

HUMAN SERVICES

Child Welfare

SB 11-034 (Enacted)
*Required Reporting of Abuse
and Neglect*

SB 11-120 (Enacted)
*Protections for Youth in
Foster Care*

HB 11-1181 (Enacted)
Child Welfare Fatality Review Team

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SB 11-087 (Enacted)
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*State Boards and Persons with
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SB 11-195 (Enacted)
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Mental Health Care

SB 11-187 (Enacted)
*Sunset Review of Mental Health
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HB 11-1193 (Enacted)
*Family Advocacy Juvenile Mental
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HB 11-1194 (Postponed Indefinitely)
*Develop Criteria for Dementia
Caretaker Certification*

Child Care

HB 11-1102 (Enacted)
*Portability Child Care Background
Checks*

HB 11-1145 (Enacted)
*Background Checks for Child Care
Facilities*

Assistance Programs

SB 11-002 (Enacted)
*Low-income Telephone Assistance
Program*

HB 11-1058 (Postponed Indefinitely)
No Public Assistance at Strip Clubs

State Nursing Homes

HB 11-1038 (Postponed Indefinitely)
Repeal Authority Sell Trinidad Nursing

Miscellaneous

HB 11-1144 (Enacted)
Fetal Alcohol Spectrum Disorders

During the 2011 session, the General Assembly considered a variety of human services-related bills. Specifically, the legislature considered bills related to child welfare, services for individuals with disabilities, child care, regulation of mental health professionals, 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

After a series of child fatalities that occurred in 2008, the General Assembly, based on recommendations from the Governor's Child Welfare Action Committee, made several changes to the child welfare laws in an effort to improve the child welfare system. **House Bill 11-1181** continues efforts to improve the child welfare system by codifying a Child Fatality Review Team within the Department of Human Services (DHS). The review team is charged with reviewing cases where there is a suspicious fatality of a child who has had previous involvement with a county department of human service or social services. The review team is comprised of up to 20 members, including representatives from the DHS, Department of Public Health and Environment (DPHE), county departments of human services, and other individuals involved in the child welfare system. The review team is responsible for considering the circumstances around the fatality and services provide by the county department to the child, his or her family, and the perpetrator. The act requires the review team to conduct interviews and review records about the fatality, and to assess the county department's compliance with relevant statutes, regulations, policies, and procedures in relation to the fatality. The review team is also responsible for determining best practices and identifying factors that may have contributed to the conditions leading up to the fatality. The act also requires the DHS to provide specific reports concerning the child fatality and to post nonconfidential information concerning the child fatality to its website. County departments are required to report suspicious child fatalities within 24 hours to the DHS and provide all relevant information concerning that case in a timely manner. Lastly, the act requires the review team to complete its report concerning the fatality within 120 days after receiving all pertinent information concerning the case.

Under current law, certain individuals who are called "mandatory reporters," including 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 11-034** adds educators providing services through the federal Women, Infants, and Children (WIC) Supplemental Nutrition Program to the list of mandatory reporters of child abuse and neglect.

Senate Bill 11-120 sets forth a legislative declaration concerning a bill of rights for youth in foster care, excluding those in the custody of the Division of Youth Corrections or a state mental hospital. The act requires the court to ensure that each youth in foster care between the ages of 16 and 18 years old obtains a free credit report. If there is evidence of identity theft on the youth's credit report, the person assisting the youth must inform the court and refer the matter to a governmental or nonprofit entity on a referral list developed by the DHS for remedial action. Additionally, the DHS is required to promulgate rules concerning policies for allowing youth 12 years of age and older greater access to extracurricular activities, including the waiver of certain fingerprint-based criminal history records checks. The act also grants immunity from civil and criminal liability to the DHS and county departments if they waive fingerprint-based background checks for youth to participate in extracurricular activities in compliance with department rules.

Individual with Disabilities

The General Assembly passed three laws concerning services for individuals with disabilities. In response to Xcel Energy's implementation of a tiered rate plan for utility use, **Senate Bill 11-087** authorizes the Colorado Public Utilities Commission (PUC) to promulgate rules to exempt customers from a utility's tiered rate plans for electric utility service based on a customer's medical condition or use of an essential life support device.

Senate Bill 11-183 requires the Governor to include a person with a disability, a family member of a person with a disability, or a member of an advocacy group for persons with a disability on the State Housing Board, the Medical Services Board, and the State Board of Human Services. Previously, the Governor was encouraged, but not required to include such representatives on the boards.

Under current law, a physician, podiatrist, or advanced practice nurse (APN) may verify a person's disability for the purposes of obtaining a disabled identifying license plate or parking placard. **Senate Bill 11-195** adds physician assistants to the list of health professionals who may verify a person's disability and clarifies that physicians, podiatrists, physician assistants, or APNs licensed in another state that shares a common border with Colorado may verify a person's disability for the purpose of obtaining a disabled identifying license plate or parking placard.

Mental Health Care

The General Assembly considered three bills related to mental health care during the 2011 legislative session. The General Assembly passed **Senate Bill 11-187**, which implements many of the recommendations of the Department of Regulatory Agencies' (DORA) sunset review of six mental health professionals, including: psychologists, social workers, marriage and family therapists, professional counselors, psychotherapists, and addiction counselors. The act continues the State Boards of Psychologist Examiners, Social Work Examiners, Marriage and Family Therapist Examiners, Licensed Professional Counselor Examiners, and the State Grievance Board. It creates the State Board of Addiction Counselor Examiners and eliminates the regulatory authority of the director of the Division of Registrations in the DORA over addiction counselors. It establishes a new sunset review date of September 1, 2020, for all the oversight boards. Among other changes in the regulation of mental health professions, the act:

- indefinitely continues the ability of the oversight boards to issue provisional licenses to candidates who meet the education requirements, but have not yet fulfilled the experience requirements for full licensure;
- changes the name of "unlicensed psychotherapists" to "registered psychotherapists";
- creates a registry for marriage and family therapists and licensed professional counselor candidates who are working towards full licensure;
- makes modifications to the prohibited activities for licensed mental health professionals;
- authorizes the oversight boards to impose an administrative fine of up to \$5,000 per violation on regulated mental health professionals for certain violations;

- authorizes the oversight boards to enter into confidential agreements to restrict the practice of a mental health professional who has a mental or physical illness that affects his or her ability to practice the professional and specifies that such an agreement is not a disciplinary action and does not mean that unprofessional conduct has occurred;
- allows oversight boards to order a mental health evaluation of regulated professionals to determine their ability to continue practicing under a confidential agreement or restricted license;
- requires the oversight boards to create peer assistance networks to provide mental health services, counseling, and other services to regulated mental health professions and select an administrating entity to manage the network;
- authorizes the boards to collect a fee of up to \$25 from all regulated professionals seeking licensure or relicensure beginning on July 1, 2012, to pay administrating entities to operate the peer assistance networks;
- eliminates the exemption from regulatory oversight provided to a mental health professional acting as a court-appointed child and family investigator in cases involving child custody and child abuse or domestic violence; and
- modifies the membership on the oversight boards to replace a member of the public with a representative from one of the regulated professions.

Under current law, the family advocacy programs for youth in the juvenile justice system with mental health needs were scheduled to be repealed on July 1, 2011. **House Bill 11-1193** continues the programs as an ongoing initiative in the DHS and extends repeal to July 1, 2021. The DHS is required to promulgate rules and standards and provide technical assistance to family advocacy programs throughout the state.

The General Assembly considered **House Bill 11-1194**, which would have allowed the Colorado Alzheimer's Coordinating Council to develop a proposal for a statewide Alzheimer's disease and dementia care training certification program. The bill was postponed indefinitely.

Child Care

The legislature considered several bills to improve the safety and quality of child care in the state. **House Bill 11-1102** allows for portability of a fingerprint-based criminal history records check in separately licensed child care facilities under a common ownership group or school district. If an individual who is required to obtain a background check transfers employment to another licensed facility owned and operated by the same common ownership group or school district, a new background check is not required if the common ownership group or school district maintains a central records management system for employees of all its licensed facilities. The act requires the group or school district to take proper action when informed of the results of a background check that requires action and to inform the DHS whenever an additional licensed facility comes under or is no longer under its ownership or control.

Under current law, all child care workers must undergo a background check through the Colorado Bureau of Investigation (CBI). Additionally, child care workers who have lived in Colorado for less than two years must also undergo a Federal Bureau of Investigation (FBI) background check. **House Bill 11-1145** requires all child care workers, regardless of the amount of

time the worker has lived in Colorado, to have a fingerprint-based criminal history record check through both the FBI and the CBI. The act applies to workers hired on or after August 10, 2011.

Assistance Programs

The Low-income Telephone Assistance Program (LITAP) is a state-administered program that helps low-income individuals obtain access to basic local telephone services by providing a subsidy of \$6.50 per month for primarily land-line phones. Under current law, all adult members of a household are eligible for LITAP. **Senate Bill 11-002** specifies that to be eligible for the LITAP, a person must be:

- a citizen and legal resident of the United States and a resident of Colorado;
- a current or prospective subscriber to basic phone service; and
- certified by the DHS to receive financial assistance.

Under current law, recipients of public assistance are prohibited from accessing cash benefits through automated teller machines (ATMs) located in casinos, in-state simulcast facilities, racetracks, commercial bingo facilities, gun stores, and liquor stores. **House Bill 11-1058** would have added strip clubs and establishments that offer topless or nude entertainment to the list of locations where access to public cash assistance through an ATM is prohibited. The bill was postponed indefinitely.

State Nursing Homes

The state DHS 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. In 2010, the DHS entered into a contract to sell the nursing home to C & G Health Care. In the 2011 legislative session, the General Assembly considered **House Bill 11-1038**, which would have repealed the authority of the DHS to sell the Trinidad State nursing Home to C & G Health Care. The bill was postponed indefinitely.

Miscellaneous

House Bill 11-1144 makes changes to the Fetal Alcohol Spectrum Disorders (FASD) Commission by adding two members, including representatives from the Department of Education and a trade association representing licensed beverage retailers. The commission is charged with evaluating the use and distribution of health warning signs that inform people about the consequences of consuming alcohol while pregnant, and making recommendations to the DHS and relevant legislative committees. The repeal date of commission is extended to June 30, 2015.