

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 28, 2024
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB24-167 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, 25-27-102, **add**
4 (2.5), (2.7), (9.3), (9.5), and (10.5) as follows:

5 **25-27-102. Definitions.** As used in this article 27, unless the
6 context otherwise requires:

7 (2.5) "DIRECT CARE WORKER" MEANS AN EMPLOYEE WHO
8 PROVIDES HANDS-ON CARE, SERVICES, AND SUPPORT TO RESIDENTS OF AN
9 ASSISTED LIVING RESIDENCE.

10 (2.7) "FIT TEST" MEANS A TEST PROTOCOL CONDUCTED TO VERIFY
11 THAT A RESPIRATOR OR MASK IS BOTH COMFORTABLE AND PROVIDES THE
12 WEARER WITH THE EXPECTED PROTECTION.

13 (9.3) "PORTABLE TEST" MEANS THE FOLLOWING TESTS FOR WHICH,
14 WHEN SUCCESSFULLY COMPLETED BY AN INDIVIDUAL, THE INDIVIDUAL IS
15 PROVIDED A CERTIFICATION OF COMPLETION THAT MAY BE TRANSFERRED
16 FROM ONE ASSISTED LIVING RESIDENCE TO ANOTHER IN ACCORDANCE
17 WITH THIS SECTION:

18 (a) A FIT TEST; AND

19 (b) A TUBERCULOSIS TEST.

20 (9.5) "PORTABLE TRAINING" MEANS THE FOLLOWING TRAINING FOR
21 WHICH, WHEN SUCCESSFULLY COMPLETED BY AN INDIVIDUAL, THE
22 INDIVIDUAL IS PROVIDED A CERTIFICATION OF COMPLETION THAT MAY BE
23 TRANSFERRED FROM ONE ASSISTED LIVING RESIDENCE TO ANOTHER IN
24 ACCORDANCE WITH THIS SECTION:

25 (a) HAND HYGIENE AND INFECTION CONTROL;

26 (b) BASIC FIRST AID;

27 (c) RESIDENT RIGHTS;

- 1 (d) PERSON-CENTERED CARE;
- 2 (e) FALL PREVENTION;
- 3 (f) LIFT ASSISTANCE; AND
- 4 (g) FOOD SAFETY.

5 (10.5) "QUALIFIED MEDICATION ADMINISTRATION PERSONNEL"
6 MEANS AN INDIVIDUAL WHO HAS PASSED A COMPETENCY EVALUATION
7 ADMINISTERED BY AN APPROVED TRAINING ENTITY ON OR AFTER JULY 1,
8 2017, AND WHOSE NAME APPEARS ON THE DEPARTMENT'S LIST OF
9 INDIVIDUALS WHO HAVE PASSED THE REQUISITE COMPETENCY
10 EVALUATION.

11 **SECTION 2.** In Colorado Revised Statutes, **add 25-27-114** as
12 follows:

13 **25-27-114. Direct care workers in assisted living residences -**
14 **training - portability - rules.** (1) (a) IF AN OPERATOR OF AN ASSISTED
15 LIVING RESIDENCE PROVIDES OR PAYS FOR A PORTABLE TEST FOR A DIRECT
16 CARE WORKER OR FOR QUALIFIED MEDICATION ADMINISTRATION
17 PERSONNEL EMPLOYED BY THE ASSISTED LIVING RESIDENCE, THE
18 OPERATOR SHALL MAKE THE RESULTS OF THE TEST AVAILABLE TO THE
19 DIRECT CARE WORKER OR QUALIFIED MEDICATION ADMINISTRATION
20 PERSONNEL UPON COMPLETION OF THE TEST.

21 (b) IF, UPON HIRE BY AN ASSISTED LIVING RESIDENCE, A NEW
22 EMPLOYEE PROVIDES PROOF OF COMPLETION OF A PORTABLE TEST, THE
23 OPERATOR OF THE ASSISTED LIVING RESIDENCE MAY DETERMINE THAT THE
24 INDIVIDUAL HAS SATISFIED RELATED TESTING REQUIREMENTS OR REQUIRE
25 THE INDIVIDUAL TO COMPLETE NEW TESTING.

26 (c) THE RESULTS OF A TUBERCULOSIS TEST MAY BE ACCEPTED FOR
27 PURPOSES OF NEW EMPLOYMENT RECORDS IF PRESENTED TO THE NEW
28 EMPLOYER WITHIN TWO YEARS AFTER THE TESTING DATE.
29 NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE DEPARTMENT
30 MAY REQUIRE ADDITIONAL TESTING AS DETERMINED THROUGH
31 ADMINISTRATIVE ACTION, NOTICE, RULE, OR STATE LAW.

32 (2) IF AN OPERATOR OF AN ASSISTED LIVING RESIDENCE PROVIDES
33 OR PAYS FOR PORTABLE TRAINING FOR A DIRECT CARE WORKER OR
34 QUALIFIED MEDICATION ADMINISTRATION PERSONNEL EMPLOYED BY THE
35 OPERATOR, UPON COMPLETION OF THE TRAINING, THE OPERATOR OR THE
36 ENTITY THAT PROVIDES THE TRAINING SHALL PROVIDE THE INDIVIDUAL
37 WHO COMPLETES THE TRAINING WITH A CERTIFICATE OF COMPLETION. THE
38 CERTIFICATE OF COMPLETION MUST INCLUDE:

- 39 (a) THE TOPIC COVERED;
- 40 (b) THE DATE OF THE TRAINING;
- 41 (c) THE INDIVIDUAL OR ENTITY THAT PROVIDED THE TRAINING;
- 42 (d) DOCUMENTATION OF COMPETENCY IN THE SPECIFIC TOPIC OF
43 THE TRAINING; AND

1 (e) ADDITIONAL ELEMENTS AS DETERMINED BY RULE OF THE
2 DEPARTMENT.

3 (3) (a) IF, UPON HIRE BY AN ASSISTED LIVING RESIDENCE, A NEW
4 DIRECT CARE WORKER PROVIDES PROOF OF COMPLETION OF PORTABLE
5 TRAINING, THE ASSISTED LIVING RESIDENCE SHALL ENSURE, IN A FORM
6 AND MANNER DETERMINED BY THE OPERATOR, THAT THE DIRECT CARE
7 WORKER HAS SATISFIED THE RELATED PORTABLE TRAINING REQUIREMENTS
8 IN ORDER TO ENSURE THAT EACH DIRECT CARE WORKER CAN SAFELY
9 CARRY OUT THE DUTIES AND RESPONSIBILITIES FOR THE CARE AND
10 PROVISION OF SERVICES TO RESIDENTS.

11 (b) IN ADDITION TO PORTABLE TRAINING, THE OPERATOR OF AN
12 ASSISTED LIVING RESIDENCE SHALL ENSURE THAT EACH DIRECT CARE
13 WORKER RECEIVES ANY TRAINING REQUIRED BY RULES ADOPTED BY THE
14 STATE BOARD, OR AS SET FORTH IN STATE LAW, WITHIN THE TIMELINES SET
15 BY STATE LAW OR RULE.

16 (4) THE DEPARTMENT SHALL ACCEPT PROOF OF A PORTABLE TEST
17 OR A CERTIFICATE FOR PORTABLE TRAINING THAT IS DEEMED SUFFICIENT
18 BY AN ASSISTED LIVING RESIDENCE OPERATOR AS PROOF OF COMPLETION
19 OF A TEST OR TRAINING. THE DEPARTMENT MAY, BUT IS NOT REQUIRED TO,
20 PROMULGATES RULES TO DEFINE OTHER TESTS OR TRAININGS AS
21 PORTABLE.

22 (5) IF AN ASSISTED LIVING RESIDENCE OPERATOR ACCEPTS PROOF
23 OF TRAINING CONDUCTED BY ANOTHER ENTITY, THE ASSISTED LIVING
24 RESIDENCE OPERATOR SHALL ENSURE COMPETENCY IN A FORM AND
25 MANNER TO BE DETERMINED BY THE OPERATOR IN ORDER TO ENSURE
26 PRIOR EDUCATION AND TRAINING ARE SUFFICIENT FOR THE DIRECT CARE
27 WORKER TO SAFELY CARRY OUT THE DIRECT CARE WORKER'S DUTIES AND
28 RESPONSIBILITIES. AN ASSISTED LIVING RESIDENCE THAT CURRENTLY
29 EMPLOYS A DIRECT CARE WORKER IS LIABLE FOR ANY ACTS OR OMISSIONS
30 BY THE DIRECT CARE WORKER EMPLOYEE THAT ARE DIRECTLY RELATED
31 TO THE EMPLOYEE'S PREVIOUS TRAINING AND THE ACCEPTANCE OF THE
32 CERTIFICATION OF COMPLETION OF THAT TRAINING BY THE ASSISTED
33 LIVING RESIDENCE.

34 **SECTION 3. Act subject to petition - effective date.** This act
35 takes effect January 1, 2025; except that, if a referendum petition is filed
36 pursuant to section 1 (3) of article V of the state constitution against this
37 act or an item, section, or part of this act within the ninety-day period
38 after final adjournment of the general assembly, then the act, item,
39 section, or part will not take effect unless approved by the people at the
40 general election to be held in November 2024 and, in such case, will take
41 effect January 1, 2025, or on the date of the official declaration of the
42 vote thereon by the governor, whichever is later."

** *** ** *** **