

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0390.01 Jerry Barry x4341

HOUSE BILL 25-1017

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A BILL FOR AN ACT

101 **CONCERNING A COMMUNITY INTEGRATION PLAN FOR INDIVIDUALS**
102 **WITH DISABILITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill establishes that public and governmental entities (entities) shall administer services, programs, and activities in the most integrated setting that is appropriate to the needs of individuals with disabilities. The bill establishes when entities are required to provide home- and community-based services (services) to individuals with disabilities.

If an entity cuts services, the entity shall assess whether the service

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

cut increases the risk of institutionalization for individuals receiving services. If so, the entity must develop a plan to reduce that risk.

The bill directs the department of health care policy and financing to develop a comprehensive community integration plan (plan) for implementing its obligation to provide individuals with disabilities with opportunities to live, work, and be served in integrated settings. The plan must be reviewed and updated every 3 years.

An entity is not required to comply with the provisions of the bill if it can establish that doing so would require a fundamental alteration of its program, services, or activities.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The United States supreme court decision in *Olmstead v. L.C.*,
5 527 U.S. 581 (1999), enshrined in law the duty upon states to actively
6 work toward helping individuals with disabilities transition out of
7 institutions and into the community and to have community-based
8 services available to decrease the risk of institutionalization;

9 (b) *Olmstead* placed on states the obligation to administer
10 services, programs, and activities in the most integrated setting
11 appropriate to the needs of qualified individuals with disabilities;

12 (c) Segregating individuals with disabilities in institutions denies
13 those individuals the freedom to make decisions, keeps them apart from
14 family and friends, and denies them opportunities that exist in their
15 communities. Segregation also denies communities the contributions that
16 individuals with disabilities make to their communities.

17 (d) Community-based services are cheaper in the long run than
18 institutionalization services.

19 (2) The general assembly further declares that codifying in state
20 law the rights that were legally recognized as federal law through

1 *Olmstead* is crucial because:

2 (a) The fundamental rights for individuals with disabilities to live
3 in the least restrictive setting and to have access to services in the
4 community is consistent with Colorado's recognition of the humanity and
5 dignity of all individuals;

6 (b) It will make *Olmstead* violations reviewable by the Colorado
7 civil rights division, which is a more transparent and user-friendly process
8 for non-attorneys than the department of justice complaint process;

9 (c) It will allow *Olmstead* violations to be subject to litigation
10 through the state courts, which can resolve cases more quickly and with
11 less expense; and

12 (d) The *Olmstead* decision required states to develop an *Olmstead*
13 plan. Colorado's plan, called the "Colorado community living plan", was
14 developed more than 10 years ago as a collaboration between the state
15 departments of health care policy and financing, human services, and
16 local affairs. The plan's effectiveness has never been evaluated or
17 updated, and many people feel the plan is insufficient.

18 **SECTION 2.** In Colorado Revised Statutes, **add** part 11 to article
19 1 of title 25.5 as follows:

20 PART 11

21 COMMUNITY INTEGRATION

22 **25.5-1-1101. Definitions.** AS USED IN THIS PART 11, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE
25 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
26 12101 ET SEQ.

27 (2) "FUNDAMENTAL ALTERATION" MEANS A CHANGE THAT IS SO

1 SIGNIFICANT THAT IT ALTERS THE ESSENTIAL NATURE OF THE GOODS,
2 SERVICES, FACILITIES, PRIVILEGES, ADVANTAGES, OR ACCOMMODATIONS
3 OFFERED BY A STATE OR PUBLIC ENTITY.

4 (3) "HOME- AND COMMUNITY-BASED SERVICES" MEANS ANY OF
5 THE FOLLOWING:

6 (a) HOME HEALTH-CARE SERVICES AUTHORIZED PURSUANT TO
7 PARAGRAPH (7) OF SECTION 1905(a) OF THE "SOCIAL SECURITY ACT", 42
8 U.S.C. SEC. 1396d(a);

9 (b) PERSONAL CARE SERVICES AUTHORIZED PURSUANT TO
10 PARAGRAPH (24) OF SECTION 1905(a) OF THE "SOCIAL SECURITY ACT", 42
11 U.S.C. SEC. 1396d(a);

12 (c) PACE SERVICES AUTHORIZED PURSUANT TO PARAGRAPH (26)
13 OF SECTION 1905(a) OF THE "SOCIAL SECURITY ACT", 42 U.S.C. SEC.
14 1396d(a);

15 (d) HOME- AND COMMUNITY-BASED SERVICES AUTHORIZED
16 PURSUANT TO SUBSECTIONS (b), (c), (i), (j), AND (k) OF SECTION 1915 OF
17 THE "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1396n; SERVICES
18 AUTHORIZED PURSUANT TO A WAIVER UNDER SECTION 1115 OF THE
19 "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1315; AND SERVICES THROUGH
20 COVERAGE AUTHORIZED UNDER SECTION 1937 OF THE "SOCIAL SECURITY
21 ACT", 42 U.S.C. SEC. 1396u-7;

22 (e) CASE MANAGEMENT SERVICES AUTHORIZED UNDER SECTION
23 1905(a)(19) OF THE "SOCIAL SECURITY ACT", 42 U.S.C. SEC.
24 1396d(a)(19), AND SECTION 1915(g) OF THE "SOCIAL SECURITY ACT", 42
25 U.S.C. SEC. 1396n(g);

26 (f) REHABILITATIVE SERVICES, INCLUDING THOSE RELATED TO
27 BEHAVIORAL HEALTH, DESCRIBED IN SECTION 1905(a)(13) OF THE "SOCIAL

1 SECURITY ACT", 42 U.S.C. SEC. 1396d(a)(13); AND

2 (g) ANY OTHER SERVICES SPECIFIED BY THE UNITED STATES
3 SECRETARY OF HEALTH AND HUMAN SERVICES.

4 (4) "INDIVIDUAL WITH A DISABILITY" MEANS AN INDIVIDUAL WITH
5 A DISABILITY OR DISABILITIES.

6 (5) "MOST INTEGRATED SETTING" MEANS THE SETTING THAT
7 ENABLES AN INDIVIDUAL WITH A DISABILITY TO INTERACT TO THE FULLEST
8 EXTENT POSSIBLE WITH PERSONS WHO DO NOT HAVE A DISABILITY.

9 (6) "PLAN" MEANS THE STATE'S COMPREHENSIVE COMMUNITY
10 INTEGRATION PLAN, DEVELOPED PURSUANT TO SECTION 25.5-1-1104.

11 (7) "PUBLIC OR GOVERNMENTAL ENTITY" MEANS:

12 (a) THE STATE OR ANY DEPARTMENT, BOARD, AGENCY,
13 INSTRUMENTALITY, AUTHORITY, OR COMMISSION OF THE STATE; AND

14 (b) ANY POLITICAL SUBDIVISION OF THE STATE, INCLUDING:

15 (I) A COUNTY, CITY, OR CITY AND COUNTY;

16 (II) A SCHOOL DISTRICT AS DEFINED IN SECTION 22-36-107;

17 (III) A LOCAL IMPROVEMENT DISTRICT AS DEFINED IN SECTION
18 32-7-103;

19 (IV) A LAW ENFORCEMENT AUTHORITY;

20 (V) A WATER, SANITATION, FIRE PROTECTION, METROPOLITAN,
21 IRRIGATION, DRAINAGE, OR OTHER SPECIAL DISTRICT CREATED PURSUANT
22 TO TITLE 32;

23 (VI) ANY OTHER MUNICIPAL, QUASI-MUNICIPAL, OR PUBLIC
24 CORPORATION ORGANIZED PURSUANT TO THE STATE CONSTITUTION OR
25 OTHER LAW; AND

26 (VII) ANY DEPARTMENT, BOARD, AGENCY, INSTRUMENTALITY,
27 AUTHORITY, OR COMMISSION OF A POLITICAL SUBDIVISION OF THE STATE.

1 (8) "SUFFICIENT RISK" MEANS AN ACTION OR LACK OF ACTION BY
2 A PUBLIC OR GOVERNMENTAL ENTITY THAT WILL LIKELY CAUSE A DECLINE
3 IN THE HEALTH, SAFETY, OR WELFARE OF AN INDIVIDUAL WITH A
4 DISABILITY THAT WOULD LEAD TO THE PLACEMENT OF THE INDIVIDUAL IN
5 AN INSTITUTION.

6 **25.5-1-1102. Services, programs, and activities.** EACH PUBLIC
7 AND GOVERNMENTAL ENTITY SHALL ADMINISTER SERVICES, PROGRAMS,
8 AND ACTIVITIES IN THE MOST INTEGRATED SETTING APPROPRIATE TO THE
9 NEEDS OF AN INDIVIDUAL WITH A DISABILITY.

10 **25.5-1-1103. Community-based services - cutting services by**
11 **state or public entity - plan to ameliorate risk of institutionalization**
12 **for individuals with disabilities.** (1) EACH PUBLIC AND GOVERNMENTAL
13 ENTITY SHALL PROVIDE HOME- AND COMMUNITY-BASED SERVICES TO AN
14 INDIVIDUAL WITH A DISABILITY WHEN:

15 (a) THE SERVICES ARE APPROPRIATE;

16 (b) THE AFFECTED INDIVIDUAL DOES NOT OPPOSE RECEIVING
17 HOME- OR COMMUNITY-BASED TREATMENT OR SERVICES;

18 (c) HOME- AND COMMUNITY-BASED SERVICES CAN BE
19 REASONABLY ACCOMMODATED, TAKING INTO ACCOUNT THE RESOURCES
20 AVAILABLE TO THE PUBLIC OR GOVERNMENTAL ENTITY AND THE NEEDS OF
21 OTHERS IN THE COMMUNITY WHO ARE RECEIVING HOME- OR
22 COMMUNITY-BASED SERVICES FROM THE PUBLIC OR GOVERNMENTAL
23 ENTITY; AND

24 (d) THERE IS SUFFICIENT RISK OF INSTITUTIONALIZATION TO
25 INDIVIDUALS WITH DISABILITIES WHO ARE RESIDING IN THE COMMUNITY
26 IF THE SERVICES ARE NOT PROVIDED.

27 (2) IF THE PUBLIC OR GOVERNMENTAL ENTITY CUTS SERVICES, IT

1 SHALL ASSESS WHETHER THE SERVICE CUTS INCREASE THE RISK OF
2 INSTITUTIONALIZATION FOR THOSE INDIVIDUALS WHO ARE RECEIVING
3 SERVICES. IF SO, THE ENTITY SHALL MAKE A PLAN TO AMELIORATE THE
4 RISK. IN MAKING SUCH BUDGET CUTS, PUBLIC AND GOVERNMENTAL
5 ENTITIES HAVE A DUTY TO TAKE ALL REASONABLE STEPS TO AVOID
6 PLACING INDIVIDUALS WITH DISABILITIES AT RISK OF
7 INSTITUTIONALIZATION.

8 **25.5-1-1104. State plan for comprehensive community**
9 **integration for individuals with disabilities - regular review and**
10 **assessment.** (1) ON OR BEFORE SEPTEMBER 1, 2026, THE STATE
11 DEPARTMENT SHALL DEVELOP A COMPREHENSIVE COMMUNITY
12 INTEGRATION PLAN FOR IMPLEMENTING ITS OBLIGATION TO PROVIDE
13 INDIVIDUALS WITH DISABILITIES WITH OPPORTUNITIES TO LIVE, WORK, AND
14 BE SERVED IN THE MOST INTEGRATED SETTINGS POSSIBLE. THE PLAN MUST
15 INCLUDE:

16 (a) AN ANALYSIS OF THE EXTENT TO WHICH THE STATE IS
17 PROVIDING SERVICES IN THE MOST INTEGRATED SETTING;

18 (b) CONCRETE COMMITMENTS TO EXPAND INTEGRATED
19 OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES;

20 (c) SPECIFIC AND REASONABLE TIME FRAMES, MEASURABLE GOALS,
21 AND BENCHMARKS FOR WHICH THE STATE MAY BE HELD ACCOUNTABLE;

22 (d) FUNDING SOURCES TO SUPPORT THE PLAN, WHICH MAY COME
23 FROM REALLOCATING EXISTING SERVICE MONEY; AND

24 (e) COMMITMENTS CONCERNING HOW THE STATE MUST MEET ITS
25 GOALS FOR EACH GROUP OF INDIVIDUALS WITH DISABILITIES WHO ARE
26 UNNECESSARILY SEGREGATED.

27 (2) THE STATE DEPARTMENT SHALL REVIEW AND UPDATE THE PLAN

1 EVERY THREE YEARS, BEGINNING ON SEPTEMBER 1, 2029. PART OF THE
2 REVIEW MUST BE A NEUTRAL ASSESSMENT OF WHETHER THE TIME FRAMES,
3 GOALS, AND BENCHMARKS HAVE BEEN MET. IF THE BENCHMARKS ARE NOT
4 MET, THE UPDATED PLAN MUST INCLUDE A DESCRIPTION OF THE BARRIERS
5 THAT LED TO THE PLAN NOT BEING IMPLEMENTED FULLY AND A PLAN FOR
6 HOW THOSE BARRIERS WILL BE ADDRESSED.

7 **25.5-1-1105. Exception for fundamental alteration of an**
8 **entity's program.** (1) A PUBLIC OR GOVERNMENTAL ENTITY IS NOT
9 REQUIRED TO COMPLY WITH THIS PART 11 IF DOING SO WOULD REQUIRE A
10 FUNDAMENTAL ALTERATION OF THE ENTITY'S PROGRAM.

11 (2) (a) THE FOLLOWING FACTORS MUST BE CONSIDERED FOR
12 PURPOSES OF EVALUATING A FUNDAMENTAL ALTERATION DEFENSE TO NOT
13 COMPLYING WITH THIS PART 11:

14 (I) THE AMOUNT OF MONEY THE PUBLIC OR GOVERNMENTAL
15 ENTITY ALLOTS, SPENDS, RECEIVES, OR COULD RECEIVE IF THE ENTITY
16 APPLIED FOR AVAILABLE FEDERAL FUNDING TO PROVIDE SERVICES TO
17 INDIVIDUALS WITH DISABILITIES;

18 (II) ALL RELEVANT COSTS, NOT JUST THOSE FUNDED BY THE
19 SINGLE AGENCY THAT OPERATES OR FUNDS THE SEGREGATED OR
20 INTEGRATED SETTING FOR INDIVIDUALS WITH DISABILITIES;

21 (III) CHANGES IN THE COSTS OF THE SEGREGATED SETTING
22 COMPARED WITH CHANGES IN COSTS OF HOME- OR COMMUNITY-BASED
23 SERVICES; AND

24 (IV) ANY POSSIBLE TRANSITIONAL COSTS OF CONVERTING FROM
25 SEGREGATED TO INTEGRATED SETTINGS FOR INDIVIDUALS WITH
26 DISABILITIES. TRANSITIONAL COSTS MAY BE CONSIDERED, BUT ARE NOT
27 DETERMINATIVE.

1 (b) IF A PUBLIC OR GOVERNMENTAL ENTITY DECIDES TO SERVE
2 NEW INDIVIDUALS WITH DISABILITIES IN SEGREGATED SETTINGS AFTER
3 INDIVIDUALS WITH DISABILITIES IN A PLAINTIFF CLASS ARE MOVED TO
4 INTEGRATED SETTINGS, RATHER THAN TO CLOSE OR DOWNSIZE THE
5 SEGREGATED SETTINGS, THE COSTS ASSOCIATED WITH SUCH A DECISION
6 MUST NOT BE INCLUDED IN THE FUNDAMENTAL ALTERATION ANALYSIS.

7 **SECTION 3. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2026 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.