

HUMAN SERVICES

Mental Health Care

SB 13-266 (Enacted)
Coordinated Behavioral Health Crisis Response

HB 13-1296 (Enacted)
Civil Commitments and Task Force

HB 13-1306 (Postponed Indefinitely)
Mental Health Task Force

Individuals with Disabilities

SB 13-167 (Enacted)
Individuals with Intellectual Disabilities

SB 13-276 (Enacted)
Disability Investigational and Pilot Support Fund

HB 13-1314 (Enacted)
Transfer Developmental Disabilities to HCPF

HJR 13-1028 (Postponed Indefinitely)
Interim Committee Long-term Services

Child Care

HB 13-1084 (Enacted)
Child Care License Status When New FEIN is Issued

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SB 13-012 (Enacted)
Child Abuse Reporting Youth Sports Organizations

SB 13-047 (Enacted)
Youth in Foster Care and Identity Theft Protection

SB 13-148 (Enacted)
Sunset Colorado Youth Advisory Council

SB 13-220 (Enacted)
Emergency Medical Providers to Report Child Abuse

SB 13-231 (Enacted)
Title IV-E Waiver Demonstration Project

SB 13-255 (Enacted)
Statutory Changes to Child Fatality Review Teams

SB 13-278 (Enacted)
Child Welfare and Drug-endangered Child Definition

HB 13-1117 (Enacted)
Alignment of Child Development Programs

HB 13-1239 (Enacted)
Creation of a Statewide Youth Development Plan

HB 13-1271 (Enacted)
Child Abuse Reporting Hotline and Child Welfare Rules

Assistance Programs

SB 13-194 (Enacted)
Repeal Low-income Telephone Assistance Program

HB 13-1055 (Enacted)
Colorado Works Redetermination of Eligibility

Elders

SB 13-111 (Enacted)
Require Reports of Elder Abuse and Exploitation

During the 2013 session, the General Assembly considered a variety of human services-related bills. Specifically, the legislature considered bills related to mental health care, individuals with disabilities, child care, child welfare, assistance programs, and elders.

Mental Health Care

Senate Bill 13-266 directs the DHS to issue requests for proposals (RFPs) to create a coordinated behavioral health crisis response system. The components of the system are to include:

- walk-in crisis services;
- mobile crisis services;
- respite and short-term residential services;
- 24-hour crisis telephone line services; and
- public information campaigns.

The DHS must report on its progress to the General Assembly as part of the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act."

House Bill 13-1296 creates the Civil Commitment Statute Review Committee in the DHS to meet during the 2013 legislative interim. The 30-member task force is required to study and prepare recommendations concerning the consolidation of mental health, alcohol, and substance abuse disorder statutes concerning civil commitments. The task force is also required to submit a report of its recommendations to the DHS executive director and relevant legislative committees by November 1, 2013. In addition, the bill also defines "danger to self and others" and amends the definition of "gravely disabled" in current law concerning civil commitments.

House Bill 13-1306, which was postponed indefinitely by the Senate Business, Labor, and Technology Committee, would have required the DHS to convene a 30-member mental health and firearms task force to advise the General Assembly regarding issues surrounding the loss, maintenance, and restoration of the right to purchase and possess firearms by persons who, as a result of mental health issues, alcohol abuse, substance abuse, or family dynamics are clearly dangerous to the health and safety of themselves or others. The bill specifically referred to individuals who:

- are taken into custody and placed in a facility designated or approved for 72-hour treatment and evaluation because they appear to have a mental illness and, as a result, appear to be an imminent danger to themselves or to others; or
- are committed, evaluated, and treated for a period of no more than five days because they are intoxicated or incapacitated by alcohol or drugs and are clearly dangerous to the health and safety of themselves or others.

Individuals with Disabilities

Senate Bill 13-167 makes technical changes to the terminology used to reference facilities providing care to persons with intellectual disabilities. In addition, it changes which state agency is authorized to collect the provider fee from intermediate care facilities. Under current law, the fee may be levied by the DHS. This bill authorizes the Department of Health Care Policy and Financing (HCPF) to collect the fee instead.

House Bill 13-1314 creates the Office of Community Living in the HCPF. The bill transfers multiple programs serving persons with intellectual and developmental disabilities within the DHS to HCPF, including:

- three Home-and Community-Based Services (HCBS) Medicaid waiver programs, including Adult Comprehensive Services, Children's Extensive Services, and Supported Living Services;
- targeted case management services for the transferring HCBS waiver programs; and
- family support services.

Senate Bill 13-276 moves the Coordinated Care for People With Disabilities (CCPWD) Fund from HCPF and renames it the Disability Investigational and Pilot Support (DIPS) Fund within the Department of Personnel and Administration (DPA). Under current law, interest or income earnings from the Breast and Cervical Cancer Prevention and Treatment (BCCPT) Fund are credited to the CCPWD Fund. The bill relocates these earnings to the DIPS Fund. The fund must be used to award grants and loans to projects or programs that study or pilot new and innovative ideas, which will lead to an improved quality of life or increased independence for people with disabilities. The DIPS Fund will be managed by the renamed Disability-Benefit Support Contract Committee (committee), which was established under House Bill 11-1216, but has not yet been implemented. State law also requires that the committee manage contracts regarding social security disability benefits.

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- targeted case management services for the transferring HCBS waiver programs; and
- family support services.

House Joint Resolution 13-1028, which was postponed indefinitely by the House Legislative Council Committee, would have created a legislative interim committee to address long-term care and support services for individuals with intellectual and developmental disabilities. The Long-Term Services Committee would have been permitted to solicit and accept reports from the Colorado Living Advisory Group, along with public testimony, to consider regulatory and statutory changes on the issue of redesigning the state's system of long-term care and support services in the state.

Child Care

Under current law, any licensed child care entity that receives a new Federal Employee Identification Number (FEIN) must submit a new licensing application. **House Bill 13-1084** allows an entity receiving a new FEIN to apply for a renewal of its child care license, rather than submit a new application, if certain conditions are met. Further, when submitting a renewal application, only newly hired employees are required to undergo criminal background checks.

Child Welfare

Mandatory reporters are members of designated professions that are required by law to report child abuse or neglect if they have a reasonable cause to know or suspect that a child has been or is being subjected to abuse or neglect. These professionals typically have frequent contact with children, including school personnel, health care professionals, counselors, law enforcement, and social workers. Colorado currently designates 27 distinct professions as mandatory child abuse and neglect reporters. Under current law, a mandatory reporter who willfully fails to report abuse or neglect is guilty of a class 3 misdemeanor. **Senate Bill 13-012** adds directors, coaches, assistant coaches, or athletic personnel for a private sports organizations to the list of mandatory reporters. Additionally, **Senate Bill 13-220** adds all certified emergency medical service providers, including volunteers, to the mandatory reporter list.

Colorado law requires that the state ensure that youth ages 16 to 18 in foster care obtain a free credit report to help protect against identity theft. **Senate Bill 13-047** clarifies the role of counties and the Department of Human Services (DHS) in obtaining and remediating inaccuracies in credit reports for youths in foster care, and makes the following changes:

- expands the credit report requirement to youth in the custody of the Division of Youth Corrections and state mental hospitals;
- requires all youth in such placements who are age 16 and older to receive credit report assistance, rather than only youth between the ages of 16 and 18; and
- clarifies that credit reports must be obtained annually.

Established in 2008, the Colorado Youth Advisory Council works with state and local youth groups to analyze and provide information on youth-related issues to the General Assembly, commissions, task forces, and state agencies. **Senate Bill 13-148** extends the Colorado Youth Advisory Council until July 1, 2018, and makes changes relating to the council's purpose, membership, duties, and reporting requirements

Under Title IV-E of the Social Security Act, federal funds are made available to reimburse states for the costs of certain child welfare expenditures for low-income children. Colorado is currently reimbursed for 50 percent of such costs. Beginning in 2011, the federal government has been authorized to grant up to 10 Title IV-E waivers per year to states that waive many of the requirements of Title IV-E. Instead, these states are granted a fixed amount of funding to provide child welfare services. **Senate Bill 13-231** allows the DHS to implement the Title IV-E waiver in compliance with federal requirements, while also creating the demonstration project to allocate waiver funds to counties. The bill allows for the state and counties to enter into individual performance agreements where the use of federal funds is flexible and the program goals are evaluated to determine that the practices result in improved safety and well-being for children.

Under the Title IV-E waiver terms and conditions agreed to by the federal government, Colorado will receive \$46.9 million in federal Title IV-E funds for FY 2013-14. Funding increases annually over the course of the five-year waiver, reaching \$50.9 million in FY 2017-18. In recent years, Title IV-E funding to Colorado has decreased. Without a waiver, based on current trends in the child welfare population eligible for Title IV-E funding, federal funds would be about \$39.0 million in FY 2013-14 and would likely continue to decrease.

Senate Bill 13-255 requires local public health agencies to establish local or regional child fatality prevention review teams no later than January 1, 2015. The local review teams are required to review fatalities of children up to the age of 17 and to operate under the supervision of the Department of Public Health and Environment (CDPHE). The bill makes changes to the

membership and duties of the CDPHE child fatality review team, as well as to the reporting requirements for the DHS child fatality review team. In addition to its previous duties, the bill requires CDPHE's review team to:

- review suicides;
- utilize a child fatality data collection system;
- provide an annual summary to the DHS outlining trends and patterns of child abuse and neglect fatalities;
- provide training and assistance to local and regional review teams; and
- provide an annual report summarizing the local and regional review data to each local and regional review team.

Senate Bill 13-278 requires the State Substance Abuse Task Force to develop a definition of a "drug-endangered child" for use in the context of child abuse and neglect. The recommendation on the definition of this term is to be included in the task force's report to the House and Senate Judiciary committees on January 1, 2014.

House Bill 13-1117 consolidates several child development programs in the DHS. Currently, the programs are administered through multiple departments and with multiple funding streams. The bill streamlines and transfers the following programs from the CDPHE to the DHS, the:

- Nurse Home Visitation Program;
- Tony Grampsas Youth Services Program;
- Colorado Youth Mentoring Program;
- Colorado Student Dropout Prevention and Intervention Program;
- Colorado Before-and-After School Project;
- Colorado Children's Trust Fund and its board; and
- Family Resource Center Program.

Additionally, the bill transfers the Early Childhood Leadership Council from the Governor's Office to the DHS, extends the council's sunset date to September 1, 2018, and reduces the number of members on the council from 35 to 20. The duties of the council are shifted to include advising and monitoring of early childhood programs, rather than developing legislative recommendations and improving data collection and sharing, as is specified under current law.

House Bill 13-1239 requires the DHS, in collaboration with the Tony Grampsas Youth Services Program board, to convene a group of interested parties to create a statewide youth development plan that identifies key issues and aligns strategic efforts to achieve positive outcome for all youths. Currently, the Tony Grampsas Youth Program provides statewide funding for community-based programs that target youth and their families for intervention services to reduce incidents of youth crime and violence. Specifically, the youth development plan is to include a baseline measure of youth activities and must:

- identify initiatives and strategies, organizations, and gaps in coverage that affect youth development outcomes;
- identify services, funding, and partnerships necessary to ensure successful transition to adulthood;
- determine what is necessary in terms of community involvement and development;
- identify existing youth service organizations, including demographics of youths served, current services, and capacity;
- identify successful youth development strategies nationally and in Colorado; and
- create a shared vision for how a strong youth development network can be created and measured.

House Bill 13-1271 requires the DHS to establish a steering committee to develop an implementation plan for a statewide child abuse reporting hotline. The steering committee must include state, local, and stakeholder representatives, and is required to submit its recommendations to the executive director of the DHS and the State Board of Human Services (state board) by July 1, 2014. The hotline is required to be operational and publicized statewide no later than January 1, 2015.

The bill requires the hotline to operate 24 hours a day, 7 days a week. The state board is authorized to adopt rules, based upon the recommendation of the steering committee, to address the technological, operational, process, and training requirements of the hotline, including the accommodation of persons who are deaf, hard of hearing, or who require language translation. The state board is also required to create a formal process for county departments of human services to opt to have the state department receive reports and inquiries on behalf of the county after hours or for another county to receive reports after hours or on a short-term basis. The bill also conforms existing law regarding mandatory reporting requirements to allow reporting through the hotline.

Assistance Programs

The Low-income Telephone Assistance Program (LITAP) subsidizes telephone access for low-income customers, reducing their bill based on allocation of funds collected by both the Public Utilities Commission, Department of Regulatory Agencies, and the telephone carrier. Currently, the state imposes a seven-cents-per-month surcharge on each telephone subscriber line to support the LITAP. **Senate Bill 13-194** repeals the LITAP and makes conforming amendments to statutes that reference the program. Low-income telephone customers may still receive assistance through the federal Lifeline program, administered through DHS.

Under current law, persons receiving cash assistance through the Colorado Works program must have their eligibility redetermined annually and appear in person at the county department of human services. **House Bill 13-1055** removes the requirement that recipients appear in person during the redetermination process.

Elders

Colorado's Adult Protective Services (APS) system, enacted in 1991, is designed to protect vulnerable or at-risk adults who, because of age or mental or physical ability, are unable to obtain services or otherwise protect their own health, safety, and welfare. Under current law, an "at-risk adult" is any person over the age of 18 who meets this criteria. Colorado law encourages all citizens to report known or suspected abuse of at-risk elders to county human services departments. Among its many provisions, **Senate Bill 13-111** creates a new class of protections for "at-risk elders," who are defined as any person age 70 or older. The bill also makes a number of changes to the APS system, as follows:

- requires members of certain professions listed in statute to report known or suspected abuse of at-risk elders, and to make the report within 24 hours;
- classifies penalties for theft-related crimes, caretaker neglect, and making a false report for offenses against at-risk elders;
- requires law enforcement agencies to complete a criminal investigation when appropriate and to provide a summary of investigation reports to the relevant county human services department and district attorney;
- requires the Peace Officer Standards Training (P.O.S.T.) Board, Department of Law, to develop and implement a training curriculum to assist peace officers in recognizing and responding to incidents of known or suspected abuse and exploitation of at-risk elders;
- requires that the DHS report to the House and Senate health committees and the Joint Budget Committee concerning the bill's implementation by December 31, 2016.