

# HUMAN SERVICES

## Child Welfare

**SB 10-066** (Enacted)  
*Reporting of Child Abuse or Neglect*

**SB 10-152** (Enacted)  
*Information to Mandatory Reporter  
Child Abuse*

**SB 10-171** (Enacted)  
*Create Child Protection Ombudsman  
Program*

**HB 10-1106** (Enacted)  
*Child Welfare Adoption Multiethnic Act*

**HB 10-1115** (Enacted)  
*County Assessment of Cost Core  
Services*

**HB 10-1226** (Enacted)  
*Differential Response to Child Abuse*

**HB 10-1359** (Enacted)  
*Change of Venue Dependency  
Neglect*

## Individuals with Developmental Disabilities

**SB 10-002** (Enacted)  
*Medical Insurance Coverage Denials  
Appeals*

**SB 10-121** (Postponed Indefinitely)  
*Developmental Disability Oversight  
Committee and Task Force*

**SB 10-194** (Enacted)  
*License Developmental Disability  
Home Care Agency*

**SB 10-208** (Enacted)  
*Developmental Disability Referral  
and Placement Committee*

**HB 10-1029** (Enacted)  
*State Negotiated Prices Medical Goods*

**HB 10-1041** (Enacted)  
*Universal Application Children's  
Medicaid*

**HB 10-1103** (Postponed Indefinitely)  
*Catastrophic Illness Fund For  
Children*

**HB 10-1213** (Enacted)  
*Individualized Plans Developmental  
Disability Wait List*

## Mental Health Care

**SB 10-153** (Enacted)  
*Behavioral Health Screening  
and Efficiency*

**HB 10-1032** (Enacted)  
*Behavioral Health Crisis Response  
Services*

## Child Care

**SB 10-118** (Enacted)  
*Background Check Child Care  
Assistance*

**HB 10-1026** (Enacted)  
*Quality Child Care Grant Incentive  
Program*

**HB 10-1035** (Enacted)  
*Eligibility Child Care Assistance  
Program*

**HB 10-1070** (Postponed Indefinitely)  
*Safety in Day Treatment Centers*

## Assistance Programs

**SB 10-010** (Enacted)  
*Statewide Strategic Use Fund  
Evaluation*

**SB 10-068** (Enacted)  
*Colorado Works Streamlining Eligibility*

**HB 10-1022** (Enacted)  
*Supplemental Nutrition Assistance  
Program Administration*

**HB 10-1146** (Enacted)  
*State-funded Public Assistance  
Programs*

## State Nursing Homes

**HB 10-1217** (Postponed Indefinitely)  
*Repeal Authority Sell Trinidad Nursing*

**HB 10-1426** (Deemed Lost)  
*Trinidad State Nursing Home Fund*

During the 2010 session, the General Assembly considered a variety of human services-related bills. Specifically, the legislature considered bills related to child welfare, child care, services for individuals with developmental disabilities, the state's mental health system, and other state assistance programs. The General Assembly also considered, but did not adopt, legislation related to the state nursing home located in Trinidad, Colorado.

## **Child Welfare**

In April of 2008, Governor Ritter signed an executive order creating the Child Welfare Action Committee. The committee was charged with making recommendations to improve the state's child welfare system. The General Assembly considered four bills to implement some of the committee's recommendations.

Under current law, certain individuals who are called "mandatory reporters" and who include medical professionals, teachers, and child care providers, are required to report suspected cases of abuse or neglect to county departments of social services. **Senate Bill 10-152** allows certain mandatory reporters to receive information related to cases of abuse or neglect that these individuals have reported. A mandatory reporter may receive only the information he or she needs to know in order to fulfill his or her professional and official role in maintaining the child's safety. Information provided to mandatory reporters is confidential and cannot be disclosed except as provided by law.

Implementing another recommendation of the Child Welfare Action Committee, **House Bill 10-1226** creates the Differential Response Pilot Program. Five county departments of social services are permitted to participate in the pilot program. Participating county departments of social services that receive a referral of child abuse or neglect that is determined to be low or moderate risk may provide differential services to the family that is the subject of the report, rather than opening a traditional child abuse investigation. By January 1, 2015, the Department of Human Services must submit a report concerning the pilot program to the House and Senate Health and Human Services committees. The pilot program repeals July 1, 2015.

**House Bill 10-1359** clarifies the reasons and requirements for change of venue in dependency and neglect cases, and requires the Department of Human Services to promulgate rules necessary for the effective transfer of case responsibilities between county departments of social services resulting from a change of venue.

Finally, **Senate Bill 10-171** requires the Department of Human Services to establish, by contract, the Child Protection Ombudsman Program. The program is to be headed by an ombudsman, who is responsible for facilitating a process for independent, impartial review of family and community concerns; requesting independent, accurate information; and, if appropriate, conducting case reviews to help resolve child protection issues. The bill creates a voluntary work group that is responsible for developing a detailed, written plan outlining the powers and duties of the ombudsman program. The work group is also required to advise the department with regard to the length of the contract for the program and the criteria for the entity selected to administer the ombudsman program. The State Auditor must conduct an audit of the program in its third year of operation.

The General Assembly also considered legislation related to reporting of child abuse and neglect, as well as legislation to implement federal requirements related to child welfare, foster care, and adoption.

As noted earlier, certain mandatory reporters are required by law to report suspected cases of child abuse or neglect to law enforcement agencies or county departments of social services. **Senate Bill 10-066** specifies that an individual is not required to make a report if the he or she:

- learns of the suspected abuse or neglect after the alleged victim of the suspected abuse or neglect is 18 years of age or older; and
- does not have reasonable cause to know or suspect that the perpetrator of the suspected abuse or neglect:
  - ▶ subjected any other child currently under 18 years of age to abuse or neglect; or
  - ▶ is currently in a position of trust with regard to any child currently under 18 years of age.

Core services are provided to families with children who are at risk of out-of-home placement. Such services may include alcohol and drug treatment, anger management courses, or parenting courses. Current statute requires county departments of social services to charge parents a fee for core services. **House Bill 10-1115** gives counties discretion to exempt a family from paying the fee.

**House Bill 10-1106** makes several changes to Colorado law in order to comply with two federal laws. The federal "Adam Walsh Act," created national reporting and registry requirements for convicted sex offenders. The federal "Multiethnic Placement Act," prohibits the use of a child's or a prospective parent's race, color, or national origin to delay or deny the child's foster care or adoptive placement. The act also enacted provisions intended to expand the number of racially and ethnically diverse foster and adoptive parents.

Specifically, House Bill 10-1106:

- requires child care providers residing in the state for less than 2 years, specialized group home parents, and employees of 24-hour child care facilities to submit to a background check from the Federal Bureau of Investigation as well as a background check from the state;
- requires the child's best interest to be the primary consideration when considering an adoptive placement;
- requires the agencies placing children outside of the home to make good faith efforts to recruit foster and adoptive parents that reflect the racial and ethnic backgrounds of the children to be placed; and
- specifies that, in private adoption cases, families may designate a specific person with whom they would like the child to be placed.

## **Individuals with Development Disabilities**

During the 2009 legislative interim, a committee met to make recommendations related to services for individuals with developmental disabilities, such as Autism Spectrum Disorder and Down's

Syndrome, and how to reduce the waiting lists for these services. The committee recommended four bills, which were considered by the General Assembly during the 2010 legislative session.

Under some circumstances, individuals may qualify for Medicaid even if they have private insurance. In order to ensure that third party payers, such as private health insurers, are paying the benefits they are legally obligated to pay prior to payment by the Medicaid program, **Senate Bill 10-002**:

- requires the Department of Health Care Policy and Financing to provide clients in the Medicaid program with information concerning their right to appeal denials of benefits by third parties;
- allows persons eligible for or on the waiting list for specified programs to designate the department as his or her representative for purposes of appealing a denial of benefits by a health insurance company paid by Medicaid;
- requires applicants to disclose any third parties who may be responsible for medical payment, and requires the county department or other entity designated to accept medical benefits applications to enter third party information into the Colorado Benefits Managements System; and
- requires the department to examine the feasibility of developing an additional process to identify reasons for denial of benefits which should be considered for an appeal, and to prioritize appeal of denials based upon such reasons.

The bill also states that the department is not required to appeal every denial of benefits for a person who designates the department as his or her designated representative. The department may contract with an independent contractor to conduct appeals of denials of benefits by third party payers. Moneys recovered as a result of the bill are to be used to reduce the waiting list for services for individuals with development disabilities.

Another bill recommended by the committee, **House Bill 10-1029**, directs the Department of Health Care Policy and Financing to work with non-profit organizations to create a vendor list for durable medical equipment and supplies. The approved vendor list will include suppliers that agree to provide discounted pricing to persons receiving or on a waiting list for public medical benefits.

In order to streamline the application process for services for individuals with developmental disabilities, **House Bill 10-1041** authorizes the Department of Health Care Policy and Financing to create a universal application for Medicaid home- and community-based Services waivers for children.

A final bill recommended by the committee, **House Bill 10-1103**, was postponed indefinitely. The bill would have created the Relief Fund for Children with a Catastrophic Medical Condition. The fund would have provided financial assistance to a child who:

- has a chronic illness;
- has medical expenses for the illness that are not reimbursed by insurance or a state or federal program; and
- has expenses for this illness that exceed 10 percent of the family's gross income for families earning less than \$100,000 a year and 15 percent for families earning more than \$100,000 a year.

The Division of Insurance was required to charge insurers a \$1.00 fee for each person insured in the state, which would have been credited to the fund.

The General Assembly adopted three bills related to the responsibilities of Community Centered Boards (CCBs). Community Centered Boards are local, nonprofit agencies that are responsible for providing publically funded services to individuals with developmental disabilities in the state.

In 2008, the General Assembly adopted legislation requiring agencies that provide health care services to individuals in their homes to be licensed by the Colorado Department of Public Health and Environment. Under the legislation, home care agencies were required to apply for licensure by January 1, 2010. **Senate Bill 10-194** extends the time frame for licensure of CCBs as home care agencies until March 1, 2011. The bill also exempts qualified early intervention services providers from the licensing requirements.

**Senate Bill 10-208** repeals a requirement that a CCB form a referral and placement committee to make recommendations for persons with developmental disabilities receiving services through the Department of Human Services. **House Bill 10-1213** removes the statutory requirement that CCBs develop and annually review an individualize plan (IP) for persons with developmental disabilities who become eligible for services. The bill clarifies that an IP is not required for individuals who are on a waiting list for services, but rather that the IP must be developed at the time a person with disabilities actually begins receiving services.

One additional bill concerning individuals with developmental disabilities was postponed indefinitely. **Senate Bill 10-121** would have created a 6-member legislative oversight committee and a 25-member task force on developmental disabilities and autism. The task force would have been required to develop strategies and recommendations related to the needs of people with developmental disabilities and provided guidance to the oversight committee in making legislative recommendations.

## **Mental Health Care**

The General Assembly considered two bills related to mental health care during the 2010 legislative session. **Senate Bill 10-153** creates the Behavioral Health Transformation Council, which is an advisory council to the Governor and his cabinet. The goal of the council is to develop plans to transform the behavioral health system in Colorado. By August 1, 2010, the Governor is required to designate one department to act as the lead agency to facilitate the council's work. The lead agency and the Governor are to determine the membership, tenure, and operations of the council. Council membership must include representatives from executive agencies, the Judicial Branch, behavioral health providers, consumers, and other stakeholders. The bill sets the duties of the council for strategic planning, developing outcome measures, aligning services, annual reporting, and other tasks. The council is repealed on July 1, 2020.

In order to improve services for individuals experiencing a mental health crisis, **House Bill 10-1032** requires the Department of Human Services to review current behavioral health crisis response services in Colorado and formulate a plan to address the lack of services in the state. On or before January 30, 2013, the department must present to the Joint Health and Human Services Committee a report concerning behavioral health crisis response in the state.

## Child Care

The legislature considered several bills to improve the safety and quality of child care in the state. **Senate Bill 10-118** authorizes the Department of Human Services to obtain a fingerprint-based criminal history record check on a person who provides care to a child who is related to him or her if the child's care is funded with moneys from the Colorado Child Care Assistance Program (CCCAP). The CCCAP provides assistance toward the cost of child care to low-income families.

Another bill changed the eligibility criteria for the CCCAP. Specifically, **House Bill 10-1035**:

- extends the eligibility redetermination period for all program participants from 6 months to 12 months;
- removes the requirement that a parent report income and activity changes during the 12-month eligibility period, unless the changes puts the family's income above 85 percent of the median state income; and
- aligns the eligibility redetermination period for children who are enrolled in Head Start so that child care assistance and Head Start eligibility are redetermined at the same time.

The bill also allows an early care or education provider (such as a school district or licensed preschool) to conduct a pre-eligibility determination for child care assistance for a family. The provider may provide child care services to the family during the eligibility determination process and be reimbursed for those services if the family is ultimately determined to be eligible for the program.

**House Bill 10-1026** creates the Colorado Quality in Child Care Incentive Grant Program in the Department of Human Services to increase the quality of early child care and education providers. County governments, in collaboration with an early childhood council, may apply for the program. Criteria for receiving a grant include:

- blending CCCAP slots with established high-quality programs;
- employing teachers with a bachelor or associate degree;
- having an existing quality rating or accreditation;
- pursuing a quality rating or accreditation; or
- investing in professional development for teachers.

One bill concerning child care facilities was postponed indefinitely. **House Bill 10-1070** would have allowed certain day treatment centers to use locked doors to confine a child in limited, emergency situations. Day treatment centers provide education and mental and behavioral health support to youths with special needs such as autism, developmental disabilities, or substance abuse.

## Assistance Programs

As a result of the economic downturn, the use of state human services assistance programs, such as food stamps and the Colorado Works program has increased. Colorado Works is Colorado's cash assistance program for low-income individuals. The General Assembly considered a number of bills to streamline the eligibility for these programs and to improve their administration.

**Senate Bill 10-068** makes a number of changes related to eligibility for the Colorado Works program. Specifically, the bill:

- eliminates the requirement that applicants provide proof of child immunizations and instead requires the Department of Human Services to distribute information about vaccination to applicants for the program;
- allows a person or a family to receive assistance upon verification of pregnancy instead of at the sixth month of pregnancy;
- removes the asset test for eligibility for the works program and prohibits the use of an asset test as a condition of eligibility for the program; and
- removes the statutory language concerning the standard of need for eligibility for basic cash assistance and the calculation of the amount of a basic cash assistance grant and allows the State Board of Human Services to determine these provisions by rule.

The Statewide Strategic Use Fund is funded through federal Temporary Assistance to Needy Families (TANF) moneys. Moneys in the fund are used to promote programs that serve low-income individuals in the state. **Senate Bill 10-010** allows the Executive Director of the Department of Human Services to use up to 2 percent of the moneys in the fund to pay for evaluations of the programs that receive moneys from the fund.

Colorado's food assistance program, also known as the Supplemental Nutrition Assistance Program (SNAP), or the food stamps program, uses federal money to provide assistance in purchasing food to individuals who meet specific income criteria. **House Bill 10-1022** requires the Department of Human Services to partner with one or more counties or nonprofit agencies to develop and administer an outreach plan to promote access to benefits through SNAP. The department must submit the plan for approval by the federal government by September 1, 2010. The department does not need to implement the outreach plan if sufficient private or federal moneys to develop the plan are not received, or the department does not receive additional federal moneys to offset the costs of the increased caseload as a result of the outreach plan. The bill also requires, by October 1, 2010, the Department of Human Services to establish a policy or program providing for broad-based categorical eligibility for the SNAP. The program must, to the extent permitted under federal law, eliminate any asset test for eligibility for the SNAP. This provision is to take effect only if the department receives additional federal funding.

The Adult Foster Care (AFC) and the Home Care Allowance (HCA) programs are available to disabled individuals with limited incomes who are not eligible for Medicaid. **House Bill 10-1146** clarifies that Department of Human Services may provide AFC only to persons eligible to receive Old Age Pension (OAP), Aid to the Needy Disabled (AND), or Aid to the Blind (AB). Home care allowances are limited to persons who:

As of January 1, 2011:

- meet the functional impairment and financial criteria established under Department of Human Services rule;
- are receiving OAP, AND, AB, or supplemental security income (SSI) benefits; and
- were not receiving home- and community-based services under the long-term care provisions of the state's Medicaid program.

As of January 1, 2014:

- meet the functional impairment and financial criteria established under Department of Human Services rule; and
- are receiving OAP and HCA benefits as of December 31, 2013, and remain continuously eligible for such benefits; or
- are receiving AND, AB, or SSI benefits.

## **State Nursing Homes**

The state Department of Human Services administers five nursing homes for veterans located throughout the state and one nursing home for state residents located in Trinidad, Colorado. During the 2009 legislative session, the General Assembly adopted legislation allowing the department to sell the state nursing home in Trinidad. The General Assembly considered two bills in 2010 concerning the possible sale of the nursing home and funding for the home until its sale.

**House Bill 10-1217** would have limited the period of time during which the department could sell the home to between April 30, 2011, and July 1, 2012. The bill was postponed indefinitely.

**House Bill 10-1426** would have separated the funding for the Trinidad State Nursing home from the other five veterans home administered by the department and created a fund specific to the Trinidad home. The bill was deemed lost.