



DISABILITY LAW COLORADO'S POSITION STATEMENT ON SB17-091

Who is Disability Law Colorado?

Disability Law Colorado is a Colorado nonprofit organization established to protect and promote the rights of individuals with disabilities. It serves as the federally-mandated and state-designated Protection and Advocacy System for people with disabilities as authorized by the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. §15043, *et. seq.*), the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. §10801, *et. seq.*), and the Protection and Advocacy for Individuals Rights section of the Rehabilitation Act (29 U.S.C. §794e, *et. seq.*). Since Disability Law Colorado was founded in 1976, we have represented nearly 20,000 individuals with disabilities and assisted more than 65,000 individuals with disabilities in advocating for themselves.

SB17-091 Brings Colorado into Compliance with Federal Law

In 1999 in *Olmstead v. L.C. ex rel. Zimring*, 527 U.S. 58, the United States Supreme Court held that the Americans with Disabilities Act (ADA) prohibits unjustified segregation of people with disabilities. The Supreme Court held that this mandate from the ADA requires that people with disabilities be served in the least restrictive setting appropriate to their needs. This means that when people with disabilities can live at home and be fully integrated into the community, the State needs to ensure that they are able to do so. Accordingly, recent changes to federal regulations require that home health services be provided to people with disabilities in any setting in which normal life activities take place. SB17-091 supports this mandate and requires that Colorado come into compliance with federal law by providing home health services not just in a person's home, but rather in any setting that a person may encounter in the course of their day, including in the workplace, on a college campus, at a family member or friend's house or at a community recreation center.

Support for SB17-091

We at Disability Law Colorado have worked with numerous individuals who – if home health services could be provided in settings outside the home – could more fully integrate into the community. For example, we are currently working with a family whose daughter receives periodic home health care for several medical conditions, but because the current law only allows those services in the home, when she needs those services while at school, her family members must physically go to the school and provide her services. With the passage of SB19-091, that young woman could go to college or get a job knowing that her required home health services could be provided to her in those settings, allowing her to fully integrate into the community.

For these reasons, we support SB17-091 and urge you to vote yes!

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