1 DEPARTMENT OF HUMAN SERVICES Social Services Rules EARLY CHILDHOOD 12 CCR 2509 -9 [Editor’s Notes follow the text of the rules at the end of this CCR Document.] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Addition of Sections 7 .800 through 7.823 were final adoption following publication at the 2/7/2014 State Board rule -making session, with an effective date of 4/1/2014 (Rule -making# 13 -10-9-1). Statement of Basis and Purpose and specific statutory authority for these revisions w ere incorporated by reference into the rule. These materials are available for review by the public during normal working hours at the Colorado Department of Human Services, Office of Enterprise Partnerships, Division of Boards and Commissions, State Board Administration. 7.800 EARLY CHILDHOOD 7.810 NURSE HOME VISITOR PROGRAM 7.811 DEFINITIONS [Eff. 4/1/14] "Alternative Nurse Home Visitation Program" means a program that provides home visits by nurses but is not the program described in Section 26 -6.4-104(1 ), C.R.S., but does qualify for funding from the Nurse Home Visitor Fund because it meets the requirements of Section 26 -6.4-104(4), C.R.S. and Section 7.820 of these rules. "Board" means the State Board of Human Services. "Conflict of interest" means a pe rsonal or financial interest that could reasonably be perceived as an interest that may influence an individual in his or her official duties. "Department" means the Colorado Department of Human Services. "Entity" means any nonprofit, not -for-profit, or fo r-profit corporation, religious or charitable organization, institution of higher education, visiting nurse association, existing visiting nurse program, local health department, county department of social services, political subdivision of the state, or other governmental agency or any combination thereof. "Expansion site" means a program that is already serving at least fifty low -income, first -time mothers, through a grant received under these rules, in the previous fiscal year, and the implementing enti ty is applying for additional funding to enable it to serve additional low -income, first -time mothers. "Financial interest" means a substantial interest held by an individual which is an ownership or vested interest in an entity, or employment or a prospec tive employment for which negotiations have begun, or a directorship or officership in an entity. "Health sciences facility" means a facility located at the University of Colorado Health Sciences Center that is selected by the President of the University o f Colorado. "Low -income" means an annual income that does not exceed two hundred percent of the federal poverty level. CODE OF COLORADO REG ULATIONS 12 CCR 2509 -9 Social Services Rules 2 "New entity" means any entity that has not previously received funding for the program pursuant to these rules. "Nurse" means a person li censed as a professional nurse pursuant to Section 12 -38-102, C.R.S., et seq., or accredited by another state or voluntary agency that the State Board of Nursing has identified by rule (3 CCR 716 -1) pursuant to Section 12 -38-108(1)(a), C.R.S., as one whose accreditation may be accepted in lieu of board approval. "Nurse Home Visitor Program" or "Program" means a program that is described in Section 26-6.4-104(1), C.R.S., and meets the requirements of these rules. "Nurse supervisor" means a nurse with a Maste r's degree in nursing or public health, unless the implementing entity can demonstrate that such a person is either unavailable within the community or an appropriately qualified nurse without a Master's degree is available. "Visit protocols" mean nurse ho me visit guidelines addressing, at a minimum, prenatal, infancy and toddler development; and cover topics such as positive birth outcomes, parental life course development and parenting skills. 7.812 PROCEDURES FOR GRANT APPLICATION A. Grant Application Co ntents 1. All applications shall be submitted to the department by entities as defined in Section 7.811 in accordance with these rules and shall contain, at a minimum, the basic program elements specified in Section 26 -6.4-106, C.R.S., and the following in formation. A budget which includes each of the following: a. Salaries and benefits for the staff required in Section 7.817; b. Costs of the training provided by the Health Sciences Facility, and costs to cover any other training required by the Health Scie nces Facility. Allowable costs include, but are not limited to, travel costs and training materials; c. Costs to purchase and maintain the management information system and related technical assistance; d. Operating costs, including, but not limited to, of fice and program supplies, postage, telephones, computer(s) with internet access, liability insurance, medical supplies, mileage reimbursement and other staff development for the required staff; e. A description of how the applicant will fund any additiona l costs not funded by the grant; f. Any in -kind contributions the applicant or other stakeholders in the community may donate. 2. Applications for New Entities In addition to the requirements of Section 7.812, A, 1, of these rules, applications for new entities shall contain, at a minimum, the following information: CODE OF COLORADO REG ULATIONS 12 CCR 2509 -9 Social Services Rules 3 a. A description of the experience the applicant has working with the target population and existing home visitation programs; b. A description of the community support for the program and for t he applicant as the lead organization in its implementation, including detailed information about the broad based support for the program's implementation. Breadth of community support shall be judged by the diversity of those involved in supporting the pr ogram's implementation, and can be evidenced through letters of support and more formal referral relationships among various community organizations and the applicant; c. A description of the specific needs of the population to be served including, but not limited to, the socio -demographic and health characteristics that justify the need for the program and the number of first-time, low -income mothers eligible for the program; d. A description of the relationship of the applicant with the schools, prenatal clinics and other referral sources for the first -time, low -income mothers who will be served by the program, with specific information about the duration of these relationships; e. A description of the nature and duration of the referral linkages that exis t between the applicant and other service providers throughout the community including, but not limited to, providers of social services, mental health services, workforce preparation services, job training services, legal services, health care services an d child care services; f. Except as provided in Section 7.819, a description of a plan for recruiting at least one hundred first -time, low -income mothers; g. A description of the collaboration between the applicant and other entities providing similar serv ices to the same population, including plans for coordination and a description of how the program will fit in with and complement the community's efforts to meet the needs of the target population, if applicable; h. A plan for hiring and retaining qualifi ed staff that represents the community's racial and cultural diversity; i. A description of the applicant's capacity to comply with and monitor the implementation of the grant requirements; j. Summary of the major strengths of the applicant and the communi ty that will lead to successful implementation of the program; and, k. A statement as to whether the applicant plans to work collaboratively with other entities in either administering the program or through an oversight board, and whether the other entiti es are other counties, municipalities, agencies or organizations. l. If an applicant currently provides services in compliance with Sections 7.816 through 7.819, using funding other than from the Nurse Home Visitor Program Fund, the applicant shall state i f: CODE OF COLORADO REG ULATIONS 12 CCR 2509 -9 Social Services Rules 4 1) The applicant expects to continue to receive funding from such alternative funding source; and, 2) Funds received pursuant to these rules will be used to increase the number of clients served. 3. Applications for Multiple Community Collaboration If multiple communities with lower birth rates need to collaborate to meet the one hundred -family requirement, the applicant shall provide specific plans that address the mechanisms and history of the collaboration in addition to complying with the requirement s of Sections 7.812, 1 and 2. The plan shall include, but not be limited to, examples of previous collaborations. 4. Applications for Expansion Sites In addition to complying with the requirements of Section 7.812, A, 1, each expansion site shall submit th e following in its application: a. Confirmation that the entity has implemented the program in compliance with these rules; b. A description of additional community demand for the program that is not being met through the current funding; c. A specific pla n for building additional infrastructure to support the expansion of the program including, but not limited to, physical space, staff supervision and computer data entry personnel; d. A description of how the implementing entity has addressed previous spec ific challenges relating to the program; e. A plan describing the implementing entity's strategy to recruit and train sufficient qualified nurses to implement and expand the program; and, f. A description of community support for the planned expansion of t he program. B. Timelines for Grant Applications Grant applications may be solicited up to two times each fiscal year. 7.813 REVIEW OF APPLICATIONS [Eff. 4/1/14] A. The Department shall conduct an initial technical review of submitted applications to ensure that all required components are included . B. After the Department's technical review of the applications, the health sciences facility shall review the applications and shall select a list of entities that the health sciences facility recommends to admin ister the program in communities throughout the state. C. The Department shall review the budget and budget justification in the application of each selected entity and provide technical assistance to ensure an accurate budget to support implementation in accordance with program requirements. CODE OF COLORADO REG ULATIONS 12 CCR 2509 -9 Social Services Rules 5 7.814 CRITERIA FOR SELECTION OF ENTITIES [Eff. 4/1/14] A. At a minimum, the following criteria shall be used for selecting potential grantees: 1. The applicant meets the definition of an "entity" as defined in Section 7.811; 2. The entity submits a completed application in accordance with, the requirements of Section 7.812; 3. The entity demonstrates the capacity and ability to adequately administer and implement the program; 4. The entity demonstrates that it will com ply with the requirements of Sections 7.816 through 7.818; 5. The entity's geographic service area and/or the population it serves advances the implementation of the program in communities throughout the state; and, 6. The entity is selected on a competiti ve basis. B. More than one entity may receive funding in a particular community if it can demonstrate in its application: 1. Broad community support for the implementing entity; 2. Existence of a sufficient number of eligible women to support multiple impl ementing entities; 3. Existence of close coordination and mutual support between the entities; and, 4. A specific plan for the coordination by the applying entity and other nurse home visitation programs in the community. C. Special consideration shall be given to entities that are proposing to administer the program as a collaborative effort among multiple entities. 7.815 AWARDING OF PROGRAM GRANTS [Eff. 4/1/14] A. The State Board of Human Services shall approve grants and award funding to the entities selected on a competitive basis by the health sciences facility. B. The grant awards may, at a minimum, include monies to fund: 1. Reasonable and necessary salaries and benefits for nurses, nurse supervisors and data entry employees; 2. Reasonable and necessa ry operating costs, including but not limited to, medical, program and office supplies, telephones, computer equipment, mileage reimbursement, any required insurance, and staff development; 3. Reasonable and necessary training, training materials and trave l costs associated with obtaining training required by Section 7.816, A; 4. Reasonable and necessary cost for purchasing the management information system, and any related technical assistance; and, CODE OF COLORADO REG ULATIONS 12 CCR 2509 -9 Social Services Rules 6 5. Reasonable and necessary costs for developing any infr astructure necessary for program administration and implementation. 7.816 PROGRAM REQUIREMENTS [Eff. 4/1/14] A. Training Requirements Each nurse employed by an entity to provide home visiting nursing services through the Nurse Home Visitor Program shall be required, at a minimum, to attend and complete the following training: 1. Preparatory study educating nurse home visitors on their nurse home visitor role and competencies, including: a. Applies theories and principles integral to implementation of the Nu rse-Family Partnership Model. b. Uses evidence from randomized trials and data collection software to guide and improve practice. c. Delivers individualized client care across the six domains. d. Establishes therapeutic relationships with clients. e. Utilizes reflective process to improve practice. 2. Interactive training where nurse home visitors receive instruction and assistance to begin applying information. Prepares new nurses to implement the intervention with fidelity to the Nurse -Family Partnership Model. 3. Training to give nurses an opportunity to deepen their understanding of the Nurse -Family Partnership Model, specifically in regards to: a. Infant temperament; b. Motivational interviewing; c. Fidelity to the model elements. B. Visit Protocols The visit protocols followed by the entity in administering the program shall cover information specific to prenatal, infant and toddler phases. The visit protocols shall, at a minimum, address: 1. The physical and emotional health of the mother and the baby, including for the mother information on the importance of nutrition and avoiding alcohol and drugs, including nicotine; 2. The environmental health issues such as ensuring a safe environment for the child; 3. The life course development for the mother, in cluding employment, educational achievement, budgeting and financial planning, transportation and housing; 4. The parental role and responsibilities; and, CODE OF COLORADO REG ULATIONS 12 CCR 2509 -9 Social Services Rules 7 5. The role of family and friends in supporting goal attainment. C. Program Management Information Sy stems The management information system used by the entity in administering and implementing the program shall, at a minimum, include the following: 1. Documentation of the services received by clients enrolled in the program; 2. Information to assist the program staff in tracking the progress of families in attaining program goals; 3. Information to assist nurse supervisors in providing feedback to individual nurse home visitors on strengths and areas for improvement in implementing the program; and, 4. Information to assist program staff in planning quality improvements to enhance program implementation and outcomes. D. Reporting and Evaluation System 1. At least once every month, each implementing entity shall submit the data generated by the management i nformation system required by Section 7.816, C, to the health sciences facility; and, 2. The data will be analyzed and the health sciences facility shall make available, on no less than a quarterly basis, a report to the entity evaluating the program's imp lementation, and on a semi -annual basis shall also make available reports on benchmarks of program outcomes. 3. The implementing entity shall submit an annual report that complies with the requirements in Section 7.821 to both the health sciences facility and the community in which the entity implements the program that reports on the effectiveness of the program within the community. 4. The annual report shall be submitted on or before March 1, or not later than sixty (60) days after the end of the fiscal year for which funding was provided if the program has not submitted a request for continuation of funding. The annual report shall be written in a manner that is understandable for both the health sciences facility and members of the community that the pr ogram serves. 7.817 STAFFING REQUIREMENTS [Eff. 4/1/14] A. For every one hundred (100) low -income, first -time mothers enrolled in the program the program shall, at a minimum, have the following staff: 1. Four full time equivalent (FTE) nurses; 2. One half FTE nurse supervisor, and, 3. One-half FTE data entry/clerical support person. B. The data entry/clerical support person shall provide office support to the nursing staff and assure data are submitted as required by Section 7.816, C and D. CODE OF COLORADO REG ULATIONS 12 CCR 2509 -9 Social Services Rules 8 C. The caseload for any one nurse at one time shall not exceed twenty -five low -income, first -time mothers. 7.818 ELIGIBILITY OF CLIENTS [Eff. 4/1/14] A. At a minimum, the following is required to be eligible to receive program services: 1. A woman with an annual income th at does not exceed two hundred percent of the federal poverty level; 2. No previous live births; and, 3. Enrolled in the program during pregnancy or prior to the end of the first month of the baby's life. B. Preference will be given to women who enroll in the program prior to the twenty -eighth (28th) week of pregnancy. 7.819 NUMBER OF CLIENTS SERVED WAIVER [Eff. 4/1/14] A. Except as provided in Section 7.819, B, each entity shall provide services to a minimum of one hundred low -income, first -time mothers in the community in which the program is administered and implemented. B. Small Community Size: 1. If the population base of a community does not have the capacity to enroll one hundred eligible families, an entity may apply to the Board for a waiver from th is requirement. 2. Prior to granting any waivers, the Board shall consult with the health sciences facility to ensure that the entity can implement the program within a smaller community and comply with program requirements. 7.820 AVAILABILITY OF FUNDING F OR ALTERNATIVE NURSE HOME VISITATION PROGRAMS [Eff. 4/1/14] A. An alternative nurse home visitation program may qualify for funding under the nurse home visitor program if the alternative nurse home visitation program: 1. Has been in operation in the state as of July 1, 1999 for a minimum of five (5) years; 2. Has achieved a significant reduction in each of the following: a. Infant behavioral impairments due to use of alcohol and other drugs, including nicotine; b. The number of reported incidents of child abuse and neglect among families receiving services; c. The number of subsequent pregnancies by mothers receiving services; d. The receipt of public assistance by mothers receiving services; and, e. Criminal activity engaged in by mothers receiving service s and their children. CODE OF COLORADO REG ULATIONS 12 CCR 2509 -9 Social Services Rules 9 B. Any alternative nurse home visitation program qualifying for funding under this section shall be exempt from the requirements of Section 7.816 if it continues to demonstrate significant reductions in the occurrences specified in Se ction 7.820, A, 2. C. Any alternative nurse home visitation program qualifying for funding under this section shall comply with the requirements of Section 7.821 of these rules. 7.821 REPORTING REQUIREMENTS FOR TOBACCO SETTLEMENT PROGRAMS A. All programs s hall annually submit to the department a report which, at a minimum, includes the following information: 1. The amount of tobacco settlement moneys received by the program for the preceding fiscal year; 2. A description of the program, including the progra m goals, population served by the program, the actual number of people served, and the services provided; and, 3. An evaluation of the operation of the program, which includes the effectiveness of the program in achieving its stated goals. B. Annual progra m reports shall be submitted in accordance with statutory requirements for master tobacco settlement agreement funding. 7.822 CONFLICTS OF INTEREST [Eff. 4/1/14] A. Applicability Except as provided for in Sections 26 -6.4-105, C.R.S. through 26 -6.4-108, C.R .S. regarding the health sciences facility, this section applies to any person involved in: 1. The review of completed applications; or, 2. Making recommendations to the Board regarding an entity that may receive a grant and the amount of said grant; or, 3. Members of the Board. B. Prohibited Behavior No person who is involved in the activities specified in Section 7.822, A, shall have a conflict of interest. Such conflict of interest includes, but is not limited to, any conflict of interest involving the person and the grantee or the person and the tobacco industry. C. Responsibilities of Persons with a Potential Conflict of Interest A person who believes that he or she may have a conflict of interest shall disclose such conflict of interest as soon as he o r she becomes aware of the conflict of interest. If the person is a member of the Board and acting in the capacity as a Board member, the person shall publicly disclose the conflict of interest to the Board; other persons shall disclose the conflict of int erest in writing to the Department. If the Board or the Department, whichever is appropriate, determines the existence of a conflict of interest, the person shall recuse himself or herself from any of the activities specified in Section 7.822, A, relating thereto. CODE OF COLORADO REG ULATIONS 12 CCR 2509 -9 Social Services Rules 10 7.823 CRITERIA FOR REDUCTION OR CESSATION OF FUNDING [Eff. 4/1/14] A. Upon recommendation from the health sciences facility, the Board may reduce or eliminate the funding of a program if the entity is not operating the program in accordance with the program requirements established in Sections 7.816 through 7.818, except as provided in Section 7.820 of these rules, or is operating the program in such a manner that it does not demonstrate positive results. B. An entity shall receive written notific ation from the Board if the entity's funding is subject to reduction or elimination. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Editor’s Notes History Entire rule eff . 04/01/2014. Sections 7.812 A.1, 7.821 eff. 12/01/2018.