



**COLORADO**

**Department of  
Regulatory Agencies**

Colorado Office of Policy, Research &  
Regulatory Reform

# 2020 Sunset Review

Colorado Special Education Fiscal Advisory Committee

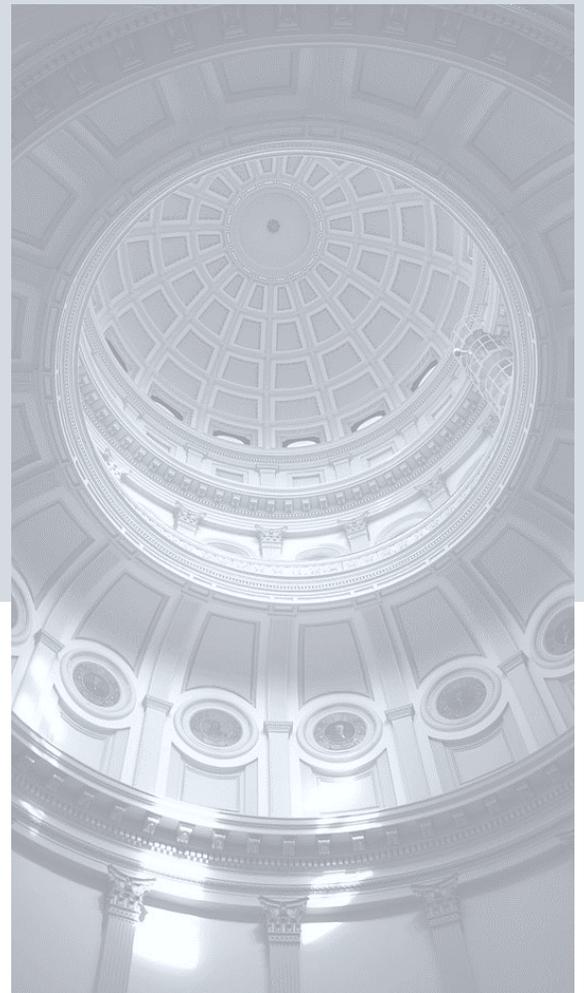
Council of Higher Education Representatives

Employment First Advisory  
Partnership

Forest Health Advisory Council

Healthcare-Associated Infections  
and Antimicrobial Resistance  
Advisory Committee

Homeland Security and All-Hazards  
Senior Advisory Committee



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October 15, 2020



**COLORADO**

**Department of  
Regulatory Agencies**

Executive Director's Office

October 15, 2020

Members of the Colorado General Assembly  
c/o the Office of Legislative Legal Services  
State Capitol Building  
Denver, Colorado 80203

Dear Members of the General Assembly:

The General Assembly established a sunset review process for advisory committees and boards in 1986 as a way to analyze and evaluate their efficacy and to determine whether they should continue. Pursuant to section 2-3-1203, Colorado Revised Statutes, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) at the Department of Regulatory Agencies undertakes a review process culminating in the release of multiple reports each year on October 15.

A national leader in regulatory reform, COPRRR takes the vision of their office, the department, and more broadly of our state government seriously. Specifically, the office contributes to the strong economic landscape in Colorado by ensuring that we have thoughtful, efficient, and inclusive regulations that reduce barriers to entry into various professions, and that open doors of opportunity for all Coloradans.

As part of this year's reviews, COPRRR has completed its evaluations of the Colorado Special Education Fiscal Advisory Committee, Council of Higher Education Representatives, Employment First Advisory Partnership, Forest Health Advisory Council, Healthcare-Associated Infections and Antimicrobial Resistance Advisory Committee and Homeland Security and All-Hazards Senior Advisory Committee. I am pleased to submit this written report, which will be the basis for COPRRR's oral testimony before the 2021 legislative committees of reference.

The report discusses the effectiveness of the committees in carrying out the intention of the statutes and makes recommendations as to whether they should be continued.

To learn more about the sunset review process, among COPRRR's other functions, visit [coprrr.colorado.gov](http://coprrr.colorado.gov).

Sincerely,

Patty Salazar  
Executive Director





## 2020 Sunset Review of Advisory Committees

### ***Continue the Colorado Special Education Fiscal Advisory Committee.***

SEFAC was established in House Bill 06-1375, to provide application processes and funding for high-cost reimbursement grants and also to provide reports and recommendations to the legislature regarding applications, awards, and special education funding appropriations.

### ***Continue the Council of Higher Education Representatives.***

The Council was established in House Bill 01-1298 to enable streamlined transferability between and among all public, postsecondary institutions within Colorado. Such streamlined transferability is critical to student success and serves to enhance retention, progression and completion of baccalaureate degrees.

### ***Continue the Employment First Advisory Partnership.***

EFAP was established in Senate Bill 16-077 due to changes in federal policies and guidelines which required services be provided to persons with disabilities in the most integrated setting appropriate to a person's needs.

### ***Continue the Forest Health Advisory Council.***

The FHAC was established in House Bill 16-1255 in order to create a collaborative forum to advise the state forester.

### ***Continue the Healthcare-Associated Infections and Antimicrobial Resistance Advisory Committee.***

The Committee was established in House Bill 06-1045 to assist in implementing the healthcare-associated infection disclosure law and developing a means for releasing and disseminating the collected data.

### ***Continue the Homeland Security and All-Hazards Senior Advisory Committee.***

HSAC was established in House Bill 12-1283 to, among other things, develop recommendations and guidance for the Division of Homeland Security and Emergency Management, the Director of the Office of Emergency Management, and the Governor's Homeland Security Advisor.

## Table of Contents

Background .....	1
Introduction .....	1
Sunset Process .....	1
Colorado Special Education Fiscal Advisory Committee .....	3
Creation, Mission and Make-Up.....	3
Responsibilities of SEFAC.....	4
Revenues and Expenditures.....	4
Meetings of the SEFAC .....	5
Proposals and Their Status.....	5
Reasons to Continue SEFAC .....	9
Analysis and Recommendation .....	9
Council of Higher Education Representatives.....	10
Creation, Mission and Make-Up.....	10
Responsibilities of Council .....	11
Revenues and Expenditures.....	11
Meetings of the Council .....	12
Proposals and Their Status.....	12
Reasons to Continue the Council.....	13
Analysis and Recommendation .....	14
Employment First Advisory Partnership.....	15
Creation, Mission and Make-Up.....	15
Responsibilities of the EFAP .....	16
Revenues and Expenditures.....	17
Meetings of the EFAP .....	18
Proposals and Their Status.....	19
Reasons to Continue the EFAP.....	21
Analysis and Recommendation .....	21
Forest Health Advisory Council.....	22
Creation, Mission and Make-Up.....	22
Responsibilities of the Forest Health Advisory Council.....	23
Revenues and Expenditures.....	23
Meetings of the FHAC .....	23

Proposals and Their Status .....	24
Reasons to Continue the FHAC .....	25
Analysis and Recommendation .....	26
Healthcare-Associated Infections and Antimicrobial Resistance Advisory Committee .	27
Creation, Mission and Make-Up.....	27
Responsibilities of the Committee.....	28
Revenues and Expenditures.....	28
Meetings of the Committee .....	29
Proposals and Their Status.....	29
Reasons to Continue the Committee .....	31
Analysis and Recommendation .....	31
Homeland Security and All-Hazards Senior Advisory Committee .....	32
Creation, Mission and Make-Up.....	32
Responsibilities of the HSAC .....	34
Revenues and Expenditures.....	34
Meetings of the HSAC .....	35
Proposals and Their Status.....	35
Reasons to Continue the HSAC .....	36
Analysis and Recommendation .....	37

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## Background

### Introduction

As part of the sunset review of an advisory committee, the advisory committee that is scheduled to repeal must submit to the Department of Regulatory Agencies, through the Colorado Office of Policy, Research and Regulatory Reform (COPRRR), on or before July 1 of the year preceding the year in which the advisory committee is scheduled to repeal:<sup>1</sup>

- The names of current members of the advisory committee;
- All revenues and all expenditures, including advisory committee expenses, *per diem* paid to members, and any travel expenses;
- The dates all advisory committee meetings were held and the number of members attending the meetings;
- A listing of all advisory proposals made by the advisory committee, together with an indication as to whether each proposal was acted upon, implemented or enacted into statute; and
- The reasons why the advisory committee should be continued.

Importantly, sunset reviews of advisory committees do not, generally, analyze the underlying program to which the committee is expected to render advice or recommendations. If an advisory committee is sunset, the underlying program will continue.

### Sunset Process

As with sunset reviews of programs, agency officials and other stakeholders can submit input regarding an advisory committee through a variety of means, including at [coprrr.colorado.gov](http://coprrr.colorado.gov).

The Colorado Special Education Fiscal Advisory Committee, Council of Higher Education Representatives, Employment First Advisory Partnership, Forest Health Advisory Council, Healthcare-Associated Infections and Antimicrobial Resistance Advisory Committee, Homeland Security and All-Hazards Advisory Committee shall terminate on September 1, 2021, unless continued by the General Assembly. It is the duty of COPRRR to conduct an analysis and evaluation of these advisory committees pursuant to section 2-3-1203, Colorado Revised Statutes.

The purpose of these reviews is to determine whether these committees should be continued for the protection of the public and to evaluate their performance.

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<sup>1</sup> §§ 2-3-1203(2)(b)(I) and (II), C.R.S.

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COPRRR's findings and recommendations are submitted via this report to the legislative committees of reference of the Colorado General Assembly.

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# Colorado Special Education Fiscal Advisory Committee

## Creation, Mission and Make-Up

The Colorado Special Education Fiscal Advisory Committee (SEFAC) was established in House Bill 06-1375, and members were first appointed by the Colorado State Board of Education (State Board) on September 14, 2006. SEFAC was established to provide application processes and funding for high-cost reimbursement grants, and also provide reports and recommendations to the legislature regarding applications, awards, and special education funding appropriations.

SEFAC has defined students that are eligible to receive high-cost reimbursements as,

...any child with a disability, having an [individualized education program] and whose services cost more than the defined threshold, and the intensity of special education services and fiscal impact on the total district expenditures must differ significantly in the costs for other children receiving special education services in that [administrative unit].<sup>2</sup>

Section 22-20-114.5(2), Colorado Revised Statutes (C.R.S.), states that the SEFAC consists of 12 members appointed by the State Board as follows:

- One representative from the unit within the Colorado Department of Education (CDE) that administers special education programs;
- One representative who is a special education director from a board of cooperative services that has expertise in special education finance. The member must be selected by the State Board based upon a recommendation made by the statewide association that represents boards of cooperative services;
- One representative who is a business official from a small rural administrative unit. The member must be selected by the State Board based upon a recommendation made by a statewide association of school executives;
- One representative who is a business official from a large urban or suburban administrative unit. The member must be selected by the State Board based upon a recommendation made by a statewide association of school executives; and
- Eight representatives who are special education specialists who have statewide geographic representation. These members must be selected by the State Board based upon recommendations from a statewide consortium of special education directors.

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<sup>2</sup> Special Education Fiscal Advisory Committee, *2018-19 Report by the Special Education Fiscal Advisory Committee* (January, 2020), p. 10.

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No term limits for SEFAC are outlined in statute. However, SEFAC is currently in the process of establishing by-laws which may establish term limits.

## Responsibilities of SEFAC

SEFAC is statutorily required to evaluate annual applications and distribute funds relating to the high-cost reimbursement grants. Statute provides a specific formula utilized by the committee in order to determine award placement.

Section 22-20-114.5(3)(b)(I), C.R.S., states,

...In determining whether to award a grant to an administrative unit and the amount of the grant to be awarded, the committee shall consider the administrative unit's annual audited operating expenses for the preceding budget year and the percentage of the administrative unit's annual audited operating expenses that represents the high costs incurred by the administrative unit in the preceding budget year. All grants awarded by the committee shall be subject to approval by the State Board.

Additionally, SEFAC is statutorily required to provide an annual report to the State Board, the education committees of both the House of Representatives and the Senate, and a statewide organization of special education directors regarding:<sup>3</sup>

- Information gathered by CDE and any analysis conducted by SEFAC;
- Recommended changes, if any, regarding the distribution of funds to administrative units;
- Recommended changes, if any, regarding the categorization of children with disabilities and funding allocations for special education programs; and
- Awarding additional high-cost special education trust fund grants and providing reporting related to their allocation.<sup>4</sup>

Further, a list of administrative units who applied to receive high-cost reimbursement grants must be made available on January 15 each year to the education committees of both the House of Representatives and the Senate.<sup>5</sup>

## Revenues and Expenditures

Members of SEFAC do not receive compensation for committee-related work, but may be compensated for additional expenses incurred while performing official duties.

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<sup>3</sup>§ 22-20-114.5(4)(b), C.R.S.

<sup>4</sup> § 22-20-114.5(6)(a), C.R.S.

<sup>5</sup> § 22-20-114.5(5), C.R.S.

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Any additional expenses of the SEFAC are paid for by the Exceptional Student Services Unit within CDE and are not deducted from the high-cost reimbursement funds. Additional expenses in fiscal years 18-19 and 19-20 totaled \$1,557.48, and all itemized expenses were related to travel costs for SEFAC members.

## Meetings of the SEFAC

SEFAC meets a minimum of three times per year to review grant applications, evaluate the previous years' process, and prepare for the grant application process in the upcoming year. Current membership of SEFAC totals 15 members, with 12 voting members and 3 non-voting members. Table 1 provides the SEFAC's meeting dates and the number of members in attendance at each meeting.

**Table 1**  
**SEFAC Meetings**  
**Fiscal Years 18-19 and 19-20**

Meeting Date	Number of Members in Attendance
September 12, 2018	12
October 18, 2018	13
April 4, 2019	15
September 26, 2019	15
October 8, 2019 (sub-group)	7
October 30, 2019	15
February 25, 2020	12
April 7, 2020 (sub-group)	7
April 30, 2020	16

SEFAC typically meets 3 to 4 times per fiscal year, and average attendance for meetings from September 2018 to April 2020 was approximately 12 members per meeting.

## Proposals and Their Status

### High Cost Reimbursement Grants

SEFAC evaluates grant applications on a yearly basis, and provides high-cost reimbursements to qualifying applicants in the fiscal year following the year that the actual costs were incurred.

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A total of \$4 million was appropriated under the Exceptional Children’s Educational Act to reimburse administrative units for students in high-cost placements or programs in fiscal year 16-17 and 17-18. The total appropriation was based upon an allocation of \$2 million for students in high-cost out-of-district placements or programs, and \$2 million for students in high-cost in-district placements or programs.

SEFAC has adopted the following principles to assist with the evaluation of high-cost reimbursement grant applications:<sup>6</sup>

- Communication with administrative units that have applied for grant funds is essential. SEFAC works diligently to inform administrative units that high-cost reimbursements are awarded on an annual basis, and awards fluctuate from year to year based upon relative fiscal impact per district as well as the total dollar amount represented in the applications received per year;
- Costs considered allowable are only those related to special education services for each individual child, and do not include general education expenses or special education overhead costs; and
- Applications are reimbursed at a rate of 100 percent minus any revenues until the total grant funds appropriated for the year are distributed.

Administrative units apply to SEFAC to be considered for reimbursements in situations where the costs of special education are higher than the established threshold, which is determined by SEFAC on an annual basis.

Section 22-20-103(1), C.R.S., defines an administrative unit as,

...a school district, a board of cooperative services, a multi-district administrative unit, or the state charter school institute, that is providing educational services to exceptional children and that is responsible for the local administration of this article.

Therefore, only some funds distributed to administrative units would be considered in-district, while other grant distribution may be considered out-of-district.

The following summarizes applications received for fiscal year 16-17 expenditures, which were provided as a reimbursement to qualifying administrative units in June of 2018:<sup>7</sup>

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<sup>6</sup> Special Education Fiscal Advisory Committee, *Special Education Fiscal Advisory Committee Report, FY 2016 - 2017 Costs, Reimbursed in FY 2017 - 2018* (January, 2019), p.11.

<sup>7</sup> Special Education Fiscal Advisory Committee, *2018 - 19 Annual Report by the Special Education Fiscal Advisory Committee* (January, 2020), p.10.

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- Applications Funded:
    - 88 out of 262 applications received reimbursement funding through the \$2 million appropriated for in-district applications, which is a 34 percent funding rate; and
    - 27 out of 136 applications received reimbursement funding through the \$2 million appropriated for out-of-district applications, which is a 20 percent funding rate.
  
  - Number of Administrative Units Receiving Funding:
    - In-District - 21 out of 64 administrative units submitted applications, and 13 administrative units received reimbursement funding for all or some of the applications submitted; and
    - Out-of-District - 26 out of 64 administrative units submitted applications, and 12 administrative units received reimbursement funding for all or some of the applications submitted.

The following summarizes applications received for fiscal year 17-18 expenditures, which were provided as a reimbursement to qualifying administrative units in June of 2019:<sup>8</sup>

- Applications Funded:
  - 84 out of 229 applications received reimbursement funding through the \$2 million appropriated for in-district applications, which is a 37 percent funding rate; and
  - 26 out of 136 applications received reimbursement funding through the \$2 million appropriated for out-of-district applications, which is a 19 percent funding rate.
  
- Number of Administrative Units Receiving Funding:
  - In-District - 23 out of 66 administrative units submitted applications, and 14 administrative units received reimbursement funding for all or some of the applications submitted; and
  - Out-of-District - 23 out of 66 administrative units submitted applications, and 10 administrative units received reimbursement funding for all or some of the applications submitted.

### Legislative Recommendations

During the years reviewed, SEFAC has proposed a variety of legislative recommendations regarding funding levels for both Tier A students (all students with

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<sup>8</sup> Colorado Department of Education, *2018-19 Annual Report by the Special Education Fiscal Advisory Committee*, (January, 2020), p.11.

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disabilities) and Tier B students (students with more significant needs due to the severity of the disability).

SEFAC has also developed state funding recommendations regarding Colorado's Exceptional Children's Education Act (ECEA) for evaluations relating to children from birth to age 3. These recommendations were impacted with the passage of House Bill 18-1333, and have been postponed pending the completion of a study relating to the administration of early intervention evaluations, as prescribed in the bill.

Fiscal year 18-19 legislative recommendations:

- Include an additional \$25.4 million in the total annual appropriation for Tier A funding to provide an additional \$250 per student, for a total funding level of \$1,500 per student. It was also recommended to annually increase the Tier A per student funding amount of \$1,500 by the Denver/Boulder/Greeley Consumer Price Index in future years. The General Assembly did not act upon this recommendation in 2019;
- Include an additional \$24.8 million in the total annual appropriation for Tier B to bring the per student allocation to approximately 50 percent of the statutory cap. It was further recommended to annually increase the Tier B per student funding by \$500 per student until the statutory level of \$6,000 is reached. The General Assembly partially acted upon this recommendation by adding an additional \$22 million to Tier B, which was 48 percent of the statutory cap during the 2019 legislative session; and
- Maintain the funding levels of birth to three evaluations. No legislative changes occurred during the 2019 session.

Fiscal year 19-20 legislative recommendations:

- Include an additional \$26.1 million in the total annual appropriation for Tier A without any reductions to the Tier B appropriation. The General Assembly has not acted upon this recommendation;
- Include an additional \$24.8 million appropriation for Tier B so that the per student allocation is approximately 75 percent of the statutory maximum. It was further recommended to annually increase the Tier B per student funding by \$500 per student until the statutory level of \$6,000 is reached. The General Assembly has not acted upon this recommendation;
- Review the \$6,000 maximum based on current expenditures and develop a mechanism for annual increases in Tier B. The General Assembly has not acted upon this recommendation;
- Require CDE to work with its partners to thoroughly evaluate the actual costs associated with evaluations required in Part C of the Individuals with Disabilities Education Act (IDEA), ECEA rules, and state funding which was impacted by House Bill 18-1333. The General Assembly has not acted upon this recommendation; and

- 
- Provide full funding of the additional costs associated with providing special education services, in combination with the funding received from Part B of IDEA. The General Assembly has not acted upon this recommendation.

### **Reasons to Continue SEFAC**

The high costs associated with special education funding continue to rise, and requests for high-cost reimbursement grants has increased from \$2.7 million in calendar year 2007, the first year that SEFAC was operable, to \$19.6 million in calendar year 2018.

SEFAC serves an important function through the evaluation of high-cost grant applications and the awarding of funds to administrative units. Additionally, the annual reporting and recommendations provided to the education committees of the House of Representatives and the Senate are important tools for understanding the needs and trends related to high-cost special education funding across Colorado.

### **Analysis and Recommendation**

SEFAC is an advisory committee comprised of members with both financial and special education expertise. The grant application and distribution processes, annual reporting, and recommendations generated by SEFAC will continue to be of great value as the state continues to see a need for additional high-cost funding reimbursements for special education. Therefore, the General Assembly should continue SEFAC.

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# Council of Higher Education Representatives

## Creation, Mission and Make-Up

The Council of Higher Education Representatives (Council) was created in 2001 via House Bill 01-1298. The Council was created to enable streamlined transferability between and among all public, postsecondary institutions in Colorado. Such streamlined transferability is critical to student success and serves to enhance retention, progression and completion of baccalaureate degrees.

According to section 23-1-108.5(1), Colorado Revised Statutes,

the General Assembly finds that it is necessary for the state to have sound, effective and actionable transfer policies that provide the broadest and simplest mechanisms feasible, while protecting the academic quality of the institutions of postsecondary education and their undergraduate degree programs... it is in the best interest of the state for the Commission of Higher Education (CHE) to oversee the adoption of a statewide articulation matrix system of course numbering for general education courses that includes all state-supported institutions of higher education...

The Council consists of representatives of each of the higher education governing boards and each of the four-year higher education institutions, a representative sample of the two-year education institutions and a representative of CHE.<sup>9</sup> The Council members are identified by the institutions and systems (representatives of the governing boards) with the exception of the CHE.

The current Council membership includes representatives from the following institutions of higher education:

- Pikes Peak Community College;
- University of Colorado, Denver;
- Arapahoe Community College;
- Colorado State University, Pueblo;
- Red Rocks Community College;
- Colorado State University Global;
- University of Northern Colorado (two members);
- Adams State University;
- Western Colorado University;
- University of Colorado, Colorado Springs;
- Colorado Community College System;
- Colorado School of Mines;
- Morgan Community College;

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<sup>9</sup> §23-1-108.5(3)(a), C.R.S.

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- Metropolitan State University of Denver (two members);
  - Colorado State University;
  - Fort Lewis College;
  - Front Range Community College;
  - Colorado Mesa University;
  - Colorado Mountain College;
  - Aims Community College; and
  - University of Colorado, Boulder.

## Responsibilities of Council

One of the charges of the Council is to facilitate the transfer of students among state-supported institutions of higher education by ensuring that the quality of general education courses is comparable and transferable system-wide. The mandate led to the creation of the guaranteed transfer pathways (GT Pathways), which is Colorado's statewide general education transfer curriculum that includes 1,200 courses from every public two-year and four-year institution of higher education in the state.

Additionally, since the creation of the Council, the General Assembly expanded its duties. Specifically, the General Assembly enacted House Bill 10-1208, which requires the development of statewide degree transfer agreements.

The General Assembly also enacted House Bill 17-1004, which addresses the awarding of transferable credit for learning demonstrated from military training and education.

The General Assembly enacted House Bill 20-1002, which requires the Council to establish standards concerning work-based learning and awarding credit for demonstrated learning through industry credentials and professional licenses.

## Revenues and Expenditures

In fiscal years 18-19 and 19-20, no per diem or travel expenses were paid to Council members. However, there were \$6,053 in expenditures. Nearly all of the funds expended were in support of in-person, statewide faculty conferences to develop and revise statewide degree transfer agreements.

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## Meetings of the Council

Table 2 illustrates the dates the Council met in fiscal years 18-19 and 19-20 and the number of members in attendance at each meeting.

**Table 2**  
**Meetings of the Council**

Meeting Date	Members in Attendance
August 13, 2018	20
September 10, 2018	21
October 8, 2018	21
December 10, 2018	20
January 14, 2019	18
February 11, 2019	19
March 11, 2019	17
April 15, 2019	19
May 13, 2019	16
August 12, 2019	19
September 9, 2019	21
October 7, 2019	19
November 4, 2019	16
January 13, 2020	20
February 10, 2020	21
March 9, 2020	20
April 13, 2020*	21
May 11, 2020*	19
June 8, 2020*	21

\*Due to COVID-19, these meetings were held remotely.

Typically, the Council meets monthly, and membership averaged approximately 80 percent (20 out of 25 Council members) attendance during fiscal years 18-19 and 19-20.

## Proposals and Their Status

The Council's recommendations to CHE in fiscal years 18-19 and 19-20 are as follows:

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- September 10, 2018 - Recommended approval for proposed statewide transfer articulation agreement updates to reflect statutory and CHE policy changes on Prior Learning Assessment.
  - December 10, 2018 - Recommended approval for Colorado Mesa University to update elective requirements on statewide transfer articulation agreement in Early Childhood Education.
  - December 10, 2018 - Recommended approval for Colorado State University Pueblo to join statewide transfer articulation agreement in Early Childhood Education.
  - February 11, 2019 - Recommended approval of proposed criteria for GT Pathways waiver requests and a process for seeking CHE approval.
  - February 11, 2019 - Recommended approval for revised language in CHE policy Section 1, Part L: Statewide Transfer and GT Pathways Policy.
  - February 11, 2019 - Recommended approval for Community College of Aurora to join statewide transfer articulation agreement in Theatre.
  - April 15, 2019 - Recommended approval for Trinidad State Junior College to join statewide transfer articulation agreements in Anthropology, Art History, Biology, Economics, English, Philosophy, Sociology, and Studio Art.
  - April 15, 2019 - Recommended approval for Otero Junior College to join statewide transfer articulation agreement in Music.
  - February 10, 2020 - Recommended approval of criteria and process for seeking limited waivers of GT Pathways curriculum requirements for Bachelor of Applied Science degree programs.
  - February 10, 2020 - Recommended approval for Colorado Northwestern Community College to join statewide transfer articulation agreements in Anthropology, Criminal Justice, Economics, Elementary Education, French, Geology, Mathematics, Philosophy, and Spanish.
  - March 9, 2020 - Recommended approval of new statewide transfer articulation agreements and associate degrees with designations in Computer Science, Dance, Journalism and Public Health.
  - May 11, 2020 - Recommended approval for Colorado State University Global Campus to join statewide transfer articulation agreement in Business and Criminal Justice.
  - June 8, 2020 - Recommended approval for Aims Community College to join statewide transfer articulation agreement in Music.
  - June 8, 2020 - Recommended approval for Colorado Northwestern Community College to join statewide articulation agreement in Early Childhood Education.

All of the aforementioned recommendations by the Council were acted on or implemented.

### **Reasons to Continue the Council**

The Council performs oversight functions regarding the statewide articulation matrix system of course numbering for GT Pathways and statewide degree transfer agreements. Inclusive of diverse stakeholders, Council meetings provide for deliberations that facilitate and preserve statewide transfer agreements among Colorado's institutions of public, postsecondary education. The Council also oversees the process of awarding

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GT Pathways credit for student mastery on proficiency examinations such as Advance Placement and International Baccalaureate, as well as credit for military veterans who complete varied training courses or serve in certain occupations while on active duty.

The aforementioned transfer agreements assist undergraduate students by facilitating simplicity, transparency and portability of transfer systems in public, postsecondary education. As a result, undergraduate students have a greater understanding concerning transferability of credits and may apply more of their earned credits towards a baccalaureate degree. Importantly, undergraduate students who utilize statewide degree transfer agreements are more likely to earn their bachelor's degree in less time than undergraduate students who do not use statewide transfer agreements.

Finally, the Council is the only venue within the State of Colorado where both two-year and four-year institutions collaborate and engage in planning to assist undergraduate students throughout the state.

## Analysis and Recommendation

Original legislation charged the Council with developing recommendations for a standardized course numbering system to facilitate the transfer of course credit hours earned at the state's public, postsecondary institutions of education. The Council successfully accomplished its initial charge. Throughout the process of conducting annual course evaluations and revisions, the Council leveraged the opportunity presented by facilitating collaborative forums to accomplish additional goals that necessitated attention.

The Colorado system of higher education exists in a challenging environment. The challenges within this environment are exacerbated by declining state support and increased costs passed on to consumers of the system. The Council's collaborative, inclusive and systemic work serves to alleviate many of the challenges that students and their families encounter as they endeavor to complete degrees in a timely and cost-effective manner. As such, the Council is a collaborative, problem-solving body and it should continue moving forward.

Finally, House Bill 20-1002 (Concerning a Statewide Plan for Awarding College Credit for Work-Related Experience) assigns a statutory mandate to the Council to "...implement a plan for determining and awarding academic credit for postsecondary education based on work-related experience" and assigns the Council responsibility for an annual report to the education committees of the House of Representatives and Senate through July 1, 2029. Thus, the Council has a new mandate, further justifying its continuation.

Therefore, the General Assembly should continue the Council.

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# Employment First Advisory Partnership

## Creation, Mission and Make-Up

The Employment First Advisory Partnership (EFAP) was created with the passage of Senate Bill 16-077 to comport with changes in federal policies and guidelines regarding persons with disabilities. Those policies and guidelines require services be provided in the most integrated setting appropriate to a person's needs. Employment First presents a model for systemic change so that all citizens, including those with significant disabilities, can take part in integrated employment and community life. The U.S. Office of Disability Employment defines integrated employment as:<sup>10</sup>

[W]ork paid directly by employers at the greater of minimum or prevailing wages with commensurate benefits, occurring in a typical work setting where the employee with a disability interacts or has the opportunity to interact continuously with co-workers without disabilities, has an opportunity for advancement and job mobility, and is preferably engaged full-time.

The EFAP is a partnership of existing entities in the Colorado Department of Labor and Employment (CDLE) and other state agencies. Among its primary concerns are coordinating different entities within CDLE and the agency partners, to make recommendations that promote Employment First policies.<sup>11</sup> The CDLE entities include the State Rehabilitation Council (SRC), the Colorado Workforce Development Council, and the Division of Vocational Rehabilitation (DVR). The state agency partners include CDLE, the Department of Health Care Policy and Financing (HCPF), the Department of Education (CDE), the Department of Higher Education (CDHE), and the Department of Human Services (CDHS).<sup>12</sup>

The authorizing statutes stipulate that unless it is provided through the membership of the partnership, the partnership must pursue stakeholder participation from:<sup>13</sup>

- Representatives of a national association of persons supporting the implementation of Employment First policies,
- Advocates for persons with intellectual and developmental disabilities,
- Persons with disabilities who have secured or are seeking competitive integrated employment, and
- Members of the community not connected to any service agency.

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<sup>10</sup> U.S. Department of Labor. *Employment First*. Retrieved July 21, 2020, from <https://www.dol.gov/odep/topics/employmentfirst.htm>

<sup>11</sup> § 8-84-303(1), C.R.S.

<sup>12</sup> § 8-84-301(1), C.R.S.

<sup>13</sup> § 8-84-303(4), C.R.S.

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Statute identifies the SRC as the lead organization for convening the EFAP.<sup>14</sup> The SRC membership formed an Employment First committee specifically to deal with EFAP tasks. The Employment First committee reviews and considers EFAP membership, beyond those positions named in statute, and develops the agendas for EFAP meetings.

The 2019 EFAP roster consisted of 18 members, including nine from the agency partners and the remainder from outside organizations. The EFAP also has subject matter experts (SMEs) at each meeting who serve as non-voting, *ex officio* members. The 2019 roster included members from:

- Office of Behavioral Health, CDHS;
- ARC of Larimer County;
- SRC;
- Tandem Employment Services of Northern Colorado;
- CDHE;
- MINDSOURCE - Brain Injury Network, CDHS;
- Colorado Workforce Development Council;
- Continuum of Colorado;
- Colorado Developmental Disabilities Council;
- Exceptional Student Services, CDE;
- Atlantis Community, Inc.;
- PEAK Parent Center;
- DVR, CDLE (two Members);
- Office of Community Living, HCPF;
- Cripple Concepts; and
- Two members not affiliated with a specific organization but who represent the disability community.

## Responsibilities of the EFAP

Among the first charges of the EFAP were to develop a memorandum of understanding (MOU) among the agency partners prior to February 1, 2017. The MOU included the responsibilities of each member of the partnership and each agency partner and a plan for completing the work of the partnership, including time frames.<sup>15</sup>

Statute requires the EFAP to develop a strategic plan using Employment First policies and practices that increase competitive integrated employment outcomes for persons with disabilities. The completed strategic plan is required to include any changes to state statutes or rules necessary to implement the strategic plan in the form of recommendations to the legislature and any relevant policy-making boards. Any

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<sup>14</sup> § 8-84-303(1), C.R.S.

<sup>15</sup> § 8-84-303(3), C.R.S.

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recommendation should contain a fiscal analysis of implementation costs when it is feasible to do so.<sup>16</sup>

Development of the strategic plan was to consider:<sup>17</sup>

- Recommendations to safeguard that competitive integrated employment is the primary objective and preferred outcome for persons with disabilities concerning publicly funded services;
- Barriers to integrated employment including policy, procedural, financial, educational, transportation, service delivery, and other barriers;
- Rules and regulations that are unnecessary, inefficient, or conflicting and make it more difficult for employers to hire persons with disabilities;
- Training and knowledge gaps among agency staff, agency vendors, and individuals with disabilities and their families that may create obstacles and perceived obstacles for persons with disabilities participating in competitive integrated employment;
- Data availability and the gaps in data collection that prohibit the measurement of Colorado's progress towards compliance with the U.S. Supreme Court's decision in *Olmstead v. L.C.*;<sup>18</sup> and
- Recommendations to confirm that prevocational services, in compliance with federal law, are time limited and reasonably lead to competitive integrated employment. The EFAP's consideration must include the average time currently spent in pre-employment services by persons through the home and community-based services intellectual and developmental disabilities waiver combined with the time previously spent in sheltered workshops.

## Revenues and Expenditures

There is no budget allocation specific to the EFAP, and there are no revenues associated with it. The DVR funds the SRC, and EFAP expenses are built into the SRC budget. The DVR is funded primarily by federal dollars (78.7 percent). EFAP expenditures are limited to member travel reimbursement and facilitation services. Table 3 shows EFAP expenses for the two-year period reported for this sunset review.

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<sup>16</sup> § 8-84-304(1)(a), C.R.S.

<sup>17</sup> § 8-84-303(2), C.R.S.

<sup>18</sup> The U.S. Supreme Court's 1999 landmark decision in *Olmstead v. L.C.* found the unjustified segregation of people with disabilities is a form of unlawful discrimination under the Americans with Disabilities Act (ADA). HHS.gov. *Serving People with Disabilities in the Most Integrated Setting: Community Living and Olmstead*. Retrieved August 11, 2020, from, <https://www.hhs.gov/civil-rights/for-individuals/special-topics/community-living-and-olmstead/index.html>

**Table 3**  
**EFAP Expenses**

	Fiscal Year 18-19	Fiscal Year 19-20
Travel Reimbursement	\$252	\$168
Facilitation	\$9,360	\$11,848
<b>Total</b>	<b>\$9,612</b>	<b>\$12,016</b>

### Meetings of the EFAP

The SRC Employment First committee establishes an agenda for EFAP meetings. Agenda items may be raised from outside sources but the Employment First committee sets the final agenda.

The EFAP met at the CDLE offices 11 times during fiscal year 18-19 and during fiscal year 19-20, it met 9 times. Table 4 lists those meetings and attendance at each meeting. The EFAP confers regularly with stakeholders and SMEs. The number of SMEs that attended each meeting is also included.

**Table 4**  
**Meetings of the EFAP**

Meeting Date	Attendance
July 17, 2018	16 Members; 4 SMEs
August 21, 2018	14 Members; 3 SMEs
September 18, 2018	14 Members; 4 SMEs
October 16, 2018	14 Members; 3 SMEs
November 20, 2018	10 Members; 4 SMEs
December 18, 2018	16 Members; 4 SMEs
March 5, 2019	17 Members; 6 SMEs
March 19, 2019	16 Members; 5 SMEs
April 16, 2019	11 Members; 2 SMEs
May 21, 2019	12 Members; 4 SMEs
June 18, 2019	13 Members; 4 SMEs
July 16, 2019	13 Members; 6 SMEs
August 20, 2019	13 Members; 5 SMEs
September 17, 2019	12 Members; 3 SMEs
October 15, 2019	12 Members; 3 SMEs
November 19, 2019	15 Members; 3 SMEs
December 17, 2019	14 Members; 4 SMEs
April 21, 2020	17 Members; 3 SMEs
May 19, 2020	13 Members; 3 SMEs
June 16, 2020	12 Members; 3 SMEs

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Over the two-year period covered in Table 4, an average of 14 EFAP members and 4 SMEs attended each meeting.

The EFAP seeks consensus on the decisions it makes. However, when there is no consensus, a 60 percent majority of those present can decide the fate of an issue.

The EFAP also forms *ad hoc* subcommittees to research and discuss specific subjects as needed. The creation of the Colorado Office of Employment First has reduced the need to create subcommittees. However, when there is a need, the subcommittees generally consist of EFAP members and/or SMEs but may also include other individuals as needed.

## Proposals and Their Status

To fulfil a statutory mandate, the EFAP published its strategic plan on November 1, 2017. The strategic plan included recommended structural changes to agency partners, including cross-departmental alignment, pilot projects, and the creation of an office to coordinate statewide Employment First efforts. The following is a list of the initial proposals and actions taken:

- Produce data for all applicable EFAP agency partners that allow measurement of Colorado's progress toward compliance with federal law requiring people with disabilities to receive state-funded services in integrated settings, consistent with *Olmstead v. L.C.*
  - DVR maintains data concerning competitive integrated employment and choices concerning employment in non-integrated settings.
  - HCPF data collection includes the numbers of individuals employed in various settings, wages, hours worked, and benefits received.
  - Colorado's Community Living Plan has been updated to address employment segregation.
- Implement department-wide Employment First policies and practices in CDLE, HCPF, and CDE.
  - CDE provides professional development opportunities that support alignment of the Individual Career Academic Plans with the transition Individualized Education Programs, as well as improving career development services for students participating in 18 to 21 year old transition programs.
  - CDE provides training to students and families highlighting best practices and key indicators for employment success.
- Implement a training plan for state-contracted service providers to expand employment outcomes, in conjunction with employer-led initiatives and networks.

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- HCPF and DVR promulgated rules requiring Supported Employment service providers to complete nationally recognized training or a national certification as required by Senate Bill 18-145.
  - DVR implemented a Customized Employment pilot, then expanded the pilot increasing opportunities for providers to become certified in Customized Employment.
  - Office of Behavioral Health and DVR have collaborated to expand the use of Individual Placement & Supports (IPS) with contracted community mental health centers.
  - The Colorado Office of Employment First team is collaborating with State agencies and providers to develop additional training opportunities in both Customized Employment and IPS.
- Create an Office of Employment First to coordinate cross-departmental efforts to implement Employment First policies, regulations, and practices.
    - An interagency agreement between DVR and JFK Partners, University of Colorado Medical Center created the Colorado Office of Employment First on July 1, 2019. The office is funded for three years through a re-appropriation of the Developmental Disability Cash Fund and a DVR federal match.
    - The Office of Employment First is actively developing a strategy to ensure long-term sustainability.
  - Implement a CDLE communication plan targeting employers, educators, people with disabilities, and their families. The messaging should describe services available to support the achievement of successful employment outcomes for people with disabilities, including those with the most significant disabilities.
    - The Office of Employment First is working to implement and further develop the plan, which includes common branding and key messaging to target various identified groups.
  - Develop appropriate funding structures to increase employment service and support capacity among all agency partners.
    - DVR developed and implemented a fee structure for Customized Employment.
    - HCPF continually evaluates Medicaid reimbursement rates for employment related services, including developing a pilot to explore milestone payments.
    - The Office of Employment First contracted with a consultant and partnered with state agencies to evaluate funding structures for supported employment services.
  - Design and coordinate locally-based pilot projects to demonstrate the expansion of employment outcomes for people with disabilities through best-practice employment service and supports implementation.
    - Customized Employment, IPS, and milestone based fee structure pilots have been implemented.

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- Make Colorado state government a “model employer” for Colorado citizens with disabilities.
    - DVR hired a State Advisor for Disability Employment to guide State agencies in hiring and employment practices that are inclusive of individuals with disabilities.

## Reasons to Continue the EFAP

The EFAP is an active, involved advisory group. By several measures, the EFAP has been productive and made progress toward meeting its mission. Still, both SRC and EFAP memberships consider the work unfinished. Colorado has yet to realize measurable expansion of employment outcomes for individuals with disabilities.

The partnership has given strength to the Employment First concept and created strong movement in a positive direction, not the least of which was the recommendation and creation of the Office of Employment First.

The authorizing statute states that the EFAP was formed to make systemic change. While the EFAP’s recommendations have laid the foundation for change, continued focus on implementation is necessary. For Colorado to reach the Employment First goals it has set, the EFAP is essential.

EFAP members are committed to improving employment opportunities and outcomes for all individuals with disabilities. They consistently meet in both a formal and informal manner to discuss issues and further the mission. These efforts have given EFAP a positive regional and national reputation that serves as a model elsewhere.

## Analysis and Recommendation

EFAP has made strides but has not reached a point where success can be measured by increased integrated employment of individuals with disabilities, including those with severe disabilities. Nonetheless, EFAP has created the necessary groundwork upon which improvement may occur.

As the refocused systems evolve, new issues will arise that require collaboration among the partners, employers, and other interests. EFAP suits those purposes well because it has the expertise and experience to determine what issues need to be addressed in the short-term while keeping focus on the long-term goals.

For all these reasons, the General Assembly should continue EFAP.

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# Forest Health Advisory Council

## Creation, Mission and Make-Up

The Forest Health Advisory Council (FHAC) was established in 2016 by House Bill 1255 in order to create a collaborative forum to advise the state forester. The FHAC is housed in the Colorado State Forest Service (Forest Service) within Colorado State University.

The FHAC consists of 24 members, including eight members appointed by the Governor:<sup>19</sup>

- One member who is the state forester,
- One member who is a senior-level policy advisor on water or natural resources from the executive branch,
- Two members who represent environmental organizations,
- Two members who represent the wood products industry,
- One member who represents a wildlife organization, and
- One member who is a scientist.

The Speaker of the Colorado House of Representatives appoints four of the members:<sup>20</sup>

- One county commissioner selected from a list provided by Colorado Counties, Inc.,
- One county commissioner from the Western Slope selected from a list provided by Colorado Counties, Inc., and
- Two employees of a public utility that owns or operates transmission facilities.

The minority leader of the Colorado House of Representatives appoints four of the members:<sup>21</sup>

- One member who owns a ranch,
- One member who is a fire chief,
- One member who represents a tribe with a reservation in Colorado, and
- One member who represents an insurance company.

The President of the Colorado Senate appoints four members:<sup>22</sup>

- Two members who represent municipal drinking water facilities,
- One member who represents an irrigation water supplier, and
- One member who represents a conservation organization.

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<sup>19</sup> § 23-31-316(1)(a), C.R.S.

<sup>20</sup> § 23-31-316(1)(b), C.R.S.

<sup>21</sup> § 23-31-316(1)(c), C.R.S.

<sup>22</sup> § 23-31-316(1)(d), C.R.S.

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The minority leader of the Colorado Senate appoints four members:<sup>23</sup>

- One member who represents an economic development organization,
- One member who represents a sportsman organization,
- One member who represents a motorized recreation advocacy organization, and
- One member who represents a non-motorized recreation advocacy organization.

Members serve five-year terms. On or after September 1, 2021, members will serve four-year terms.<sup>24</sup>

### Responsibilities of the Forest Health Advisory Council

The FHAC is charged with advising the state forester on a broad range of issues, opportunities and threats to Colorado's forests.

### Revenues and Expenditures

The FHAC costs are paid for by the Forest Service and cover the cost of meeting facilitation, mediation and travel expenses for Forest Service staff. Members are not paid a per diem allowance and their expenses to attend meetings are not covered by the state.

The Forest Service spent approximately \$29,295 in fiscal year 18-19 and \$15,441 in fiscal year 19-20 to pay for FHAC meeting expenses.

### Meetings of the FHAC

The FHAC meets four times a year at various locations throughout the state.

Four agencies, both state and federal, participate in the FHAC as *ex officio* members including: the U.S. Forest Service, the U.S. Bureau of Land Management, the Colorado Division of Fire Prevention and Control, and the Colorado Department of Natural Resources. While these members are not mentioned in the statutes governing the creation of the FHAC, they are critical partners in maintaining the health of Colorado's forests.

Table 5 provides the meetings of the FHAC in fiscal years 18-19 and 19-20, including the total number of FHAC members and additional participants who attended each meeting.

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<sup>23</sup> § 23-31-316(1)(e), C.R.S.

<sup>24</sup> § 23-31-316(2), C.R.S.

**Table 5**  
**Meetings of the FHAC**

Meeting Date	Attendance
September 5, 2018	16 members; 4 additional participants
December 6, 2018	13 members; 2 additional participants
March 20, 2019	13 members; 7 additional participants
June 19, 2019	13 members; 11 additional participants
August 29, 2019	9 members; 10 additional participants
December 6, 2019	12 members; 17 additional participants
March 19, 2020	13 members; 10 additional participants
June 24, 2020	11 members; 7 additional participants

On average, 13 of the 24 members and nine additional participants attended each meeting in fiscal years 18-19 and 19-20.

### Proposals and Their Status

In fiscal year 18-19, the FHAC created a document entitled, “A Call to Action,” to provide a general overview of the current conditions of Colorado’s forests and information related to mitigation and forest health treatments that were being implemented and should be implemented more widely moving forward.

*Status: This document is being used to strategically guide the work of the FHAC.*

In fiscal year 18-19, the FHAC advocated for legislation related to wildfire mitigation and forest management treatment with members and committees of the Colorado General Assembly:

- House Bill 19-1006, **Wildfire Mitigation Wildland-Urban Interface**, which makes a \$1 million appropriation to increase the amount of funding going into the Forest Restoration and Wildfire Risk Mitigation grant program for fiscal year 19-20.

*Status: This bill passed and was signed by the Governor.*

- Senate Bill 19-016, **Severance Tax Operational Fund Distribution Methodology**, which changes the distribution of the money in the severance tax operational fund.

*Status: This bill passed and was signed by the Governor.*

- Senate Bill 19-020, **Wildland Fire Airspace Patrol System**, which requires the Center of Excellence for Advanced Technology Aerial Firefighting, subject to available appropriations, to study and, if feasible, implement a system to patrol the airspace above a wildland fire.

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*Status: This bill passed and was signed by the Governor.*

- Senate Bill 19-040, **Establish Colorado Fire Commission**, which creates within the Division of Fire Prevention and Control in the Department of Public Safety, the Colorado Fire Commission (commission). The commission's purpose is to enhance public safety in Colorado through an integrated statewide process focused on the fire service's capacity to conduct fire management and use, preparedness, prevention and response activities to safeguard lives, property and natural resources and to increase the resiliency of local and regional communities.

*Status: This bill passed and was signed by the Governor.*

In fiscal year 19-20, the FHAC advocated for legislation related to wildfire mitigation and forest management treatment with members and committees of the Colorado General Assembly:

- House Bill 20-1057, **Modify Wildfire Risk Mitigation Program**, which makes changes to the existing "Forest Restoration and Wildfire Risk Mitigation Act" and, specifically, the grant program funded by the act.

*Status: This bill passed and was signed by the Governor.*

- Senate Bill 20-056, **Surplus Military Vehicles Highway Use if Firefighting**, which states that a surplus military vehicle is not an "off-highway vehicle" if it is owned or leased by a municipality, county or fire protection district for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

*Status: This bill passed and was signed by the Governor.*

- Senate Bill 20-057, **Fire Prevention and Control Employee Benefits**, which adds the Division of Fire Prevention and Control in the Department of Public Safety to the definition of "employer" for the purpose of providing benefits for a heart and circulatory malfunction and to the definition of "employer" for the purpose of providing benefits for certain covered cancers. The bill also expands the definition of "state trooper."

*Status: This bill passed and was signed by the Governor.*

## Reasons to Continue the FHAC

Forests are extremely important to the state of Colorado. They provide clean air, clean water and help to capture and store carbon. The forests of Colorado also provide wildlife habitat, recreational opportunities and products that are important to the state economy.

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The members of the FHAC encompass broad and well-informed forestry expertise, and the FHAC helps to inform the state forester regarding the state's most pressing natural resource issues.

### **Analysis and Recommendation**

The FHAC members serve on a volunteer basis and represent a wide variety of interests and institutions with a stake in healthy forests. The FHAC provides important natural resource expertise to the state forester and to policymakers that is necessary to protect the health of the state's forests.

Therefore, the General Assembly should continue the FHAC.

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# Healthcare-Associated Infections and Antimicrobial Resistance Advisory Committee

## Creation, Mission and Make-Up

In passing House Bill 06-1045 (HB 1045), the General Assembly created what has come to be known as the Healthcare-Associated Infections and Antimicrobial Resistance Advisory Committee (Committee) as part of a healthcare-associated infection (HAI) disclosure law. Since the passage of HB 1045, the law has been amended several times, but generally, the law requires health facilities to collect and report infection rate data for specific clinical procedures and HAIs. HAIs are infections that patients acquire during treatment for other conditions within a health-care setting.

The law requires the Executive Director of the Colorado Department of Public Health and Environment (Executive Director and CDPHE, respectively) to appoint an advisory committee to assist in implementing the law and developing a means for releasing and disseminating the collected data.

The Committee comprises 11 members, all appointed by the Executive Director:<sup>25</sup>

- One representative from an urban hospital;
- One representative from a rural hospital;
- One Colorado-licensed, board-certified or board-eligible, physician who is affiliated with a hospital or medical school, who is an active member of a national organization specializing in health-care epidemiology or infection control, and who has demonstrated an interest and expertise in health facility infection control;
- One medical statistician with an advanced degree in such specialty or one clinical microbiologist with an advanced degree in such specialty;
- One representative from a health consumer organization;
- One representative from a health insurer;
- One representative from a purchaser of health insurance; and
- Four infection control practitioners:
  - One from a stand-alone ambulatory surgical center;
  - One health-care professional certified by the Certification Board of Infection Control and Epidemiology, Inc.;
  - One from a long-term care setting; and
  - One other health-care professional.

Although statute requires the Committee to meet at least two times per year and elect a chair every year, in practice, the chair is elected to a three-year term and is asked

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<sup>25</sup> § 25-3-602(4)(a), C.R.S.

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about willingness to continue as such on an annual basis. Committee members serve without compensation.<sup>26</sup>

## Responsibilities of the Committee

The Committee is responsible for assisting CDPHE in implementing the data collection requirement for health-care facilities and developing the methodology for releasing and disseminating the data.<sup>27</sup> The Committee must also, along with CDPHE, regularly evaluate the quality and accuracy of the data collected and the methodologies for data collection, analysis and dissemination.<sup>28</sup>

The Committee is required to recommend clinical procedures and other HAIs that must be reported.<sup>29</sup> When making such recommendations, the Committee must consider:<sup>30</sup>

- Whether the procedure contains a high risk for infection contraction;
- Whether the type or types of infection present a serious risk to the patient's health or life; and
- Any other factors determined by the Committee.

The Committee's recommendations must be consistent with information that may be collected by the Centers for Disease Control and Prevention's National Healthcare Safety Network (NHSN).<sup>31</sup> NHSN provides industry and governments with "data needed to identify problem areas, measure progress of prevention efforts, and ultimately eliminate [HAIs]."<sup>32</sup>

Finally, the Committee may recommend that health facilities report process measures to accommodate best practices for effective prevention of infection.<sup>33</sup>

## Revenues and Expenditures

The Committee generates no revenue and had no expenses in either fiscal year 18-19 or fiscal year 19-20.

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<sup>26</sup> § 25-3-602(4)(d), C.R.S.

<sup>27</sup> § 25-3-602(4)(b), C.R.S.

<sup>28</sup> § 25-3-602(4)(c), C.R.S.

<sup>29</sup> § 25-3-602(5)(a), C.R.S.

<sup>30</sup> § 25-3-602(5)(c), C.R.S.

<sup>31</sup> § 25-3-602(5)(a), C.R.S.

<sup>32</sup> Centers for Disease Control and Prevention. *National Healthcare Safety Network (NHSN)*. Retrieved on July 20, 2020, from [cdc.gov/nhsn/index.html](https://cdc.gov/nhsn/index.html)

<sup>33</sup> § 25-3-602(6), C.R.S.

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## Meetings of the Committee

The Committee met a total of 15 times in fiscal years 18-19 and 19-20, with an average of seven members attending each meeting. Table 6 indicates the dates the Committee met and the number of members in attendance.

**Table 6**  
**Meetings of the Committee**

Meeting Date	Members in Attendance
July 24, 2018	6
August 28, 2018	8
October 23, 2018	8
January 22, 2019	9
February 26, 2019	8
March 26, 2019	5
May 28, 2019	8
July 23, 2019	6
August 27, 2019	8
September 24, 2019	5
October 22, 2019	8
January 28, 2020	10
February 28, 2020	7
April 28, 2020	4
June 23, 2020	7

Representatives of CDPHE and other interested stakeholders regularly attend Committee meetings.

## Proposals and Their Status

Since its creation in 2006, the Committee has identified numerous HAIs that must be reported, depending on the type of facility involved, including, but not limited to:

- Central line-associated bloodstream infections (CLABSI);
- Catheter-associated urinary tract infections (CAUTI);
- Surgical site infections (SSI);
- Methicillin-resistant *Staphylococcus aureus* (MRSA) bacteremia;
- *Clostridioides difficile* infection (CDI); and

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- Dialysis events in outpatient dialysis centers.

In addition, the Committee made the following proposals in fiscal years 18-19 and 19-20, all of which CDHPE adopted:

- August 2018: The Committee recommended that Colorado deadlines for reporting to NHSN align with those for reporting to the Centers for Medicare and Medicaid Services for most conditions.
- October 2018: The Committee recommended that Colorado-licensed health-care facilities report HAIs according to their license type.
- March 2019: The Committee recommended that data related to CLABSI in acute care hospital wards be included in CDPHE's HAI Annual Report.
- August 2019: The Committee recommended removing local access site infection data from the HAI Annual Report.
- October 2019: The Committee recommended that facilities licensed as a hospital outpatient department not be required to report surgical site infections, due to changes in NHSN reporting that would not allow these data to be reported separately from the affiliate hospital.
- October 2019: The Committee recommended that the collection and reporting of pediatric surgical site infection data from ambulatory surgical centers be discontinued, due to the small number of procedures and the inability to risk-adjust rates.
- January 2020: The Committee revised its bylaws and endorsed prevention goals for 2020, including:
  - A 20 percent reduction in the standardized infection ratio for CAUTI in long-term acute care hospitals;
  - Zero facility-based transmission events for carbapenemase-producing organisms; and
  - Pilot the collection and analysis of antimicrobial use data from the NHSN with volunteer acute care hospitals and produce the first facility feedback report.

Although not necessarily a proposal of the Committee, during the COVID-19 pandemic, CDPHE delayed facility reporting requirements for the fourth quarter of 2019 (which would normally have been due in the first quarter of 2020), and suspended them entirely for the first half of 2020, so that facilities could focus more of their resources on responding to COVID-19 and because the number of surgical procedures had dropped to levels rendering the value of any such data questionable. In addition, unit-based HAI data from health facilities in 2020 would not be comparable to data from prior years due to repurposing of units for care of COVID-19 patients.

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## Reasons to Continue the Committee

Data published in the HAI Annual Report inform health facilities and consumers about the rates of certain infections associated with health care. These data serve to hold health facilities accountable for preventable infections, inform health facilities in prevention efforts, and allow consumers to make educated decisions about their health care.

The Committee provides oversight and guidance for the collection and reporting of these data. The Committee consists of a diverse set of stakeholders that ensures that the reportable conditions are relevant, and the collection and reporting of the data is accurate, reflective of the health-care population and can be interpreted by stakeholders. The Committee fosters credibility among stakeholders and assures public protection without placing undue burdens on regulated facilities.

## Analysis and Recommendation

HAIs pose considerable risk to the public health. Awareness and understanding of such infections is continually evolving. The Committee ensures that Colorado has a team of subject matter experts to address emerging issues as they arise. The Committee is instrumental in helping CDPHE identify infections that should be monitored and collaborates with stakeholders to cultivate and implement best practices for infection control. The Committee fulfills its statutory mission at no cost to the state.

For all of these reasons, the General Assembly should continue the Committee.

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# Homeland Security and All-Hazards Senior Advisory Committee

## Creation, Mission and Make-Up

In 2012, the Homeland Security and All-Hazards Senior Advisory Committee (HSAC) was established as a subordinate entity under the direction of the Department of Public Safety's (DPS) Division of Homeland Security and Emergency Management (DHSEM) as a result of the passage of House Bill 12-1283. The HSAC was established to, among other things, develop recommendations and guidance for DHSEM, the Director of the Office of Emergency Management, and the Governor's Homeland Security Advisor. Additionally, the HSAC provides recommendations to the Governor and the Governor's Cybersecurity Council regarding homeland security, emergency management, and cybersecurity on an as-needed basis.

Section 23-33.5-1614(1), C.R.S., defines the mission of the HSAC as,

...assist[ing] the state in becoming better able to predict, prevent, mitigate the effects of, respond to, and recover from those threats posing the greatest risk to Colorado.

The HSAC currently consists of one main committee which delegates specific tasks to 10 subcommittees (two of which are required by statute) and one task force. Section 23-33.5-1614(2), C.R.S., requires that the membership of the main HSAC committee consist of the Director of DHSEM, who is a non-voting member, as well as at least 21 additional voting members appointed to serve two-year, staggered terms. Voting membership consists of three *ex officio* members and 18 appointed members.<sup>34</sup>

Three *ex officio* members include:

- The Executive Director of DPS, who is also the Chair of the HSAC;
- The Director of the Division of Fire Prevention and Control, or appointed designee; and
- The Chief of the Colorado State Patrol, or appointed designee.

Four members with specific expertise are appointed to represent the departments in which they serve in the following manner:

- One representative appointed by the Executive Director of the Colorado Department of Local Affairs with specialized expertise in local government assistance;

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<sup>34</sup> § 24-33.5-1614(2)(a), C.R.S.

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- One representative appointed by the Executive Director of the Colorado Department of Public Health and Environment with specialized expertise in emergency preparedness and response;
  - One representative appointed by the Adjutant General of the Department of Military and Veterans' Affairs with specialized expertise in homeland defense; and
  - One representative appointed by the Chief Information Officer of the Governor's Office of Information Technology with specialized expertise in emergency communications systems.

Fourteen additional members are appointed by the Director of DHSEM in consultation with the Executive Directors of the Colorado Department of Local Affairs and the Colorado Department of Public Health and Environment, as well as the Adjutant General of the Colorado Department of Military and Veterans' Affairs as follows:

- One representative of Colorado Counties, Inc., or a successor entity;
- One representative of the Colorado Emergency Management Association or a successor entity;
- One representative of private industry;
- One representative of the Colorado Municipal League or a successor entity;
- One representative of County Sheriffs of Colorado, Inc., or a successor entity;
- One representative of the Emergency Medical Services Association of Colorado or a successor entity;
- One representative of Colorado State Fire Chief's Association or a successor entity;
- One representative of the Colorado Association of Chiefs of Police or a successor entity;
- One representative of tribal government;
- One representative of Colorado volunteer organizations that provide disaster relief;
- One representative of the Special Districts Association of Colorado or a successor entity;
- One representative who is a regional state homeland security coordinator, that represents an all-hazards emergency management region, established by executive order of the Governor;
- One representative of the Colorado All-Hazards Advisory Committee or a successor entity; and
- One representative of the Denver Urban Area Security Initiative.

Additional HSAC members may be added on an as-needed basis upon the approval of the Executive Director and a majority vote of approval by HSAC members.<sup>35</sup>

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<sup>35</sup> § 24-33.5-1614(2)(b)(i), C.R.S.

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## Responsibilities of the HSAC

The primary objectives of the HSAC are to:<sup>36</sup>

- Provide guidance and recommendations to DHSEM;
- Review the Colorado strategy for homeland security developed by DHSEM on an annual basis;
- Provide recommendations to the Governor through the Governor's Homeland Security Advisor regarding emergency management and homeland security on an as-needed basis;
- Review homeland security grant applications and provide recommendations regarding grant distributions to the Homeland Security Advisor. Grant awards totaled \$6,980,000 in fiscal year 18-19 and \$7,327,500 in fiscal year 19-20; and
- Identify ways to consolidate existing state-level advisory boards without impeding upon the latitude of local and tribal authorities.

Additionally, the HSAC can establish additional advisory subcommittees when necessary to focus on specific subject matter and make recommendations to the HSAC.<sup>37</sup>

## Revenues and Expenditures

The HSAC does not generate any revenue, nor does it have any separate expenditures. Members of the HSAC meet on a voluntary basis and receive no compensation, but may be reimbursed for expenses related to travel or other reasonable expenses incurred while performing their duties.

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<sup>36</sup> § 24-33.5-1614(3), C.R.S.

<sup>37</sup> § 24-33.5-1614(3)(f), C.R.S.

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## Meetings of the HSAC

The HSAC typically meets on a monthly basis, and all meetings are open to the public.

**Table 7  
HSAC Meetings  
Fiscal Years 18-19 and 19-20**

Meeting Date	Number of Members in Attendance
July 9, 2018	19
August 13, 2018	16
November 19, 2018	16
December 10, 2018	15
January 14, 2019	19
February 11, 2019	20
April 8, 2019	15
May 13, 2019	18
July 08, 2019	21
August 12, 2019	14
September 09, 2019	16
October 21, 2019	18
November 18, 2019	16
February 10, 2020	15
March 09, 2020	12
May 11, 2020	18

Table 7 indicates that the HSAC held a total of 16 meetings during fiscal years 18-19 and 19-20, with an average of 16 members present per meeting.

## Proposals and Their Status

The following proposals and recommendations were developed by the HSAC during fiscal years 18-19 and 19-20:

- The HSAC approved recommendations provided by the HSAC Funding Allocation Subcommittee and offered guidance to the Director of DHSEM regarding the disbursement to all nine hazard regions of the 2018 and 2019 State Homeland Security Grant Program funding. This funding disbursement allows the nine hazard regions to provide training, planning, and

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- preparedness activities to identify and address any gaps in emergency response in order to improve emergency preparedness across the state;
- In July of 2018, the HSAC offered a letter of support and additional recommendations regarding revisions to the Gallagher and TABOR amendments, which were delivered to the Governor and the interim legislative committee;
  - In 2018, the HSAC Training and Exercise Subcommittee offered recommendations to the HSAC regarding improvements to DHSEM’s statewide training and exercise processes. These recommendations included the use of action reports to better determine training needs, the combination of training exercises to meet specific federal grant requirements, and increased collaboration between counties and regions. These recommendations were implemented by DHSEM, which helped to strengthen partnerships between counties and regions, reduce the costs associated with training exercises, and identify and address potential gaps in emergency response;
  - In November of 2018, the HSAC approved the 2019-2023 Colorado Homeland Security Strategy, which provided strategies for the improvement of emergency management and homeland security for private industries, volunteer organizations, and state and local government entities. This strategy was implemented January 1, 2019, to help ensure access to information and increase preparedness;
  - In October of 2019, the First Responder Task Force offered recommendations to revise and clarify language regarding speed limits in section 42-4-705, C.R.S., entitled, “Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle.” These recommendations, which were developed to increase safety for emergency personnel, were adopted into law through House Bill 20-1145; and
  - In May of 2020, the HSAC approved recommendations provided by the HSAC Funding Allocation Subcommittee and offered guidance to the Director of DHSEM and the Director of the Office of Emergency Management regarding Emergency Management Preparedness Grant allocation and distribution in 2022. This funding helps emergency management entities throughout the state to more effectively prepare for, respond to, and recover from potential emergencies and disasters throughout Colorado.

## Reasons to Continue the HSAC

The HSAC is comprised of members from state and local government, private industry, and volunteer organizations who provide advice and recommendations to DHSEM and other state entities to strengthen emergency preparedness, emergency response, and homeland security efforts throughout the state of Colorado. Further, no other government entity currently provides the type of diverse expertise that the HSAC offers in its recommendations.

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Additionally, the HSAC consistently works to foster the development and maintenance of relationships with both state and private entities to strengthen partnerships and increase communication, with the goal of ensuring effective emergency response preparedness throughout the state.

### **Analysis and Recommendation**

Continuation of the HSAC is warranted because it fulfills an essential role in the development of the state's comprehensive emergency preparedness strategy through the expertise it provides and the relationships it develops.

The HSAC works diligently toward the mission of increased efficiency and response effectiveness through its recommendations to ensure that Colorado remains prepared for any disaster or emergency.

Therefore, the General Assembly should continue the HSAC.