

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 14-0936.01 Brita Darling x2241

HOUSE BILL 14-1338

HOUSE SPONSORSHIP

May and Gerou, Duran

SENATE SPONSORSHIP

Hodge and Lambert, Steadman

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

Health & Human Services
Legislative Council
Appropriations

A BILL FOR AN ACT

101 **CONCERNING PLANNING FOR THE EFFECTIVE USE OF COLORADO'S**
102 **REGIONAL CENTERS FOR PERSONS WITH INTELLECTUAL**
103 **DISABILITIES, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Joint Budget Committee. The bill creates the regional centers task force (task force) to study matters relating to the state's regional

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
April 30, 2014

HOUSE
3rd Reading Unamended
April 9, 2014

HOUSE
Amended 2nd Reading
April 8, 2014

centers and to make findings and recommendations to the general assembly relating to the state's need for beds for persons with intellectual disabilities (ICF/IID beds).

The task force consists of legislative members, representatives of state agencies, and community members. The department of human services (department) will retain a facilitator to facilitate the task force. The task force has enumerated duties relating to the need for and use of the state's regional centers. The bill contains provisions for appointing task force members, task force meetings and subcommittees, reimbursement for task force members' expenditures, task force reporting requirements, and the repeal of the task force.

In addition, the bill requires the department to contract for a utilization study to make findings and recommendations relating to the state's regional centers, including the need for ICF/IID beds and the use of the regional centers' facilities. The department shall present the utilization study to the task force and to the general assembly.

The bill prohibits the department from selling or closing state-operated ICF/IID beds until the task force has completed its final report.

The bill repeals the task force in 2015.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 27-10.5-310 as
3 follows:

4 **27-10.5-310. Regional centers task force - creation - members**
5 **- recommendations - utilization study - reporting - repeal.**

6 (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 2-3-303.3, C.R.S.,
7 TO THE CONTRARY, THERE IS HEREBY CREATED THE REGIONAL CENTERS
8 TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK FORCE", WHICH
9 SHALL STUDY, MAKE RECOMMENDATIONS ON, AND REPORT FINDINGS ON
10 MATTERS RELATING TO STATE-OPERATED INTERMEDIATE CARE FACILITIES
11 FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES, ESTABLISHED AS
12 REGIONAL CENTERS PURSUANT TO THIS PART 3, WHICH MATTERS INCLUDE,
13 BUT ARE NOT LIMITED TO:

14 (a) A NEEDS ASSESSMENT CONCERNING THE NUMBER OF

1 INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL
2 DISABILITIES BEDS, REFERRED TO IN THIS SECTION AS "ICF/IID BEDS",
3 THAT THE STATE NEEDS TO ADEQUATELY SERVE INDIVIDUALS WITH
4 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES REQUIRING THIS
5 HIGHER LEVEL OF CARE;

6 (b) WHETHER THE STATE SHOULD OPERATE BEDS LICENSED
7 PURSUANT TO THE HOME- AND COMMUNITY-BASED SERVICES FOR PERSONS
8 WITH DEVELOPMENTAL DISABILITIES WAIVER;

9 (c) BASED UPON THE NEEDS ASSESSMENT PURSUANT TO
10 PARAGRAPH (a) OF THIS SUBSECTION (1), THE NUMBER OF CURRENT
11 ICF/IID BEDS THAT THE STATE SHOULD SELL, ADD, OR CLOSE;

12 (d) IF ONE OR MORE REGIONAL CENTERS SHOULD BE CLOSED, A
13 STRATEGIC PLAN FOR CLIENT TRANSITIONS TO COMMUNITY PLACEMENTS;

14 (e) A STRATEGIC PLAN FOR THE FUTURE USE OF THE REGIONAL
15 CENTERS, INCLUDING THE MOST EFFICIENT USE OF THE BUILDINGS AND
16 FACILITIES AND THE STAFFING LEVELS AT EACH REGIONAL CENTER; AND

17 (f) ANY OTHER MATTERS RELEVANT TO THE STATE'S CURRENT AND
18 FUTURE USE OF THE REGIONAL CENTERS.

19 (2) (a) THE TASK FORCE SHALL CONSIST OF THE FOLLOWING
20 FIFTEEN MEMBERS:

21 (I) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, ONE
22 MEMBER TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF
23 REPRESENTATIVES AND ONE MEMBER TO BE APPOINTED BY THE MINORITY
24 LEADER OF THE HOUSE OF REPRESENTATIVES;

25 (II) TWO MEMBERS OF THE SENATE, ONE MEMBER TO BE
26 APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER TO BE
27 APPOINTED BY THE MINORITY LEADER OF THE SENATE;

1 (III) A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN
2 SERVICES, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR;

3 (IV) A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC HEALTH
4 AND ENVIRONMENT, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF
5 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

6 (V) A REPRESENTATIVE OF THE DEPARTMENT OF HEALTH CARE
7 POLICY AND FINANCING, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR
8 OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;

9 (VI) AN ADVOCATE FOR PERSONS RECEIVING SERVICES FROM THE
10 REGIONAL CENTERS, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR;

11 (VII) A FAMILY MEMBER OF AN INDIVIDUAL WHO RESIDES IN THE
12 WHEAT RIDGE REGIONAL CENTER, A FAMILY MEMBER OF AN INDIVIDUAL
13 WHO RESIDES IN THE GRAND JUNCTION REGIONAL CENTER, AND A FAMILY
14 MEMBER OF AN INDIVIDUAL WHO RESIDES IN THE PUEBLO REGIONAL
15 CENTER, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR;

16 (VIII) A REPRESENTATIVE OF A COMMUNITY-CENTERED BOARD, TO
17 BE APPOINTED BY THE EXECUTIVE DIRECTOR;

18 (IX) A PROVIDER OF COMMUNITY SERVICES, TO BE APPOINTED BY
19 THE EXECUTIVE DIRECTOR;

20 (X) A REPRESENTATIVE OF AN ORGANIZATION IN COLORADO THAT
21 EXISTS FOR THE PURPOSE OF DEALING WITH THE STATE AS AN EMPLOYER
22 CONCERNING ISSUES OF MUTUAL CONCERN BETWEEN EMPLOYEES AND THE
23 STATE; AND

24 (XI) A REPRESENTATIVE OF A BEHAVIORAL HEALTH
25 ORGANIZATION WITH EXPERTISE IN INTELLECTUAL AND DEVELOPMENTAL
26 DISABILITIES AND CO-OCCURRING DISORDERS, TO BE APPOINTED BY THE
27 EXECUTIVE DIRECTOR.

1 (b) ALL APPOINTMENTS TO THE TASK FORCE MUST BE MADE ON OR
2 BEFORE JUNE 15, 2014.

3 (c) THE EXECUTIVE DIRECTOR SHALL APPOINT THE CHAIR AND VICE
4 CHAIR OF THE TASK FORCE.

5 (d) LEGISLATIVE AND NONLEGISLATIVE MEMBERS OF THE TASK
6 FORCE ARE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY
7 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES, AND
8 LEGISLATIVE MEMBERS OF THE TASK FORCE ARE ENTITLED TO PER DIEM
9 COMPENSATION PURSUANT TO SECTION 2-2-307, C.R.S.

10 (3) THE DEPARTMENT SHALL RETAIN A FACILITATOR TO
11 FACILITATE THE WORK OF THE TASK FORCE. THE FACILITATOR SHALL
12 PREPARE QUARTERLY REPORTS TO THE GENERAL ASSEMBLY'S COMMITTEES
13 OF REFERENCE WITH OVERSIGHT OF THE REGIONAL CENTERS AND TO THE
14 JOINT BUDGET COMMITTEE CONCERNING THE PROGRESS OF THE TASK
15 FORCE IN MEETING ITS OBJECTIVES.

16 (4) THE FIRST MEETING OF THE TASK FORCE MUST OCCUR NO
17 LATER THAN JULY 15, 2014, WITH THE TASK FORCE MEETING AS
18 NECESSARY TO COMPLETE ITS DUTIES PRIOR TO ITS REPEAL.

19 (5) THE TASK FORCE MAY INVITE PRIVATE CITIZENS,
20 REPRESENTATIVES FROM STATE AND LOCAL GOVERNMENTAL ENTITIES,
21 AND REPRESENTATIVES FROM PUBLIC OR PRIVATE ORGANIZATIONS TO
22 PARTICIPATE IN THE MEETINGS OF THE TASK FORCE, AS DEEMED
23 NECESSARY AND APPROPRIATE BY THE MEMBERS OF THE TASK FORCE. THE
24 TASK FORCE MAY ALSO SOLICIT AND ACCEPT REPORTS, WRITTEN
25 COMMENTS, PUBLIC TESTIMONY, AND OTHER DATA RELEVANT TO THE
26 TASK FORCE.

27 (6) THE CHAIR OF THE TASK FORCE MAY ESTABLISH ONE OR MORE

1 SUBCOMMITTEES AS NECESSARY TO FOCUS ON MATTERS RELATING TO THE
2 DUTIES OF THE TASK FORCE. THE CHAIR SHALL APPOINT SUBCOMMITTEE
3 MEMBERS, WHICH MEMBERS MAY INCLUDE PERSONS WHO ARE NOT TASK
4 FORCE MEMBERS.

5 (7) THE TASK FORCE SHALL SUBMIT WRITTEN REPORTS, INCLUDING
6 THE TASK FORCE'S FINDINGS AND RECOMMENDATIONS CONCERNING THE
7 STATE'S REGIONAL CENTERS, TO THE DEPARTMENT, TO THE GENERAL
8 ASSEMBLY'S COMMITTEES OF REFERENCE WITH OVERSIGHT OF THE
9 REGIONAL CENTERS, AND TO THE JOINT BUDGET COMMITTEE TO BE
10 PRESENTED IN 2014 AND 2015 AS PART OF THE DEPARTMENTAL
11 PRESENTATIONS TO THE LEGISLATIVE COMMITTEES OF REFERENCE
12 PURSUANT TO SECTION 2-7-203, C.R.S.

13 (8) THE TASK FORCE'S RECOMMENDATIONS MAY INCLUDE
14 RECOMMENDATIONS FOR LEGISLATION TO THE LEGISLATIVE COUNCIL IN
15 CONFORMANCE WITH RULE 24 OF THE JOINT RULES OF THE SENATE AND
16 THE HOUSE OF REPRESENTATIVES. LEGISLATION RECOMMENDED BY THE
17 TASK FORCE SHALL BE TREATED AS LEGISLATION RECOMMENDED BY AN
18 INTERIM COMMITTEE FOR PURPOSES OF INTRODUCTION DEADLINES OR BILL
19 LIMITATIONS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY.
20 A MAJORITY OF THE LEGISLATIVE MEMBERS OF THE TASK FORCE MUST
21 APPROVE THE TASK FORCE'S RECOMMENDATIONS FOR LEGISLATION TO THE
22 LEGISLATIVE COUNCIL.

23 (9) THE DEPARTMENT SHALL PROVIDE SUPPORT STAFF TO THE TASK
24 FORCE AND THE TASK FORCE FACILITATOR. ■ ■

25 (10) (a) AS SOON AS POSSIBLE THEREAFTER, THE DEPARTMENT
26 SHALL CONTRACT FOR A UTILIZATION STUDY OF THE STATE'S REGIONAL
27 CENTERS ESTABLISHED PURSUANT TO THIS PART 3 WITH RESPECT TO THE

1 NEEDS OF THE STATE FOR REGIONAL CENTERS AND THE MOST APPROPRIATE
2 AND COST-EFFECTIVE USE OF THE REGIONAL CENTERS' BEDS AND
3 FACILITIES. THE UTILIZATION STUDY MUST ADDRESS:

- 4 (I) THE ISSUES SET FORTH IN SUBSECTION (1) OF THIS SECTION;
- 5 (II) THE ABILITY OF THE COMMUNITY TO PROVIDE SERVICES TO
6 INDIVIDUALS ABLE TO TRANSITION TO THE COMMUNITY PURSUANT TO THE
7 UNITED STATES SUPREME COURT'S RULING IN *OLMSTEAD V. L. C.*, 527 U.S.
8 581 (1999); AND
- 9 (III) ANY OTHER MATTERS THAT THE DEPARTMENT DETERMINES
10 ARE RELEVANT TO THE STATE'S CURRENT AND FUTURE USE OF THE
11 REGIONAL CENTERS.

12 (b) THE DEPARTMENT SHALL NOT SELECT A VENDOR TO PERFORM
13 THE CONTRACT IF THE VENDOR HAS A KNOWN CONFLICT OF INTEREST THAT
14 MAY INTERFERE WITH ITS ABILITY TO PERFORM AN OBJECTIVE ANALYSIS.

15 (c) THE VENDOR SHALL PRESENT THE COMPLETED UTILIZATION
16 STUDY, INCLUDING ITS ANALYSIS, FINDINGS, AND RECOMMENDATIONS, TO
17 THE DEPARTMENT NO LATER THAN DECEMBER 1, 2014. THE DEPARTMENT
18 SHALL PRESENT THE UTILIZATION STUDY TO THE TASK FORCE AT A TASK
19 FORCE MEETING SCHEDULED FOR THAT PURPOSE.

20 (d) THE DEPARTMENT SHALL PRESENT THE UTILIZATION STUDY TO
21 THE GENERAL ASSEMBLY'S COMMITTEES OF REFERENCE WITH OVERSIGHT
22 OF THE REGIONAL CENTERS AND TO THE JOINT BUDGET COMMITTEE AS
23 PART OF THE DEPARTMENTAL PRESENTATIONS TO THE LEGISLATIVE
24 COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203, C.R.S.

25 (11) PRIOR TO DECEMBER 31, 2015, THE DEPARTMENT SHALL NOT
26 SELL ANY STATE-OPERATED REGIONAL CENTERS AND SHALL MAINTAIN AN
27 ADEQUATE NUMBER OF BEDS AT THE REGIONAL CENTERS FOR INDIVIDUALS

1 WHO TRANSITIONED TO THE COMMUNITY WITHIN THE PRECEDING SIX
2 MONTHS, BUT WHO HAVE BEEN IDENTIFIED BY A COMMUNITY-CENTERED
3 BOARD AND THE INDIVIDUAL'S LEGAL GUARDIAN AS HAVING HAD AN
4 UNSUCCESSFUL TRANSITION. THE DEPARTMENT SHALL PERMIT THE
5 INDIVIDUAL TO RETURN TO A STATE-OPERATED REGIONAL CENTER BED
6 PURSUANT TO SECTION 27-10.5-110 AND APPLICABLE FEDERAL LAW.

7 (12) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2015.

8 **SECTION 2. Appropriation.** In addition to any other
9 appropriation, there is hereby appropriated, out of any moneys in the
10 general fund not otherwise appropriated, to the department of human
11 services, for the fiscal year beginning July 1, 2014, the sum of \$250,000,
12 or so much thereof as may be necessary, for allocation to the special
13 purpose subdivision of the executive director's office for expenses related
14 to the regional center task force and utilization study.

15 **SECTION 3. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.