House Bill 12-1008
Regulatory Agenda
Department of Human Services
November 1, 2012 - October 31, 2013

The Colorado Department of Human Services (CDHS) respectfully submits the following document in fulfillment of the statutory requirement set forth in HB12-1008, "Concerning additional methods for providing input to executive branch agencies about proposed rules, and, in connection therewith, directing agencies to establish representative groups to evaluate and comment on proposed rules, requiring agencies to notify the general assembly of any rule-making that results in increases in fees or fines, and requiring agencies to submit departmental regulatory agendas to the general assembly" (Acree/Jahn).

Overview of Department of Human Services Rule-making entities
CDHS has four Type I rule-making entities for which it is required to submit this report concerning their anticipated regulatory agendas for November 1, 2012 through October 31, 2013 pursuant to HB 12-1008. These entities include the: State Board of Human Services; Executive Director Rules; Juvenile Parole Board; and the Adoption Intermediary Commission.

All four Type I rule-making entities follow the requirements set forth in the Colorado Administrative Procedures Act concerning posting, noticing, and conducting regulatory analyses for each rule proposed for adoption by its respective board. Additionally, all rule-making meetings are conducted as public sessions.

State Board of Human Services
The State Board of Human Services meets on a regular basis, the first Friday of each month, to conduct business including rule making. Prior to the rule-making session, stakeholder input and feedback is sought on all proposed new rules, modifications to existing rules, and repeal of outdated, redundant rules.

Executive Director Rules
The Executive Director's Rules group meets on an as needed basis for rule-making purposes which are also preceded by stakeholder input and feedback on proposed new rules, modifications to existing rules, and repeal of outdated, redundant rules.

Juvenile Parole Board
The Juvenile Parole Board meets regularly to conduct their work pursuant to their statutory mandates; however, they meet on an as needed basis for rule-making purposes. Prior to rule-making stakeholder input is sought on proposed new rules, modifications to existing rules, and repeal of outdated, redundant rules.

Adoption Intermediary Commission
Similar to the Juvenile Parole Board, the Adoption Intermediary Commission convenes regularly to conduct work in fulfillment of their statutory mandates and meets on an ad hoc basis for rule making. Consistent with the other three Type I boards in the Department, stakeholder input is sought on proposed new rules, modifications to existing rules, and repeal of outdated, redundant rules prior to rule-making.

Rule Review Project
The Department undertook a Rule Review Project that included a review of all Departmental rules in an effort to repeal obsolete or redundant rules while revising remaining rules to ensure that they are clear, concise, consistent, and current. The broader goal of the project was to update, reduce, revise, clarify, and in many cases consolidate public assistance rules that serve low-income families, persons with disabilities, and older adults to allow county and partner staff to provide services more efficiently.

As a result of the rule reduction project, the State Board of Human Services repealed 20%, or 843, outdated and duplicative rules. The second phase of this project, the revision of 2,116 rules, is currently under way as the 400 pages of the Colorado Works rules were revised and passed by the State Board of Human Services in June 2012. This phase is expected to be completed by December 31, 2013.

It is important to take note of the Department's Rule Review Project when reviewing the following regulatory agenda for November 1, 2012 through October 31, 2013. Several of the rules, anticipated to be before their respective board in the next twelve months, are likely to include modifications in light of the Rule Review Project. Given that the project is ongoing the Department has listed the rules and will provide additional information as the rule reviews are completed.

Please feel free to contact Dee Martinez, Deputy Executive Director for Enterprise Partnerships, at 303-866-4479, or dee.martinez@state.co.us, should you have questions or need additional information.

State Board of Human Services
The following rules are inclusive of anticipated rules, as of November 1, 2012. Changes may occur pursuant to changes in state or federal law and other factors that cannot be fully anticipated at this time. At this time, the Department does not anticipate fee increases related to the adoption of these rules. The Department reserves the right to amend this agenda as additional information becomes available.

The following list of rules is presented according to the primary office within the Department that is bringing the rule before the Board. However, it should be noted that some rules may have an affect on multiple programs.

Rules Concerning the Office of Behavioral Health

Persons or parties who may be affected positively or negatively by Office rulemaking: county departments of human and social services; state departments providing services to clients of the department; community behavioral health centers; developmentally disabled individuals and their families; entities providing services to children, youth and families; entities providing mental health and substance abuse services; and, recipients of mental health and substance abuse service.

Rule	12-5-29-1: Revisions Regarding Integrated System of Care Family Advocacy Programs for Mental Health Juvenile Justice Populations
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Rule	Revisions to Consolidate Substance Use Disorder and Mental Health Rules into New Behavioral Health Rules Pursuant to S.B. 10-175
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Rules Concerning the Office of Children, Youth and Families

Affected parties may include: county departments of human and social services; state departments providing services to clients of the CDHS; entities interacting with children and youth in Child Welfare and Youth Corrections settings; private youth corrections facilities; entities providing licensed child care; recipients of child welfare or child care services; and, entities providing services to children, youth and families.

Rule	12-3-19-1: Child Protection and Adoption Services Revisions Pursuant to Rule Reduction Review
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Rule	12-7-13-1: Implementation of S.B. 12-011 to Revise Differential Response Referrals and Assessment Procedures
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To expand the counties participating in Differential Response and to create the necessary guidance for consistent implementation.
Schedule	November and December 2012 rule-making sessions

Rule	12-8-2-1: Child Care Rules Changes
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	Revisions based upon 2012 legislative changes pursuant to Implement statutory requirements to create efficiencies.
Schedule	Tentative December 2012 and January 2013 rule-making sessions

Rule	Changes to Interstate Compact on Placement of Children (ICPC) Expedited/Access to Court Records
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	Implement required changes to state law that create efficiencies in child placement, under the Interstate Compact on Placement of Children.
Schedule	TBD

Rule	Core Services Rule Reduction and Cleanup
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Rules Concerning the Office of Early Childhood

Affected parties may include: county departments of human and social services; public health providers; state departments providing services to clients of the Department; recipients of early childhood services; providers of early intervention services; case management entities; and, entities providing services to children, youth and families.

Rule	Potential Rules to Realign and Streamline Early Childhood Programs
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Rules Concerning the Office of Economic Security

Affected parties may include: county departments of human and social services; Area Agencies on Aging; local Colorado Works offices; community organizations providing services to refugees; entities that provide vocational rehabilitation opportunities; entities providing services to aging citizens; and, recipients of services provided by the Office.

Rule	11-9-2-5: Revisions to the Child Support Enforcement Rules Concerning Establishing Paternity and Support Orders, and Modification of Support Orders
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Rule	12-1-3-2: Food Assistance Program Rule Rewrite per Rule Reduction Review
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Rule	12-8-8-1: Averaging Student Work Hours for Food Assistance Eligibility
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Rule	12-8-8-2: Updating the Shelter Deduction Cap and Standard Deduction
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Rule	2013 Low-Income Energy Assistance Program (LEAP) Annual Update
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To provide the annual update concerning income guidelines and eligibility.
Schedule	TBD

Rule	Revisions Regarding Issues Raised by the Office of Legislative Legal Services Regarding: Deletion of Mandated Rules for the Domestic Violence Program and Division of Vocational Rehabilitation; References to Agency Letters in the Food Assistance Program; and, Incorporation by Reference in Colorado Works Program
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Rules Concerning the Office of Long Term Care

Affected parties may include: county departments of human and social services; state departments providing services to clients of the Department; developmentally disabled individuals and their families; Community Centered Boards; entities providing services to aging citizens; residents at the State Veteran Nursing Homes; health care and behavioral health care providers; and, entities providing services to developmentally disabled individuals.

Rule	Revisions to Division of Vocational Rehabilitation Rules Concerning Business Enterprise Partnerships per Rule Reduction Review
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Rule	12-9-11-1: Rules to Add Trust Accounts; "Good Cause" and Background Checks requirements
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders and address issues raised by the Office of Legislative Legal Services.
Schedule	TBD

Rule	12-10-17-1: Annual Old Age Pension Cost of Living Adjustment (OAP COLA) for 2013
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules. Colorado Constitution, Article XXIV (2012) Section 4. The state board of public welfare to administer fund. The state board of public welfare, or such other agency as may be authorized by law to administer old age pensions, shall cause all moneys deposited in the old age pension fund to be paid out as directed by this article and as required by statutory provisions not inconsistent with the provisions hereof, after defraying the expense of administering the said fund.
Purpose	To authorize the increase in the Cost of Living Adjustment for recipients of the Old Age Pension.
Schedule	Emergency Rule scheduled for November 9, 2012

Rule	12-10-19-1: Revision to Special Populations Home Care Allowance program eligibility
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules. 26-1-122 C.R.S. (2012). (4) (a) County departments shall keep such records and accounts in relation to assistance payments program costs and social services program costs as the state department shall prescribe by rules and as may be required in part 7 of article 2 of this title. All program costs shall be allocated, under rules of the state department, to either assistance payments or social services.
Purpose	Implement new mandates established in HB 12-1177.
Schedule	Emergency Rule scheduled for November 9, 2012

Rule	Rewrite of Rules Concerning Services for the Aging (Adult Foster Care, Aid to the Needy Disabled, Home Care Allowance, SP-HCA, Old Age Pension)
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Rule	Implementation of H.B. 12-1063 Regarding the Military Veterans Cemetery at Homelake
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To implement the requirements of the bill and to create clarity and efficiency for stakeholders.
Schedule	TBD

Rule	Comprehensive Rule Revisions for Division for Developmental Disabilities
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Rule	12-7-10-1: Publication of the Support Level algorithm
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	Create enhanced transparency concerning process by which certain benefits are determined.
Schedule	Final hearing schedule for the December 2012 rulemaking session.

Rule	12-10-19-1: Potential Rules in Alignment with Colorado Department of Public Health and Environment's Authority for Health Care Facilities Pursuant to H.B. 12-1294
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To implement the requirements of the bill and to create clarity and efficiency for stakeholders.
Schedule	Scheduled to be heard as an emergency rule December 2012 rulemaking session.

Rules Concerning the Office of Performance and Strategic Outcomes

Affected parties may include: county directors and their respective departments of human and social services; financial managers at the counties as well as providers; and, auditors.

Rule	12-3-7-1: Revision of Administrative Review Findings, Fiscal Sanctions, Appeals and Disallowances
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board Authority granted pursuant to 26-1-107, C.R.S. (2012) and the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Executive Director Rules
The following rule(s) are inclusive of anticipated rules, as of November 1, 2012. Changes may occur pursuant to changes in state or federal law and other factors that cannot be fully anticipated at this time. At this time, the Department does not anticipate fee increases related to the adoption of these rules. The Department reserves the right to amend this agenda as additional information becomes available.

The following list of rules is presented according to the primary office within the Department that is bringing the rule before the Board. However, it should be noted that some rules might have an affect on multiple programs.

An extensive list of individuals and organizations are routinely consulted in the development of rules and in the formal rulemaking process. Due to the range of subject matter falling under the purview of the Department, this list is diverse and can change. Affected parties may include: employees at the Department as well as employees of the county departments of human and social services.

Rule	Revisions Concerning Tier II Corrective Action Process
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the Executive Director Authority granted pursuant to 26-1-109 C.R.S. (2012) To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders.
Schedule	TBD

Juvenile Parole Board

The following rule(s) are inclusive of anticipated rules, as of November 1, 2012. Changes may occur pursuant to changes in state or federal law and other factors that cannot be fully anticipated at this time. At this time, the Department does not anticipate fee increases related to the adoption of these rules. The Department reserves the right to amend this agenda as additional information becomes available.

Rules Concerning the Juvenile Parole Board

An extensive list of individuals and organizations are routinely consulted in the development of rules and in the formal rulemaking process. Due to the range of subject matter falling under the purview of the Department, this list is diverse and can change. Affected parties may include: youth and families who are involved in the Division of Youth Corrections system and in the related process of Juvenile Parole; Judicial; law enforcement; and county departments of human and social services.

Rule	Revisions to Rules Concerning Parole Consideration Criteria
New rule or revision	Revision
Statutory or other basis for adoption of rule	Rulemaking authority and related duties are established in 19-2-206 and 207 C.R.S. (2012).
Purpose	Update existing rule to reflect modifications in practice and to create greater clarity for stakeholders.
Schedule	TBD

Adoption Intermediary Commission

The following rule(s) are inclusive of anticipated rules, as of November 1, 2012. Changes may occur pursuant to changes in state or federal law and other factors that cannot be fully anticipated at this time. At this time, the Department does not anticipate fee increases related to the adoption of these rules. The Department reserves the right to amend this agenda as additional information becomes available.

An extensive list of individuals and organizations are routinely consulted in the development of rules and in the formal rulemaking process. Due to the range of subject matter falling under the purview of the Department, this list is diverse and can change. Impacted parties may include: individuals who were involved in an adoption during the designated time period.

Rules Concerning the Adoption Intermediary Commission

Rule	Revisions Concerning Issues Raised by the Office of Legislative Legal Services Regarding Repeal of All Adoption Intermediary Commission Rules
New rule or revision	Revision
Statutory or other basis for adoption of rule	Rulemaking and related authority for the Adoption Intermediary Commission are created pursuant to 19-5-303, C.R.S.
Purpose	Update existing rule to reflect modifications in practice and to create greater clarity for stakeholders. Address issues identified by LLS related to the related rule reduction.
Schedule	TBD