



Legislative & Public Policy Committee Meeting

April 5, 2021 -- 10:00 AM – 12:00 PM

Zoom Only (no in-person meeting)

<https://zoom.us/j/458897508>

MEETING MINUTES:

Attendance:

Council Committee Members Present: Christine Owen, Dawn Russell, Lucinda Rowe

Council Committee Members Absent: Bonnie Silva, Ali Thompson, Cami Renfrow, Lisa Franklin

Community Committee Members Present: Michael Hoover (disability rights representative and past

Committee Members Absent: Benu Amun-Ra (self-advocate and parent), Gerrie Frohne (excused)

Guests: Donna Downing (past-president of the National Autism Committee), Kendra Kettler

Staff Present: Vanessa Hernandez, Robert “Bob” Lawhead

Public Members Present: None

Meeting Minutes:

1. Christine is acting chair because Ali had a conflicting meeting. Christine called the meeting to order at 10:14 AM.
2. Quorum is not present: Voting items and meeting minutes will be on hold until quorum is present.
3. Old Business:
 - a. Bob: Six Priority Areas Designated earlier this year.
 1. Home and Community-Based Services (HCBS) funding stability (American Rescue Plan Act - ARPA: 10% HCBS FMAP increase until 3.31.22).
 2. Eliminate Sub-minimum Wage Employment - SB21-039. Passed 3.21 Business Labor Technology (BLT) Committee hearing unanimously. Referred to Appropriations.
 3. Supported Decision-making Agreement - SB 21-075. Passed 3.4.21 Judiciary Committee hearing and the full Senate unanimously. Heard 3.30.21 House Judiciary, laid over due to CBA concerns.
 4. Ombudsman office for people with IDD (no update). Washington State has a model program and Bob and Joelle will be in touch with their Council for guidance.
 5. Sunset EFAP – SB21-095. Disability priority amendment done. First hearing by BLT Committee on 3.15.21. Passed out of Committee. Bob provided written testimony and Katheryn Carol provided verbal testimony.
 6. High-fidelity wraparound services expansion funding reinstatement. No update. This entire program will be reinstated in compliance with the 20 legislation. Bob has not received a formal confirmation

4. Bills we are following (17 in total):
 - 1) **HB21-1014 Disability Symbol Identification Document (CDDC Supports)**
Provides a discrete disability status identifier on license or ID; Provides for peace officer access to driver or passenger disability status. Ali is very involved with this. Provided for a peace office to be able to access after they run your information. Completely voluntary. You can opt in and have the identifier on your driver's license and/or registration. Ali provided testimony and did declare the Council supports this bill.
 - 2) **HB21-1097 Establish Behavioral Health Administration (CDDC Monitoring)**
Creates single state agency to lead, promote & administer BHA; Directs CDHS submit plan to create BHA. Monitoring this one. A plan to place all agency of programs under a single administrative unit. CDHS is directed to submit a plan that lines with the behavioral health issue.
 - 3) **HB21-1110 Colorado Laws for Persons with Disabilities (CDDC Supports)**
Prohibits a PWD from being excluded from participating in or being denied the benefits of services, programs, or activities of a public entity including web content. Requires that Colorado agency rules shall not provide less protection than the ADA. Council supports this largely because this is a disability piece that is constant with the DD Act and disability right portion of the act.
 - 4) **HB21-1122 First Responder Interactions with PWD (CDDC Supports)**
Establishes commission on improving first responder interactions with persons with disabilities including recommendations for training curriculum. Ali also been working on this one. Looks at improving the training curriculum for first responders. POST is the training curriculum.
 - 5) ***HB21-1166 Behavioral Health Crisis Response (CDDC Monitoring) This is one that is right for support but not taking formal action on today since quorum is not present.**
Directs HCPF to obtain a vendor to provide a comprehensive care coordination and treatment training model for persons who work with PWIDD & co-occurring behavioral health needs (20 trainees + 10 from underserved areas). This is something Bob believes the Council needs to look at to support. This bill was up last year. Would do statewide training with ten trainees from underserved areas. Does not directly relate to the Councils Five Year Plan so this would be a bill to take to the full Council for a vote if this committee wants to. Christine suggested this be put on hold until quorum is present for a discussion.
 - 6) ***HB21-1169 Prohibit Discrimination Organ Transplant Recipient (CDDC Monitoring) This is one that is right for support but not taking formal action on today since quorum is not present.**
Prohibits a health-care provider involved in making a decision regarding a person's eligibility to receive an organ transplant, or any related treatment or services from discriminating against that person. Unsure if this directly relates to the Council Five Year Plan but it is a disability rights piece.
 - 7) ***HB21-1182 Missing Child Emergency Electronic Location Info (CDDC Monitoring) This is one that is right for support but not taking formal action on today since quorum is not present.**
Allows law enforcement to receive location information from wireless tele-communications provider to allow for the timely and safe recovery of the missing child.
 - 8) ***HB21-1187 Long-term Services and Support Case Management Redesign (CDDC Monitoring) This is one that is right for support but not taking formal action on today since quorum is not present.**
Directs HCPF to make rules to implement a redesigned single entry point case management system by 7.1.24. Directs that Health Care Public Financing (HCPF) create a plan timeline by December 31, 2021 and to publish a competitive solicitation for case management

agencies (CMA)s to replace CCBs and SEPs by December 31, 2022. Will make sure there is conflict free management.

- 9) ***HB21-1206 Medicaid Transportation Services (CDDC Monitoring, support requested by Alliance Colorado) This is one that is right for support but not taking formal action on today since quorum is not present.**

Directs HCPF to oversee the safety and oversight of Medicaid nonmedical and nonemergency medical transportation services eliminating PUC's responsibility. Directs HCPF & stakeholders to establish applicable rules and processes. Alliance of Colorado asked for the Council to support this. Will need public utilities for anyone providing Taking away strict format that goes into effect July 2021 and brings it back to HCPF.

- 10) **HB21-1221 Bullying Prevention and Education in Schools (CDDC Monitoring)**

Directs CDE & stakeholders to update model bullying prevention and education policy and clearly differentiate between bullying, conflict and harassment, including the role of cyberbullying. Specified that these incidents are to be specifically tracked and may constitute grounds for suspension or expulsion.

- 11) **SB21-039 Elimination of Subminimum Wage Employment (CDDC Supports)**

Directs CDLE to phase out the use of subminimum wage (SMW) and require transition plans for employers currently using SMW employment. Directs the Employment First Advisory Partnership to develop recommendations to address fiscal and structural barriers to SMW elimination. Directs HCPF to add employment-related services for PWIDD.

- 12) **SB21-075 Supported Decision-Making Agreement (CDDC Strongly Supports)**

Allows an adult with a disability to enter into a supported decision-making (SDM) agreement with a member of "the supportive community." Under the agreement, the adult authorizes the member to provide SDM including assistance in:

- a. understanding potential options, responsibilities, and consequences,
- b. obtaining relevant information, and
- c. communicating the adult's decision.

SDM agreement, when signed and witnessed, shall be relied upon by any person receiving it. SDM agreements may serve as alternatives to guardianship or assist with decision-making for those presently under guardianship.

- 13) **SB21-095 Sunset Employment First Advisory Partnership (CDDC Supports)**

Implements the recommendation of the department of regulatory agencies in its sunset review and report on the employment first advisory partnership by continuing the partnership indefinitely.

- 14) **SB21-099 Sunset License Plate Disability Support Act (CDDC Monitoring)**

Continues the Laura Hershey Disability Support Act continues for another 5 years. This continues the Colorado Disability Funding Committee, which auctions motor vehicle license plate numbers to raise money to aid persons with disabilities in accessing disability benefits. Christine suggested that if the Council supported this before, maybe we can continue. Bob and Vanessa will review the Council records to see if this was supported in the past.

- 15) **SB21-140 Child Abuse Reporting Information Concerning Child (PIed 3.17.21)**

Requires that prior to reporting the suspected child abuse or neglect, a public school official or employee shall request an immediate advisory meeting concerning the child with a least one person who is a primary teacher or special education teacher of the child, if applicable, to share information concerning the child and any IEP or safety plan for the child. Controversial in that it was hard to determine what was going on in the bill. On the 17th it was postponed indefinitely (PI).

- 16) **SB21-182 School Discipline (CDDC Supports)**

Prohibits law enforcement officers from arresting, ticketing or requiring appearance of students for certain offenses and conduct. Prohibits SROs from handcuffing elementary students.

Requires each school district and institute charter school to:

- a. disaggregate reports of conduct and discipline violations by race, ethnicity, gender, status as a student with a disability, and socioeconomic status;
- b. enter into an MOU with the law enforcement agency on strategies, procedures, and practices that minimize student exposure to the criminal and juvenile justice system;
- c. adopt a policy to report and address disproportionate disciplinary practices;
- d. develop, implement, and annually review improvement plans to address disproportionate discipline practices;
- e. provide to the parents of the students enrolled in the school written notice of the improvement plan and issues identified by the department as giving rise to the need for the plan;
- f. address chronic absenteeism and disproportionate disciplinary practices in order to provide support to students who are identified as at risk of chronic absenteeism and disciplinary actions.

17) ***SB21-188 Ballot Access for Voters with Disabilities (CDDC Monitoring) This is one that is right for support but not taking formal action on today since quorum is not present.**

Allows a voter to either print the ballot or return the ballot by electronic transmission if printing the ballot is not feasible. Current law allows a voter with a disability to use an electronic voting device that produces a paper record to vote in a mail ballot election. If a voter receives a ballot through an electronic voting device, the voter is required to print the ballot to return it to the applicable election official.

5. Procedure for formal Council support of legislation – update: Ali requested time at the next Council meeting to discuss this issue to help with an emergent issues policy that has been in place for about 15 years. It is somewhat confusing and is not clear how the Council deals with rapidly emerging issues like supporting legislation on short notice.

6. New Business:

- a) American Rescue Plan Act has been signed into law and will result in another \$1400 payment to people with annual income of \$75,000 or less or \$150,000 or less for married couples. Also has a variety of characteristics that impact people with disabilities (primarily, as stated above, the ARPA provides for a 10% increase on FMAP the federal match for HCBS services).
- b) Infrastructure bill (American Jobs Act) expands money to support home and community based services. The HCBS Access Act would eliminate the waitlist and impact the workforce turnover by improving direct service provider compensation. April 21st is the last day will be able to give input on the HCBS Access Act draft. Bob will send the fact sheet out to Council members. Made in America tax plan proposes and increase in corporate taxes from the current 21% to 28%, will tax offshore corporations and will get rid of some of the loopholes for corporations. Reportedly, anyone earning below \$400,000 will not have a tax increase, while those earning above \$400,000 will likely see increased taxes.
- c) Vaccine advocacy for people with disabilities: This was announced by the White House on March 29th. The CDC will provide 4 million dollars across the county to DD Councils as well as 4 million dollars to UCEDDs and 4 million dollars to P&As. Funds are being used for getting vaccines out to people with disabilities who may not have easy access to vaccines presently. The state grants reportedly will not have strict rules but there is no guidance yet.
- d) Reminder: Committee members use Colorado Capitol Watch

7. Public Comment: None at this time.

8. Meeting adjourned at 12:01 PM.

Action Items:

1. Committee Members will follow a specific bill and report back to the committee.
 - * Michael will help follow SB21-182 School Discipline.
 - * Christine will help follow HB21-1166 Behavioral Health Crisis Response.
2. If quorum is present at next meeting: Review and vote on the following bills that the Council/
Bob is monitoring:
 - HB21-1166 Behavioral Health Crisis Response**
 - HB21-1169 Prohibit Discrimination Organ Transplant Recipient**
 - HB21-1182 Missing Child Emergency Electronic Location Info**
 - HB21-1187 Long-term Services and Support Case Management Redesign**
 - HB21-1206 Medicaid Transportation Services**
 - SB21-188 Ballot Access for Voters with Disabilities**

Motions Made:

1. None made today as quorum was not present.
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**Next Meeting: Monday April 19, 2021 10 AM until 12 noon
via Zoom**