



## **HOUSE JOINT RESOLUTION 09-1026**

**BY REPRESENTATIVE(S) Acree, Todd, Kerr J., Apuan, Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Gerou, Green, Hullinghorst, Judd, Kagan, Kefalas, Kerr A., King S., Labuda, Lambert, Levy, Liston, Looper, Marostica, May, McCann, McFadyen, McKinley, McNulty, Merrifield, Middleton, Murray, Nikkel, Pace, Peniston, Pommer, Primavera, Priola, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Vaad, Vigil, Waller, Weissmann, Massey; also SENATOR(S) Newell, Williams.**

**CONCERNING THE CREATION OF AN INTERIM COMMITTEE TO ADDRESS THE HOME- AND COMMUNITY-BASED SERVICES WAIVERS WAITING LIST FOR CHILDREN WITH DEVELOPMENTAL DISABILITIES.**

WHEREAS, In 2005, through the use of tobacco tax moneys authorized in House Bill 05-1262, six hundred twenty children were taken off of waiting lists and placed onto the two existing home- and community-based services waivers: The children's extensive support waiver and the children's home- and community-based services waiver; and

WHEREAS, The removal of these six hundred twenty children from the waiting lists allowed them access to Medicaid benefits secondary to their family's private insurance, if any; and

WHEREAS, The state subsequently increased the number of waivers for children with chronic, long-term disabilities in Colorado to four: The children's home- and community-based services waiver for birth through age seventeen; the children's extensive support waiver for birth through age seventeen; the autism waiver for birth through age five; and the children's hospice waiver for birth through age eighteen; and

WHEREAS, Only the children's hospice waiver does not have a waiting list; and

WHEREAS, The children's extensive support waiver has nearly three hundred children on the waiting list, the children's home- and community-based services waiver has five hundred children on the waiting list, and the autism waiver has more than two hundred children on the waiting list; and

WHEREAS, Currently, more than nine hundred children with chronic, long-term disabilities are waiting for access to the various children's home- and community-based services waivers, and families are told it will be years before their children will be able to access vitally necessary health care services; and

WHEREAS, For those families who have private insurance, coverage is often inadequate or lacks specific benefits for many of the high-cost services that children with special health care needs require, including various therapies, durable medical equipment, evaluations, home health care, behavioral health care, mental health services, and medications; and

WHEREAS, The four home- and community-based waivers for children with developmental disabilities were created to address specific needs for children who qualify for a "nursing home level of care"; and

WHEREAS, It is more cost effective for the state to provide these services and allow these children to live at home with their families whenever possible, saving the state costly hospital or institutional-level care; now, therefore,

*Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of the State of Colorado, the Senate concurring herein:*

(1) That there shall be a legislative committee, hereinafter referred to as the "committee", that shall meet in the interim after the first regular session of the Sixty-seventh General Assembly to study the waiting lists for the home- and community-based services waivers for children with developmental disabilities.

(2) (a) That the committee shall consist of eight members, appointed as follows:

(I) Two members of the Senate appointed by the President of the Senate and two members of the Senate appointed by the minority leader of the Senate; and

(II) Two members of the House of Representatives appointed by the Speaker of the House of Representatives and two members of the House of Representatives appointed by the minority leader of the House of Representatives.

(b) All appointments to the committee shall be made on or before July 1, 2009.

(3) That the committee shall solicit and accept reports and public testimony and consider, but need not be limited to, the following issues:

(a) Why such large waiting lists exist for these home- and community-based services waivers for children with chronic, long-term disabilities and a discussion of strategies and solutions for reducing the waiting lists; and

(b) Any other issues related directly to children's home- and community-based services waivers.

(4) That the committee shall meet no more than six times, beginning in July 2009, during the 2009 interim. Each meeting of the committee shall include an opportunity for public comment and testimony on the items related to the committee's agenda.

(5) That legislation recommended by the committee shall be treated as legislation recommended by any other interim committee for the purposes of any introduction deadlines or bill limitations imposed by the Joint Rules of the Senate and House of Representatives.

(6) That, notwithstanding the provisions of section 2-2-307, Colorado Revised Statutes, the members of the committee shall not receive compensation for time served in meetings of the committee, but may be reimbursed for expenses incurred in relation to their duties on the committee, provided moneys are received from gifts, grants, or donations in an amount to cover such expenses. The Legislative Council and Office of Legislative Legal Services shall provide staff support to assist in the activities of the committee only to the extent possible within existing appropriations or through moneys received from gifts, grants, or donations.

(7) That the committee shall submit a written report of its findings and recommendations, including specific recommendations for reducing the waiting lists for children's home- and community-based services waivers, to the health and human services committees of the House of Representatives and the Senate, or any successor committees, on or before December 15, 2009.

(8) That the committee shall make a report to the Legislative Council by the date specified in Joint Rule 24 (b) (1) (D). The report may include recommendations for legislation, including but not limited to legislation continuing the committee, and an outline of additional time and process that may be necessary to achieve the committee's study goals.

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Terrance D. Carroll  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Karen Goldman  
SECRETARY OF  
THE SENATE