

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0314.01 Yelana Love x2295

SENATE BILL 23-155

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

Willford and Young, Bird, Boesenecker, Duran, English, Epps, Froelich, Garcia, Hamrick, Herod, Jodeh, Lieder, Lindsay, Lindstedt, McLachlan, Michaelson Jenet, Snyder

Senate Committees

Health & Human Services
Appropriations

House Committees

Public & Behavioral Health & Human Services
Appropriations

HOUSE
3rd Reading Unamended
April 17, 2023

HOUSE
Amended 2nd Reading
April 14, 2023

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF NURSING**
102 **HOME ADMINISTRATORS, AND, IN CONNECTION THEREWITH,**
103 **IMPLEMENTING THE RECOMMENDATIONS IN THE 2022 SUNSET**
104 **REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.**

SENATE
3rd Reading Unamended
March 13, 2023

SENATE
2nd Reading Unamended
March 10, 2023

Bill Summary

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

Sunset Process - Senate Health and Human Services Committee. The bill implements the recommendations of the department of regulatory agencies in its 2022 sunset report by:

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

- Extending the regulation of nursing home administrators 5 years, to September 2028;
- Authorizing the board of examiners of nursing home administrators to discipline a licensee for failing to respond to a complaint; and
- Removing the requirement that a letter of admonition to a licensee be sent through certified mail.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (24)(a)(VIII); and **add** (29)(a)(XVII) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (24) (a) The following agencies, functions, or both,
7 are scheduled for repeal on September 1, 2023:

8 ~~(VIII) The regulation of nursing home administrators by the board~~
9 ~~of examiners of nursing home administrators in accordance with article~~
10 ~~265 of title 12;~~

11 (29) (a) The following agencies, functions, or both, are scheduled
12 for repeal on September 1, 2028:

13 (XVII) THE REGULATION OF NURSING HOME ADMINISTRATORS BY
14 THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS IN
15 ACCORDANCE WITH ARTICLE 265 OF TITLE 12.

16 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-265-123
17 as follows:

18 **12-265-123. Repeal of article - review of functions.** This article
19 265 is repealed, effective ~~September 1, 2023~~ SEPTEMBER 1, 2028. Before
20 the repeal, the licensing functions of the board are scheduled for review
21 in accordance with section 24-34-104.

22 **SECTION 3.** In Colorado Revised Statutes, 12-265-113, **amend**

1 (1)(n), (1)(o), and (3); and **add** (1)(p) as follows:

2 **12-265-113. Grounds for discipline.** (1) The board has the
3 power to take disciplinary or other action as specified in sections
4 12-20-404 and 12-265-107 (1)(d), upon proof that the person:

5 (n) Has practiced as a nursing home administrator during a period
6 when the person's license has been suspended or revoked; ~~or~~

7 (o) Has sold, fraudulently obtained, or furnished a license to
8 practice as a nursing home administrator, or has aided or abetted therein;

9 OR

10 (p) HAS FAILED TO RESPOND IN AN HONEST, MATERIALLY
11 RESPONSIVE, AND TIMELY MANNER TO A COMPLAINT FILED AGAINST THE
12 PERSON.

13 (3) The board may send a letter of admonition ~~by certified mail~~ to
14 a licensee under the circumstances specified in and in accordance with
15 section 12-20-404 (4).

16 **SECTION 4.** In Colorado Revised Statutes, 25-1-124.5, **amend**
17 (3) as follows:

18 **25-1-124.5. Nursing care facilities - employees - record check**
19 **- adult protective services data system check - definition.** (3) In
20 addition to the background check required pursuant to this section, on and
21 after ~~January 1, 2019~~ JANUARY 1, 2024, prior to employment, a nursing
22 care facility shall submit the name of a person who will be providing
23 direct care, as defined in section 26-3.1-101 (3.5), to an at-risk adult, as
24 defined in section 26-3.1-101 (1.5), THE NAME OF A PERSON WHO WILL BE
25 SERVING AS A NURSING HOME ADMINISTRATOR, AS DEFINED IN SECTION
26 12-265-103 (2), as well as any other required identifying information, to
27 the department of human services for a check of the Colorado adult

1 protective services data system pursuant to section 26-3.1-111, to
2 determine if the person is substantiated in a case of mistreatment of an
3 at-risk adult.

4 **SECTION 5.** In Colorado Revised Statutes, 25-1.5-118, **amend**
5 (1) introductory portion, (1)(b)(I), (1)(e)(I) introductory portion, (1)(e)(II)
6 introductory portion, and (1)(h); and **add** (3)(c.5) as follows:

7 **25-1.5-118. Training for nursing home administrators and**
8 **staff providing direct-care services to residents with dementia - rules**
9 **- definitions.** (1) By January 1, 2024, the state board of health shall adopt
10 rules requiring covered facilities to provide dementia training for
11 direct-care staff members AND NURSING HOME ADMINISTRATORS. The
12 rules must specify the following, at a minimum:

13 (b) The length and frequency of the dementia training, which must
14 be competency-based and must require a covered facility to provide:

15 (I) At least four hours of initial dementia training for:

16 (A) All direct-care staff members hired by or who start providing
17 direct-care services at, AND ALL NURSING HOME ADMINISTRATORS HIRED
18 BY OR WHO START WORKING AT, a covered facility on or after the effective
19 date of the dementia training requirement specified in the rules, unless an
20 exception established pursuant to subsection (1)(e) of this section applies,
21 which training must be completed within one hundred twenty days after
22 the start of employment or the provision of direct-care services, as
23 applicable; and

24 (B) All direct-care staff members hired by or providing direct-care
25 services at, AND ALL NURSING HOME ADMINISTRATORS HIRED BY OR WHO
26 START WORKING AT, a covered facility before the effective date of the
27 dementia training requirement specified in the rules, unless an exception

1 established pursuant to subsection (1)(e) of this section applies, which
2 training must be completed within one hundred twenty days after the
3 effective date of the dementia training requirement specified in the rules;
4 and

5 (e) An exception to the initial dementia training requirements for:

6 (I) A direct-care staff member hired by or who starts providing
7 direct-care services at, OR A NURSING HOME ADMINISTRATOR WHO IS
8 HIRED BY OR WHO STARTS WORKING AT, a covered facility on or after the
9 effective date of the dementia training requirement specified in the rules
10 who has:

11 (II) A direct-care staff member hired by or providing direct-care
12 services at, OR A NURSING HOME ADMINISTRATOR HIRED BY OR WORKING
13 AT, a covered facility before the effective date of the dementia training
14 requirement specified in the rules who has:

15 (h) A requirement that covered facilities provide the dementia
16 training and continuing education programs to direct-care staff members
17 AND NURSING HOME ADMINISTRATORS, AS APPLICABLE, at no cost to the
18 staff members OR NURSING HOME ADMINISTRATORS; and

19 (3) As used in this section:

20 (c.5) "NURSING HOME ADMINISTRATOR" HAS THE SAME MEANING
21 AS SET FORTH IN SECTION 12-265-103.

22 **SECTION 6. Effective date.** This act takes effect upon passage;
23 except that section 4 of this act takes effect January 1, 2024.

24 **SECTION 7. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety.