



## Legislative & Public Policy Committee Meeting Minutes

April 20, 2020 -- 10:00 AM – 12:00 PM

Zoom Only (no in-person meeting)

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### MEETING AGENDA:

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1. Convene, establish quorum, introductions of LPPC members and members of the public Bob
2. Review/modify today's proposed agenda LPPC  
members
3. Election of Committee Chair LPPC  
members
4. Old Business:
  - a. Review/approve February 3<sup>rd</sup>, March 2<sup>nd</sup> and April 6<sup>th</sup> meeting minutes LPPC  
members
  - b. Bills we are presently following including present status and CCDC/Arc-CO/CDDC positions and including consideration of endorsing HB20-1012, SB20-001, SB20-014, SB20-151, SB20-182

NOTE: The review of current Colorado legislation was suspended has been suspended because the CO General Assembly is not presently meeting.

HB20-1006 Early Childhood Mental Health Consultants (Christine) – Status: House Committee on Public Health Care & Human Services Refer Amended to Appropriations (01/24/2020). CCDC position: Amend. Arc-CO position: Monitor. CDDC position: Monitor.

HB20-1012 Child Welfare Program Children Developmental Disabilities (Gerrie) – Status: House Committee on Public Health Care & Human Services Refer Amended to Appropriations (01/29/2020). CCDC position: Support. Arc-CO position: Support. CDDC position: Monitor.

HB20-1058 Behavior Analysts in Public Schools (Lisa) – Status: Introduced In Senate - Assigned to Education (03/10/2020). CCDC position: Monitor. CDDC position: Monitor.

HB20-1128 Educator Education Requirements, Special Education (Bob) – Status: Sent to the Governor (03/23/2020). CCDC position: Monitor. CDDC position: Monitor.

HB20-1263 Eliminate Sub-minimum Wage Employment (Bob) – Status: House Committee on Business Affairs & Labor Refer Amended to Appropriations (02/26/2020). CCDC position: Monitor (verbal assurance: Support). CDDC position: Support.

HB20-1302 (NEW) CAPS Check Program Changes – Status: Introduced In Senate - Assigned to Health & Human Services (03/13/2020), CCDC position: Amend (no details). CDDC position: Monitor.

HB20-1314 Behavioral Health Crisis Response Training – Status: House Committee on Public Health Care & Human Services Refer Amended to Appropriations (03/13/2020), CCDC position: Support. CDDC position: Support.

SB20-001 Expand Behavioral Health Training for K-12 Educators – Status: Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole (03/13/2020). CCDC position: Support. CDDC position: Monitor.

SB20-014 Excused Absences in Public Schools for Behavioral Health (Ali) – Status: Signed by the Speaker of the House (03/17/2020). CCDC position: Strongly support. CDDC position: Monitor.

SB20-033 Allow Medicaid Buy-in Program After Age 65 (Gerrie) – Status: Introduced In House - Assigned to Public Health Care & Human Services (03/11/2020). CCDC position: Strongly support. CDDC position: Support.

SB20-151 Administration of the RTD (Michael) – Status: Senate Committee on Transportation & Energy Refer Amended to Judiciary (03/03/2020). CCDC position: Strongly support. CDDC position: Monitor.

SB20-163 School Entry Immunization – Status: Introduced In House - Assigned to Health & Insurance (03/02/2020), CCDC position: Support. CDDC position: Monitor.

SB20-165 Honoring Carrie Ann Lucas – Status: Introduced In House - Assigned to Public Health Care & Human Services (03/11/2020). CCDC position: Strongly support. CDDC position: Support.

SB20-182 (NEW) Supporting Wandering Persons Recovery Programs – Status: Senate Committee on Health & Human Services Refer Un-amended to Appropriations (02/27/2020). CCDC position: Support. CDDC position: Monitor.

5. New Business:

- a. Update on the Sub-Minimum Wage Elimination bill Bob
- b. Review of HCPF Rights Modification Workgroup Bob
- c. Update on HCPF Waiver Redesign process and implementation of the Needs Based Criteria for residential habilitation services Bob

6. Federal policy & legislative updates Bob

- a. 4th federal COVID-19 bill priorities
- b. SSI recipient automatic access to economic impact payments

- 7. Decision Items Chair
- 8. Public Comment Public
- 9. Adjourn

**Next Meeting: May 4, 2020 10:00AM – Noon (Zoom only)**

## Discussion:

1. Bob called the meeting to order at 10:06.
2. Purposed agenda. Modifications to agenda: None at this time.
3. Need to hold elections for committee chair as Kristen has taken leave for medical reasons and Joe has multiple medical appointments and is most likely unable to attend meetings again until August 2020.
4. Election of Committee Chair:
  - Nomination to fulfill Chair for the remainder of term August 2020: Christine nominated Ali Thompson. Gerrie seconded. No additional nominations were brought forward. Committee membership approved Ali as our new Committee Chair unanimously.
5. Meeting Minutes: February, March, and April minutes need to be review.
  - February 3, 2020 CDDC LPPC meeting minutes: Gerrie made a motion to approve. Christine seconded. Membership approved.
  - March 2, 2020 CDDC LPPC meeting minutes: Christine made a motion to approve. Gerrie seconded. Membership approved.
  - April 6, 2020 CDDC LPPC meeting minutes: Gerrie made a motion to approve. Michael seconded. Membership approved. Christine abstained as she was not at the meeting.
6. Current plan is for the committee to not focus on the Colorado legislation at this time since it is in recess but if there are any updates, please bring to the attention of the committee.
7. Sub-Minimum Wage Bill: Leaders of three entities convened this process (Disability Law Colorado, Arc of Colorado and Alliance Colorado). The status of this bill (HB20-1263) is in danger due to the significant fiscal note and anticipated reduced state revenue for the 2020-21 state fiscal year.
8. CMS Final Settings Rule: This rule was promulgated in 2014 and is required to be implemented by the states by March 2021. One present concern is that HCPF is suggesting that rules be put in place that would put people at risk of having their rights reduced without adequate protections. Bob shared a draft of recommended additional rule language that allows self-advocates to have an advocate present when rights restrictions are being considered. The next meeting of the workgroup addressing this issue occurs tomorrow, Tuesday, April 21st. The Committee recommended that Bob change the word from "Advisor" to "Advocate." He confirmed he would do so and submit the revised language.
9. Waiver redesign workgroup:
  - Gerri and Bob are in the group together. It has been proposed that a new method will be used to decide who can have access to residential habilitation services. This "Needs Based Criteria" has the potential to limit HCBS DD waiver services for people who would have previously been eligible for them. A related development is the creation of a new Assessment and Support Plan. You can get on the mailing list regarding all information related to this process by sending a request via email to the HCPF lead at [Lauren.Swenson@state.co.us](mailto:Lauren.Swenson@state.co.us).
  - Once this new tool is approved, it is our understanding that all individuals receiving LTSS services will be subject to the needs based criteria, which will be a determining factor to see if the person is eligible for 24/7 residential services and supports.

- Ali asked for a written summary to share with the full Council at the Wednesday meeting.
  - Gerrie shared that an Optumas-convened workgroup on this issue has not been created yet for stakeholder engagement but suggests contacting Lauren (email above and Vanessa emailed membership) and getting on the list.
  - June 30th 2020 is apparently when funding for the current waiver redesign process will end.
10. Next COVID-19 federal legislative package: The disability community was advocating for a number of things. These priorities have been shifting week to week. Four primary issues:
    1. Funding for Medicaid Grant for Home and Community Based Services (HCBS, which fund Colorado's people with IDD services).
    2. PPE for direct support professionals.
    3. Paid leave for caregivers.
    4. SSI recipients would get their stimulus mailed directly to them instead of them having to apply for them. Get the latest information within the AUCD email Bob shared with everyone. We have been assured that stimulus payments will not be counted against you as an SSI recipient when it comes to your resource-based eligibility.
  11. Action alerts have been put out on FB page.
  12. Public Comments: None at this time.
  13. Meeting adjourned at 11:56.

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**Motions:**

1. CDDC LPPC meeting minutes:

February 3rd: Gerrie made a motion to approve. Christine seconded. Membership approved.

March 2nd: Christine made a motion to approve. Gerrie seconded. Membership approved.

April 6th: Gerrie made a motion to approve. Michael seconded. Membership approved. Christine abstained as she was not at the meeting.

**Actions:**

1. Bob will send email Sub minimum wage elimination workgroup leadership to suggest we retain the new HCBS-DD and HCBS-SLS employment-related services but consider elimination of two bill sections due to the associated fiscal note: a) Medicaid Buy-in for people served by the HCBS-DD Medicaid waiver program and b) the removal of application of the Service Plan Authorization Limit (SPAL) to employment-related services for people served by the HCBS-SLS Medicaid waiver program.
  2. Change "advisor" to "advocate" within suggested draft language for the regulation guiding the HCPF rights modification process.
  3. Support a cessation of the HCPF Waiver Redesign process as funding for the process is running out on June 30th.
  4. Send meeting details for tomorrow's HCPF Rights Modification Workgroup meeting to committee members.
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5. Contact Julie Reiskin of CCDC about tomorrow's HCPF Rights Modification Workgroup meeting and CDDC suggested language.

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**Attendance:**

Council Committee Members Present: Ali Thompson, Christine Owen, Cami Renfrow

Council Committee Members Absent: Joseph Morrone, Lisa Franklin

Community Committee Members Present: Michael Hoover (disability rights representative and past Colorado Developmental Disabilities Council member), Gerrie Frohne (family advocate)

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

Staff Present: Vanessa Hernandez, Robert Lawhead