRITION OR FLUIDS THROUGH GASTROSTOMY TUBES, IF ADMINISTERED
25 BY A PERSON AUTHORIZED PURSUANT TO SECTION 27-10.5-103 (2) (i) AND
26 SUPERVISED BY A LICENSED NURSE OR PHYSICIAN.

27 (d) RESIDENTIAL SERVICES AND SUPPORTS, INCLUDING AN ARRAY

1 OF TRAINING, LEARNING, EXPERIENTIAL, AND SUPPORT ACTIVITIES
2 PROVIDED IN LIVING ALTERNATIVES DESIGNED TO MEET THE INDIVIDUAL
3 NEEDS OF PERSONS RECEIVING SERVICES AND MAY INCLUDE THE
4 ADMINISTRATION OF NUTRITION OR FLUIDS THROUGH GASTROSTOMY
5 TUBES, IF ADMINISTERED BY A PERSON AUTHORIZED PURSUANT TO SECTION
6 27-10.5-103 (2) (i) AND SUPERVISED BY A LICENSED NURSE OR PHYSICIAN;
7 AND

8 (e) ANCILLARY SERVICES, INCLUDING ACTIVITIES THAT ARE
9 SECONDARY BUT INTEGRAL TO THE PROVISION OF THE SERVICES AND
10 SUPPORTS SPECIFIED IN THIS SUBSECTION (1).

11 (2) SERVICE AGENCIES RECEIVING FUNDS PURSUANT TO
12 SUBSECTION (1) OF THIS SECTION SHALL COMPLY WITH ALL OF THE
13 PROVISIONS OF THIS ARTICLE AND THE RULES PROMULGATED THEREUNDER.

14 (3) SERVICE AND SUPPORT COORDINATION SHALL BE PURCHASED
15 PURSUANT TO PART 7 OF THIS ARTICLE.

16 (4) (a) THE DEPARTMENT MAY PURCHASE SERVICES AND SUPPORTS,
17 INCLUDING SERVICE AND SUPPORT COORDINATION, DIRECTLY FROM
18 SERVICE AGENCIES IF:

19 (I) REQUIRED BY THE FEDERAL REQUIREMENTS FOR THE STATE TO
20 QUALIFY FOR FEDERAL FUNDS UNDER TITLE XIX OF THE FEDERAL "SOCIAL
21 SECURITY ACT", AS AMENDED, INCLUDING PROGRAMS AUTHORIZED
22 PURSUANT TO PART 4 OF ARTICLE 6 OF TITLE 25.5, C.R.S.; OR

23 (II) THE EXECUTIVE DIRECTOR HAS DETERMINED THAT A SERVICE
24 OR SUPPORT PROVIDED OR PURCHASED BY A DESIGNATED
25 COMMUNITY-CENTERED BOARD DOES NOT MEET ESTABLISHED STANDARDS
26 AND THE CONTINUATION OF PURCHASE OF THE SERVICE OR SUPPORT
27 THROUGH THE COMMUNITY-CENTERED BOARD IS NOT IN THE BEST

1 INTERESTS OF THE PERSONS RECEIVING SERVICES.

2 (b) THE DEPARTMENT SHALL ONLY PURCHASE SERVICES AND
3 SUPPORTS DIRECTLY FROM THOSE COMMUNITY-CENTERED BOARDS OR
4 SERVICE AGENCIES THAT MEET ESTABLISHED STANDARDS.

5 (c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
6 THE PROVISION OF SERVICES AND SUPPORTS, INCLUDING CASE
7 MANAGEMENT SERVICES, DIRECTLY BY THE DEPARTMENT THROUGH
8 REGIONAL CENTERS, FOR PERSONS RECEIVING SERVICES IN REGIONAL
9 CENTERS.

10 (d) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
11 THE PROVISION OF SERVICES AND SUPPORTS, INCLUDING CASE
12 MANAGEMENT SERVICES, DIRECTLY BY THE DEPARTMENT.

13 (5) (a) EACH YEAR THE GENERAL ASSEMBLY SHALL APPROPRIATE
14 MONEYS TO THE DEPARTMENT TO PROVIDE OR PURCHASE SERVICES AND
15 SUPPORTS FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
16 DISABILITIES PURSUANT TO THIS SECTION. UNLESS SPECIFICALLY PROVIDED
17 OTHERWISE, SERVICES AND SUPPORTS SHALL BE PURCHASED ON THE BASIS
18 OF STATE FUNDING LESS ANY FEDERAL OR CASH FUNDS RECEIVED FOR
19 GENERAL OPERATING EXPENSES FROM ANY OTHER STATE OR FEDERAL
20 SOURCE, LESS FUNDS AVAILABLE TO A PERSON RECEIVING RESIDENTIAL
21 SERVICES OR SUPPORTS AFTER SUCH PERSON RECEIVES AN ALLOWANCE FOR
22 PERSONAL NEEDS OR FOR MEETING OTHER OBLIGATIONS IMPOSED BY
23 FEDERAL OR STATE LAW. THE YEARLY APPROPRIATION, WHEN COMBINED
24 WITH ALL OTHER SOURCES OF FUNDS, SHALL IN NO CASE EXCEED ONE
25 HUNDRED PERCENT OF THE APPROVED PROGRAM COSTS AS DETERMINED BY
26 THE GENERAL ASSEMBLY. FUNDS RECEIVED FOR CAPITAL CONSTRUCTION
27 SHALL NOT BE CONSIDERED IN THE CALCULATION FOR THE DISTRIBUTION

1 OF FUNDS UNDER THE PROVISIONS OF THIS SECTION.

2 (b) THE DEPARTMENT IS AUTHORIZED TO USE UP TO THREE PERCENT
3 OF THE APPROPRIATION ALLOCATED FOR EARLY INTERVENTION SERVICES
4 AND SUPPORTS FOR TRAINING AND TECHNICAL ASSISTANCE TO ENSURE
5 THAT THE LATEST DEVELOPMENTS FOR EARLY INTERVENTION SERVICES
6 AND SUPPORTS ARE RAPIDLY INTEGRATED INTO SERVICE PROVISION
7 THROUGHOUT THE STATE.

8 **SECTION 5. In Colorado Revised Statutes, 27-10.5-104.2,**
9 **amend (1), (2), and (3) (a); and add (1.5) as follows:**

10 **27-10.5-104.2. Services and supports - waiting list reduction -**
11 **cash fund.** (1) There is hereby created in the state treasury the
12 developmental disabilities services cash fund, consisting of moneys
13 appropriated thereto by the general assembly AND ANY MONEYS
14 TRANSFERRED TO THE DEVELOPMENTAL DISABILITIES SERVICES CASH FUND
15 PURSUANT TO SUBSECTION (1.5) OF THIS SECTION. Any interest derived
16 from the deposit and investment of moneys in the developmental
17 disabilities services cash fund shall be credited to the fund. Any moneys
18 remaining in the fund at the end of a fiscal year shall remain in the fund
19 and shall not revert to the general fund or any other fund.

20 (1.5) THE STATE TREASURER SHALL TRANSFER TO THE
21 DEVELOPMENTAL DISABILITIES SERVICES CASH FUND ANY AVAILABLE
22 MONEYS THAT ARE APPROPRIATED BY THE GENERAL ASSEMBLY FOR A
23 FISCAL YEAR FOR ADULT COMPREHENSIVE SERVICES, ADULT SUPPORTED
24 LIVING SERVICES, CHILDREN'S EXTENSIVE SUPPORT SERVICES, AND FAMILY
25 SUPPORT SERVICES FOR PERSONS WITH INTELLECTUAL AND
26 DEVELOPMENTAL DISABILITIES PROVIDED PURSUANT TO THIS ARTICLE OR
27 PART 4 OF ARTICLE 6 OF TITLE 25.5, C.R.S., THAT ARE UNEXPENDED AND

1 UNENCUMBERED AT THE END OF A FISCAL YEAR.

2 (2) During each regular session of the general assembly, the joint
3 budget committee and the health and human services committees of the
4 senate and the house of representatives, or any successor committees, shall
5 hold a joint hearing and take public testimony on the status of the waiting
6 lists for adult comprehensive services, adult supported living services,
7 CHILDREN'S EXTENSIVE SUPPORT SERVICES, and family support services for
8 persons with developmental disabilities and the availability of general
9 fund moneys to reduce the number of persons on the waiting lists and the
10 amount of time eligible persons wait for such services. The goal of the
11 hearing shall be to propose an appropriation from the general fund to the
12 developmental disabilities services cash fund.

13 (3) The general assembly may annually appropriate moneys in the
14 developmental disabilities services cash fund to:

15 (a) The department for program costs for adult comprehensive
16 services, adult supported living services, CHILDREN'S EXTENSIVE SUPPORT
17 SERVICES, and family support services for persons with developmental
18 disabilities provided pursuant to this article or part 4 of article 6 of title
19 25.5, C.R.S.; and

20 **SECTION 6.** In Colorado Revised Statutes, 27-10.5-104.5,
21 **amend** (3) as follows:

22 **27-10.5-104.5. Service agencies - moneys - rules.** (3) The
23 department shall promulgate rules to implement the purchase of services
24 and supports from a community-centered board OR A service agency. ~~or~~
25 ~~family caregiver.~~ The rules shall include, but need not be limited to:

26 (a) Terms and conditions necessary to promote the effective
27 delivery of services and supports; ~~including those services and supports~~

1 ~~delivered by a family caregiver;~~

2 (b) Procedures for obtaining an annual audit of designated
3 community-centered boards and service agencies not affiliated with a
4 designated community-centered board to provide financial information
5 deemed necessary by the department to establish costs of services and
6 supports and to ensure proper management of moneys received pursuant
7 to section 27-10.5-104;

8 (c) Delineation of a system to resolve contractual disputes between
9 the department and designated community-centered boards or service
10 agencies and between designated community-centered boards and service
11 agencies, including the contesting of any rates that the designated
12 community-centered boards charge to service agencies based upon a
13 percentage of the rates that service agencies charge for services and
14 supports;

15 (d) Specification of what services and supports are to be
16 reimbursed by the department of human services and secondarily by the
17 community-centered board, the source of reimbursement, actual service
18 or support costs, incentives, and program service objectives which affect
19 reimbursement;

20 (e) The methods of coordinating the purchase of services and
21 supports, including, but not limited to, service and support coordination,
22 with other federal, state, and local programs which provide funding for
23 authorized services and supports;

24 (f) (Deleted by amendment, L. 92, p. 1363, § 5, effective July 1,
25 1992.)

26 (g) and (h) (Deleted by amendment, L. 2008, p. 2219, § 2,
27 effective June 5, 2008.)

1 (i) Criteria for and limitations on any rates that designated
2 community-centered boards charge to service agencies based upon a
3 percentage of the rates that service agencies charge for services and
4 supports.

5 **SECTION 7.** In Colorado Revised Statutes, **repeal and reenact,**
6 **with amendments,** 27-10.5-105 as follows:

7 **27-10.5-105. Community-centered boards - purchase of**
8 **services and supports by community-centered boards.** (1) ONCE A
9 COMMUNITY-CENTERED BOARD HAS BEEN DESIGNATED PURSUANT TO
10 SECTION 25.5-10-108, C.R.S., IT SHALL, SUBJECT TO AVAILABLE
11 APPROPRIATIONS:

12 (a) DETERMINE ELIGIBILITY AND DEVELOP AN INDIVIDUALIZED
13 PLAN FOR EACH PERSON WHO RECEIVES SERVICES OR SUPPORTS PURSUANT
14 TO SECTION 25.5-10-110, C.R.S.; EXCEPT THAT, FOR A CHILD FROM BIRTH
15 THROUGH TWO YEARS OF AGE, ELIGIBILITY DETERMINATION AND
16 DEVELOPMENT OF AN INDIVIDUALIZED FAMILY SERVICE PLAN SHALL BE
17 MADE PURSUANT TO PART 7 OF THIS ARTICLE;

18 (b) PROVIDE CASE MANAGEMENT SERVICES, INCLUDING SERVICE
19 AND SUPPORT COORDINATION AND PERIODIC REVIEWS, FOR PERSONS
20 RECEIVING SERVICES AND FAMILIES WITH CHILDREN WITH INTELLECTUAL
21 AND DEVELOPMENTAL DISABILITIES;

22 (c) OBTAIN OR PROVIDE EARLY INTERVENTION SERVICES AND
23 SUPPORTS PURSUANT TO PART 7 OF THIS ARTICLE;

24 (d) TAKE STEPS TO NOTIFY ELIGIBLE PERSONS, AND THEIR FAMILIES
25 AS APPROPRIATE, REGARDING THE AVAILABILITY OF SERVICES AND
26 SUPPORTS;

27 (e) PURSUANT TO SECTION 27-10.5-704, COLLABORATE WITH THE

1 DEPARTMENT AS IT DEVELOPS AND IMPLEMENTS A STATEWIDE PLAN FOR
2 PUBLIC EDUCATION OUTREACH AND AWARENESS EFFORTS RELATED TO
3 PART C CHILD FIND AND THE AVAILABILITY OF EARLY INTERVENTION
4 SERVICES.

5 **SECTION 8.** In Colorado Revised Statutes, **repeal and reenact,**
6 **with amendments,** 27-10.5-106 as follows:

7 **27-10.5-106. Eligibility determination.** ANY PERSON MAY
8 REQUEST AN EVALUATION PURSUANT TO SECTION 25.5-10-110, C.R.S., TO
9 DETERMINE WHETHER HE OR SHE HAS AN INTELLECTUAL AND
10 DEVELOPMENTAL DISABILITY AND IS ELIGIBLE TO RECEIVE SERVICES AND
11 SUPPORTS PURSUANT TO THIS ARTICLE. APPLICATION FOR ELIGIBILITY
12 DETERMINATION SHALL BE MADE TO THE DESIGNATED
13 COMMUNITY-CENTERED BOARD IN THE DESIGNATED SERVICE AREA WHERE
14 THE PERSON RESIDES.

15 **SECTION 9.** In Colorado Revised Statutes, 27-10.5-107, **amend**
16 (1) introductory portion as follows:

17 **27-10.5-107. Procedure for resolving disputes over eligibility,**
18 **modification of services or supports, and termination of services or**
19 **supports.** (1) Every state or local service agency receiving state moneys
20 pursuant to section 27-10.5-104 OR SECTION 25.5-10-105, C.R.S., shall
21 adopt a procedure for the resolution of disputes arising between the
22 service agency and any recipient of, or applicant for, services or supports
23 authorized under section 27-10.5-104 OR SECTION 25.5-10-105, C.R.S.
24 Procedures for the resolution of disputes regarding early intervention
25 services shall be in compliance with IDEA. The procedures shall be
26 consistent with rules promulgated by the department pursuant to article 4
27 of title 24, C.R.S., and shall be applicable to the following disputes:

1 **SECTION 10.** In Colorado Revised Statutes, 27-10.5-108, **amend**
2 (2) as follows:

3 **27-10.5-108. Discharge.** (2) When a person receiving services
4 notifies a service agency that such person no longer wishes to receive a
5 service or support, the person shall be discharged from such service or
6 support unless the person is subject to a petition to impose a legal
7 disability or to remove a legal right, filed pursuant to section 27-10.5-110
8 OR SECTION 25.5-10-216, C.R.S., or for whom a legal guardian has been
9 appointed, affecting the person's ability to voluntarily terminate services
10 or supports. The parents of the person receiving services who is a minor
11 and such person's guardian shall be notified of the person's wish to
12 terminate services or supports, but no minor will be discharged without
13 the consent of the parent or legal guardian.

14 **SECTION 11.** In Colorado Revised Statutes, **repeal and reenact,**
15 **with amendments,** 27-10.5-110 as follows:

16 **27-10.5-110. Imposition of legal disability - removal of legal**
17 **right.** (1) ANY INTERESTED PERSON MAY PETITION THE COURT PURSUANT
18 TO SECTION 25.5-10-216, C.R.S., TO IMPOSE A LEGAL DISABILITY ON OR TO
19 REMOVE A LEGAL RIGHT FROM A PERSON WITH AN INTELLECTUAL AND
20 DEVELOPMENTAL DISABILITY AS DEFINED IN SECTION 25.5-10-202, C.R.S.
21 THE PETITION SHALL SET FORTH THE DISABILITY TO BE IMPOSED OR THE
22 LEGAL RIGHT TO BE REMOVED AND THE REASONS THEREFOR. THE PETITION
23 MAY AFFECT THE RIGHT TO CONTRACT, THE RIGHT TO DETERMINE PLACE OF
24 ABODE OR PROVISIONS OF SERVICES AND SUPPORTS, THE RIGHT TO OPERATE
25 A MOTOR VEHICLE, AND OTHER SIMILAR RIGHTS.

26 (2) A PERSON SHALL NOT BE ADMITTED TO A REGIONAL CENTER
27 WITHOUT A COURT ORDER ISSUED PURSUANT TO SECTION 25.5-10-216,

1 C.R.S., EXCEPT IN AN EMERGENCY OR FOR THE PURPOSE OF TEMPORARY
2 RESPITE CARE.

3 **SECTION 12.** In Colorado Revised Statutes, **add** 27-10.5-110.5
4 as follows:

5 **27-10.5-110.5. Rights of persons with intellectual and**
6 **developmental disabilities.** EACH PERSON RECEIVING SERVICES PURSUANT
7 TO THIS ARTICLE AND ARTICLE 10 OF TITLE 25.5, C.R.S., SHALL HAVE THE
8 RIGHTS SET FORTH IN SECTIONS 25.5-10-223 TO 25.5-10-230, C.R.S.

9 **SECTION 13. Repeal of provisions being relocated in this act.**
10 In Colorado Revised Statutes, **repeal** sections 27-10.5-101, 27-10.5-103.5,
11 27-10.5-104.2, 27-10.5-105.5, 27-10.5-109, 27-10.5-109.5, 27-10.5-111,
12 27-10.5-112, 27-10.5-113, 27-10.5-114, 27-10.5-115, 27-10.5-116,
13 27-10.5-117, 27-10.5-118, 27-10.5-119, 27-10.5-120, 27-10.5-121,
14 27-10.5-122, 27-10.5-123, 27-10.5-124, 27-10.5-128, 27-10.5-129,
15 27-10.5-130, 27-10.5-131, 27-10.5-132, 27-10.5-134, 27-10.5-135,
16 27-10.5-137, 27-10.5-139, and 27-10.5-141, and parts 4 and 5 of article
17 10.5 of title 27.

18 **SECTION 14.** In Colorado Revised Statutes, **repeal** 27-10.5-142
19 and 27-10.5-143.

20 **SECTION 15.** In Colorado Revised Statutes, 1-1-104, **amend**
21 (18.5) as follows:

22 **1-1-104. Definitions.** As used in this code, unless the context
23 otherwise requires:

24 (18.5) "Group residential facility" means a nursing home, a nursing
25 care facility licensed pursuant to part 1 of article 3 of title 25, C.R.S., a
26 home for persons with INTELLECTUAL AND developmental disabilities as
27 defined in section ~~27-10.5-102~~ 25.5-10-202, C.R.S., an assisted living

1 residence licensed pursuant to section 25-27-105, C.R.S., or a residential
2 treatment facility for mental illness.

3 **SECTION 16.** In Colorado Revised Statutes, 8-2-111.7, **amend**
4 (2), (5) (a), and (5) (b) as follows:

5 **8-2-111.7. Employees working with persons with intellectual**
6 **and developmental disabilities - immunity from civil liability -**
7 **requirements - exception to blacklisting prohibition - legislative**
8 **declaration - definitions.** (2) In response to a request by a current or
9 prospective employer of a caregiver, it is neither unlawful nor a violation
10 of the prohibitions against blacklisting specified in sections 8-2-110 and
11 8-2-111 for an employer, when acting in good faith, to disclose
12 information known about any involvement in the mistreatment,
13 exploitation, neglect, or abuse of persons with INTELLECTUAL AND
14 developmental disabilities as prohibited by section ~~27-10.5-115~~
15 25.5-10-221, C.R.S., by a caregiver.

16 (5) For the purposes of this section:

17 (a) "Caregiver" means ~~an individual~~ A PERSON currently or
18 formerly employed to work with a person with a AN INTELLECTUAL AND
19 developmental disability or a person who provides host home services by
20 contract as part of residential services and supports as described in section
21 ~~27-10.5-104(1)(f)~~ 25.5-10-206(1) (e), C.R.S. "Caregiver" does not mean
22 a person who is employed by or who has contracted to work with a school
23 district.

24 (b) "Person with a AN INTELLECTUAL AND developmental
25 disability" has the same meaning as defined in section ~~27-10.5-102(11)~~
26 ~~(b)~~ 25.5-10-202, C.R.S.

27 **SECTION 17.** In Colorado Revised Statutes, 8-40-301, **amend** (7)

1 as follows:

2 **8-40-301. Scope of term "employee".** (7) Persons who provide
3 host home services as part of residential services and supports, as
4 described in section ~~27-10.5-104(1)(f)~~ 25.5-10-206(1)(e), C.R.S., for an
5 eligible person, as defined in section 25.5-6-403(2)(a), C.R.S., pursuant
6 to the "Home- and Community-based Services for Persons with
7 Developmental Disabilities Act", part 4 of article 6 of title 25.5, C.R.S.,
8 and pursuant to a contract with a community-centered board designated
9 pursuant to section ~~27-10.5-105~~ 25.5-10-209, C.R.S., or a contract with a
10 service agency as defined in section ~~27-10.5-102(28)~~ 25.5-10-202,
11 C.R.S., shall not be considered employees of the community-centered
12 board or the service agency.

13 **SECTION 18.** In Colorado Revised Statutes, 10-16-104, **amend**
14 (1.4)(a)(VII) as follows:

15 **10-16-104. Mandatory coverage provisions - definitions.**
16 (1.4) **Autism spectrum disorders.** (a) As used in this subsection (1.4),
17 unless the context otherwise requires:

18 (VII) "Individualized plan" ~~shall have~~ HAS the same meaning as
19 provided in section ~~27-10.5-102~~ 25.5-10-202, C.R.S.

20 **SECTION 19.** In Colorado Revised Statutes, 12-36-106, **amend**
21 (3)(q)(I) as follows:

22 **12-36-106. Practice of medicine defined - exemptions from**
23 **licensing requirements - unauthorized practice by physician assistants**
24 **- penalties - rules.** (3) A person may engage in, and shall not be required
25 to obtain a license or a physician training license under this article with
26 respect to, any of the following acts:

27 (q) (I) The administration of nutrition or fluids through

1 gastrostomy tubes as provided in ~~section 27-10.5-103 (2) (k), C.R.S.,~~
2 SECTIONS 25.5-10-204 (2) (j) AND 27-10.5-103 (2) (i), C.R.S., as a part of
3 residential or day program services provided through service agencies
4 approved by the department of ~~human services~~ HEALTH CARE POLICY AND
5 FINANCING pursuant to section ~~27-10.5-104.5~~ 25.5-10-208, C.R.S.;

6 **SECTION 20.** In Colorado Revised Statutes, 12-38-125, **amend**
7 (1) (i) (I) as follows:

8 **12-38-125. Exclusions.** (1) No provision of this article shall be
9 construed to prohibit:

10 (i) (I) The administration of nutrition or fluids through gastrostomy
11 tubes as provided in ~~section 27-10.5-103 (2) (k), C.R.S.,~~ SECTIONS
12 25.5-10-204 (2) (j) AND 27-10.5-103 (2) (i), C.R.S., as a part of residential
13 or day program services provided through service agencies approved by
14 the department of ~~human services~~ HEALTH CARE POLICY AND FINANCING
15 pursuant to section ~~27-10.5-104~~ 25.5-10-206, C.R.S.

16 **SECTION 21.** In Colorado Revised Statutes, 12-38-132, **amend**
17 (6) as follows:

18 **12-38-132. Delegation of nursing tasks.** (6) The board may
19 promulgate rules pursuant to this section, including but not limited to
20 standards on the assessment of the proficiency of the delegatee to perform
21 delegated tasks, and standards for accountability of any nurse who
22 delegates nursing tasks. Such rules shall be consistent with the provisions
23 of part 3 of article 1.5 of title 25, ~~and~~ C.R.S., SECTION 25.5-10-204 (2) (j),
24 C.R.S., AND section 27-10.5-103 ~~(2) (k)~~ (2) (i), C.R.S.

25 **SECTION 22.** In Colorado Revised Statutes, 12-38.1-117, **amend**
26 (1) (f) as follows:

27 **12-38.1-117. Exclusions.** (1) This article shall not be construed

1 to affect or apply to:

2 (f) Any person performing services pursuant to sections
3 12-38-132, and 25.5-10-204 (2) (j), 27-10.5-103 ~~(2) (k)~~ (2) (i), C.R.S., and
4 part 3 of article 1.5 of title 25, C.R.S.

5 **SECTION 23.** In Colorado Revised Statutes, 13-21-117.5, **amend**
6 (2) (a), (2) (c), and (2) (e) as follows:

7 **13-21-117.5. Civil liability - developmental disability service**
8 **providers. (2) Definitions.** As used in this section, unless the context
9 otherwise requires:

10 (a) "Community-centered board" means a private corporation,
11 for-profit or not-for-profit, which, when designated pursuant to section
12 ~~27-10.5-105~~ 25.5-10-209, C.R.S., provides case management to persons
13 with INTELLECTUAL AND developmental disabilities, is authorized to
14 determine eligibility of such persons within a specified geographical area,
15 serves as the single point of entry for persons to receive services and
16 supports under ~~article 10.5 of title 27~~ ARTICLE 10 OF TITLE 25.5, C.R.S.,
17 and provides authorized services and supports to such persons either
18 directly or by purchasing such services and supports from service
19 agencies.

20 (c) "Developmental disability" ~~shall have~~ HAS the same meaning
21 as "INTELLECTUAL AND DEVELOPMENTAL DISABILITY" AS defined in
22 section ~~27-10.5-102 (11)~~, 25.5-10-202, C.R.S.

23 (e) "Host home" means a private home that houses up to three
24 persons with INTELLECTUAL AND developmental disabilities and whose
25 owner or renter provides residential services, as described in section
26 ~~27-10.5-104 (1) (f)~~, 25.5-10-206 (1) (e), C.R.S., to those persons as an
27 independent contractor of a community-centered board or service agency.

1 **SECTION 24.** In Colorado Revised Statutes, 13-25-129.5, **amend**
2 (1), (2) (a), (3), and (4) as follows:

3 **13-25-129.5. Statements of persons with intellectual and**
4 **developmental disabilities - hearsay exception.** (1) An out-of-court
5 statement made by a person with a AN INTELLECTUAL AND developmental
6 disability, as defined in section ~~27-10.5-102(11)(a)~~ 25.5-10-202 (26) (a),
7 C.R.S., not otherwise admissible by a statute or court rule that provides an
8 exception to the objection of hearsay is admissible in any criminal or
9 delinquency proceeding in which the person is alleged to have been a
10 victim if the conditions of subsection (5) of this section are satisfied.

11 (2) (a) An out-of-court statement made by a person with a AN
12 INTELLECTUAL AND developmental disability, as defined in section
13 ~~27-10.5-102(11)(a)~~ 25.5-10-202 (26) (a), C.R.S., that describes all or part
14 of an offense described in paragraph (b) of this subsection (2) performed
15 with, by, on, or in the presence of the declarant, and that is not otherwise
16 admissible by a statute or court rule that provides an exception to the
17 objection of hearsay, is admissible in any criminal, delinquency, or civil
18 proceeding if the conditions of subsection (5) of this section are satisfied.

19 (3) An out-of-court statement by a person with a AN INTELLECTUAL
20 AND developmental disability, as defined in section ~~27-10.5-102(11)(a)~~
21 25.5-10-202 (26) (a), C.R.S., that describes any act of child abuse, as
22 defined in section 18-6-401, C.R.S., to which the declarant was subjected
23 or which the declarant witnessed, and that is not otherwise admissible by
24 a statute or court rule that provides an exception to the objection of
25 hearsay, is admissible in evidence in any criminal, delinquency, or civil
26 proceeding in which a child is alleged to be a victim of child abuse or the
27 subject of a proceeding alleging that a child is neglected or dependent

1 under section 19-1-104 (1) (b), C.R.S., if the conditions of subsection (5)
2 of this section are satisfied.

3 (4) An out-of-court statement made by a person with a AN
4 INTELLECTUAL AND developmental disability, as defined in section
5 ~~27-10.5-102(11)(a)~~ 25.5-10-202 (26) (a), C.R.S., that describes all or part
6 of an offense contained in part 1 of article 3 of title 18, C.R.S., or that
7 describes an act of domestic violence as defined in section 18-6-800.3 (1),
8 C.R.S., not otherwise admissible by statute or court rule that provides an
9 exception to the objection of hearsay, is admissible in evidence in any
10 criminal, delinquency, or civil proceeding if the conditions of subsection
11 (5) of this section are satisfied.

12 **SECTION 25.** In Colorado Revised Statutes, 15-14-310, **amend**
13 (5) (a) introductory portion and (5) (b) as follows:

14 **15-14-310. Who may be guardian - priorities - prohibition of**
15 **dual roles.** (5) (a) Unless the court makes specific findings for good
16 cause shown or the person is a family caregiver as defined in section
17 ~~27-10.5-102(15.5)~~ 25.5-10-202, C.R.S., or the person is a caregiver to an
18 eligible person pursuant to section 25.5-6-1101 (4), C.R.S., the same
19 professional may not act as an incapacitated person's or a protected
20 person's:

21 (b) In addition, a guardian or conservator may not employ the same
22 person to act as both care manager and direct service provider for the
23 incapacitated person or protected person unless the person is a family
24 caregiver as defined in section ~~27-10.5-102(15.5)~~ 25.5-10-202, C.R.S.

25 **SECTION 26.** In Colorado Revised Statutes, 15-14-316, **amend**
26 (4) as follows:

27 **15-14-316. Rights and immunities of guardian - limitations.**

1 (4) A guardian may not initiate the commitment of a ward to a mental
2 health-care institution or facility except in accordance with the state's
3 procedure for involuntary civil commitment. To obtain hospital or
4 institutional care and treatment for mental illness of a ward, a guardian
5 shall proceed as provided under article 65 of title 27, C.R.S. To obtain
6 ~~care and treatment~~ SERVICES AND SUPPORTS from an approved service
7 agency as defined in section ~~27-10.5-102~~ 25.5-10-202, C.R.S., for a ward
8 with INTELLECTUAL AND developmental disabilities, a guardian shall
9 proceed under ~~article 10.5 of title 27~~ ARTICLE 10 OF TITLE 25.5, C.R.S. To
10 obtain care and treatment for alcoholism or substance abuse, a guardian
11 shall proceed as provided under article 80 of title 27, C.R.S. No guardian
12 shall have the authority to consent to any such care or treatment against
13 the will of the ward.

14 **SECTION 27.** In Colorado Revised Statutes, 15-14-413, **amend**
15 (6) (a) introductory portion and (6) (b) as follows:

16 **15-14-413. Who may be conservator - priorities - prohibition**
17 **of dual roles.** (6) (a) Unless the court makes specific findings for good
18 cause shown or the person is a family caregiver as defined in section
19 ~~27-10.5-102(15.5)~~ 25.5-10-202, C.R.S., the same professional may not act
20 as an incapacitated person's or a protected person's:

21 (b) In addition, a guardian or conservator may not employ the same
22 person to act as both care manager and direct service provider for the
23 incapacitated person or protected person unless the person is a family
24 caregiver as defined in section ~~27-10.5-102(15.5)~~ 25.5-10-202, C.R.S.

25 **SECTION 28.** In Colorado Revised Statutes, 16-10-402, **amend**
26 (1) (a) introductory portion as follows:

27 **16-10-402. Use of closed-circuit television - child or witness**

1 **with intellectual and developmental disabilities.** (1) (a) When a witness
2 at the time of a trial is a child less than twelve years of age, or is a person
3 who has a AN INTELLECTUAL AND developmental disability as defined in
4 section ~~27-10.5-102 (11)~~ (a) 25.5-10-202, C.R.S., the court may, upon
5 motion of a party or upon its own motion, order that the witness's
6 testimony be taken in a room other than the courtroom and be televised by
7 closed-circuit television in the courtroom if:

8 **SECTION 29.** In Colorado Revised Statutes, 18-1.3-1104, **amend**
9 (2) as follows:

10 **18-1.3-1104. Evaluation and report.** (2) In ordering an
11 evaluation of the defendant pursuant to subsection (1) of this section, the
12 court shall specify the place where the evaluation is to be conducted and
13 the period of time allocated for the evaluation. In determining the place
14 where the evaluation is to be conducted, the court shall give priority to the
15 place where the defendant is in custody, unless the nature and
16 circumstances of the evaluation requires designation of a different
17 location. The court shall direct one or more psychologists who are
18 recommended by the executive director of the department of ~~human~~
19 ~~services~~ HEALTH CARE POLICY AND FINANCING pursuant to section
20 ~~27-10.5-139~~ 25.5-10-239, C.R.S., or his or her designee, to evaluate the
21 defendant. For good cause shown, upon motion of the prosecution or the
22 defendant or upon the court's own motion, the court may order such
23 further or other evaluation as it deems necessary. Nothing in this section
24 shall abridge the right of the defendant to procure an evaluation as
25 provided in section 18-1.3-1105.

26 **SECTION 30.** In Colorado Revised Statutes, 18-6.5-102, **amend**
27 (3) (d) as follows:

1 **18-6.5-102. Definitions.** As used in this article, unless the context
2 otherwise requires:

3 (3) "Person with a disability" means any person who:

4 (d) Is ~~developmentally disabled~~ A PERSON WITH AN INTELLECTUAL
5 AND DEVELOPMENTAL DISABILITY as defined in section ~~27-10.5-102 (H)~~
6 25.5-10-202, C.R.S.; or

7 **SECTION 31.** In Colorado Revised Statutes, 19-1-103, **amend**
8 (58) as follows:

9 **19-1-103. Definitions.** As used in this title or in the specified
10 portion of this title, unless the context otherwise requires:

11 (58) "Group care facilities and homes" means places other than
12 foster family care homes providing care for small groups of children that
13 are licensed as provided in article 6 of title 26, C.R.S., or meet the
14 requirements of section ~~27-10.5-109~~ 25.5-10-214, C.R.S.

15 **SECTION 32.** In Colorado Revised Statutes, 22-20-107, **amend**
16 (1) as follows:

17 **22-20-107. Authority to contract with institutions of higher**
18 **education or community-centered boards.** (1) An administrative unit
19 may contract with an institution of higher education, or a
20 community-centered board, as provided in section ~~27-10.5-104~~
21 25.5-10-206, C.R.S., for the provision by the administrative unit of an
22 education and training program for children with disabilities. If an
23 agreement is arrived at by the two agencies, the administrative unit shall
24 place the responsibility for administering the program with the director of
25 special education of the administrative unit.

26 **SECTION 33.** In Colorado Revised Statutes, 22-20-118, **amend**
27 (2) (a) as follows:

1 **22-20-118. Child find from birth through two years of age -**
2 **responsibilities - rules - interagency operating agreements - transition**
3 **meetings - funding.** (2) The administrative units shall:

4 (a) Establish local-level interagency operating agreements with
5 community-centered boards, as described in section 27-10.5-102, C.R.S.,
6 as necessary to assist in developing and implementing the department of
7 human services' statewide plan defined in section ~~27-10.5-103~~
8 27-10.5-704, C.R.S., for community education outreach and awareness
9 efforts related to part C child find and the availability of early intervention
10 services. The administrative units' responsibilities shall be limited to those
11 activities that relate to facilitating the implementation of part C child find
12 activities and a collaborative system of early intervention services.

13 **SECTION 34.** In Colorado Revised Statutes, 24-1-119.5, **add** (8)
14 as follows:

15 **24-1-119.5. Department of health care policy and financing -**
16 **creation - repeal.** (8) THE POWERS, DUTIES, AND FUNCTIONS RELATING TO
17 PROGRAMS, SERVICES, AND SUPPORTS FOR PERSONS WITH INTELLECTUAL
18 AND DEVELOPMENTAL DISABILITIES, AS SPECIFIED IN ARTICLE 10 OF TITLE
19 25.5, C.R.S., ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE
20 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

21 **SECTION 35.** In Colorado Revised Statutes, 24-103-803, **amend**
22 (2) (d) as follows:

23 **24-103-803. Nonprofit agencies - self-certified vendor list -**
24 **creation.** (2) The department shall accept applications from any nonprofit
25 agency that seeks to become a self-certified vendor to bid on certain
26 services solicitations. In order for a nonprofit agency to become a
27 self-certified vendor, the nonprofit agency shall certify that:

1 (d) The nonprofit agency would be capable of hiring and would
2 employ people to perform any service for which the nonprofit agency bids,
3 and that of those people employed a total of seventy-five percent would
4 be persons with severe disabilities and a minimum of twenty percent
5 would be persons with severe disabilities who have developmental
6 disabilities as defined in section ~~27-10.5-102~~ 25.5-10-202, C.R.S.; and

7 **SECTION 36.** In Colorado Revised Statutes, 24-110-207.5,
8 **amend** (1) (a) as follows:

9 **24-110-207.5. Certification of certain entities as local public**
10 **procurement units - rules - report.** (1) The executive director may
11 certify any of the following entities as a local public procurement unit:

12 (a) Any nonprofit community mental health center, as defined in
13 section 27-66-101, C.R.S., any nonprofit community mental health clinic,
14 as defined in section 27-66-101, C.R.S., any nonprofit
15 community-centered board, as defined in section ~~27-10.5-102~~
16 25.5-10-202, C.R.S., or any nonprofit service agency, as defined in section
17 ~~27-10.5-102~~ 25.5-10-202, C.R.S., if the entity uses the supplies, services,
18 or construction procured for the public mental health system or the public
19 ~~developmentally disabled~~ DEVELOPMENTAL DISABILITY system;

20 **SECTION 37.** In Colorado Revised Statutes, 25-1.5-103, **amend**
21 (1) (a) (I) (A) and (2) (c) as follows:

22 **25-1.5-103. Health facilities - powers and duties of department**
23 **- limitations on rules promulgated by department.** (1) (a) (I) (A) To
24 annually license and to establish and enforce standards for the operation
25 of general hospitals, hospital units as defined in section 25-3-101 (2),
26 psychiatric hospitals, community clinics, rehabilitation hospitals,
27 convalescent centers, community mental health centers, acute treatment

1 units, facilities for persons with INTELLECTUAL AND developmental
2 disabilities, nursing care facilities, hospice care, assisted living residences,
3 dialysis treatment clinics, ambulatory surgical centers, birthing centers,
4 home care agencies, and other facilities of a like nature, except those
5 wholly owned and operated by any governmental unit or agency.

6 (2) For purposes of this section, unless the context otherwise
7 requires:

8 (c) "Facility for persons with developmental disabilities" means a
9 facility specially designed for the active treatment and habilitation of
10 persons with INTELLECTUAL AND developmental disabilities or a
11 community residential home, as defined in section ~~27-10.5-102~~ (4)
12 25.5-10-202, C.R.S., which is licensed and certified pursuant to section
13 ~~27-10.5-109~~ 25.5-10-214, C.R.S.

14 **SECTION 38.** In Colorado Revised Statutes, 25-1.5-301, **amend**
15 (1) and (2) (h) as follows:

16 **25-1.5-301. Definitions.** As used in this part 3, unless the context
17 otherwise requires:

18 (1) "Administration" means assisting a person in the ingestion,
19 application, inhalation, or, using universal precautions, rectal or vaginal
20 insertion of medication, including prescription drugs, according to the
21 legibly written or printed directions of the attending physician or other
22 authorized practitioner or as written on the prescription label and making
23 a written record thereof with regard to each medication administered,
24 including the time and the amount taken, but "administration" does not
25 include judgment, evaluation, or assessments or the injections of
26 medication, the monitoring of medication, or the self-administration of
27 medication, including prescription drugs and including the self-injection

1 of medication by the resident. "Administration" also means ingestion
2 through gastrostomy tubes or naso-gastric tubes, if administered by an
3 individual A PERSON authorized pursuant to ~~section 27-10.5-103 (2) (k),~~
4 ~~C.R.S.~~, SECTIONS 25.5-10-204 (2) (j) AND 27-10.5-103 (2) (i), C.R.S., as
5 part of residential or day program services provided through service
6 agencies approved by the department of ~~human services~~ HEALTH CARE
7 POLICY AND FINANCING and supervised by a licensed physician or nurse.

8 (2) "Facility" means:

9 (h) All services funded through and regulated by the department
10 of human services pursuant to article 10.5 of title 27, C.R.S., in support of
11 persons with INTELLECTUAL AND developmental disabilities; and

12 **SECTION 39.** In Colorado Revised Statutes, 25-3-102, **amend** (1)
13 (a) as follows:

14 **25-3-102. License - application - issuance - certificate of**
15 **compliance required.** (1) (a) An applicant for a license described in
16 section 25-3-101 shall apply to the department of public health and
17 environment annually upon such form and in such manner as prescribed
18 by the department; except that a community residential home shall make
19 application for a license pursuant to section ~~27-10.5-109~~ 25.5-10-214,
20 C.R.S.

21 **SECTION 40.** In Colorado Revised Statutes, 25-27.5-102, **amend**
22 (1.5) and (6.7) as follows:

23 **25-27.5-102. Definitions.** As used in this article, unless the context
24 otherwise requires:

25 (1.5) "Community-centered board" has the meaning set forth in
26 section ~~27-10.5-102~~ 25.5-10-202, C.R.S.

27 (6.7) "Service agency" has the meaning set forth in section

1 ~~27-10.5-102~~ 25.5-10-202, C.R.S.

2 **SECTION 41.** In Colorado Revised Statutes, 25-27.5-103, **amend**

3 (1.5) (a) (I) as follows:

4 **25-27.5-103. License required - civil and criminal penalties.**

5 (1.5) (a) Notwithstanding any provision of law to the contrary, by March
6 1, 2011, the following providers of skilled home health services or
7 in-home personal care services shall apply for licensure as a home care
8 agency to the department:

9 (I) Community-centered boards designated pursuant to section
10 ~~27-10.5-105~~ 25.5-10-209, C.R.S.; and

11 **SECTION 42.** In Colorado Revised Statutes, 25.5-1-201, **amend**

12 (1) (e) and (1) (f); and **add** (1) (g) as follows:

13 **25.5-1-201. Programs to be administered by the department of**
14 **health care policy and financing.** (1) Programs to be administered and
15 functions to be performed by the department of health care policy and
16 financing shall be as follows:

17 (e) The "Children's Basic Health Plan Act", as specified in article
18 8 of this title; ~~and~~

19 (f) The old age pension health and medical care program, as
20 specified in section 25.5-2-101; AND

21 (g) PROGRAMS, SERVICES, AND SUPPORTS FOR PERSONS WITH
22 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS SPECIFIED IN
23 ARTICLE 10 OF THIS TITLE.

24 **SECTION 43.** In Colorado Revised Statutes, 25.5-1-303, **add** (1)

25 (f) and (9) as follows:

26 **25.5-1-303. Powers and duties of the board - scope of authority**

27 **- rules.** (1) The board shall have the authority set forth in subsection (3)

1 of this section over the following programs administered by the state
2 department:

3 (f) PROGRAMS, SERVICES, AND SUPPORTS FOR PERSONS WITH
4 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS SPECIFIED IN
5 ARTICLE 10 OF THIS TITLE.

6 (9) THE RULES AND ORDERS OF THE DEPARTMENT OF HUMAN
7 SERVICES AND THE STATE BOARD OF HUMAN SERVICES IN CONNECTION
8 WITH THE PROGRAMS, SERVICES, AND SUPPORTS SPECIFIED IN PARAGRAPH
9 (f) OF SUBSECTION (1) OF THIS SECTION SHALL CONTINUE TO BE EFFECTIVE
10 UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW.

11 **SECTION 44.** In Colorado Revised Statutes, 25.5-4-103, **amend**
12 (3), (9) introductory portion, and (9) (a) as follows:

13 **25.5-4-103. Definitions.** As used in this article and articles 5 and
14 6 of this title, unless the context otherwise requires:

15 (3) "Case management services" means services provided by
16 community-centered boards, as defined by section ~~27-10.5-102(3)~~, C.R.S.
17 25.5-10-202, and community mental health centers and community mental
18 health clinics, as defined by section 27-66-101, C.R.S., to assist
19 ~~developmentally disabled~~ persons WITH INTELLECTUAL AND
20 DEVELOPMENTAL DISABILITIES, as defined by section ~~27-10.5-102(11)~~,
21 ~~C.R.S.~~ 25.5-10-202, and persons with mental illness, as defined by section
22 27-65-102 (14), C.R.S., by case management agencies, as defined in
23 section 25.5-6-303 (5), providing services, as defined in sections
24 25.5-6-104 (2) (b) and 25.5-6-303 (6), to PERSONS WHO ARE elderly, blind,
25 and disabled persons and long-term care clients, in gaining access to
26 needed medical, social, educational, and other services.

27 (9) "Intermediate nursing facility for ~~the mentally retarded~~

1 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES" means
2 a tax-supported, state-administered intermediate nursing facility, or a
3 distinct part of such facility, which meets the state nursing home licensing
4 standards set forth in section 25-1.5-103 (1) (a) (I), C.R.S., and the
5 requirements in 42 U.S.C. sec. 1396d and which:

6 (a) Is maintained primarily to provide health-related care on a
7 regular basis for ~~the mentally retarded~~ or for persons with INTELLECTUAL
8 AND developmental disabilities, as defined in section 27-10.5-102 (11),
9 C.R.S., AND SECTION 25.5-10-202, C.R.S., who do not require the degree
10 of care and treatment which SERVICES AND SUPPORTS THAT a hospital or
11 skilled nursing facility can provide but who, because of their mental or
12 physical condition, require care and services above the level of room and
13 board, which can be made available only through institutional facilities;
14 and

15 **SECTION 45.** In Colorado Revised Statutes, 25.5-5-306, **amend**
16 (1) as follows:

17 **25.5-5-306. Residential child health care - waiver - program -**
18 **rules.** (1) The state department, in cooperation with the department of
19 human services, shall implement a program concerning residential child
20 health care under this article and articles 4 and 6 of this title to provide
21 services pursuant to article 67 of title 27, C.R.S., to medicaid-eligible
22 children residing in residential child care facilities, as that term is defined
23 in section 26-6-102 (8), C.R.S., to medicaid-eligible children residing in
24 psychiatric residential treatment facilities, and children placed by the
25 department of human services or through county departments of social
26 services in licensed or certified out-of-home placement facilities. Children
27 with INTELLECTUAL AND developmental disabilities, as defined in section

1 ~~27-10.5-102 (11), C.R.S.~~ 25.5-10-202, who are placed in such facilities
2 shall meet the out-of-home placement criteria described in section
3 19-1-107, C.R.S., and shall be neglected or dependent as described in
4 section 19-3-102, C.R.S. The state board shall establish the type of
5 rehabilitative or medical assistance services to be provided under the
6 program as described in subsection (3) of this section, to the extent such
7 services are cost-efficient, and the recipient eligibility criteria that may
8 include, but are not limited to, a medical necessity determination and a
9 financial eligibility determination. The state board shall define in rule the
10 staff permitted to order, monitor, and assess seclusion and restraint in
11 psychiatric residential treatment facilities, and the corresponding
12 restrictions on the use of seclusion and restraint.

13 **SECTION 46.** In Colorado Revised Statutes, 25.5-6-204, **amend**
14 (1) (b), (1) (c) (I), and (1) (c) (II) as follows:

15 **25.5-6-204. Providers - reimbursement - intermediate care**
16 **facility for persons with intellectual disabilities - reimbursement -**
17 **maximum allowable.** (1) (b) State-operated intermediate care facilities
18 for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES
19 shall be reimbursed based on the actual costs of administration, property,
20 including capital-related assets, and room and board, and the actual costs
21 of providing health care services, and such costs shall be projected by
22 such facilities and submitted to the state department by July 1 of each year
23 for the ensuing twelve-month period. Reimbursement to state-operated
24 intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH
25 INTELLECTUAL DISABILITIES shall be adjusted retrospectively at the close
26 of each twelve-month period. The state board shall adopt rules to be
27 effective by June 30, 1988, implementing the provisions of this paragraph

1 (b). In the implementation of such rules, the state department shall ensure,
2 by the establishment of classes of facilities, that the reimbursement to
3 private, nonprofit, or proprietary state-operated intermediate care facilities
4 for ~~the mentally retarded or developmentally disabled~~ INDIVIDUALS WITH
5 INTELLECTUAL DISABILITIES, as defined in section ~~27-10.5-102 (11)~~;
6 ~~C.R.S.~~ 25.5-10-202, is not adversely impacted.

7 (c) (I) Beginning in fiscal year 2003-04, and for each fiscal year
8 thereafter, the STATE department of ~~human services~~ is authorized to charge
9 both privately owned intermediate care facilities for ~~the mentally retarded~~
10 INDIVIDUALS WITH INTELLECTUAL DISABILITIES and state-operated
11 intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH
12 INTELLECTUAL DISABILITIES a service fee for the purposes of maintaining
13 the quality and continuity of services provided by intermediate care
14 facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL
15 DISABILITIES. The service fee charged by the STATE department of ~~human~~
16 ~~services~~ pursuant to this paragraph (c) shall not exceed five percent of the
17 costs incurred by each intermediate care facility for the fiscal year in
18 which the service fee is charged. The state board of ~~human services~~ shall
19 adopt rules consistent with federal law in order to implement the
20 provisions of this paragraph (c).

21 (II) The moneys collected in each fiscal year pursuant to
22 subparagraph (I) of this paragraph (c) shall be transmitted by the STATE
23 department of ~~human services~~ to the state treasurer, who shall credit the
24 same to the service fee fund, which fund is hereby created and referred to
25 in this paragraph (c) as the "fund". The moneys in the fund shall be subject
26 to annual appropriation by the general assembly to the state department to
27 be used toward the state match for the federal financial participation to

1 reimburse intermediate care facilities for ~~the mentally retarded~~
2 INDIVIDUALS WITH INTELLECTUAL DISABILITIES pursuant to this section.
3 Any unexpended and unencumbered moneys remaining in the fund at the
4 end of any fiscal year shall remain in the fund and not be credited or
5 transferred to the general fund or any other fund.

6 **SECTION 47.** In Colorado Revised Statutes, 25.5-6-403, **amend**
7 (1), (3), (5) (a) introductory portion, (5) (a) (II), and (5) (b) as follows:

8 **25.5-6-403. Definitions.** As used in this part 4, unless the context
9 otherwise requires:

10 (1) "Developmentally disabled person" means a person with a AN
11 INTELLECTUAL AND developmental disability as defined in section
12 ~~27-10.5-102, C.R.S.~~ 25.5-10-202.

13 (3) "In-home services" means those services described in section
14 ~~27-10.5-406, C.R.S.~~ 25.5-10-205 provided to support ~~individuals~~ PERSONS
15 living with their family.

16 (5) (a) "Services for persons with INTELLECTUAL AND
17 developmental disabilities" means those services:

18 (II) Necessary to prevent a person, eligible for services under
19 subsection (2) of this section, from being subjected to placement in an
20 intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH
21 INTELLECTUAL DISABILITIES.

22 (b) "Services for ~~the developmentally disabled~~ PERSONS WITH
23 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES" includes, but is not
24 limited to, social, habilitative, remedial, residential, health services, and
25 services provided under the consumer-directed care service model, part 11
26 of this article, which shall include the selection, from a list of qualified
27 entities, of an organization of the eligible person's choice to provide

1 financial management services for the eligible person.

2 **SECTION 48.** In Colorado Revised Statutes, 25.5-6-409, **amend**
3 (1) and (4) introductory portion as follows:

4 **25.5-6-409. Services for persons with intellectual and**
5 **developmental disabilities.** (1) A program to provide home- and
6 community-based services to persons with **INTELLECTUAL AND**
7 developmental disabilities who are in need of the level of care available
8 in an intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS
9 WITH INTELLECTUAL DISABILITIES is hereby established pursuant to the
10 federal "Social Security Act", as amended. This program shall provide for
11 the social, habilitative, remedial, residential, health, and other needs of
12 persons with INTELLECTUAL AND developmental disabilities to avoid
13 placement in an intermediate care facility for ~~the mentally retarded~~
14 INDIVIDUALS WITH INTELLECTUAL DISABILITIES.

15 (4) Any services for ~~the developmentally disabled~~ PERSONS WITH
16 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES provided through this
17 program shall be set forth in a plan of care developed and managed by a
18 community-centered board and subject to review and approval pursuant
19 to section 25.5-6-404. The plan of care shall:

20 **SECTION 49.** In Colorado Revised Statutes, 26-1-201, **amend** (1)
21 (y) as follows:

22 **26-1-201. Programs administered - services provided -**
23 **department of human services.** (1) This section specifies the programs
24 to be administered and the services to be provided by the department of
25 human services. These programs and services include the following:

26 (y) Programs, ~~for the care and treatment of the developmentally~~
27 ~~disabled~~ SERVICES, AND SUPPORTS FOR PERSONS WITH INTELLECTUAL AND

1 DEVELOPMENTAL DISABILITIES, as specified in article 10.5 of title 27,
2 C.R.S.;

3 **SECTION 50.** In Colorado Revised Statutes, 26-2-122.3, **amend**
4 (1) (a) (I) as follows:

5 **26-2-122.3. Adult foster care and home care allowance.**

6 (1) (a) (I) The state department, subject to available appropriations, may
7 provide adult foster care for persons eligible to receive old age pension,
8 aid to the needy disabled, or aid to the blind. For purposes of this
9 paragraph (a), "adult foster care" means care and services that, in addition
10 to room and board, may include, but are not limited to, personal services,
11 recreational opportunities, transportation, utilization of volunteer services,
12 and special diets. Such care and services are provided to recipients of
13 federal supplemental security income benefits who are also eligible for the
14 Colorado supplement program for aid to the needy disabled or aid to the
15 blind and who do not require skilled nursing care or intermediate health
16 care and cannot remain in or return to their residences but who need to
17 reside in a supervised nonmedical setting on a twenty-four-hour basis.
18 Those persons with INTELLECTUAL AND developmental disabilities as
19 defined in section ~~27-10.5-102~~ 25.5-10-202, C.R.S., or who are receiving
20 or are eligible to receive services pursuant to ARTICLE 10 OF TITLE 25.5,
21 C.R.S., OR any provision of title 27, C.R.S., do not qualify for adult foster
22 care under this paragraph (a).

23 **SECTION 51.** In Colorado Revised Statutes, 27-10.5-702, **amend**
24 (3) as follows:

25 **27-10.5-702. Definitions.** As used in this part 7, unless the context
26 otherwise requires:

27 (3) "Certified early intervention service broker" or "broker" means

1 a community-centered board or other entity designated by the department
2 OF HEALTH CARE POLICY AND FINANCING PURSUANT TO SECTION
3 25.5-10-108, C.R.S., to perform the duties and functions specified in
4 section 27-10.5-708 in a particular designated service area.
5 Notwithstanding the provisions of section 27-10.5-104 (4), if the
6 department OF HEALTH CARE POLICY AND FINANCING is unable to designate
7 a community-centered board or other entity to serve as the broker for a
8 particular designated service area, the ■ department shall serve as the
9 broker for the designated service area and may contract directly with early
10 intervention service providers to provide early intervention services to
11 eligible children in the designated service area.

12 **SECTION 52.** In Colorado Revised Statutes, 30-28-115, **amend**
13 (2) (a) as follows:

14 **30-28-115. Public welfare to be promoted - legislative**
15 **declaration - construction.** (2) (a) The general assembly hereby finds
16 and declares that it is the policy of the state to assist ~~developmentally~~
17 ~~disabled~~ persons WHO HAVE AN INTELLECTUAL AND DEVELOPMENTAL
18 DISABILITY to live in ~~normal~~ TYPICAL residential surroundings. Further, the
19 general assembly declares that the establishment of state-licensed group
20 homes for the exclusive use of ~~developmentally disabled~~ persons WITH
21 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, which are known as
22 community residential homes as defined in section ~~27-10.5-102 (4)~~
23 25.5-10-202, C.R.S., is a matter of statewide concern and that a
24 state-licensed group home for eight ~~developmentally disabled~~ persons
25 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES is a residential
26 use of property for zoning purposes. The phrase "residential use of
27 property for zoning purposes", as used in this subsection (2), includes all

1 forms of residential zoning and specifically, although not exclusively,
2 single-family residential zoning. "~~Developmentally disabled~~" AS USED in
3 this section, ~~means a "person with a developmental disability" as defined~~
4 ~~in~~ HAS THE SAME MEANING AS A "PERSON WITH AN INTELLECTUAL AND
5 DEVELOPMENTAL DISABILITY AS SET FORTH IN section ~~27-10.5-102~~
6 25.5-10-202, C.R.S.

7 **SECTION 53.** In Colorado Revised Statutes, 31-23-303, **amend**
8 (2) (a) as follows:

9 **31-23-303. Legislative declaration.** (2) (a) The general assembly
10 declares that the establishment of state-licensed group homes for the
11 exclusive use of ~~developmentally disabled~~ persons WITH INTELLECTUAL
12 AND DEVELOPMENTAL DISABILITIES, which HOMES are known as
13 community residential homes as defined in section ~~27-10.5-102 (4)~~
14 25.5-10-202, C.R.S., is a matter of statewide concern and that a
15 state-licensed group home for eight ~~developmentally disabled~~ persons
16 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES is a residential
17 use of property for zoning purposes. As used in this subsection (2), the
18 phrase "residential use of property for zoning purposes" includes all forms
19 of residential zoning and specifically, although not exclusively,
20 single-family residential zoning. "~~Developmentally disabled~~" AS USED in
21 this section, ~~means a person with a developmental disability as defined~~
22 "PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES" HAS
23 THE SAME MEANING AS SET FORTH in section ~~27-10.5-102~~, 25.5-10-202,
24 C.R.S.

25 **SECTION 54.** In Colorado Revised Statutes, 39-3.7-101, **amend**
26 (1.5) as follows:

27 **39-3.7-101. Definitions.** As used in this article, unless the context

1 otherwise requires:

2 (1.5) "Person with a disability" means any ~~individual~~ PERSON with
3 a physical impairment ~~and~~ OR AN INTELLECTUAL AND developmental
4 disability as defined in section ~~27-10.5-102 (11) (a)~~ or mental retardation
5 that substantially limits one or more of the major life activities of the
6 ~~individual~~ 25.5-10-202, C.R.S.

7 **SECTION 55.** In Colorado Revised Statutes, 39-22-530, **amend**
8 (1) (b) and (1) (c) as follows:

9 **39-22-530. Credit for employers that hire persons with**
10 **developmental disabilities - definitions.** (1) As used in this section,
11 unless the context otherwise requires:

12 (b) "Developmental disability" ~~shall have~~ HAS the same meaning
13 as "INTELLECTUAL AND DEVELOPMENTAL DISABILITY" AS set forth in
14 section ~~27-10.5-102 (11) (a)~~ 25.5-10-202, C.R.S., and in the rules adopted
15 by the department of ~~human services~~ HEALTH CARE POLICY AND
16 FINANCING pursuant to section ~~27-10.5-103 (2)~~ 25.5-10-204 (2), C.R.S.

17 (c) "Person with a developmental disability" ~~shall have~~ HAS the
18 same meaning as "PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
19 DISABILITY" AS set forth in section ~~27-10.5-102 (11) (b)~~ 25.5-10-202,
20 C.R.S.

21 **SECTION 56. Effective date.** (1) Except as provided in
22 subsections (2) and (3) of this section, this act takes effect March 1, 2014.

23 (2) Part 1 of article 10 of title 25.5, Colorado Revised Statutes, as
24 enacted in section 1 of the bill takes effect July 1, 2013.

25 (3) Section 5 of the bill takes effect upon passage.

26 **SECTION 57. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.