

NOTE: The governor signed this measure on 5/1/2015.

An Act

SENATE BILL 15-240

BY SENATOR(S) Steadman, Grantham, Lambert, Aguilar, Crowder, Kefalas;
also REPRESENTATIVE(S) Young, Hamner, Rankin, Brown, Buckner, Fields, Garnett, Ginal, Kagan, Kraft-Tharp, McCann, Mitsch Bush, Pettersen, Primavera, Rosenthal, Roupe, Ryden, Williams, Winter, Hullinghorst.

CONCERNING A FUNDING FORMULA FOR INDEPENDENT LIVING CENTERS,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **amend** 26-8.1-101 as follows:

26-8.1-101. Legislative declaration. The general assembly ~~hereby determines and declares that it~~ recognizes omissions in the delivery of independent living services to ~~significantly disabled~~ individuals WITH DISABILITIES and desires to remedy such inadequacies in the delivery system through services at the community level. THE GENERAL ASSEMBLY FINDS THAT INDEPENDENT LIVING CENTERS PAVE THE PATHWAYS TO FULL PARTICIPATION IN PROFESSIONAL AND COMMUNITY LIFE FOR ALL INDIVIDUALS WITH DISABILITIES. To advance and support the independence

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

of disabled individuals WITH DISABILITIES and to assist such THOSE individuals to live outside of institutions, the general assembly hereby enacts this article.

SECTION 2. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 26-8.1-102 as follows:

26-8.1-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BASE AMOUNT" MEANS THE EQUAL AMOUNT OF FUNDING AN INDEPENDENT LIVING CENTER WOULD RECEIVE TO PROVIDE THE FIVE INDEPENDENT LIVING CORE SERVICES THROUGHOUT ITS SERVICE CATCHMENT AREA, REGARDLESS OF ANY OTHER FACTORS.

(2) "CROSS-DISABILITY" MEANS, WITH RESPECT TO AN INDEPENDENT LIVING CENTER, THAT THE CENTER PROVIDES INDEPENDENT LIVING SERVICES TO INDIVIDUALS REPRESENTING A RANGE OF DISABILITIES.

(3) "INDEPENDENT LIVING CENTER" MEANS A CONSUMER-CONTROLLED, COMMUNITY-BASED, CROSS-DISABILITY, NONRESIDENTIAL, PRIVATE NONPROFIT AGENCY THAT IS DESIGNATED AS AN ELIGIBLE AGENCY UNDER TITLE VII, SECTION 725 OF THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED, AND THAT:

(a) IS DESIGNED AND OPERATED WITHIN A LOCAL COMMUNITY BY INDIVIDUALS WITH DISABILITIES; AND

(b) PROVIDES REQUIRED INDEPENDENT LIVING CORE SERVICES AND PROGRAMS AND AN ARRAY OF EXPANDED SERVICES.

(4) "INDEPENDENT LIVING CORE SERVICES" MEANS:

(a) INFORMATION AND REFERRAL SERVICES;

(b) INDEPENDENT LIVING SKILLS TRAINING;

(c) PEER COUNSELING, INCLUDING CROSS-DISABILITY PEER COUNSELING;

(d) INDIVIDUAL AND SYSTEMS ADVOCACY; AND

(e) TRANSITION SERVICES OR DIVERSION FROM NURSING HOMES AND INSTITUTIONS TO HOME- AND COMMUNITY-BASED LIVING, OR UPON LEAVING SECONDARY EDUCATION.

(5) "INDEPENDENT LIVING SERVICES" MEANS:

(a) INDEPENDENT LIVING CORE SERVICES; AND

(b) OTHER SERVICES AND ASSISTANCE AS DEFINED BY FEDERAL REGULATIONS.

(6) "INDIVIDUAL WITH A DISABILITY" MEANS AN INDIVIDUAL WITH:

(a) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES OF SUCH INDIVIDUAL;

(b) A RECORD OF SUCH AN IMPAIRMENT; OR

(c) BEING REGARDED AS HAVING SUCH AN IMPAIRMENT.

SECTION 3. In Colorado Revised Statutes, 26-8.1-103, **add** (3), (4), (5), and (6) as follows:

26-8.1-103. Functions of state department - appropriations - rules - repeal. (3) ON OR BEFORE JULY 1, 2016, THE STATE DEPARTMENT SHALL PROMULGATE A RULE FOR THE BLOCK DISTRIBUTION OF STATE MONEYS TO INDEPENDENT LIVING CENTERS. THE RULE MUST INCLUDE AT LEAST:

(a) A BASE AMOUNT OF NOT LESS THAN SIX HUNDRED THOUSAND DOLLARS; AND

(b) OTHER FACTORS AGREED TO BY THE INDEPENDENT LIVING CENTERS, WHICH MAY INCLUDE A PER CAPITA ADJUSTMENT, A PER COUNTY ADJUSTMENT, OR OTHER ADJUSTMENTS.

(4) (a) THE STATE DEPARTMENT SHALL HIRE A FACILITATOR TO ASSIST WITH THE FORMULATION OF THE RULE TO DISTRIBUTE MONEYS TO

INDEPENDENT LIVING CENTERS, AS REQUIRED BY SUBSECTION (3) OF THIS SECTION.

(b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2016.

(5) IF A CONSENSUS IS NOT REACHED ON THE FACTORS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION BY JANUARY 1, 2016, THEN THE FORMULA REQUIRED PURSUANT TO SUBSECTION (3) OF THIS SECTION MUST CONSIST OF THE BASE AMOUNT ALONE UNTIL SUCH TIME AS A CONSENSUS IS REACHED ON THE OTHER FACTORS. IF A CONSENSUS CANNOT BE REACHED, THE REMAINDER OF THE FACTOR FORMULA FUNDING SHALL BE RETURNED TO THE GENERAL FUND AND THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE ON OR BEFORE JANUARY 1, 2016, EXPLAINING THAT THE INDEPENDENT LIVING CENTERS DID NOT REACH A CONSENSUS.

(6) THE STATE DEPARTMENT SHALL REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON OR BEFORE MARCH 1, 2016, REGARDING THE RULE PROMULGATED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 25.5-6-303, **amend** (21) as follows:

25.5-6-303. Definitions. As used in this part 3 and part 5 of this article, unless the context otherwise requires:

(21) "Transition coordination service agency" means an agency that is certified by the state department, as specified in rule by the state board, and provides independent living core services as defined in section ~~26-8.1-102(3)~~ 26-8.1-102 (4), C.R.S., and community transition services.

SECTION 5. In Colorado Revised Statutes, 25.5-6-1202, **amend** (5) as follows:

25.5-6-1202. Definitions. As used in this part 12, unless the context otherwise requires:

(5) "In-home support service agency" means an agency that is certified by the state department and provides independent living core services as defined in section ~~26-8.1-102(3)~~ 26-8.1-102 (4), C.R.S., and in-home support services.

SECTION 6. In Colorado Revised Statutes, 26-8.1-107, **amend** (2) (e) as follows:

26-8.1-107. Approval of independent living centers - evaluation standards. (2) In addition to the requirements of subsection (1) of this section, each independent living center, as a condition of approval of its program by the state department, shall agree to comply with the following evaluation standards:

(e) **Independent living core services.** The independent living center shall provide independent living core services and, as appropriate, a combination of any of the other independent living services referred to in ~~section 26-8.1-102(4)(b)~~ IN TITLE VII, SECTION 725, STANDARDS AND ASSURANCES, OF THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED.

SECTION 7. Appropriation. (1) For the 2015-16 state fiscal year, \$2,000,000 is appropriated to the department of human services for use by the division of vocational rehabilitation. This appropriation is from the general fund. To implement this act, the division may use this appropriation for independent living centers.

(2) It is the intent of the general assembly that up to \$20,000 of the amount appropriated under subsection (1) of this section may be used by the department of human services to contract for facilitator services.

SECTION 8. Effective date. This act takes effect July 1, 2015.

SECTION 9. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Bill L. Cadman
PRESIDENT OF
THE SENATE

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO