

# HUMAN SERVICES

## Child Welfare

**SB 12-011** (Enacted)  
*Child Abuse Differential Response  
Program*

**SB 12-033** (Enacted)  
*Child Fatality Review*

**SB 12-064** (Enacted)  
*Colorado Children's Trust Fund*

**HB 12-1047** (Enacted)  
*Non-safety Licencing Standards  
Kinship Foster Care*

## Individuals with Disabilities

**HB 12-1177** (Enacted)  
*Developmental Disabilities Home  
Care Allowance Grant Program*

## Mental Health Care

**HB 12-1140** (Enacted)  
*Suicide Prevention For Minors  
Family Education*

## Child Care

**SB 12-130** (Postponed Indefinitely)  
*Governance of Child Development  
Programs*

**HB 12-1276** (Enacted)  
*Child Care Licensure Material Waivers*

## Assistance Programs

**SB 12-022** (Enacted)  
*Maintain Child Care Assistance  
Working Families*

**SB 12-139** (Postponed Indefinitely)  
*Coordination of Work Support  
Assistance*

**HB 12-1046** (Deemed Lost)  
*Colorado Works Program Drug  
Testing Requirement*

## Elders

**SB 12-078** (Enacted)  
*Protection for At-risk Adults*

**SB 12-091** (Enacted)  
*Nursing Home Administrator  
Qualifications*

During the 2012 session, the General Assembly considered a variety of human services-related bills. Specifically, the legislature considered bills related to child welfare, individuals with disabilities, mental health care, child care, assistance programs, mental health, and elders.

## **Child Welfare**

In 2010, the Differential Response Pilot Program was established in the Department of Human Services to identify low- and moderate-risk cases of abuse or neglect and divert families from the potentially adversarial court interventions to voluntary services. When the pilot program was established it was limited to five counties; **Senate Bill 12-011** removes this five-county limit.

In 2011, the Child Fatality Review Team was established in the Department of Human Services to examine circumstances of cases involving a child fatality. **Senate Bill 12-033** adds near fatalities and incidents of egregious abuse or neglect to the types of incidents to be investigated by the Child Fatality Review Team. The bill outlines time frames to make certain information about the cases and the case-specific report available to the public.

**Senate Bill 12-064** clarifies that Colorado Children Trust Fund moneys are to be used for primary and secondary prevention programs, and extends the Colorado Children Trust Fund's repeal date ten years to July 1, 2022.

Kinship foster care is foster care provided by family members or other close relations of children who are removed from their homes. **House Bill 12-1047** allows county directors of social services to approve a waiver of non-safety licensing standards for kinship foster care placements. Prior to the passage of House Bill 12-1047, the Department of Human Services was allowed to waive certain licensing standards for kinship foster care homes; the bill shifts the waiver authority to the counties. A waiver can only be approved by a county director of social services if:

- it concerns non-safety licensing standards, as set forth by rule of the State Board of Human Services;
- the safety and well-being of the child receiving care is not compromised; and
- the waiver is in writing.

When approving such a waiver, the director of the county department of social services may limit or restrict the license issued to the kinship foster care home. The kinship foster care entity may not appeal a denial of a waiver. The State Board of Human Services is required to promulgate rules on the types of non-safety licensing standards that may be waived and circumstances when waivers do not apply, as well as the definition of "kinship foster care."

## **Individual with Disabilities**

**House Bill 12-1177** creates the Home Care Allowance (HCA) Grant Program in the Department of Human Services. The grant program is to assist certain people who previously were receiving both regular HCA assistance and certain Medicaid waiver home- and community-based

services (HCBS), but who dropped HCA assistance when required to choose between the two programs as a result of House Bill 10-1146, which prohibited simultaneous enrollment in both HCA and HCBS.

To receive an HCA grant under the new program established by House Bill 12-1177, a person must:

- have been receiving HCA assistance at any time during the period beginning September 1, 2011, and ending December 31, 2011;
- no longer be eligible to receive HCA assistance because the person is on either the HCBS waiver or the Children's Extensive Services Waiver;
- have been within \$1,000 of his or her maximum benefit under the applicable waiver at any time during the period beginning September 1, 2011, and ending December 31, 2011;
- meet any other eligibility requirement established by the State Board of Human Services; and
- submit an application to the Department of Human Services.

The Department of Human Services is required to adopt rules governing the grant program, including application, eligibility, and redetermination requirements and the amount of grant assistance provided. Funding for the grant program is to be diverted from the regular HCA assistance program. The Department of Human Services is required to gather information on the grant program and its recipients and submit a report to the relevant committees of the General Assembly by October 15, 2016. The grant program is repealed on July 1, 2017.

## **Mental Health Care**

The Department of Public Health and Environment is designated as the coordinator for suicide prevention programs throughout the state. **House Bill 12-1140** allows, but does not require, the Department of Public Health and Environment, in its coordinator role, to collaborate with hospitals and other facilities who, in turn, may provide information to persons who have attempted suicide or exhibited a suicidal gesture. The bill permits the Department of Public Health and Environment to work with hospitals and other facilities to identify gaps in existing suicide prevention programs and services in three areas: information and materials used and distributed in the state, available resources, and the process for referring persons to appropriate programs or treatment providers. Beginning in 2013, the Department of Public Health and Environment is required to include in its annual report to the House and Senate Health Committees any findings and recommendations to improve suicide prevention in the state.

## **Child Care**

**Senate Bill 12-130**, which was postponed indefinitely, would have made the following changes within the Department of Human Services:

- created the Office of Early Childhood and transferred several programs from within the Department of Human Services and other agencies into the newly created office, including the Colorado Children's Trust Fund, the Colorado Nurse Visitor Program, the Family Resource Center Program, the Child Care Program, the Colorado Child Care Assistance Program, Early Intervention Services for children with developmental disabilities from birth to age two, and the Promoting Safe and Stable Families program; and
- created the Division of Youth and Community Development within the Department of Human Services and transferred the Tony Grampsas Youth Services Program and related initiatives from the Department of Public Health and Environment to this new division.

The Office of Early Childhood would have been required to coordinate with the various state and local agencies providing early childhood services, review funding for early childhood programs, develop performance measures, and complete other duties. The office would have been required to develop a state plan on the provision of services to pregnant women, children from birth to age eight, and their families, and to present the plan to the Early Childhood Leadership Commission, the executive director of the Department of Human Services, and the Early Childhood and School Readiness Commission for review and comment on or before January 31, 2013. After making any necessary revisions, the office would have been required to present the state plan to the State Board of Human Services for approval. The state plan would have been required to be reviewed and updated every two years.

**House Bill 12-1276** allows child care centers regulated by the Department of Human Services to apply for waivers to use certain materials in conjunction with their curricula. Child care centers are required to adopt policies concerning parental notification about the potential safety risks of those materials and the training of staff in the use of the materials. The Department of Human Services is required to promulgate rules for the waiver process, and child centers are allowed to appeal waiver denials. The bill sets forth requirements on the Department of Human Services concerning inspections, time frames for appeals, and publishing denials of waivers on its website. The bill also provides specificity regarding the composition of and the appointment process for the members of the appeals review panel that reviews decisions on child care licensing actions.

## **Assistance Programs**

**Senate Bill 12-022** creates a pilot program in the Department of Human Services to allow up to ten counties to modify their child care assistance programs to mitigate the "cliff effect." In regard to child care assistance, the cliff effect refers to a situation when working parents receiving assistance begin to earn income above the eligibility limit, and in turn, lose their eligibility for assistance, which can hinder their ability to continue to work or to afford child care costs. Specifically, the pilot program allows counties to do the following:

- continue providing extended child care assistance for a period of up to two years after a person receiving assistance has exceeded the county eligibility limit; and
- require parents receiving extended assistance to pay an increasing portion of the child care costs according to a schedule over the two-year period and allow for a gradual transition off of assistance over this period.

Persons receiving extended child care assistance under a pilot program are required to report changes in income during the two-year period and must have their eligibility redetermined after 12 months. At no point may counties provide assistance under the pilot to persons with incomes above the federal eligibility limit. Counties in the pilot program are also encouraged to seek public-private partnerships to supplement their child care assistance program funds to help families continue to meet their child care needs. Counties must apply to the Department of Human Services to participate in the program and may begin services under the pilot program on July 1, 2012. The pilot is repealed on July 1, 2016. The Department of Human Services is required to compile data submitted by counties on their pilot programs and report to the relevant committees of the General Assembly.

Two bills concerning assistance programs were considered by the General Assembly, but were not enacted. **House Bill 12-1046**, which was deemed lost in the House of Representatives, would have required persons applying for assistance through the Colorado Works program to take and pass a drug test prior to receiving assistance. Applicants would have been required to pay for the test. If an applicant passed the drug test, he or she would have been reimbursed the costs of the test when receiving his or her first assistance payment. Reimbursement would not be provided in the event of a positive test. The bill exempted dependent children under the age of 18 from taking a drug test and specified when retesting could occur after a failed drug test. As amended by the House Appropriations Committee, the bill would have required the Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, and members of the General Assembly to take a drug test each year at their own expenses. The bill did not specify the consequences if an elected official failed or refused to take a drug test.

**Senate Bill 12-139**, which was postponed indefinitely, would have created a pilot program in the Department of Human Services to provide grants to counties, nonprofit organizations, and other community-based organizations to help Colorado Works recipients gain and keep employment. Specifically, the goals of the grant program would have been to :

- mitigate the "cliff effect" for persons making the transition from Colorado Works to employment; and
- provide subsidized job training programs to assist unemployed and low- and middle-skilled workers gain skills and work experience.

The bill would have created the Colorado Job Support Fund and the Colorado Job Support Program Committee to advise the Department of Human Services on program rules and to review grant applications.

## Elders

**Senate Bill 12-078** clarifies definitions and modifies requirements concerning the mistreatment, self-neglect, and exploitation of at-risk adults. Among other things, the bill removes the requirement that an abuse reporter follow an oral report with a written report within 48 hours. In addition, it directs each county to require each protective services employee to undergo a fingerprint background check. Background checks are at the employee's expense, unless the county department chooses to pay for them.

The Elder Abuse Task Force is created and authorized to meet during the 2012 legislative interim. Task force members serve without compensation and include representatives from the legal community, law enforcement, long-term care providers, health care professionals, banking, social services, and agencies of the state that serve at-risk elderly adults. The purpose of the task force is to study, make recommendations, and report on various issues related to at-risk elderly adults, including how to fund and implement a system of mandatory reporting for incidences of mistreatment or exploitation; the provision of services; and the adequacy of existing criminal penalties levied for offenses against this population.

**Senate Bill 12-091** makes changes to the Board of Examiners of Nursing Home Administrators and the licensing process for nursing home administrators. These changes include:

- modifying the membership and qualifications of the Board of Examiners of Nursing Home Administrators;
- reducing the experience and supervision requirements to qualify an applicant to take the Colorado nursing home administrator licensure examination;
- expanding the qualifying degrees for nursing home administrator licensure;
- allowing a nursing home administrator who has passed a national examination and an examination in another state to take the Colorado nursing home administrator licensure examination;
- eliminating the requirement that a person licensed as a nursing home administrator in another state possess substantially equivalent credentials and qualifications prior to taking the Colorado nursing home administrator licensure examination; and
- reducing the hours required in the Nursing Home Administrator-in-Training Program to take the Colorado NHA licensure examination from 2,000 to 1,000 hours.