

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

ENGROSSED

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

LLS NO. 10-0890.01 Jane Ritter

HOUSE BILL 10-1213

HOUSE SPONSORSHIP

Acree, Roberts

SENATE SPONSORSHIP

Keller,

House Committees

Health and Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF AN INDIVIDUALIZED PLAN FOR A**
102 **PERSON WITH DEVELOPMENTAL DISABILITIES WHO IS ON THE**
103 **WAITING LIST FOR SERVICES.**

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>.)

The bill eliminates the statutory requirement that an individualized plan be created within 30 days after a person with developmental disabilities is determined to be eligible for services and supports and eliminates the annual review of an individualized plan for a person with

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.

HOUSE
Am ended 2nd Reading
February 24, 2010

developmental disabilities who is on the waiting list for services or supports. A community centered board is required to develop an individualized plan for a person with developmental disabilities when the person is enrolled into a program. The department of human services is required to promulgate rules concerning the procedures and criteria for developing an individualized plan and the type of contact a community centered board must maintain with individuals who are on the waiting list for developmental disabilities services and supports.

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

2 **SECTION 1.** 27-10.5-102 (25) and (32), Colorado Revised
3 Statutes, are amended, and the said 27-10.5-102 is further amended BY
4 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to
5 read:

6 **27-10.5-102. Definitions.** As used in this article, unless the
7 context otherwise requires:

8 (13.7) "ENROLLED" MEANS THAT A PERSON WITH A
9 DEVELOPMENTAL DISABILITY WHO IS ELIGIBLE FOR SUPPORTS AND
10 SERVICES HAS BEEN AUTHORIZED, AS DEFINED BY RULES PROMULGATED
11 BY THE DEPARTMENT, TO PARTICIPATE IN A PROGRAM FUNDED PURSUANT
12 TO THIS ARTICLE.

13 (25) "Person receiving services" means a person with a
14 developmental disability who is ~~receiving services or supports~~ ENROLLED
15 IN A PROGRAM FUNDED pursuant to this article.

16 (25.5) "PROGRAM" MEANS A SPECIFIC GROUP OF SERVICES OR
17 SUPPORTS AS DEFINED BY RULES PROMULGATED BY THE DEPARTMENT AND
18 FOR WHICH FUNDING IS AVAILABLE PURSUANT TO THIS ARTICLE TO A
19 PERSON WITH A DEVELOPMENTAL DISABILITY WHO IS ELIGIBLE FOR
20 SUPPORTS AND SERVICES.

21 (32) "Waiting list" means the list of persons with developmental

1 disabilities who are waiting for ~~services and supports~~ ENROLLMENT INTO
2 A PROGRAM provided pursuant to this article.

3 **SECTION 2.** 27-10.5-105 (2) (d), Colorado Revised Statutes, is
4 amended to read:

5 **27-10.5-105. Community centered boards - designation -**
6 **purchase of services and supports by community centered boards.**

7 (2) Once a community centered board has been designated pursuant to
8 this section, it shall, subject to available appropriations:

9 (d) Determine eligibility and develop ~~individualized plans for~~
10 ~~persons with developmental disabilities who are eligible for services and~~
11 ~~supports~~ AN INDIVIDUALIZED PLAN FOR EACH PERSON WHO RECEIVES
12 SERVICES OR SUPPORTS pursuant to section 27-10.5-106; except that, for
13 a child from birth through two years of age, eligibility determination and
14 development of an individualized family service plan shall be made
15 pursuant to part 7 of this article;

16 **SECTION 3.** 27-10.5-106 (1) (b) and (2), Colorado Revised
17 Statutes, are amended, and the said 27-10.5-106 is further amended BY
18 THE ADDITION OF A NEW SUBSECTION, to read:

19 **27-10.5-106. Eligibility determination - individualized plan -**
20 **periodic review - rules.** (1) (b) Pursuant to contract with the
21 department, designated community centered boards shall determine
22 whether a person is eligible to receive services and supports pursuant to
23 this article and, if so, shall develop an individualized plan for him or her
24 AS PART OF HIS OR HER ENROLLMENT INTO A PROGRAM. The department
25 shall promulgate rules, pursuant to article 4 of title 24, C.R.S., setting
26 forth the procedure and criteria for determination of eligibility AND
27 INDIVIDUALIZED PLAN DEVELOPMENT. The procedure and criteria shall be

1 uniform in nature and applied throughout the state in a consistent manner.

2 (2) Following intake and assessment by the designated community
3 centered board, an individualized plan shall be developed ~~within thirty~~
4 ~~days after the community centered board has determined that a person is~~
5 ~~eligible for services and supports~~ AS PROVIDED BY RULES PROMULGATED
6 BY THE DEPARTMENT. The individualized family service plan for a child
7 with disabilities from birth through two years of age shall be developed
8 pursuant to section 27-10.5-703.

9 (5) AN INDIVIDUALIZED PLAN SHALL NOT BE REQUIRED FOR A
10 PERSON WITH DEVELOPMENTAL DISABILITIES WHO IS ELIGIBLE FOR
11 SUPPORTS AND SERVICES AND WHO IS ON A WAITING LIST FOR
12 ENROLLMENT INTO A PROGRAM FUNDED PURSUANT TO THIS ARTICLE.
13 EACH COMMUNITY CENTERED BOARD SHALL PROVIDE INFORMATION AND
14 REFERRAL SERVICES TO EACH PERSON ON THE WAITING LIST FOR
15 ENROLLMENT IN A PROGRAM, AT THE TIME OF HIS OR HER ELIGIBILITY AND
16 ANNUALLY THEREAFTER, REGARDING SERVICES AND SUPPORTS THAT ARE
17 COMMONLY USED BY PERSONS WITH DEVELOPMENTAL DISABILITIES.

18 **SECTION 4.** 27-10.5-110 (2) (a) (II), Colorado Revised Statutes,
19 is amended to read:

20 **27-10.5-110. Imposition of legal disability - removal of legal**
21 **right.** (2) (a) Prior to granting the petition, the court shall find:

22 (II) The requested disability or removal is both necessary and
23 desirable to implement the individualized plan developed for the person
24 ~~with a developmental disability~~ RECEIVING SERVICES OR SUPPORTS under
25 the supervision of a developmental disabilities professional and the
26 interdisciplinary team. Such professional shall have an understanding of
27 the rights of persons receiving services as set forth in sections

1 27-10.5-112 to 27-10.5-123. Such plan shall be submitted to the court
2 and shall be signed by the developmental disabilities professional.

3 **SECTION 5.** 27-10.5-113 (2), Colorado Revised Statutes, is
4 amended to read:

5 **27-10.5-113. Right to individualized plan or individualized**
6 **family service plan.** (2) Pursuant to section 27-10.5-106, ~~each~~ THE
7 individualized plan FOR EACH PERSON WHO RECEIVES SERVICES OR
8 SUPPORTS shall be reviewed at least annually and modified as necessary
9 or appropriate; except that an individualized family service plan for a
10 child with disabilities from birth through two years of age shall be
11 reviewed as required pursuant to part 7 of this article. A review shall
12 consist of, but is not limited to, the determination by the interdisciplinary
13 team as to whether the needs of the person receiving services OR
14 SUPPORTS are accurately reflected in the plan, whether the services and
15 supports provided pursuant to the plan are appropriate to meet the
16 person's needs, and what actions are necessary for the plan to be achieved.

17 **SECTION 6. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.