

HUMAN SERVICES

Child Welfare

SB 09-164 (Enacted)
Child Welfare Training Academy

Individuals with Developmental Disabilities

HB 09-1048 (Postponed Indefinitely)
Boards Affecting Persons with Disability

HB 09-1178 (Enacted)
Caregiver Abuse Developmental Disability

HB 09-1211 (Postponed Indefinitely)
Developmental Disability Community Boards Exemptions

HB 09-1237 (Enacted)
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HB 09-1281 (Enacted)
State Boards Persons with Disabilities

HJR 09-1026 (Enacted)
Interim Committee Developmental Disability Waiting List

SB 09-134 (Postponed Indefinitely)
Community Residential Homes

SB 09-244 (Enacted)
Insurance Cover Autism Spectrum Disorders

Foster Care

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Foster Parents Training Individual Education Program

SB 09-104 (Enacted)
Verifiable Documents Foster Care Youth

SB 09-079 (Enacted)
Postadoption Contact Birth Siblings

SB 09-245 (Enacted)
Kinship Placement and Guardianship

Child Care

HB 09-1314 (Postponed Indefinitely)
Locked Doors in Day Treatment Centers

SB 09-073 (Postponed Indefinitely)
Unlicensed Family Child Care Homes

Programs for Children and Families

SB 09-030 (Enacted)
Child Mental Health Treatment Act

SB 09-055 (Enacted)
Family Resource Center Program

Drug and Alcohol Abuse

HB 09-1119 (Enacted)
Rural Substance Abuse Grant Program

HB 09-1139 (Enacted)
Fetal Alcohol Spectrum Disorders

Programs for the Elderly and Disabled

SB 09-005 (Enacted)
Colorado Traumatic Brain Injury Program

SB 09-056 (Enacted)
Trinidad State Nursing Home Program

SB 09-144 (Enacted)
Accessibility Deaf & Hard of Hearing

SB 09-266 (Postponed Indefinitely)
Noncitizen Eligibility Old Age Pension

During the 2009 session, the General Assembly considered a variety of human services-related bills. Specifically, the legislature considered bills related to child welfare and child care, programs for families and the elderly and disabled. The General Assembly also created two new programs related to drug and alcohol abuse.

Child Welfare

In April of 2008, Governor Ritter signed an executive order creating the Child Welfare Action Committee. The charge of the committee is to make recommendations on improving the state's child welfare system. Implementing one of the committee's recommendations, **Senate Bill 09-164** establishes the Child Welfare Training Academy within the Department of Human Services (DHS). The academy will provide training to staff within the state's child welfare system. Participating staff will be required to demonstrate certain competencies in order to receive a certificate from the academy.

Individuals with Development Disabilities

The General Assembly considered a number of issues related to services for individuals with developmental disabilities, such as Autism Spectrum Disorder and Down's Syndrome.

House Bill 09-1048 would have required any board or commission created in state government that, as its primary purpose, concerns a program for persons with disabilities to include in its voting membership representation from the disability community served. The bill was postponed indefinitely. A similar bill, **House Bill 09-1281**, encourages the Governor, when making appointments to certain boards, to appoint persons with disabilities, or family members of or advocates for persons with disabilities. The boards affected by the bill include the State Board of Health, the State Housing Board, the state Medical Services Board, and the State Board of Human Services.

To address issues of caregiver abuse of individuals with developmental disabilities, **House Bill 09-1178** creates a 20-member task force to study and make recommendations on the development of a registry of caregivers who have a substantiated allegation of exploitation, mistreatment, neglect, physical abuse, or sexual abuse of a person with a developmental disability. The task force must include representation from persons with disabilities, members of the General Assembly, state department personnel, staff of community centered boards, service providers, family members, and advocates for persons with developmental disabilities. The task force must make a report of its recommendations to the DHS in June of 2010.

Individuals with developmental disabilities access services through 20 community centered boards throughout the state. The DHS is currently conducting a study of how the community centered boards function as a system. In anticipation that the study would recommend that various pilot programs be implemented to exempt community centered boards from certain state laws, **House Bill 09-1211** would have permitted a community centered board to seek an exemption from state laws that may restrict the board from operating independently, efficiently, and effectively without duplication of services. Community centered boards were to apply to the Division for Developmental Disabilities within the DHS for an exemption, or the division could apply for an exemption on behalf of an individual community centered board. The Executive Director of the DHS was to review the application for exemption and make recommendations to the State Board of Human Services, which could approve or deny the request. The bill was postponed indefinitely.

Part C of the federal "Individuals with Disabilities Act," requires that all children who need early intervention services be covered. In Colorado, early intervention services are provided to

children from birth to age three from a variety of funding sources including private insurance and state and federal moneys. **House Bill 09-1237** modifies the statutes governing the payment system for early intervention services for children. Specifically, the bill:

- requires that a child's private insurance carrier pay for services prior to the use of public funds;
- requires insurance plans to pay their required payments into the Early Intervention Services Trust Fund for each eligible child covered;
- allows the Division for Developmental Disabilities within the DHS to increase the required private insurance coverage limits to equal any future increase that is approved by the legislature to serve a child in the state-funded program;
- clarifies that the coverage limit does not apply for post-surgical rehabilitation services; and
- prohibits an insurer from terminating coverage or refusing to deliver services as a result of a child accessing benefits for early intervention services.

House Joint Resolution 09-1026 creates an eight-member committee to meet during the 2009 interim to study the waiting lists for the home- and community-based services waivers for children with developmental disabilities. The committee is to meet no more than six times beginning in July of 2009 and must submit its recommendations to the House and Senate Health and Human Services committees by December 15, 2009.

Intended to address situations involving individuals with developmental disabilities who live in a community residential placement, **Senate Bill 09-134** would have changed licensing rules involving such facilities. Specifically, residential homes that consist of several small buildings within the same compound, with each building housing between 4 and 8 persons with developmental disabilities, could have been licensed as a multiple community residential home for the purposes of applying for and receiving state and federal benefits. The bill was postponed indefinitely.

Senate Bill 09-244 requires all health insurance policies which are subject to state regulation, excluding individual health benefit plans, to provide coverage to assess, diagnose, and treat autism spectrum disorder (ASD). The bill excludes the Children's Basic Health Plan from the requirement to provide coverage for ASD, and defines the type of coverage that is required for the treatment of ASD, including:

- evaluation and assessment services;
- behavioral training and management;
- psychiatric care;
- psychological care, including family counseling;
- therapeutic care, including applied behavioral analysis;
- habilitative or rehabilitative care, including speech, occupational, physical therapies. Speech, occupation, and physical therapies may exceed 20 visits if deemed medically necessary; and
- pharmacy and medication, if covered by the individual's health plan.

The bill specifies that any treatment for ASD must be deemed medically necessary. The annual maximum benefit for applied behavior analysis is \$34,000 for children from birth to 8 years of age, and \$12,000 for individuals from age 9 to 19 years old. Early intervention services, which are

currently mandated under law, are not to supplant services provided under the act, but are to act as a wrap around service to the services provided under the bill.

Foster Care

House Bill 09-1078 requires that, upon a foster parent's request, the foster parent receive training regarding individualized education programs.

Senate Bill 09-079 allows foster children over the age of 18 to use the confidential intermediary program to search for an adult birth sibling who may or may not have been adopted. Confidential intermediaries are permitted to access confidential dependency and neglect records. The bill requires the registrar of vital statistics in the Department of Public Health and Environment (DPHE) to maintain a confidential list of former foster children who are searching for a birth sibling and have consented to the release of personal information.

Senate Bill 09-104 requires county human service agencies to provide a birth certificate and a social security card to a youth planning on emancipating from foster care. The youth is not to pay for the costs of providing these documents.

Senate Bill 09-245 makes changes to state law to conform with the federal "Fostering Connections to Success and Increasing Adoptions Act of 2008," and to promote placement of foster children with relatives. Specifically, the bill:

- changes the time period in which parents have to submit a form listing potential relatives with whom the child may be placed from 15 calendar days to 7 business days;
- allows a parent to suggest an adult relative or relatives whom he or she believes to be the most appropriate caretaker for the child; and
- requires county departments of social services to exercise due diligence in contacting all grandparents and other adult relatives within 30 days following removal of a child from the home, unless the court determines there is good cause not to contact such relatives. County departments currently have 90 days to contact relatives.

In addition, the bill creates the Kinship Guardianship Assistance Program to provide cash assistance to kinship foster parents who assume permanent guardianship of a child.

Child Care

Day treatment centers provide behavioral care to children who are at risk of being placed outside of the home. **House Bill 09-1314** required the State Board of Human Services to promulgate rules that would have permitted day treatment centers to use locked, quiet rooms, as long as certain safety and welfare safeguards were met. The bill was postponed indefinitely.

Currently, family child care homes do not have to be licensed if they care for children from the same household. **Senate Bill 09-073** would have also exempted from licensing family child care homes that care for children from up to two households. The bill was postponed indefinitely.

Programs for Children and Families

The Child Mental Health Treatment Act allows parents to seek residential care for their severely mentally ill children. Prior to the implementation of the act, some parents would ask the courts to declare their child dependent or neglected in order to receive such care. Under the act, parents may seek treatment for their children without relinquishing custody. **Senate Bill 09-030** extends the Child Mental Health Treatment Act until July 1, 2019.

The General Assembly established the Family Resource Center Program in 1993. The purpose of the program is to provide grants to establish and maintain family resource centers that provide services for vulnerable families. **Senate Bill 09-055** removes the repeal date for the program, extending it indefinitely. In addition, the bill makes the following changes to the program:

- allows family resource centers to apply for and receive money from the Colorado Works Statewide Strategic Use Fund; and
- requires family resource centers that receive funding from the DPHE to coordinate efforts of public and private entities to connect families to certain services and supports.

Drug and Alcohol Abuse

House Bill 09-1119 establishes the Rural Alcohol and Substance Abuse Prevention and Treatment Program. The program will provide prevention and treatment services to youth in rural areas. In addition, through the rural detoxification project, the program will provide treatment services to persons addicted to alcohol or drugs. The program is to begin January 1, 2011, subject to available funding, in rural areas, which are defined as counties with less than 30,000 people. Funding for the program is from a new penalty surcharge on convictions of driving under the influence, driving while ability impaired, habitual user of controlled substances, and underage drinking and driving. New penalty surcharges are also established for other alcohol- or drug-related offenses upon conviction or a deferred sentence. The minimum penalty surcharge is \$1 and the maximum is \$10.

House Bill 09-1139 encourages licensed alcohol vendors in the state to post a sign informing patrons that the consumption of alcohol during pregnancy may cause birth defects, including fetal alcohol syndrome. The bill also creates the 10-member Fetal Alcohol Spectrum Disorders Commission. By October 30, 2009, the commission must develop the health warning sign and a plan for making the sign available on-line to vendors. By December 1, 2009, the commission must make recommendations to the DHS and the House and Senate Health and Human Services committees regarding prevention of and education about fetal alcohol spectrum disorders.

Programs for the Elderly and Disabled

Senate Bill 09-005 makes changes to the Colorado Traumatic Brain Injury (TBI) Program. The TBI program provides services to individuals who have suffered a TBI and supports research related to TBIs. Specifically, the bill:

- expands the definition of a TBI to include injuries to the brain caused by blasts;

- changes the name of the oversight board for the program to the Colorado Traumatic Brain Injury Trust Fund Board, and recommends, instead of requires, representation on the 13-member board by specific professions and associations; and
- specifies that the board must spend at least 55 percent of its funding for direct services for persons with TBI, at least 25 percent on research, and at least 5 percent on education. The board is given flexibility as to how the other 10 percent is spent.

Senate Bill 09-056 authorizes the executive director of the DHS to divest the Trinidad State Nursing Home. The department is required to work with the Board of County Commissioners for Las Animas County and to encourage bids that assure continuity of care for residents and employee retention. The bill also allows state employees of the nursing home to continue membership in the Public Employees' Retirement Association, if the board determines that continued membership will not adversely affect its qualified governmental plan status and other conditions are met. Proceeds from the sale must be deposited to the Central Fund for State Nursing Homes and applied toward projects and programs for the five remaining state and veterans nursing homes.

Senate Bill 09-144 expands the mission of the Colorado Commission for the Deaf and Hard of Hearing by:

- creating the position of system navigator specialist to promote public awareness and provide technical assistance;
- clarifying the commission's role in arranging services and accommodation for the deaf and hard of hearing in the state court system; and
- establishing a grant program to address the needs of the deaf and hard of hearing community.

The Old Age Pension Program (OAP) provides assistance to qualified persons age 60 or older who are living legally in the state. **Senate Bill 09-266** would have modified the eligibility for the program by:

- addressing conflicting statutory provisions for determining the eligibility of qualified aliens and sponsor responsibility requirements for the OAP;
- aligning alien eligibility for the OAP with federal requirements for aliens for public benefits;
- directing county departments of social services to complete a benefit redetermination for any sponsored aliens receiving the OAP during FY 2009-10; and
- discontinuing benefits for any person found to be ineligible for the OAP.

The bill was postponed indefinitely.