2017 Legislation

Support or *Strongly Support

House

The bill recreates and re-enacts the 2009 Parental Involvement in K-12 Education Act which allows employees of an employer subject to Family and Medical Leave Act (federal) to take leave from work for the purpose of attending academic activities for or with the employee’s child. Leave in the 2009 law was limited to 6 hours per month and 18 hours in any academic year. The 2009 statute carried a repeal date of Sept. 1, 2015. The bill extends the 2009 Act with no repeal date and requires school districts to publish information about the Act.
Postponed Indefinitely

The bill prohibits corporal punishment of children by employees or volunteers in a public school, licensed child care center, a family child care home, or a specialized youth group facility. Postponed Indefinitely

The bill makes all communication during the restorative justice process made by all participants confidential unless the participants waive confidentiality or an offender or other participant commits a chargeable offense during the process. Signed

The bill extends the CO cash benefit Home Care Allowance to families of persons enrolled in or eligible for the Supported Living Services (SLS) HCBS waiver until such time as the Consumer Directed Attendant Support Services (CDASS) option is available through the SLS waiver. Signed

The bill updates certain terms in statute and requires that all CO laws be updated to eliminate the terms mentally retarded, mentally deficient person, mental deficiency, mental defect, or mental deficient and changes statutes to refer to persons with an intellectual and developmental disability and persons with a mental illness.
Signed
HB 17-1057—Interstate Physical Therapy Licensure Compact—Reps. Liston and Winter; Sens. Kerr and Gardner
The bill allows licensed Physical Therapists and PT assistants in certain states which have an agreement with Colorado to become licensed in Colorado. Signed

The bill repeals the CO Family support loan program and transfers funds from the loan program to the Family Support Grant Program. Outstanding debt on loans made from the original program is not forgiven by the bill. Signed

HB 17-1080—Requirements for Durable Medical Equipment Suppliers—Rep. Young and Sen. Sonnenberg
The bill amends the definition of durable medical equipment (DME) supplier to include a person or entity that intends to bill the state Medicaid program and requires the suppliers to do business in Colorado and be licensed by the CO Secretary of State. Postponed Indefinitely

The bill creates the office of public guardianship within the Judicial Dept. and establishes three pilot programs in an urban, rural, and frontier area. Following a report (1-1-2021) to the General Assembly, the office of public guardianship may be expanded, continued or discontinued at the discretion of the assembly. The report will quantify the need and cost for public guardianship for indigent and incapacitated adults and, to the extent possible, quantify the cost benefit to the state and analyze off-set costs in other systems. The bill is funded by gifts, grants, and donations. Signed

HB 17-1101—Division of Youth Corrections Monetary Incentives Award Program—Rep. Rosenthal; Sens. Todd and Priola
The bill creates the youth corrections monetary incentives program which can provide monetary awards and incentives for academic, social, and psychological achievement for youth committed to the Department of Human Services- Division of Youth Corrections. The bill is funded by gifts, grants and donations. Signed

HB 17-1109—Child Sex Assault Pattern Offense Place of Trial—Reps. Danielson and Carver; Sens. Fields and Cooke
The bill allows prosecuting in one jurisdiction a person who has committed sexual assaults against a child in different jurisdictions. The Arc supports the bill but indicated to the sponsors that similar legislation for adults who have been sexually assaulted should be considered for future legislation. Because of the narrow title of the bill, adults cannot be added. Signed

The bill requires certain health care professions regulated by the state to have criminal background history record checks. Includes podiatrists, dentists and dental hygienists, medical doctors, physician assistant, anesthesiologists, nurses, certified nurse aides (CNA,), optometrists, and veterinarians. The bill requires employers to notify the state board of nursing when a CNA is terminated from employment in lieu of resignation; amends the Medical Transparency Act of 2010 to include persons applying for nurse licensure and allows the board of nursing to fine employers who fail to report. Postponed Indefinitely
HB 17-1126—Medicaid Appeal Review Legal Notice Requirement’s—Reps. Danielson and Michaelson; Sen. Crowder
The bill is from an Interim Committee on Colorado Department of Health Care Policy and Financing (HCPF) and Medicaid Clients. It requires the administrative law judge who hears Medicaid appeals to review the legal sufficiency of the notice of action from which the recipient is appealing and makes other changes regarding legal sufficiency. Signed

The bill would have clarified that a Medicaid recipient who files an appeal does not need to make an affirmative request to continue Medicaid benefits during the appeal. Postponed Indefinitely

*HB 17-1139 Medicaid Provider Compliance Billing Safety Rules—Reps Landgraf and Michaelson; Sens. Kefalas and Humenik
The bill subjects Medicaid providers to a fine for improperly billing or seeking collection from Medicaid clients and allows the Dept. to require a corrective action plan from any provider not in compliance with Medicaid billing rules. Based on good cause, the Dept. may suspend the enrollment of a Medicaid provider. The provider has the right to appeal the suspension. Signed

HB 17-1185—Reports of Suspected Child Abuse or Neglect—Rep. Singer and Sen. Smallwood
The bill adds to the list of mandatory reports of suspected child abuse or neglect and would extend the period of time required for reporting. Sent to the Governor

The bill would change the formula for determining revenue growth allowable under the Taxpayers Bill of Rights. Currently, state spending is limited to previous year’s spending plus a factor based on population growth and inflation—the Consumer Price Index. If this bill passes and voters approve it, the CPI factor would be replaced by a 5 year rolling average of per capita income. Postponed Indefinitely

*HB 17-1188—Harassment Sexual Orientation or Disability—Rep. Foote; Sens. Coram and Moreno
Current CO law prohibits bias motivated crimes and makes harassment or intimidation of a person because of race, color, religion, or national origin a Class 1 misdemeanor. While the statute also prohibits harassment or intimidation because of mental or physical disability and sexual orientation, these crimes are not Class 1 misdemeanors. The bill would add those crimes to the misdemeanor determination. Signed

The bill creates provisions that remove the requirements for detention of juveniles over the age of 10 but younger than 13 unless the child has been arrested or adjudicated for a felony or weapons charge that is a misdemeanor or felony. Signed

*HB 17-1210—School Discipline for Pre-school through Grade 2—Reps. Lontine and Buckner; Sens. Fields and Priola
The bill requires schools to provide alternatives to suspension or expulsion for students in preschool-2nd grade. The bill requires schools to adopt prevention and early intervention
strategies to recuse the need for early childhood and early elementary grade suspensions and expulsions. Postponed Indefinitely

*HB 17-1247—Patient Choice Health Care Provider—Reps. Becker and Danielson; Sen. Sonnenberg
The bill would prohibit a health benefit plan or third party administrator from limiting or restricting a covered person’s ability to choose a pharmacy, chiropractor or optometrist or requiring a fee from those to participate in a plan if the provider meets certain requirements. Postponed Indefinitely

The bill would require that licensed securities professionals to report to the commissioner of securities suspicions that an elderly or at risk person is the subject of financial exploitation. The commissioner must report to the department of human services and law enforcement. The bill would also authorize the broker-dealer or financial advisor to delay disbursement of a transaction that might result in financial exploitation and provides immunity for qualified individuals. Signed

The bill would eliminate the cap on non-economic damages for the wrongful death of a child. Postponed Indefinitely

The bill would prohibit prone restraint on a student except in cases of emergencies, the bill exempts law enforcement school resource officers; requires school districts to submit annual reports regarding instances of any type of restraint and seclusion; establishes a complaint process for families. Signed

The bill conforms Colorado statute with federal law allowing individuals to establish and contribute to a special needs trust. Signed

*HB 17-1284—Data System Check for Employees Serving At Risk Adults—Rep. Lontine, Sens. Gardner and Aguilar
The bill establishes a state-level program within the department of human services Colorado Adult Protective Services (CAPS) data system. A CAPS check would verify whether a person is substantiated in the case of mistreatment of an at-risk adult. The bill requires employers’ at identified facilities and within certain programs to request a CAPS check prior to hiring. Signed

HB 17-1307—Family and Medical Leave Insurance Program—Rep. Winter
The bill creates the family and medical leave insurance program in the Dept. of Labor. Employees would pay a premium based on a percentage of the annual wages—not to exceed .99%. Money is deposited into the family and medical leave fund from which the employee could be paid if he or she takes a leave from work to care for a new child or family member with a
serious disability or she is unable to work due to the individual’s own serious health condition. **Postponed Indefinitely**

*HB 17-1329—Reform Division of Youth Corrections—Reps. Lee and Landgraf*

The bill re-names the Division of Youth Corrections to the Division of Youth Services and requires the department of Human Services to initiate cultural change in the Division (similar to the Missouri Division of Youth Services), requires a community board in each region of the divisions, requires data submitted to the General Assembly to include educational outcomes, adds restraint to the seclusion working group and requires the division to report on all instances of restraint to the working group, requires a behavioral plan or incident report for all cases when a youth has been isolated from his/her peers for more than 8 hours in 2 consecutive days, requires documentation and reporting of certain incidents of restraint, establishes that an attorney for a juvenile is entitled to all records including documents and video recordings related to the juvenile while he/she is in custody of the division, and requires the division to contract with a 3rd party for performance assessment regarding, de-escalation, physical management, and safety polices, as well as provision of trauma informed care. **Signed**

*HB 17-1343—Implement Conflict Free Case Management—Rep. Young and Sen. Moreno*

The bill implements conflict-free case management for persons with intellectual and developmental disabilities who are enrolled in home- and community-based services. The definition of conflict-free case management is included in the bill and reflects the policy that an agency cannot provide case management and direct services to the same person. The bill defines case management agencies and contains provisions for HCPF oversight of case management agencies. The state shall promulgate rules bill for certification and decertification of case management agencies, as well as rules that ensure that a person with intellectual and developmental disabilities has access to case management services and that there is a process for a person to select the case management agency of his or her choice. Designated community-centered boards shall continue to develop individualized plans for a child in Early Intervention and for adults enrolled in non-HCBS services and may also provide direct services to those persons. The bill establishes a time frame for the implementation of conflict-free case management in Colorado with 100% of all persons with IDD enrolled in HCBS services having access to conflict-free case management by July 1, 2022. The bill authorizes the department to seek a federal exemption from conflict-free case management in geographic areas within the state where the only willing and qualified entity to provide case management services is also the only willing and qualified entity to provide home- and community-based services in that geographic area. The bill prioritizes the use of money in the intellectual and developmental disabilities services cash fund for systems changes related to the implementation of conflict-free case management and repeals the cash fund in 2022. **Signed**

*HB 17-1353—Accountable Care Collaborative—Rep. Young and Sen. Lundberg*

The bill codifies the Accountable Care Collaborative (ACC), the primary Medicaid delivery system in Colorado, and Department of Health Care Policy and Financing’s work to continue to integrate physical and behavioral health care and provide access to a medical home through the ACC. **Signed**
The bill establishes a demonstration forum to study solutions to transportation access for people with disabilities. It creates a team from several departments of states to study the transportation needs of citizens in El Paso and Teller counties, make recommendations and submit a report to the General Assembly by Dec. 31, 2017. The study forum is directed to consider alternatives to currently reimbursed transportation venues and technology advances that could simplify transportation for people with disabilities. **Signed**

The bill addresses a number of issues relating to the restoration of competency for juveniles and adults including consideration of whether or not competency services should occur on an out-patient basis if the defendant is on bond, requires that competency services should be provided in the least restrictive environment, assigns oversight to the Colorado Dept. of Human Services—Office of Behavioral Health. **Signed**

The bill adds acute stress disorder and post-traumatic stress disorder to the list of debilitating conditions for the purposes of the use of medical marijuana. **Signed**

*SB 17-024—Clarifying Hearsay Exemption for crimes committed against a person with Intellectual or Developmental Disabilities—Sen. Fields and Rep. Young
Current CO law allows a hearsay exemption for persons with IDD when a defendant is charged with a crime against an at-risk person. The bill clarifies that the hearsay exemption applies if the defendant is charged under increased penalties for at-risk persons. **Signed**

SB17-033—Delegate Dispensing of Over the Counter Medications—Sen. Aguilar and Rep. Lawrence
The bill allows a professional nurse to delegate to another person, after proper training, the administration of non-prescription medications with the signed consent of a parent or guardian for minors. **Signed**

SB17-057—Colorado Healthcare Affordability and Sustainability Enterprise—Sen. Guzman
The bill would allow the Hospital Provider fund to be considered as an enterprise fund and thereby allow revenue from the Hospital Provider fees to be excluded from TABOR refund caps. **Postponed Indefinitely**

The bill would have prohibited insurance plans from excluding a drug or medication from its covered formulary if the drug was covered at the time the person enrolled and would have prohibited the costs of drugs to enrollees for the plan year. **Postponed Indefinitely**

SB 17-088—Participating Provider Network Selection Criteria—Sens. Holbert and Williams; Reps. Van Winkle and Hooton
The bill would require health insurers to develop, use and disclose the criteria used to select providers for participating networks, ensure that such criteria is based on nationally recognized evidence based standards and must make the standards available to providers and
the public and sets up a process whereby the carrier must notify a provider in writing of reasons to terminate, deny, or restrict a provider’s participation. **Signed**

SB 17-091—Allow Medicaid Home Health Services in the Community—Rep. Ginal and Sen. Moreno
The bill will allow Medicaid state plan benefits for home health services to be provided in community settings rather than only in a residence. **Signed**

SB 17-121—Improve Medicaid Client Correspondence—Sens. Lundberg and Crowder; Reps. Landgraf and Danielson
The bill require the state of CO to engage in an ongoing process to ensure that Medicaid clients receive information about coverage, denial, reduction or suspension of benefits in clear, readable, and understandable terms appropriate for the client. **Signed**

The bill would have require higher education institutions that receive public funding to develop, report and regularly review policies on sexual assault, domestic violence, dating violence, stalking, and hate crimes. **Postponed Indefinitely**

The bill prohibits a carrier from requiring a person to undergo step-therapy (a protocol that requires a covered person to use a prescription drug or sequence of drugs other than the drug that the person's health care provider recommends. **Signed**

SB 17-213—Automated Driving Vehicles—Sens. Moreno and Hill; Reps. Bridges and Winter
The bill declares that the regulation of automated driving systems is a matter of statewide concern, and that the use of such systems is authorized if the systems are capable of conforming to state and federal law. **Signed**

SB 17-245—Tenancies One Month to One Year Notice—Sen. Priola, Rep. Pabon
Current law allows a tenancy of one month but less than 6 months to be terminated by either party with 7 days’ notice. The bill extends the notice to 21 days for tenancies of one month or longer up to a year. **Signed**

*SB 17-264—Funding for Behavioral Mental Health Disorder Services—Rep. Young, Sen. Moreno
This is a JBC bill clarifying that the marijuana tax cash fund may include behavioral services. **Signed**

**Oppose or Strongly Oppose**

The bill would have allowed persons to cite religious beliefs to act or refuse to act in a manner that would be contrary to those beliefs except if the action is based on race or ethnicity. **Postponed Indefinitely**

The bill would have allowed school employees to dispense medication with parental or guardian consent, grant civil and criminal immunity to such employees, and allow parents or guardians to opt out of the collection and storage of data related to the child—including documentation of vaccinations. Postponed Indefinitely

The bill would repeal the 2010 Colorado Health Benefit Exchange Act passed consistent with Medicaid expansion and buy-in options of the Affordable Care Act. Postponed Indefinitely

The bill would allow non-Medicaid providers to treat Medicaid clients and bill them for services. The Arc opposed this bill in 2016 and does so again—we believe it could further reduce the number of Medicaid providers and could jeopardize eligibility for SSI if the money used to pay for a service is considered reportable income. Postponed Indefinitely

The bill would make optional a current requirement that a county must create a child protection team if 50 or more referrals related to child abuse or neglect are received in a given year. Signed

Monitored Bills


HB 17-1211—Educators Professional Development Discipline Strategies—Signed

HB 17-1229—Worker’s Comp for Mental Impairment—Reps. Becker and Singer; Sens. Todd and Cooke Sent to the Governor

HB 17-1320—Age of Consent Outpatient Psychotherapy for Minors Reps. Landgraf and Michaelson; Sens. Coram and Fenberg  Postponed Indefinitely

HB 17-1322—Domestic Violence Reports by Medical Professionals Reps. Esgar and Landgraf; Sens. Donovan and Lundberg.  Signed

SB 17-065—Transparency in Direct Pay Health Care Prices—Rep. Lontine  and Sen. Lundberg Signed

SB 17-079—Limit Amendments to Initiated Statutory Laws—Sen. Court Postponed Indefinitely

SB 17-246—Legislative Committee—Persons with Mental Health Disorders in the Justice System—Sen. Martinez Humenik; Reps. Singer and Michaelson Signed


SB 17-267—Sustainability of Rural Colorado—Sens. Guzman and Sonnenberg; Reps. J Becker and K Becker Signed

SB 17-281—Hold CO Government Accountable Sanctuary Jurisdictions—Sens. Neville and Marble; Reps Williams and Covarrubias—Postponed Indefinitely

SB 17-284—A Woman’s Right to Accurate Health Care Information—Sens. Marble and Lundberg; Reps. Saine and Ramsom  Senate 2nd Reading Lost with Amendments


Marijo Rymer
06/12/17