



Rule Author/Division Director: Elena Kemp (Lisa Castiglia / Carin Rosa) Email(s): CDEC\_Rulemaking@state.co.us

Program/Division: Department-Wide

CDEC Tracking No.: 2023-09-017

CCR Number(s): 8 CCR 1401-1

SOS Tracking No.: TBD

**RULEMAKING PACKET**

Reason and Justification of the proposed rule or amendment(s):	<p>Compliance with Federal and/or State laws, mandates, or guidelines ▾</p> <p>If there are “Multiple/Other” reasons, please explain:</p>
Provide a description of the proposed rule or amendment(s) that is clearly and simply stated, and what CDEC intends to accomplish:	The purpose of these proposed new rules are to implement Colorado Senate Bill 23-217, and establish the fee amount the Colorado Department of Early Childhood (CDEC) will collect for Abuse and Neglect Background Checks.
Statutory Authority: (Include Federal Authority, if applicable)	Sections 26.5-1-105(1), 19-1-307(2.5), and 24-4-103, C.R.S.
Does the proposed rule or amendment(s) impact other State Agencies or Tribal Communities?	<p><input type="checkbox"/> Yes <span style="margin-left: 200px;"><input checked="" type="checkbox"/> No</span></p> <p>If Yes, identify the State Agency and/or Tribal Community and describe collaboration efforts:</p>
Does the proposed rule or amendment(s) have impacts or create mandates on counties or other governmental entities? (e.g., budgetary requirements or administrative burdens)	<p><input type="checkbox"/> Yes <span style="margin-left: 200px;"><input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide description:</p>
Effective Date(s) of proposed rule or amendment(s): (Emergency/Permanent)	<p><input type="checkbox"/> Mandatory <span style="margin-left: 200px;"><input checked="" type="checkbox"/> Discretionary</span></p> <p>(E) Effective Date: N/A <span style="margin-left: 100px;">(P) Effective Date: 3/1/24</span></p> <p>(E) Termination Date: N/A</p>

<p>Is the proposed rule or amendment(s) included on the Regulatory Agenda?</p>	<p><input checked="" type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span></p> <p>If no, please explain:</p>										
<p>Does the proposed rule or amendment(s) conflict, or are there inconsistencies with other provisions of law?</p>	<p><input type="checkbox"/> Yes <span style="margin-left: 200px;"><input checked="" type="checkbox"/> No</span></p> <p>If Yes, please explain:</p>										
<p>Does the proposed rule or amendment(s) create duplication or overlapping of other rules or regulations?</p>	<p><input type="checkbox"/> Yes <span style="margin-left: 200px;"><input checked="" type="checkbox"/> No</span></p> <p>If Yes, explain why:</p>										
<p>Does the proposed rule or amendment(s) include material that is incorporated by reference<sup>1</sup>?</p>	<p><input type="checkbox"/> Yes <span style="margin-left: 200px;"><input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide source:</p>										
<p>Does the proposed rule or amendment(s) align with the department's rulemaking objectives?</p> <p>Choose all that apply.</p>	<table border="1"> <tr> <td data-bbox="487 1081 568 1176"><input type="checkbox"/></td> <td data-bbox="568 1081 1529 1176">Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.</td> </tr> <tr> <td data-bbox="487 1176 568 1270"><input type="checkbox"/></td> <td data-bbox="568 1176 1529 1270">Decrease duplication and conflicts with implementing programs and providing services.</td> </tr> <tr> <td data-bbox="487 1270 568 1365"><input type="checkbox"/></td> <td data-bbox="568 1270 1529 1365">Increase equity in access and outcomes to programs and services for children and families.</td> </tr> <tr> <td data-bbox="487 1365 568 1459"><input checked="" type="checkbox"/></td> <td data-bbox="568 1365 1529 1459">Increase administrative efficiencies among programs and services provided by the department.</td> </tr> <tr> <td data-bbox="487 1459 568 1627"><input checked="" type="checkbox"/></td> <td data-bbox="568 1459 1529 1627">Ensure that rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family/provider experience, and ease of implementation by state, local, and tribal agencies.</td> </tr> </table>	<input type="checkbox"/>	Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.	<input type="checkbox"/>	Decrease duplication and conflicts with implementing programs and providing services.	<input type="checkbox"/>	Increase equity in access and outcomes to programs and services for children and families.	<input checked="" type="checkbox"/>	Increase administrative efficiencies among programs and services provided by the department.	<input checked="" type="checkbox"/>	Ensure that rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family/provider experience, and ease of implementation by state, local, and tribal agencies.
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<sup>1</sup> Incorporation by Reference is all or any part of a code, standard, guideline, or rule that has been adopted by an agency of the United States, this state, or another state, or adopted or published by a nationally recognized organization or association, pursuant to section 24-4-103(12.5), C.R.S.

## Rulemaking Proceedings

Type of Rulemaking: Emergency or Permanent <sup>2</sup> [Permanent Tier I or Tier II]	Permanent ▾  Tier II ▾
Stakeholder Engagement:  Public Folder: Proposed rule, webinar recordings/transcripts, written stakeholder comments, material from small/large focus groups, written petitions/requests, surveys, data, research, reports, published papers, and documents used to develop the proposed rule or amendment(s).	List of activities and dates:  The draft rules were emailed to stakeholders and posted on the <a href="#">CDEC Public Notices webpage</a> , to solicit stakeholder feedback from 10/17/23 - 10/25/23.  Public folder containing all rulemaking material: <a href="https://drive.google.com/drive/folders/1FPSLLVmtUYBZT3-za3YTDIYoTuErgX7M">https://drive.google.com/drive/folders/1FPSLLVmtUYBZT3-za3YTDIYoTuErgX7M</a>
Assistant Attorney General Review:	11/1/23 - 11/29/23
RAC County Subcommittee Review Date (if required):	12/7/23
Rules Advisory Council (RAC) Review Date:	12/14/23
Public Rulemaking Hearing Date(s): [Discussion/Adoption]	12/29/23 (Adoption)

<sup>2</sup> Tier I is used for proposed rule or amendment(s) that have substantive changes, require substantial stakeholder engagement, and will be considered at two Public Rulemaking Hearings (PRH). The first PRH is held for discussion, and the second PRH is held to consider adoption. Tier II is used for proposed rule or amendment(s) that include technical changes, do not require substantial stakeholder engagement, and will be considered at only one Public Rulemaking Hearing (PRH) for adoption.

**Regulatory and Cost Benefit Analysis**

- Community Impact:** Provide a description of the stakeholders that will be affected by the proposed rule or amendment(s), and identify which stakeholders will bear the costs, and those who will benefit. How will the proposed rule or amendment(s) impact particular populations, such as those experiencing poverty, immigrant/refugee communities, non-English speakers, and rural communities?

All professionals working within the early childhood have the potential to be impacted by these proposed rules. The fees for “Abuse and Neglect” background check fees is an existing service fee that is being reduced as these functions are transferred from the Colorado Department of Human Services to the Colorado Department of Early Childhood. The early childhood professionals both bear the costs of implementing this proposed rule, as they are responsible for paying the background check fees, but also benefit from the reduction of the fee amount collected.

- Quality and Quantity:** Provide a description of the probable quantitative and qualitative impact on persons affected by the proposed rule or amendment(s), and comparison of the probable costs and benefits of implementation versus inaction. What are the short- and long-term consequences of the proposed rule or amendment(s).

The background check fee reduction is monetarily beneficial for early childhood professionals that are either required or voluntarily conduct screenings for abuse and neglect cases. There is no comparison data regarding implementation and inaction, because the development of this rule is a statutory requirement outlined in section 19-1-307(2.5), C.R.S., (SB23-217).

- Potential Economic Benefits/Disadvantages:** What are the anticipated economic benefits of the proposed rule or amendment(s), such as: economic growth, creation of new jobs, and/or increased economic competitiveness? Are there any adverse effects on the economy, consumers, private markets, small businesses, job creation, and economic competitiveness?

The reduced abuse and neglect background check fees potentially supports economic stability.

- Fiscal Impacts:** What are the anticipated direct and indirect costs for the state/department to implement, administer, and enforce the proposed rule or amendment(s)? What are the direct and indirect costs to each of the following entities to comply with the proposed rule or amendment(s)? For each, describe the impact or indicate “not applicable.”

Department	The abuse and neglect background check fees are existing fees that are being reduced as this function is transferred into the new Department. There are no changes to the direct or indirect costs to the Department.
Local Governments/ Counties	There are no changes to the direct or indirect costs to the local governments or counties, beyond a reduction of abuse and neglect background check fees.

Providers	There are no changes to the direct or indirect costs to providers, beyond a reduction of abuse and neglect background check fees.
Community Partners (e.g., School Districts, Early Childhood Councils, etc.)	There are no changes to the direct or indirect costs to community partners, beyond a reduction of abuse and neglect background check fees.
Other State Agencies	There are no impacts on other state agencies.
Tribal Communities	There are no impacts on Tribal Communities.

5. **Evaluation:** How will implementation of the proposed rule or amendment(s) be monitored and evaluated? Please include information about measures and indicators that CDEC will utilize, including information on specific populations (identified above).

The Department will be able to evaluate the implementation of this rule through data collected on how many abuse and neglect background checks were collected, however, that data may be inconclusive because there are many variables that impact the overall total.

6. **Comparative Analysis:** Provide at least two alternatives to the proposed rule or amendment(s) that can be identified, including the costs and benefits of pursuing each of the alternatives.

There are no other alternatives to implementing this rule, as this rule is required pursuant to section 19-1-307(2.5), C.R.S.

7. **Comparative Analysis:** Are there less costly or less intrusive methods for achieving the purpose of the proposed rule or amendment(s)? Explain why those options were rejected.

There are no less costly or less intrusive methods identified for establishing and reducing the abuse and neglect background check fee amounts.



Rule Author/Division Director: Joyce Johnson and Aaron Miller / Kendra Dunn

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Program/Division: NHVP/DCFS

CDEC Tracking No.: 2023-08-016

CCR Number(s): 8-CCR-1401-1

SOS Tracking No.:

### RULEMAKING PACKET

Reason and Justification of the proposed rule or amendment(s):	<p><b>Multiple/Other</b></p> <p>The purpose of this rulemaking is to transfer/re-adopt the NHVP rules from the Colorado Department of Human Services (CDHS) to the Colorado Department of Early Childhood (CDEC).</p>
Provide a description of the proposed rule or amendment(s) that is clearly and simply stated, and what CDEC intends to accomplish:	<p>The Nurse Home Visitor Program (NHVP) serves first-time, low-income pregnant mothers. It provides trained visiting nurses to help educate mothers on the importance of nutrition and avoiding alcohol and drugs, including nicotine, and to assist and educate mothers in providing general care for their children and in improving health outcomes for their children. Previously, NHVP was overseen by the Office of Early Childhood within the Colorado Department of Human Services. Section 26.5-3-504, C.R.S., directs the Department to promulgate rules to implement the program. The current proposed revisions to the NHVP's rules offer technical fixes to statute that include correcting references to the Colorado Department of Early Childhood; updating statutory and cross-rule references; updating rule numbering; and providing a general cleanup of grammar and rule language, where needed.</p>
Statutory Authority: (Include Federal Authority, if applicable)	<p>Sections 26.5-3-504(3), 26.5-504(4), 26.5-3-306, and 26.5-3-308, C.R.S.</p>
Does the proposed rule or amendment(s) impact other State Agencies or Tribal Communities?	<p><input checked="" type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span></p> <p>If Yes, identify the State Agency and/or Tribal Community and describe collaboration efforts:</p> <p>The University of Colorado is statutorily required to be responsible for programmatic monitoring for the Nurse Home Visitor Program (NHVP). In addition to the public notices, staff at the University were contacted directly about this notice of rulemaking.</p>
Does the proposed rule or amendment(s) have impacts or create mandates on counties or other governmental entities?	<p><input type="checkbox"/> Yes <span style="margin-left: 200px;"><input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide description:</p>

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Effective Date(s) of proposed rule or amendment(s): ( <u>E</u> mergency/ <u>P</u> ermanent)	<input type="checkbox"/> Mandatory <span style="margin-left: 200px;"><input checked="" type="checkbox"/> Discretionary</span> (E) Effective Date: <span style="margin-left: 150px;">(P) Effective Date: 3/1/24</span> (E) Termination Date:										
Is the proposed rule or amendment(s) included on the Regulatory Agenda?	<input checked="" type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span> If no, please explain:										
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Does the proposed rule or amendment(s) include material that is incorporated by reference <sup>1</sup> ?	<input type="checkbox"/> Yes <span style="margin-left: 200px;"><input checked="" type="checkbox"/> No</span> If Yes, provide source:										
Does the proposed rule or amendment(s) align with the department's rulemaking objectives?  Choose all that apply.	<table border="1" style="width: 100%;"> <tr> <td style="width: 30px; text-align: center;"><input type="checkbox"/></td> <td>Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Decrease duplication and conflicts with implementing programs and providing services.</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Increase equity in access and outcomes to programs and services for children and families.</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Increase administrative efficiencies among programs and services provided by the department.</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Ensure that rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family/provider experience, and ease of implementation by state, local, and tribal agencies.</td> </tr> </table>	<input type="checkbox"/>	Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.	<input checked="" type="checkbox"/>	Decrease duplication and conflicts with implementing programs and providing services.	<input type="checkbox"/>	Increase equity in access and outcomes to programs and services for children and families.	<input type="checkbox"/>	Increase administrative efficiencies among programs and services provided by the department.	<input checked="" type="checkbox"/>	Ensure that rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family/provider experience, and ease of implementation by state, local, and tribal agencies.
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## Rulemaking Proceedings

Type of Rulemaking: Emergency or Permanent <sup>2</sup> [Permanent Tier I or Tier II]	Permanent  Tier I
Stakeholder Engagement and Data/Research:  Examples: Webinar recordings/transcripts, written stakeholder comments, material from small/large focus groups, written petitions/requests, surveys, data, research, reports, published papers, and documents used to develop the proposed rule or amendment(s).	List of activities and dates:  Two virtual stakeholder input sessions have been scheduled to occur on September 14 & 15, 2023. Additionally, notification has been sent to stakeholders via email, including a link to <a href="#">submit written comments</a> . Notice of the rule package being open for public comment has been posted on the <a href="#">Public Notices</a> tab of the CDEC website, and has also added to the <a href="#">CDEC Rule Tracker</a> .  Location of public folder containing all rulemaking material including all versions of the draft rules, written comments, webinar recordings: <a href="https://drive.google.com/drive/folders/1lWSya9Yb4li5cd0nJDVAEcMpzLd7FBaw">https://drive.google.com/drive/folders/1lWSya9Yb4li5cd0nJDVAEcMpzLd7FBaw</a>
Assistant Attorney General Review:	9/22/2023 - 10/25/23
RAC County Subcommittee Review Date (if required):	11/2/23
Rules Advisory Council (RAC) Review Date:	11/9/23
Public Rulemaking Hearing Date(s): [Discussion/Adoption]	11/17/23 (Discussion) 12/29/23 (Adoption)

<sup>2</sup> Tier I is used for proposed rule or amendment(s) that have substantive changes, require substantial stakeholder engagement, and will be considered at two Public Rulemaking Hearings (PRH). The first PRH is held for discussion, and the second PRH is held to consider adoption. Tier II is used for proposed rule or amendment(s) that include technical changes, do not require substantial stakeholder engagement, and will be considered at only one Public Rulemaking Hearing (PRH) for adoption.

**Regulatory and Cost Benefit Analysis**

1. **Community Impact:** Provide a description of the stakeholders that will be affected by the proposed rule or amendment(s), and identify which stakeholders will bear the costs, and those who will benefit. How will the proposed rule or amendment(s) impact particular populations, such as those experiencing poverty, immigrant/refugee communities, non-English speakers, and rural communities?

The stakeholders for our proposed rule amendment would include the University of Colorado who is statutorily responsible for programmatic monitoring for the NHVP, as well as Invest in Kids, who provide continuing education for the nurse home visitors and monitor fidelity to the model. Other stakeholders would include sites implementing the NHVP in Colorado. This rule amendment is a transfer/re-adoption of NHVP rule from CDHS to CDEC, and therefore does not have associated costs, and does not change any ways in which the program is administered. The Nurse Home Visitor Program will continue to serve low-income families pregnant with their first child under the Colorado Department of Early Childhood instead of the Colorado Department of Human Services.

2. **Quality and Quantity:** Provide a description of the probable quantitative and qualitative impact on persons affected by the proposed rule or amendment(s), and comparison of the probable costs and benefits of implementation versus inaction. What are the short- and long-term consequences of the proposed rule or amendment(s).

Since the purpose of this rulemaking is to transfer/re-adopt the rule under the Colorado Department of Early Childhood, there should not be any impact to persons affected (stakeholders or families participating in the NHVP), and there are no associated costs to any party. The short and long term consequences of the proposed rulemaking is that the program and implementation will both be overseen by the Colorado Department of Early Childhood.

3. **Potential Economic Benefits/Disadvantages:** What are the anticipated economic benefits of the proposed rule or amendment(s), such as: economic growth, creation of new jobs, and/or increased economic competitiveness? Are there any adverse effects on the economy, consumers, private markets, small businesses, job creation, and economic competitiveness?

The program will continue to operate as it has its creation in FY 2000, but it will be housed under the Colorado Department of Early Childhood instead of the Colorado Department of Human Services. The transfer of this rule is not expected to have any economic impact.

4. **Fiscal Impacts:** What are the anticipated direct and indirect costs for the state/department to implement, administer, and enforce the proposed rule or amendment(s)? What are the direct and indirect costs to each of the following entities to comply with the proposed rule or amendment(s)? For each, describe the impact or indicate “not applicable.”

Department	The responsibility of the fiscal oversight of the NHVP now resides with CDEC instead of CDHS. This rulemaking will not have any additional financial impact on the program beyond the annual cost of implementing the program. Costs of implementing the program are primarily related to personnel and departmental infrastructure.
Local Governments/ Counties	N/A

Providers	N/A
Community Partners (e.g., School Districts, Early Childhood Councils, etc.)	N/A
Other State Agencies	As referenced above, CDHS no longer has financial oversight of the NHVP. Fiscal administration responsibilities now belong to CDEC.
Tribal Communities	N/A

5. **Evaluation:** How will implementation of the proposed rule or amendment(s) be monitored and evaluated? Please include information about measures and indicators that CDEC will utilize, including information on specific populations (identified above).

Stakeholders have been notified of the rule transfer/re-adoption via email. They have been given opportunities to provide feedback and may do so by attending either of the two stakeholder meetings, or submitting written comments through a form, which were all linked in the email notification.

6. **Comparative Analysis:** Provide at least two alternatives to the proposed rule or amendment(s) that can be identified, including the costs and benefits of pursuing each of the alternatives.

Since this is a transfer/re-adoption of existing rule, there are no alternative options. The rule is moving under the CDEC where the NHVP now resides.

7. **Comparative Analysis:** Are there less costly or less intrusive methods for achieving the purpose of the proposed rule or amendment(s)? Explain why those options were rejected.

The rule transfer/re-adoption does not have any associated costs.