



## Legislative & Public Policy Committee Meeting

May 17, 2021 -- 10:00 AM – 12:00 PM

Zoom Only (no in-person meeting)

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

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### MEETING MINUTES:

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#### **Attendance:**

***Council Committee Members Present:*** Ali Thompson, Cami Renfrow, Dawn Russell, Lisa Franklin, Lucinda Rowe

***Council Committee Members Absent:*** Bonnie Silva, Christine Owen

***Community Committee Members Present:*** Michael Hoover (disability rights representative and past Council member)

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

***Guests:*** Donna Downing (past-president of the National Autism Committee), Maureen Welch (parent advocate)

***Staff Present:*** Vanessa Hernandez, Robert “Bob” Lawhead

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#### **Meeting Minutes:**

1. Meeting called to order at 10:05 AM.
2. Review Agenda:
  - a. No changes today.
3. Meeting Minutes from May 3, 2021:
  - a. Lisa made a motion to approve minutes. Lucinda seconded.
  - b. Minutes approved.
4. Old Business:
  - a. ARPA: Use the link below to provide feedback on ideas on what to use the money for. Feds are providing 10% of HCBS services. Dollars will come in until March of 2022. <https://docs.google.com/forms/d/e/1FAIpQLSflUpKynkXSzjjGMzg77iQzogOBnBUtiXdBoaEt4Qhs34Rw1w/viewform>
5. Bills the committee is following:
  - a. **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. **STATUS:** Introduced In Senate - Assigned to Transportation & Energy (05/10/2021)

- b. **HB21-1097 Establish Behavioral Health Administration (CDDC Monitoring)**  
Creates single state agency to lead, promote & administer BHA; Directs CDHS submit plan to create BHA. **STATUS:** Governor Signed (04/22/2021)
- c. **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. **STATUS:** Introduced In Senate - Hearing Judiciary (05/20/2021) 1:30 PM
- d. **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. **STATUS:** Senate Committee on Health & Human Services Refer Amended to Appropriations (04/26/2021)
- e. **HB21-1166 Behavioral Health Crisis Response (CDDC Monitoring; Christine is following. Comments?)**  
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). **STATUS:** Introduced In Senate. Assigned to Health & Human Services (05/10/2021) Hearing (05/19/2021) 1:30 PM
- f. **HB21-1169 Prohibit Discrimination Organ Transplant Recipient (CDDC Monitoring)**  
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 solely on the basis of disability. **STATUS:** Sent to Governor (04/28/21)
- g. **HB21-1182 Missing Child Emergency Electronic Location Info (CDDC Monitoring; This bill is Pied)**  
Allows law enforcement to receive location information from wireless tele-communications provider to allow for the timely and safe recovery of the missing child. **STATUS:** House Committee on Judiciary Postpone Indefinitely
- h. **HB21-1187 Long-term Services and Support Case Management Redesign (CDDC Monitoring, CDDC LPPC decided on 4.19.21 to retain "Monitor" position )**  
Directs HCPF to make rules to implement a redesigned single entry point case management system by 7.1.24. Directs that HCPF create a plan timeline by 12.31.21. Directs HCPF to publish a competitive solicitation for case management agencies (CMA)s to replace CCBs and SEPs by 12.31.22. **STATUS:** Sent to the Governor (04/28/2021)
- i. **HB21-1206 Medicaid Transportation Services (CDDC Supports: pending final vote by Council on May 19th; our support requested by Alliance Colorado; Bob testified in favor 05/12/2021)** 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. **STATUS:** Senate Committee on Health & Human Services Refer Amended to Appropriations (05/12/2021)
- j. **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. **STATUS:** Senate Third Reading Passed - No Amendments (05/12/2021)

- k. **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. **STATUS:** : House Committee on Public & Behavioral Health & Human Services Refer Amended to Appropriations (05/04/2021)
- l. **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:
- understanding potential options, responsibilities, and consequences,
  - obtaining relevant information, and
  - 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. **STATUS:** Governor Signed (04/26/2021)
- m. **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. **STATUS:** Introduced In House - Assigned to Business Affairs & Labor (05/05/2021) Hearing 05/19/2021 Upon adjournment.
- n. **SB21-099 Sunset License Plate Disability Support Act (CDDC Monitoring)** Continues the Laura Hershey Disability Support Act for 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. **STATUS:** Governor Signed (05/06/2021).
- o. **SB21-140 Child Abuse Reporting Information Concerning Child (Pled 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. **STATUS:** Senate Committee on Education Postpone Indefinitely:03/17/2021.
- p. **SB21-182 School Discipline (CDDC Supports, Michael is following. Pied. Comments?)**  
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:
- disaggregate reports of conduct and discipline violations by race, ethnicity, gender, status as a student with a disability, and socioeconomic status;

- 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;
- adopt a policy to report and address disproportionate disciplinary practices;
- develop, implement, and annually review improvement plans to address disproportionate discipline practices;
- 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;
- 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. **STATUS:** Senate Committee on Education Postpone Indefinitely: 04/07/2021

q. **SB21-188 Ballot Access for Voters with Disabilities (CDDC Supports pending Council ratification May 19<sup>th</sup>)**

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. **STATUS:** Sent to the Governor (05/13/2021).

7. New Business:

- a. Direct CARE Act - This past week, Education and Labor Committee Chairman Robert C. "Bobby" Scott (D-VA), Rep. Susan Wild (PA-07), and Rep. Susie Lee (NV03) introduced the Direct Creation, Advancement, and Retention of Employment (CARE) Opportunity Act, legislation that invests more than \$1 billion over five years in training and increasing opportunities for direct care workers.
- b. Allow students to have services available to them to be better able to transition. Might have been a great initiative for the Council to support but too late in the session to get this done now. Bob wanted the committee to be aware. Disability Scoop article on COVID-19-related transition services expansion. Link: <https://www.chalkbeat.org/2021/5/12/22430702/students-with-disabilities-age-out-extra-time-pandemic>
- c. June 12th is the last scheduled day for the session.
- d. Confirm next Meeting date: Mike would like to meet in person starting the first week in September. Lisa suggests Zoom should still be an option for those who cannot meet in person.

8. Homework Assignment from Ali:

- a. Committee members jot down some ideas on what they want the committee to focus on over the next few months now that session is coming to a close.

9. Next LPP Meeting June 7th at 10 am until 12 pm.

10. Public Comment: Maureen Welch:

- a. Appreciate the discussion on the rate issues with direct service provided. The National Domestic Alliance is a national group advocating for domestic/home care workers. They are awesome. <https://www.domesticworkers.org> .

- b. Speaker of the house in 2019 appointed her to Medicaid represent the interest of children on Medicaid. Was supposed to rate HCBS rates on May 1st- finding benchmarks has been challenging. The report is delayed until July 3rd.
- c. HB21-1123 the governor just signed concerning CAPS checks for at risk adult. The definition of “at-risk adult” was expanded to include anyone with an IDD. This creates a “target on their back” and concerning. CDHS is having a listening session on implementation of this bill on the 19<sup>th</sup> (instead of having this session prior to passage and signing). Maureen has been working with Yolanda Webb and Kara Harvey at DHS on this.

11. Meeting adjourned at 11:14 AM.

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**Next Meeting: Monday June 7, 2021 10 AM until 12 noon via Zoom**

**Action Items:**

1. Bob will send the link to committee regarding the Triangle Cross Ranch.

**Motions Made:**

1. Meeting Minutes from May 3, 2021:
  - Lisa made a motion to approve. Lucinda seconded. Minutes approved.