

# 2018

## Regulatory Agenda REPORT

January 1, 2018-December 31, 2018



**COLORADO**  
Department of Human Services

## Overview

The Colorado Department of Human Services submits the following 2018 Regulatory Agenda Report in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4), detailing the results of the past year's rules review activity.

Hearing or Adoption Date	Rule Number	Rule Title	New Rule, Revision, or Repeal?	Statutory or Other Basis for Adoption of Rule	Purpose of Proposed Rule	High-Level Stakeholders <i>Consider including high-level outreach bullets</i>	Status <i>Adopted/Not Adopted/Withdrawn/Ongoing</i>	Included on FY17 Agenda?
Hearing: 10/05/2018	2 CCR 502-1	Behavioral Health Licensure and Designation (21.120)	Revision	SB 10-175 27-65, C.R.S. (2016); 27-66, C.R.S. (2016); 27-80, C.R.S. (2016); 27-81, C.R.S. (2016); 27-82, C.R.S. (2016)	Revisions to section 21.120 will streamline and clarify the process of obtaining and maintaining a SUD license or mental health designation from the Department.	SUD Licensed and Mental Health Designated Facilities	Ongoing	Yes
Hearing: 10/05/2018	2 CCR 502-1	Incorporation by Reference and DUI Provisions	Revision	27-81-106, C.R.S. (2017); 27-82-103, C.R.S. (2017); 42-4-1301.3(3)(c)(IV) C.R.S. (2017)	The pre and posttests addressed in 21.240.5(F) and 21.240.6(A) are no longer required, because new DUI curricula have been approved, which do not require pre and posttests.	DUI Education and Treatment providers	Ongoing	Yes
Hearing: 10/05/18	2 CCR 502-1	Emergency Medical Services Facility Hold Data New Title: Data Reporting	Revision	27-65, C.R.S. (2017)	Rule changes needed to implement Mental Health Hold Task Force Recommendation 3: Establish a Tiered System for Carrying out M-1 Holds.	Designated Facilities, hospitals, advocacy organizations	Ongoing	Yes
Adopted: 6/01/2018	2 CCR 502-1	Medication Consistency in Designated	New Rule	27-70, C.R.S. (2017) (SB17-019)	The Department of Human Services in consultation with the Department of Corrections shall	Designated Facilites	Adopted	Yes

		Facilities  (2017 R.Agenda title: Medication Mental Illness In Justice Systems)			promulgate rules that require providers under each department's authority to use a medication formulary that has been developed collaboratively by departments, agencies, and providers.			
Emergency Adoption: 8/03/2018	2 CCR 502-1	Revisions to the Trails Check Requirement for Pre-Employment Screening	Revision	26-1-107, C.R.S. (2017) 26-1-109, C.R.S. (2017) 26-1-111, C.R.S. (2017) 19-1-307(2), C.R.S. (2017) 27-65-105, 107, 109, C.R.S. (2017) 27-65-128, C.R.S. (2017) 27-66-104, C.R.S. (2017) 27-80-108, C.R.S. (2017) 27-81-106, C.R.S. (2017) 27-82-103, C.R.S. (2017)	Office of Behavioral Health (OBH) rule requires all agencies licensed or designated by OBH to complete a pre-employment background investigation which includes a child abuse registry (Trails) check. Section 19-1-307(2)(k), C.R.S. authorizes Trails checks for licensed child care operators for the purpose of screening an applicant for employment, but not Trails checks requested by other CDHS licensees. Because § 19-1-307(2), C.R.S., does not authorize the pre-employment Trails checks required in OBH rules 21.160.2 and 21.200.53, those rules are void under state law. This rule change removes the requirement that OBH-licensed and designated agencies must complete a Trails check when completing a pre-employment background investigation.	Agencies licensed or designated by the Office of Behavioral Health	Adopted	No
Hearing: 12/07/2018	2 CCR 502-1	Revisions to the Trails Check Requirement for Pre-Employment Screening	Revision	26-1-107, C.R.S. (2017) 26-1-109, C.R.S. (2017) 26-1-111, C.R.S. (2017) 19-1-307(2), C.R.S. (2017) 27-65-105, 107, 109, C.R.S. (2017) 27-65-128, C.R.S. (2017)	Office of Behavioral Health (OBH) rule requires all agencies licensed or designated by OBH to complete a pre-employment background investigation which includes a child abuse registry (Trails) check. Section 19-1-307(2)(k), C.R.S. authorizes Trails checks for licensed child care operators for the purpose of screening an applicant for employment, but not Trails checks requested by other CDHS licensees. Because § 19-1-	Agencies licensed or designated by the Office of Behavioral Health	Ongoing	No

				27-66-104, C.R.S. (2017) 27-80-108, C.R.S. (2017) 27-81-106, C.R.S. (2017) 27-82-103, C.R.S. (2017)	307(2), C.R.S., does not authorize the pre-employment Trails checks required in OBH rules 21.160.2 and 21.200.53, those rules are void under state law. This rule change removes the requirement that OBH-licensed and designated agencies must complete a Trails check when completing a pre-employment background investigation.			
Adopted: 4/06/2018	12 CCR 2518-1	APS Rule Additions Related to Implementation of CAPS Checks	Repeal, Revision, New Rule	26-1-107, C.R.S. (2017) 26-1-109, C.R.S. (2017) 26-1-111, C.R.S. (2017) 26-3.1-108, C.R.S. (2017)	The program rules for the Adult Protective Services (APS) program, as authorized by Title 26, Article 3.1, C.R.S. The APS program provides protective services for at-risk adults who are experiencing mistreatment or are self-neglecting. The purpose of this proposed rule change is to update sections of the Adult Protective Services (APS) rules to reflect the changes made in recent legislation (HB15-1370, HB17-1253, and HB17-1284) and budget initiatives and to make technical corrections. The majority of changes are related to HB17-1284 which implements a process requiring employers of specific professions to conduct a background check to determine if an applicant has been substantiated in an APS case of mistreatment against an at-risk adult.	Grant applicants (community organizations, state agencies, etc.);	Adopted	Yes
Adopted: 6/01/2018	12 CCR 2518-1	Adult Protective Services Program Revisions	Revision	Section 26-3.1-111, C.R.S.(2017)	12 CCR 2518-1 are the program rules for the Adult Protective Services (APS) program, as authorized by Title 26, Article 3.1, C.R.S. The APS program provides protective services for at-risk adults who are experiencing mistreatment or are self-	-American Sign Language/English interpreters	Adopted	Yes

					neglecting. The purpose of this proposed rule change is to update sections of the Adult Protective Services (APS) rules to reflect the changes made in recent legislation (HB17-1284). HB17-1284 implements a process requiring employers of specific professions to conduct a background check to determine if an applicant has been substantiated in an APS case of mistreatment against an at-risk adult. This packet is specific to the employer background check process for requesting a background check, costs associated with the check, and returning results to the employer.			
Hearing: 10/05/2018	12 CCR 2509-10	Early Intervention Program	Revision	26-1-107, C.R.S. (2016) 26-1-109, C.R.S. (2016) 26-1-111, C.R.S. (2016) 27-10.5- 703(2), (3)(b) C.R.S. (2016) 34 C.F.R. Part 303	Revisions to clean up technical, format, and grammatical issues all at once	Community Centered Boards, providers, families of children eligible for EI	Ongoing	Yes
Hearing: 12/07/2018	12 CCR 2509-8	Rules regulating less than 24-hour Child Care Centers	Revision	26-6-106(1)(a), C.R.S. (2017) 26-6-113, C.R.S. (2017)	Align with federal requirements on background checks; add rule set for mobile preschools; modify rules for drop-in centers; technical clean up.	Child care centers; early childhood advocates	Ongoing	Yes
Hearing: 12/07/2018	12 CCR 2509-8	Colorado School Readiness Quality Improvement Program	Revision	Section 26-6.5-106, C.R.S.	With the recent passing of SB18-09 Concerning the Alignment of Early Childhood Quality Improvement Programs with the Colorado Shines Quality Rating and Improvement System, a rule revision is required for the School Readiness Quality	Early Childhood Councils; early childhood advocates	Ongoing	Yes

					Improvement Program.			
Adopted 7/06/2018	9 CCR 2503-6	Basic Cash Assistance	Revision	26-1-107, C.R.S. (2017) 26-1-109, C.R.S. (2017) 26-1-111, C.R.S. (201726-2- 706.6), C.R.S. (2017)	<p>Colorado Works is the State's Temporary Assistance for Needy Families (TANF) program. It provides cash assistance and employment and stabilization services to Colorado's neediest families. The value of the cash assistance benefits has eroded over time, as it is not adjusted for inflation or cost of living increases. Since its establishment in 1997, the purchasing power of Colorado's Basic Cash Assistance (BCA) grant has decreased 35%. The benefit amount was last modified slightly in 2009.</p> <p>The purpose of this change is to ensure BCA is increased to more closely align with inflation and cost of living increases.</p>	County partners and advocates	Adopted	Yes
Adopted: 7/06/2018	10 CCR 2506-1	Big rule updates: Rule Manual Volume 4B, Food Assistance	Revision	26-1-107, C.R.S. (2015) 26-1-109, C.R.S. (2015) 26-1-111, C.R.S. (2015) 7 CFR 273.10(a)(1)( iii)(B) &(C), 7 CFR 273.10(e)(2) 7 CFR 273.12(a)(5)( iii)(E) 7 CFR 273.11(e) 7 CFR 273.11(f) 7 CFR 273.9(d)(4) 7 CFR 273.8(e)	<p>The Food and Nutrition Act of 2008 incorporated a myriad of changes into federal Supplemental Nutrition Assistance Program regulations. These changes, however, were only recently codified into rule. As a result, Colorado State Food Assistance rules must now be updated to reflect the same clarifications and amendments to align with the federal program.</p>	County partners and advocates	Adopted	No

				7 CFR 273.12(c)(3) 7 CFR 272.13 7 CFR 272.14				
Emergency Adoption: 5/04/2018	10 CCR 2506-1	Updates to Broad Based Categorical Eligibility	Revision	26-1-107, C.R.S. (2015) 26-1-109, C.R.S. (2015) 26-1-111, C.R.S. (2015) 7 CFR 273.2(j)(2) 7 CFR 273.9(a) 7 CFR 273.10(e)(1) 7 CFR 273.8 7 CFR 273.2(f)(1) 7 CFR 273.12(a)(5) 7 CFR 273.12(c)	Federal Supplemental Nutrition Assistance regulations allow states the option to expand the reach of categorical eligibility (simplified eligibility processes already afforded to recipients of certain means tested public assistance programs) to a broader client base. In 2010, Colorado chose to legislate this option and effectively reduced the burden of the resource test for a broader audience. Since then, further federal clarification has been received which necessitates updating the categorical eligibility model.	County partners and advocates	Adopted	No
Adopted: 7/06/2018	10 CCR 2506-1	Updates to Broad Based Categorical Eligibility	Revision	26-1-107, C.R.S. (2015) 26-1-109, C.R.S. (2015) 26-1-111, C.R.S. (2015) 7 CFR 273.2(j)(2) 7 CFR 273.9(a) 7 CFR 273.10(e)(1) 7 CFR 273.8 7 CFR 273.2(f)(1) 7 CFR 273.12(a)(5) 7 CFR 273.12(c)	Federal Supplemental Nutrition Assistance regulations allow states the option to expand the reach of categorical eligibility (simplified eligibility processes already afforded to recipients of certain means tested public assistance programs) to a broader client base. In 2010, Colorado chose to legislate this option and effectively reduced the burden of the resource test for a broader audience. Since then, further federal clarification has been received which necessitates updating the categorical eligibility model.	County partners and advocates	Adopted	No
Emergency Adoption:	10 CCR 2506-1	Food Assistance FFY18 Standard	Revision	26-2-301 (2017),	The United States Department of Agriculture, Food and Nutrition	Food Assistance applicants and	Adopted	No

9/07/2018		Utility Allowance Updates and Cost of Living Adjustments		C.R.S. 26-2-302 (2017), C.R.S.	Service annually evaluates Federal income poverty guidelines and cost of living increases to determine appropriate adjustments to income eligibility standards, benefit allotments, and deductions for the upcoming Federal Fiscal Year. The modified figures are typically made available to states during the month of August immediately proceeding the next fiscal year.	participants		
Hearing: 12/07/2018	10 CCR 2506-1	Food Assistance Program	Revision	26-1-107, C.R.S. (2016) 26-1-109, C.R.S. (2016) 26-1-111, C.R.S. (2016) 26-2-301 (2017), C.R.S. 26-2-302 (2017), C.R.S. Agricultural Act of 2014 (Public Law 113-79)	The purpose of this revision is to modify the sequential order of this rule, and possibly update the language, so that it is easier to identify the two distinct sets of regulations within SNAP: 1) Food Assistance and 2) Employment & Training	County partners and advocates	Ongoing	No
Adopted: 7/06/2018	9 CCR 2503-5	Aid to the Needy Disabled State Only and Home Care Allowance Grant Increase	Revision	26-1-107, C.R.S. (2017) 26-1-109, C.R.S. (2017) 26-1-111, C.R.S. (2017) 26-2-111, C.R.S. (2017) 26-2-119, C.R.S. (2017) 26-2-122.3, C.R.S. (2017) 20 CFR 416 et seq.	The purpose of this rule will be to increase the grants for both the Aid to the Needy Disabled State Only (AND-SO) and Home Care Allowance (HCA) grants. Colorado State Statutue encourages the Department to increase the amount of the grant during the current fiscal years and to adjust the grant to reflect increases in the cost of living. The AND-SO grant has not been increased since January 2015 and is currently at \$189. The Department is proposing to increase this grant by \$28. The HCA grant has three tiers and the	County partners and advocates	Adopted	Yes



					Department is proposing to increase each tier by \$75. Increasing the HCA grant will help ensure the State meets the Maintenance of Effort (MOE) agreement with the Social Security Administration and avoids a non-compliance penalty of at least \$325 million quarterly.			
Adopted: 9/07/2018	9 CCR 2503-5  9 CCR 2503-8	Aid to the Needy Disabled - State Only (AND - SO) Program Rule Changes	Revision /Repeal	26-1-107, C.R.S. (2017) 26-1-111, C.R.S. (2017) 26-2-111 (4)(b.5)(II), C.R.S. (2017) 26-2-106(6)(a), C.R.S. (2017) 26-2-103 (14)(a)(b), C.R.S. (2017)	The purpose of this rule will be to review the Adult Financial programs, modernize language, align requirements with other programs where possible and appropriate. Will also be folding in 9 CCR 2503-8 into this rule and repealing that section in entirety	County partners and advocates	Adopted	Yes
Emergency Adoption	9 CCR 2503-9	Colorado Child Care Assistance Program	Revision	26-1-107, C.R.S. (2015) 26-1-109, C.R.S. (2015) 26-1-111, C.R.S. (2015) Section 26-1-107, C.R.S. Section 26-2-805, C.R.S.	The Department must set the income eligibility for the CCCAP program. The state has flexibility to set these limits, as long as they do not exceed 85% of the state median income level, as determined in the LIHEAP federal information memo. Annually, the Department updates the federal poverty levels and the state median income levels in CHATS (the automated system used by counties to administer CCCAP). Typically, the new federal poverty guidelines are released sometime in January every year, but the CCCAP program must adhere strictly to the LIHEAP State Median Income limits, which are effective every October 1. This update happens to also align with other	County human services, early childhood providers, early childhood advocates	Adopted	Yes

					<p>federal fiscal programs that operate on the federal fiscal year (October 1) and the staggered timeframe also allows time for the OIT team to input the new federal poverty levels into the CHATS system. The Department removed the reference to actual income levels in the rule package that went into effect in February 2016, in an effort to simplify rule and reduce the need to amend the rule annually with the new income guidelines. These guidelines are now published on the OEC website and established every year through an Operational Memo to the counties. It has come to our attention that because these income guidelines are not in rule, the state is not in compliance with the Administrative Procedure Act, § 24-4-103, which requires the state to address in rule any general standard that is applied to the public (such as income eligibility for child care assistance).</p>			
<p>Adopted: 8/03/2018</p>	<p>9 CCR 2503-9</p>	<p>Colorado Child Care Assistance Program</p>	<p>Revision</p>	<p>26-1-107, C.R.S. (2015) 26-1-109, C.R.S. (2015) 26-1-111, C.R.S. (2015) 26-1-107 (5), (6), C.R.S. (2015) 26-1-109 (5), C.R.S. (2015)</p>	<p>The purpose of the changes is to: meet the Federal requirements outlined in the Child Care Development Fund, update rule to ensure that it supports the newly designed CHATS System, and to provide better rule clarity and program guidance</p>	<p>County human services, early childhood providers, early childhood advocates</p>	<p>Adopted</p>	<p>Yes</p>
<p>Adopted: 6/18/2018</p>	<p>2 CCR 502-5</p>	<p>Certified Addiction Counselor Clinical Training Program - Approved Trainer Fees</p>	<p>Revision</p>	<p>26-1-108(1.7), C.R.S. (2017), 27-80-111(1),</p>	<p>In order for the Office of Behavioral Health to be in compliance with Section 27-80-111, C.R.S., rules must be established by the executive director</p>	<p>Designated facilities</p>	<p>Adopted</p>	<p>No</p>

				C.R.S. (2017)	for the fees to be charged for addiction counselor training. These executive director rules will formalize the fees currently established in the Certified Addiction Counselor (CAC) Clinical Training Program - OBH Approved Trainer Program.			
Adopted: 7/06/2018	12 CCR 2509-02	Social Services Rules - OVERVIEW OF CHILD WELFARE SERVICES  Rule Title: Additional Actions when a County Department has had Prior/Current Involvement	Revision	C.R.S. 26-1-139, 26-1-111, C.R.S. (2015), 26-1-109, C.R.S. (2015), 26-1-107, C.R.S. (2015)	Create clarification and additional time for the internal review and written report requirements. 26-1-139 (5) (a) states that extensions can be granted for delays outside the county's control for relevant reports. 7.106.13 (C) allows for the state department to provide an extension and includes the internal review report. 7.106.121 (B) (3) states that the written report shall be submitted within 60 calendar days of initial notification." Counties also requested that the requirement for completion of the internal review be extended.	County partners	Adopted	No
Adopted: 8/03/2018	12 CCR 2512-2	Administering Funds and Standards for Domestic Violence Advocacy Services	Revision	12.100-12.552	As part of an internal rule review process, the Domestic Violence Program (DVP) is ensuring that rules clarify requirements, reflect current best practices in the domestic violence field, and align with new federal rules.	Community-based organizations that receive funding from DVP and provide services to victims of domestic violence and their families	Adopted	No
Adopted: 9/07/2018	12 CCR 2512-2	Administering Funds and Standards for Domestic Violence Advocacy Services	Revision	12.100-12.552	To amend an error regarding an incorporation by reference for permanent rule adopted on 8/03/2018. This rule was not filed for a permanent update in the required timeline, so it will be heard for emergency status once more in December 2018. The permanent adoption for this correction will take place in January of 2019	Community-based organizations that receive funding from DVP and provide services to victims of domestic violence and their families	Adopted & Ongoing (see note in rule purpose)	No

<p>Adopted: 8/03/2018</p>	<p>12 CCR 2509-8</p>	<p>General Rules for Child Care Facilities, Centers and Homes</p>	<p>Revision</p>	<p>26-1-107, C.R.S. (2018) 26-1-109, C.R.S. (2018) 26-1-111, C.R.S. (2018) 26-6- 106(1)(a), C.R.S. (2017) 26-6-113, C.R.S. (2018)</p>	<p>The Child Care and Development Block Grant (CCDBG) Act statutorily requires that States which receive funds implement the requirements of the CCDBG Act Sec. 658H Criminal Background Checks. The Department is statutorily mandated to have in effect requirements, policies, and procedures to require and conduct criminal background checks for child care staff members, as well as, licensing, regulation, and registration requirements that prohibit the employment of child care staff members with disqualifying crimes. This change adds requirements as required by the CCDBG Act that must be effective by September 30, 2018.</p>	<p>Designated facilities, county partners</p>	<p>Adopted</p>	<p>No</p>
<p>Hearing: 10/05/2018</p>	<p>12 CCR 2509-6</p>	<p>Increasing Capacity in Foster Care Homes and Technical Changes</p>	<p>Revision</p>		<p>The Family First Prevention Services Act (2018) defined a foster care home in Section 472 [U.S.C. 672] (c) (1) (i) (ii) (III). Requirements include: a foster care home is located in the state of residence and meets the state's standards; a child/youth has been placed in the care of and resides in the home with the foster parents, and provides care for no more than six (6) children/youth, though states have discretion for exceptions for specific populations. The Act promotes placing children/youth in foster care homes because they are family settings and less restrictive than congregate care. Placements in group homes, group centers, and residential child care facilities will be subject to new/more stringent</p>	<p>Children/youth, foster parents, county departments of human/social services, and child placement agencies (CPAs), Group homes, group centers, and RCCFs serving six (6) or fewer children</p>	<p>Ongoing</p>	<p>No</p>

					<p>restrictions and requirements. Group homes are generally a home with supervision by group home parent(s), though they may have staff. Group centers may be in a home or a free standing building and have rotating staff. Both facilities may serve 3-12 children/youth.</p> <p>The state/counties will need to provide specific documentation and assessment in order to justify federal reimbursement for group homes, group centers and residential child care facilities (RCCFs). These facilities will be required to provide services to specific populations, have ongoing assessment and reviews to determine the appropriateness of the placement, and to assure that it is the least restrictive for the child/youth.</p> <p>The Policy Advisory Committee (PAC) recommended that the maximum capacity of foster care homes be increased from four (4) to six (6) children/youth in foster care through a rule change.</p> <p>The intent is to increase capacity in foster care homes in order to provide additional choices for placement in a foster care home and based on the needs of the child/youth and the skill sets of the foster parent(s). It may also allow for children/youth that are in congregate care (group homes, group centers, and RCCFs) to step-down to a traditional foster care home.</p> <p>Technical changes are included in the Receiving Home rules for</p>			
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					clarification and to align language with the change in capacity for traditional foster care homes.			
Adopted: 1/05/2018	12 CCR 2509-2	Referral and Assessment	Revision , New Rule	26-1-107, C.R.S. (2015) 26-1-109, C.R.S. (2015) 26-1-111, C.R.S. (2015) 26-1-111, C.R.S. (2015)	To clarify assessment rule, through revision and additional rule to align with changes and updates to current practice.	County Partners, Hotline County Connection Center	Adopted	No
Adopted: 7/06/2018	12 CCR 2509-2	Additional Actions when a County Department has had Prior/Current Involvement	Revision	26-1-107, C.R.S. (2015) 26-1-109, C.R.S. (2015) 26-1-111, C.R.S. (2015) C.R.S. 26-1-139	Create clarification and additional time for the internal review and written report requirements. 26-1-139 (5) (a) states that extensions can be granted for delays outside the county's control for relevant reports. 7.106.13 (C) allows for the state department to provide an extension and includes the internal review report. 7.106.121 (B) (3) states that the written report shall be submitted within 60 calendar days of initial notification." Counties also requested that the requirement for completion of the internal review be extended.	County Partners	Adopted	No
Adopted: 1/05/2018	12 CCR 2509-8	Child Care Facility Licensing	Revision	26-1-107, C.R.S. (2016) 26-1-109, C.R.S. (2016) 26-1-111, C.R.S. (2016) 26-6-113, C.R.S. (2016) 26-6-105, C.R.S (2016) 26-6-106(3) C.R.S. (2016) 26-1-107, C.R.S. (2016) 26-1-109,	State statute at section 26-6-105(1)(c) (2016) requires that the department review and assess the direct and indirect costs associated with child care inspections and licensing on an annual basis. This statute also requires that the department implement an objective and systematic approach for setting licensing fees. A revised cost analysis has been developed to inform both the direct and indirect costs of processing applications and annual licensing inspections, by license type and	Designated providers, facilities and agencies	Adopted	No

				<p>C.R.S. (2016) 26-6-113,                  C.R.S. (2016) 26-6-105,                  C.R.S (2016) 26-6-106(3)                  C.R.S. (2016)</p>	<p>licensed capacity. The proposed fee increase only captures a small percentage of the actual FTE cost of conducting inspections including the licensing specialist and supervisor. State statute at section 26-6-105(1)(b)(IV) allows for the state department to establish fees for the filing of appeals and waivers. The Department receives an average of 600-700 appeal and waiver requests each year from child care providers, facilities and agencies asking to appeal or waive a regulation. Currently, the workload to process appeals and waivers creates a significant FTE workload for the division.</p>			
<p>Adopted:                  2/02/2018</p>	<p>12 CCR                  2509-8</p>	<p>Child Care Facility                  Licensing</p>	<p>Revision</p>	<p>26-1-107,                  C.R.S. (2015)                  26-1-109,                  C.R.S. (2015)                  26-1-111,                  C.R.S. (2015)                  26-6-106(1)(a),                  C.R.S. (2017)                  26-6-113,                  C.R.S. (2017)</p>	<p>The Department is statutorily required to review rules on a regular basis and is authorized to promulgate rules for licensed child care programs providing less than twenty-four (24) hour care that create standards and regulations for these child care programs. This package expands and clarifies children’s health and medication requirements, eliminates unnecessary or duplicate rules, clarifies existing rules, and adds requirements for safety, physical activity and screen time. The previous comprehensive review and revision for the entire rule package for the “Rules Regulating Children’s Resident Camps” and the “Rules Regulating School-aged Child Care Centers” was completed in 2007.</p>	<p>Designated providers,                  facilities and agencies</p>	<p>Adopted</p>	<p>No</p>
<p>Hearing:                  11/02/2018</p>	<p>12 CCR                  2509-8</p>	<p>Substitute                  Placement Agency                  for Less Than 24</p>	<p>New                  Rule</p>	<p>26-1-107, C.R.S.                  (2017) 26-1-</p>	<p>Senate Bill 18-162 creating a new less than 24 hour license type was signed into law April 12, 2018</p>	<p>Family Child Care                  Home Providers, Child                  Care Centers,</p>	<p>Ongoing</p>	<p>No</p>

		Hour Care Facilities		109, C.R.S. (2017) 26-1-111, C.R.S. (2017) 26-6-103.3, C.R.S. (2017) 26-6-106(1)(a), C.R.S. (2017)	requiring the Department to promulgate a new rule set for the new license type. This package adds new rules regarding the creation of a Substitute Placement Agency.	Preschools and School Age Child Care		
Adopted: 2/02/2018	12 CCR 2503-5	Adult Financial Programs	Revision	26-1-107, C.R.S. (2017) 26-1-109, C.R.S. (2017) 26-1-111, C.R.S. (2017) 24-4-103, C.R.S. (2017) 26-2-111, C.R.S. (2017) 20 CFR 416 et seq.	On October 13, 2017, the Social Security Administration (SSA) announced a 2.0% Cost of Living Adjustment (COLA) for all Social Security and Supplemental Security Income recipients effective December 31, 2017. Colorado has a Maintenance of Effort requirement with the Social Security Administration that requires the State to “pass through” the COLA to recipients in order to spend at least the same amount in the current year as in the year prior. This means an increase in Adult Financial assistance. These rules propose an increase to the Supplemental Security Income (SSI) maximum payment by fifteen dollars (\$15) ( $\$735 \times 2\% = \$15$ ) to \$750 per month. This rule will revise the Colorado Department of Human Services rules to increase the Old Age Pension (OAP) grant standard to \$788, the Aid to the Needy Disabled Colorado Supplement (AND-CS) grant standard to \$750, and the Adult Foster Care (AFC) grant standard to \$1382 in order to pass along the \$15 COLA increase. The components of the grant standard will be adjusted accordingly.	County partners	Adopted	No
Hearing 12/07/2018	9 CCR 2503-5	Old Age Pension, Aid to the Needy	Revision	26-1-107, C.R.S. (2018)	On October 11, 2018, the Social Security Administration (SSA)	County partners, & all: OAP, AND-CS, and	Ongoing	No



		Disabled Colorado Supplement, and Adult Foster Care Cost of Living Adjustment Increase for 2019		26-1-109, C.R.S. (2018) 26-1-111, C.R.S. (2018) 24-4-103, C.R.S. (2018) 26-2-111, C.R.S. (2018) 20 CFR 416 et seq.	announced a 2.8% Cost of Living Adjustment (COLA) for all Social Security and Supplemental Security Income recipients effective December 31, 2018. Colorado has a Maintenance of Effort requirement with the Social Security Administration that requires the State to “pass through” the COLA to recipients in order to spend at least the same amount in the current year as in the year prior. This means an increase in Adult Financial assistance. These rules propose an increase to the Supplemental Security Income (SSI) maximum payment by twenty one dollars (\$21) ( $\$750 \times 2.8\% = \$21$ ) to \$771 per month.  This rule will revise the Colorado Department of Human Services rules to increase the Old Age Pension (OAP) grant standard to \$809, the Aid to the Needy Disabled Colorado Supplement (AND-CS) grant standard to \$771, and the Adult Foster Care (AFC) grant standard to \$1403 in order to pass along the \$21 COLA increase. The components of the grant standard will be adjusted accordingly.	AFC recipients		
Adopted: 4/06/2018	2 CCR 502-1	Behavioral Health	New Rule	27-65, C.R.S. (2017)	The new Transportation Hold created by SB17-207	Designated Facilities, hospitals, advocacy organizations	Adopted	No
Adopted: 9/07/2018	9 CCR 2503-7	Revisions to Low Income Energy Assistance Program (LEAP)	Revision	26-1-107, C.R.S. (2017) 26-1-109, C.R.S. (2017) 26-1-111, C.R.S. (2017)	The Low Income Energy Assistance Program (LEAP) is reviewed annually for updates that may be needed for the next benefit season, beginning November 1st. New rule changes are:	State LEAP unit, County Partners (staff and clients)	Adopted	No

				<p>§26-2-122.5, C.R.S. (2017)                  §40-8.5-101, C.R.S. (2017)                  §40-8.7-101, C.R.S. (2017), et seq                  §40-8.7-109, C.R.S. (2017)                  §40.8.7-112(1), (2017)</p>	<ul style="list-style-type: none"> <li>Updating the income requirements based on the current federal poverty level guidelines and the flat rates used for benefit calculations</li> <li>Adding Discrepancy to definitions to provide clarity in reference to the term in LEAP rule</li> <li>Adding Prudent Person Principle to definitions to align with other programs and allow for the usage</li> <li>Add electronic form of submission to increase avenues of documentation submission</li> <li>Struck from rule 2 citations that were directly related to the old LEAP system and are no longer relevant</li> <li>Add in several areas "or verbal" to allow for verbal submissions to lessen client burden of document submission</li> <li>Add for consideration county electronic files</li> <li>Add clarification to what constitutes zero income, which includes shelter expenses exceeding income</li> <li>Add collateral contact in two instances to clarify this is an acceptable form of verification</li> <li>Addition of Tiny Homes as they are becoming more prevalent in in areas of Colorado</li> <li>Allow for a technical clean-up of rules that are incorporated into other volumes and are duplicative in this rule</li> </ul> <p>These rule changes align case processing timelines with C-STAT goals and provide streamlined and consistent processes to provide the framework for counties to better serve clients.</p>			
Adopted: 9/07/2018	9 CCR 2503-1	Income Maintenance	Revision	26-1-107, C.R.S. (2017)	The proposed rule modifications are in response to	County partners	Adopted	No

		Volume 9 CCR 2503-1 Technical Cleanup		26-1-109, C.R.S. (2017) 26-1-111, C.R.S. (2017) 26-2-122.3, C.R.S. (2017)	Executive Order D-005- to reduce burdensome rules. The rules found in 9 CCR 2503-1 applicable to the Low Income Energy Assistance Program (LEAP), Colorado Child Care Assistance Program (CCCAP) and the Colorado Refugee Assistance Program (CRSP) have all been moved to other sections of 9 CCR 2503. The rules that remain in this section are out dated and duplicative of those currently found in the other sections. This proposed rule modification is a technical cleanup that will remove the language for the programs mentioned previously which can be found in the other sections.			
Adopted: 9/07/2018	9 CCR 2502-1	County Personnel and Merit System	Revision	26-1-107, C.R.S. (2015) 26-1-109, C.R.S. (2015) 26-1-111, C.R.S. (2015) C.R.S. 26-1-118 (2) 5 C.F.R. § 900.604	Current rule does not specify who at the county should certify the existence of a merit system, and the proposed rule specifies that the board of county commissioners or designee should sign. This change is proposed because the merit system is overseen by the commissioners. Current rule also outlines minimum qualifications for county child welfare and adult protective services staff, but those qualifications and waivers are already covered in other rule volumes. The proposed rule references the appropriate staff qualification rules.	County partners/personnel	Adopted	No
Adopted: 9/07/2018	9 CCR 2503-2	Income Maintenance Volume 9 CCR 2503-2 Technical Cleanup	Revision	26-1-107, C.R.S. (2017) 26-1-109, C.R.S. (2017) 26-1-111, C.R.S. (2017) 26-2-122.3, C.R.S. (2017)	These rules indicate they are only applicable to LEAP, CCAP and CRSP. No other EBD programs. Please note: These rules are not applicable to CRSP. The requirements outlined in this rule have been incorporated into CCCAP rule. CCCAP no longer	County partners	Adopted	No

					utilizes this section of the rule. LEAP no longer utilizes this section of the rule.			
Adopted: 10/05/2018	12 CCR 2509-3	Technical Clean Up - Division of Child Welfare 7.205	Revision	26-1-107, C.R.S. (2017) 26-1-109, C.R.S. (2017) 26-1-111, C.R.S. (2017) 26-1-111, C.R.S. (2017)	The rule change is necessary to provide technical clean-up to already existing rules.	County partners	Adopted	No
Adopted: 10/05/2018	12 CCR 2509-4	Technical Clean Up - Division of Child Welfare 7.304	Revision	26-1-107, C.R.S. (2017) 26-1-109, C.R.S. (2017) 26-1-111, C.R.S. (2017) 26-1-111, C.R.S. (2017)	The rule change is necessary to provide technical clean-up to already existing rules.	County partners	Adopted	No
Hearing: 12/07/2018	12 CCR 2509-4	7.000.2 Change definitions to align with statute	Revision	26-1-107, C.R.S. (2015) 26-1-109, C.R.S. (2015) 26-1-111, C.R.S. (2015) 26-1-111, C.R. S. (2015)	The passage of a number of legislative items in 2018 made changes to a number of terms currently defined in 7.000.2. This rule packet is to align the definitions in rule to those now in statute.	Children, youth and families in Colorado along with county child welfare	Ongoing	No
Adopted: 10/05/2018	12 CCR 2509-5	Technical Clean Up - Division of Child Welfare - 7.407	Revision	26-1-107, C.R.S. (2017) 26-1-109, C.R.S. (2017) 26-1-111, C.R.S. (2017) 26-1-111, C.R.S. (2017)	The rule change is necessary to provide technical clean-up to already existing rules.	County partners	Adopted	No
Adopted: 10/05/2018	12 CCR 2509-9	Nurse Home Visitor Program	Revision	26-1-107, C.R.S. (2016) 26-1-109, C.R.S. (2016) 26-1-111, C.R.S. (2016)	It is proposed to update 7.821 B in order to accurately reflect the timeline for the annual report for NHVP. The suggested updated is to state "Annual program reports shall be submitted in accordance	Nurse Home Visitor Program Colorado Coordination Team, which is comprised of Colorado Department of Human Services,	Adopted	No

				26-6.4.101 26-6.4.107	with statutory requirements for Master Tobacco Settlement Agreement funding.” It is proposed that the language for 7.812 A. 1. be updated to read “A budget which includes each of the following.” This update is to accurately reflect the requirements for NHVP site budgets.	Invest in Kids, the University of Colorado and Nurse-Family Partnership National Service Office		
Hearing 11/02/2018	2 CCR 501-1	Revisions to the Rules Implementing the Children and Youth Mental Health Treatment Act	Revision	26-1-107, C.R.S. (2018) 26-1-109, C.R.S. (2018) 26-1-111, C.R.S. (2018) 27-67-106, C.R.S. (2018) 27-67-107, C.R.S.	House Bill 18-1094 reauthorized, renamed, and updated the Child Mental Health Treatment Act (Act). The proposed rule revisions align the program regulations with the statutory changes to the Act from House Bill 18-1094. The renamed Children and Youth Mental Health Treatment Act allows families to access community, residential, and transitional treatment services for their child without requiring a dependency and neglect action, when there is no child abuse or neglect. To be eligible, a child must have a mental health disorder, be under the age of 21, and be at risk of out-of-home placement or at risk of further involvement with a county department of human/social services.	Entities providing the services, including entities assigned to participate in the dispute resolution process, under Children and Youth Mental Health Treatment Act (CYMHTA)	Ongoing	No