

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

PREAMENDED

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

LLS NO. 14-0051.01 Brita Darling x2241

HOUSE BILL 14-1051

HOUSE SPONSORSHIP

Schafer and Landgraf, Gardner, Ginal, Kraft-Tharp, Murray, Ryden, Stephens, Swalm,
Young

SENATE SPONSORSHIP

Kefalas and Crowder, Aguilar

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A STRATEGIC PLAN FOR ENROLLING ALL ELIGIBLE**
102 **PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL**
103 **DISABILITIES INTO PROGRAMS AT THE TIME SERVICES AND**
104 **SUPPORTS ARE NEEDED, AND, IN CONNECTION THEREWITH,**
105 **REQUIRING THE DEPARTMENT OF HEALTH CARE POLICY AND**
106 **FINANCING TO DEVELOP AND IMPLEMENT THE STRATEGIC PLAN**
107 **AND TO REPORT ANNUALLY ON THE NUMBER OF PERSONS**
108 **WAITING FOR SERVICES AND SUPPORTS.**

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

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.

applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

The bill requires the department of health care policy and financing (state department), by November 1, 2014, to develop a strategic plan to enroll eligible persons with intellectual and developmental disabilities (eligible persons) in home- and community-based programs, services, and supports at the time those persons choose to enroll in the programs or need the services or supports. The strategic plan must include specific recommendations and annual benchmarks for achieving the enrollment goal by July 1, 2020. The state department shall submit the plan to the general assembly and present the plan at a joint budget committee hearing on or before December 1, 2014. The state department shall revise the strategic plan as necessary.

Additionally, on or before November 1, 2014, and each November 1 thereafter, the state department shall report to the general assembly concerning the number of eligible persons who are waiting for enrollment into a home- and community-based program or state program. In its budget submitted to the general assembly, the governor's office shall specify those budget requests related to achieving the enrollment goal in the strategic plan.

Under current law, the joint budget committee and the health and human services committees of the general assembly hold an annual hearing concerning the status of the waiting lists for intellectual and developmental disabilities services and supports. The bill requires the state department to present testimony at the hearing relating to the number of eligible persons waiting for enrollment into a home- and community-based program or state program and any revisions made to the strategic plan.

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

2 **SECTION 1. Repeal of relocated provisions in this act.** In
3 Colorado Revised Statutes, **repeal** 25.5-10-207 (2).

4 **SECTION 2.** In Colorado Revised Statutes, **add with amended**
5 **and relocated provisions** 25.5-10-207.5 as follows:

6 **25.5-10-207.5. Strategic plan for services and supports - joint**
7 **hearing - reporting - legislative declaration.** (1) (a) THE GENERAL
8 ASSEMBLY FINDS THAT:

1 (I) COLORADO HAS A LONG COMMITMENT TO SUPPORTING PERSONS
2 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IN COMMUNITIES
3 OF THEIR CHOOSING;

4 (II) COLORADANS WITH INTELLECTUAL AND DEVELOPMENTAL
5 DISABILITIES WHO ARE ELIGIBLE FOR STATE SERVICES AND SUPPORTS
6 SHOULD BE ABLE TO ACCESS SERVICES AND SUPPORTS IN A TIMELY MANNER
7 TO ALLOW THEM TO BENEFIT FROM THOSE SERVICES AND SUPPORTS AND
8 LEAD LIVES THAT BUILD ON THEIR INDEPENDENCE;

9 (III) PROVIDING EARLY AND TIMELY ACCESS TO SERVICES AND
10 SUPPORTS FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
11 DISABILITIES IS AN EXCELLENT AND COST-EFFECTIVE INVESTMENT THAT
12 RESULTS IN SUBSTANTIAL FUTURE SAVINGS;

13 (IV) THE PRESENCE OF A WAITING LIST AS LONG AS FIFTEEN YEARS
14 FOR ESSENTIAL SERVICES AND SUPPORTS CONTRADICTS COLORADO'S
15 COMMITMENT TO SUPPORTING PERSONS IN THE LEAST RESTRICTIVE
16 ENVIRONMENT OF THEIR CHOOSING; AND

17 (V) COLORADO MUST HAVE ACCURATE DATA CONCERNING THE
18 NEED FOR SERVICES AND SUPPORTS FOR PERSONS WITH INTELLECTUAL AND
19 DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES AND MUST REGULARLY
20 FORECAST THIS DATA TO ENSURE THAT EFFECTIVE POLICY AND PROGRAMS
21 ARE DIRECTED TO MEET THESE NEEDS.

22 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
23 COLORADO IS COMMITTED TO DEVELOPING A STRATEGIC PLAN TO ENSURE
24 THAT COLORADANS WITH INTELLECTUAL AND DEVELOPMENTAL
25 DISABILITIES AND THEIR FAMILIES WILL BE ABLE TO ACCESS THE SERVICES
26 AND SUPPORTS THEY NEED AND WANT AT THE TIME THAT THEY NEED AND
27 WANT THOSE SERVICES AND SUPPORTS.

1 (2) [Formerly 25.5-10-207 (2)] During each regular session of the
2 general assembly, the joint budget committee and the health and human
3 services committees of the senate and the house of representatives, or any
4 successor committees, shall hold a joint hearing and take public testimony
5 on the status of the waiting lists for ~~adult comprehensive services, adult~~
6 ~~supported living services, children's extensive support services, and family~~
7 ~~support services~~ for persons with intellectual and developmental
8 disabilities WHO ARE WAITING FOR ENROLLMENT INTO A HOME- AND
9 COMMUNITY-BASED SERVICES PROGRAM OR A PROGRAM PROVIDED
10 PURSUANT TO THIS ARTICLE and the availability of general fund moneys
11 to reduce the number of persons on the waiting lists and the amount of
12 time eligible persons wait for such services. THE STATE DEPARTMENT
13 SHALL PRESENT TESTIMONY INCLUDING THE INFORMATION PROVIDED IN
14 THE REPORT PURSUANT TO SUBSECTION (3) OF THIS SECTION, AS WELL AS
15 INFORMATION CONCERNING THE ONGOING IMPLEMENTATION OF THE
16 STRATEGIC PLAN REQUIRED PURSUANT TO SUBSECTION (4) OF THIS
17 SECTION, INCLUDING ANY REVISIONS TO THE STRATEGIC PLAN. The goal of
18 the hearing ~~shall be~~ IS to propose an appropriation from the general fund
19 to the intellectual and developmental disabilities services cash fund.

20 (3) (a) ON OR BEFORE NOVEMBER 1, 2014, AND NOVEMBER 1 OF
21 EACH YEAR THEREAFTER, IN ACCORDANCE WITH SECTION 24-1-136 (9),
22 C.R.S., THE STATE DEPARTMENT SHALL REPORT TO THE GENERAL
23 ASSEMBLY THE TOTAL NUMBER OF PERSONS WITH INTELLECTUAL AND
24 DEVELOPMENTAL DISABILITIES WHO ARE WAITING AT THE TIME OF THE
25 REPORT FOR ENROLLMENT INTO A HOME- AND COMMUNITY-BASED
26 SERVICES PROGRAM OR A PROGRAM PROVIDED PURSUANT TO THIS ARTICLE.
27 THE REPORT MUST ALSO INCLUDE INFORMATION CONCERNING THE

1 ONGOING IMPLEMENTATION OF THE STRATEGIC PLAN REQUIRED PURSUANT
2 TO SUBSECTION (4) OF THIS SECTION, INCLUDING ANY REVISIONS TO THE
3 STRATEGIC PLAN.

4 (b) THE INFORMATION REPORTED PURSUANT TO PARAGRAPH (a) OF
5 THIS SUBSECTION (3) RELATING TO PERSONS WITH INTELLECTUAL AND
6 DEVELOPMENTAL DISABILITIES WHO ARE WAITING FOR ENROLLMENT INTO
7 A HOME- AND COMMUNITY-BASED SERVICES PROGRAM OR A PROGRAM
8 PROVIDED PURSUANT TO THIS ARTICLE SHALL BE DISAGGREGATED BY:

9 (I) THE SPECIFIC MEDICAID WAIVER PROGRAM OR OTHER
10 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES PROGRAM, SERVICE, OR
11 SUPPORT;

12 (II) THE PERSONS WHO NEED SERVICES IMMEDIATELY BUT WHO ARE
13 NOT CURRENTLY RECEIVING SERVICES;

14 (III) THE PERSONS WHO NEED SERVICES IMMEDIATELY WHO ARE
15 CURRENTLY RECEIVING SOME SERVICES; AND

16 (IV) THE PERSONS WHO ARE ELIGIBLE FOR SERVICES BUT WHO DO
17 NOT NEED SERVICES AT THIS TIME.

18 (4) (a) ON OR BEFORE NOVEMBER 1, 2014, THE STATE DEPARTMENT
19 SHALL DEVELOP, IN CONSULTATION WITH INTELLECTUAL AND
20 DEVELOPMENTAL DISABILITY SYSTEM STAKEHOLDERS, A COMPREHENSIVE
21 STRATEGIC PLAN INCLUDING ADMINISTRATIVE PROCEDURES AND
22 ADEQUATE FUNDING TO ENROLL ELIGIBLE PERSONS WITH INTELLECTUAL
23 AND DEVELOPMENTAL DISABILITIES INTO HOME- AND COMMUNITY-BASED
24 SERVICES PROGRAMS AND PROGRAMS PROVIDED PURSUANT TO THIS
25 ARTICLE AT THE TIME THOSE PERSONS CHOOSE TO ENROLL IN THE
26 PROGRAMS OR NEED THE SERVICES OR SUPPORTS. AS PART OF DEVELOPING
27 THE STRATEGIC PLAN, THE STATE DEPARTMENT SHALL REVIEW THE

1 STATUTORY DEFINITION OF "WAITING LIST" SET FORTH IN SECTION
2 25.5-10-202 AND MAKE RECOMMENDATIONS CONCERNING AMENDMENTS
3 TO THE DEFINITION. IN ENGAGING STAKEHOLDERS, THE STATE
4 DEPARTMENT SHALL INCLUDE BOTH PERSONS AND FAMILIES RECEIVING
5 SERVICES, AS WELL AS PERSONS AND FAMILIES WAITING FOR ENROLLMENT
6 INTO PROGRAMS, SERVICES, OR SUPPORTS. THESE PERSONS AND FAMILIES
7 SHALL INCLUDE, AT A MINIMUM, PERSONS AND FAMILIES WHO RESIDE IN
8 EACH COMMUNITY-CENTERED BOARD-DESIGNATED SERVICE AREA WITHIN
9 THE STATE. IN DEVELOPING THE STRATEGIC PLAN, THE STATE DEPARTMENT
10 SHALL REVIEW RELEVANT RECOMMENDATIONS FROM THE COMMUNITY
11 LIVING ADVISORY GROUP CREATED IN THE OFFICE PURSUANT TO THE
12 GOVERNOR'S EXECUTIVE ORDER D 2012-027, AS WELL AS OTHER RELEVANT
13 INFORMATION. THE STRATEGIC PLAN SHALL INCLUDE SPECIFIC
14 RECOMMENDATIONS AND ANNUAL BENCHMARKS FOR ACHIEVING THIS
15 ENROLLMENT GOAL BY JULY 1, 2020, INCLUDING RECOMMENDATIONS
16 RELATING TO INCREASING SYSTEM CAPACITY. THE STATE DEPARTMENT
17 SHALL REVIEW THE STRATEGIC PLAN ANNUALLY AND REVISE THE PLAN AS
18 NEEDED TO MEET THE ENROLLMENT GOAL. NOTHING IN THIS SECTION
19 PRECLUDES THE STATE DEPARTMENT FROM CONSIDERING CHANGES IN THE
20 STRUCTURE OF THE STATE'S INTELLECTUAL AND DEVELOPMENTAL
21 DISABILITIES PROGRAMS, INCLUDING MEDICAID WAIVER MODIFICATION.

22 (b) THE STATE DEPARTMENT SHALL SUBMIT THE STRATEGIC PLAN
23 TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 24-1-136 (9),
24 C.R.S., AND SHALL PRESENT THE STRATEGIC PLAN TO THE JOINT BUDGET
25 COMMITTEE ON OR BEFORE DECEMBER 1, 2014.

26 (5) IN ITS ANNUAL SUBMISSION OF THE STATE DEPARTMENT'S
27 BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE, THE GOVERNOR'S

1 OFFICE OF STATE PLANNING AND BUDGETING SHALL REFERENCE THE
2 NUMBER OF PERSONS WHO ARE WAITING AT THE TIME OF THE NOVEMBER
3 1 REPORT FOR ENROLLMENT INTO A HOME- AND COMMUNITY-BASED
4 SERVICES PROGRAM OR A PROGRAM PROVIDED PURSUANT TO THIS ARTICLE
5 AND SHALL INDICATE TO THE JOINT BUDGET COMMITTEE THOSE BUDGET
6 REQUESTS RELATED SPECIFICALLY TO ACHIEVING THE ENROLLMENT GOAL
7 SET FORTH IN THE STRATEGIC PLAN REQUIRED PURSUANT TO THIS SECTION.

8 **SECTION 3. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2014 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.