Legislative update and other policy issues

Budget—long bill: The Joint Budget Committee has completed figure setting for services and supports for people with developmental disabilities. The bill will be generated in the House in late March. The JBC recommendation—at this point—includes:

- Funding for 2,040 new resources for people on the wait list for Supported Living Services
- 25% increase in spending authorization limits for the SLS waiver
- Increase in maximum annual limit for SLS recipients from 35,000 to $43,750 for the SLS waiver
- Other new resources: DD Comp waiver and SLS waiver: 28 for youth aging out of the child welfare system, 40 for adults who experience emergency or crisis situations, 30 for people transitioning from the Regional Centers or Mental Health Institutes, and 61 for youth transitioning from Children’s Extensive Services waiver (CES)
- A rate increase of 3% for all providers
- A total increase in funding for Family Services and Supports Program (general fund only) of $3.4 million

Both houses of the General Assembly will consider the long bill and figures may change before passage. Revenue projections for the 2nd Q of the current year will be presented on Monday, March 17. The projections are anticipated to be less than was earlier estimated.

Bills affecting people with IDD that have been signed:

- **HB 1051**: sponsored by Reps. Landgraf and Schafer and Sens. Kefalas and Crowder—requiring HCPF/DIDD to create a strategic plan to serve all people with IDD eligible for HCBS waiver services—will be signed by the Governor on March 14.
- **HB 1238**: sponsored by JBC: supplemental appropriation for IDD services—authorizes a portion of under expended funds from current fiscal year to be retained by the department for services for people with IDD. Signed.
- **HB 1252**: sponsored by JBC: directs the department to use funds identified in HB 1238 to be used for work leading to increasing services for IDD capacity. Signed.
Bills (some—not all) affecting people with IDD that are still in progress:

- **HB 1017**: sponsored by Rep. Duran and Sen. Ulibarri—expands availability of affordable housing
- **HB 1029**: sponsored by Rep. Primavera and Sen. Todd—makes changes to statute related to parking placards for persons with disabilities
- **HB 1032**: sponsored by Rep. Kagan and Sen. Guzman—makes provisions for juveniles charged with crimes to have access to legal counsel
- **HB 1117**: sponsored by Rep. Schafer and Sen. Roberts: creation of a premature birth commission
- **HB 1162**: sponsored by Rep. Landgraff—in cases of rape wherein a child is conceived, adds additional protections re: parental rights of victim
- **HB 1211**: sponsored by Rep. Young and Sen. Tochtrop—makes CO services conform with federal law re: Medicaid accessibility for complex medical rehabilitation
- **SB 005**: sponsored by Sen. Ullibarri and Rep. Singer—adds assurances to CO labor law to protect right of minimum wage earners
- **SB 012**: sponsored by Sen. Kefalas and Rep. Exum—changes formula for the CO program for the Aging and Disabled to tie increases in funding to a %age of income related to federal poverty levels
- **SB 050**: sponsored by Sen. Aguilar and Rep. Moreno—requires hospitals to provide financial assistance information to all patients and limits the amount that is charged for private pay to a %age of Medicare reimbursable rates
- **SB 059**: sponsored by Sen. Guzman and Rep. Lawrence—allows for felony crimes committed during the course of a rape to be prosecuted if DNA identifies probable cause for an indictment even if the statute of limitations has run out on the felony crimes
- **SB 098**: sponsored by Sen. Zenzinger and Rep. Schafer—establishes additional penalties and strengthens reporting requirements for crimes against elders
- **SB 118**: sponsored by Sen. Steadman and Rep. Melton—adds additional protections for persons with disabilities by strengthening CO laws to conform with new changes to the ADA
- **SB 130**: sponsored by Sen. Tochtrop and Rep. Primavera—increases personal care allowance for people living in Medicaid funded nursing facilities from $50 to $75 a month.

**Other issues to be addressed by bills not yet introduced:**

- **Regional Centers**: A bill to be proposed to the JBC by Rep. May would establish a Legislative study committee to make recommendations regarding the future of the state’s regional centers at Grand Junction, Pueblo and Wheatridge to include a 3rd party facility utilization study.
- **CHRP waiver**: a bill that may be introduced by Rep. May to mandate that all persons in foster care under the CHRP waiver be transitioned at the age of 18 to an adult DD waiver.

- **Home care license sunset**: a bill that will be introduced by Rep. Young to renew licensure requirements for home care agencies. We are working with the CDPHE and other stakeholders to exempt program approved service agencies that provide home care for persons on the SLS and CES waivers from some of the licensure requirements.

- **Community First Choice**: members of the CFC Council—including The Arc of CO—have submitted a letter to the JBC requesting an appropriation of less than $1 million to begin the work needed to modify the state Medicaid plan to allow for introduction of changes to the state plan to cover CFC personal care, homemaker services, and other habilitative benefits beginning in FY 16.

  CFC implementation would afford states an additional 6% in federal funds to supplement the cost of adding these benefits to the state Medicaid plan. CFC benefits would be available to all people who qualify for Medicaid who meet the level of care required—institutional level.

  We are working hard to ensure that services for people with autism are among those to be added to state plan benefits.

**Other policy related issues**

- **CO Cross Systems Crisis Intervention Project**: We will submit recommendations on statutory and regulatory changes to improve access to mental health and behavioral support services to the department in May of 2014.

- **DD Waiver re-design**: the committee has begun the process of identifying services consistent with recommendations of the Waiver Simplification committee of the CLAG for a re-designed waiver for adults with IDD.

- **Waiver Simplification**: the committee will be submitting recommendations to the Community Living Advisory Group regarding all of CO’s HCBS Medicaid waivers in July of 2014.

- **Community First Choice**: members of the CFC advisory council have submitted a request to the JBC to provide funding this fiscal year of about 800,000 to launch the process of adding personal care and other rehabilitative supports to the Medicaid state plan for those people who meet level of care requirements.