

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0385.01 Kip Kolkmeier x4510

HOUSE BILL 18-1294

HOUSE SPONSORSHIP

Lontine and Buckner, Esgar, Ginal, Kennedy, Roberts

SENATE SPONSORSHIP

Crowder,

House Committees

Health, Insurance, & Environment
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF NURSING**
102 **HOME ADMINISTRATORS BY THE BOARD OF EXAMINERS OF**
103 **NURSING HOME ADMINISTRATORS IN THE DIVISION OF**
104 **PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF**
105 **REGULATORY AGENCIES, AND, IN CONNECTION THEREWITH,**
106 **REQUIRING THE BOARD TO RECORD BY BOARD MEMBER EACH**
107 **VOTE REGARDING LICENSEE DISCIPLINE AND REQUIRING**
108 **NURSING HOME ADMINISTRATORS TO REPORT POSSIBLE FELONY**
109 **CONDUCT BY NURSING HOME FACILITY EMPLOYEES.**

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

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

applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - House Health, Insurance, and Environment Committee. The bill implements the recommendations of the department of regulatory agencies, as contained in the department's sunset review of nursing home administrators, as follows:

- ! Continues the regulation of nursing home administrators by the board of examiners of nursing home administrators in the division of professions and occupations for 7 years, until September 1, 2025 (**sections 1 and 2**); and
- ! Changes the membership of the 5-member board of examiners from 3 practicing nursing home administrators and 2 members representing the public to 2 practicing nursing home administrators and 3 members representing the public. The board membership change applies to appointments made on or after July 1, 2018 (**section 3**).

The bill requires a nursing home administrator to report to law enforcement possible felony conduct by an employee. If the employee holds a state license, the administrator must also report the conduct to the appropriate occupational board or the director of the division of professions and occupations. Failure to report is grounds for discipline.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-39-121 as
3 follows:

4 **12-39-121. Repeal of article.** (1) This ~~article~~ ARTICLE 39 is
5 repealed, effective ~~July 1, 2018~~ SEPTEMBER 1, 2023.

6 (2) Prior to ~~such~~ THE repeal, the licensing functions of the board
7 of examiners of nursing home administrators ~~shall be reviewed as~~
8 ~~provided in~~ ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH section
9 24-34-104. ~~C.R.S.~~

10 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
11 (14)(a)(VI); and **add** (24)(a)(V) as follows:

12 **24-34-104. General assembly review of regulatory agencies**
13 **and functions for repeal, continuation, or reestablishment - legislative**

1 **declaration - repeal.** (14) (a) The following agencies, functions, or both,
2 are scheduled for repeal on July 1, 2018:

3 (VI) ~~The board of examiners of nursing home administrators~~
4 ~~created in section 12-39-104, C.R.S.;~~

5 (24) (a) The following agencies, functions, or both, are scheduled
6 for repeal on September 1, 2023:

7 (V) THE REGULATION OF NURSING HOME ADMINISTRATORS BY THE
8 BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS IN
9 ACCORDANCE WITH ARTICLE 39 OF TITLE 12.

10

11

12 **SECTION 3.** In Colorado Revised Statutes, 12-39-108, **add** (11)
13 as follows:

14 **12-39-108. Licenses.** (11) (a) A LICENSEE SHALL REPORT TO THE
15 APPROPRIATE LAW ENFORCEMENT AUTHORITY CONDUCT OCCURRING IN A
16 NURSING HOME FACILITY BY AN INDIVIDUAL EMPLOYED BY THAT FACILITY
17 THAT THE NURSING HOME ADMINISTRATOR REASONABLY BELIEVES WOULD
18 CONSTITUTE A FELONY UNDER THE LAWS OF THE STATE OF COLORADO. IF
19 THE EMPLOYEE IS LICENSED BY A COLORADO OCCUPATIONAL BOARD OR
20 THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE
21 DEPARTMENT OF REGULATORY AGENCIES, THE NURSING HOME
22 ADMINISTRATOR SHALL ALSO REPORT THE CONDUCT TO THE APPROPRIATE
23 OCCUPATIONAL BOARD OR THE DIRECTOR.

24 (b) A NURSING HOME ADMINISTRATOR WHO IN GOOD FAITH
25 REPORTS CONDUCT DESCRIBED BY THIS SUBSECTION (11) IS IMMUNE FROM
26 CIVIL LIABILITY IN AN ACTION ALLEGING DAMAGES RESULTING FROM THE
27 ADMINISTRATOR'S REPORT TO LAW ENFORCEMENT, AN OCCUPATIONAL

1 BOARD, OR THE DIRECTOR.

2 **SECTION 4.** In Colorado Revised Statutes, 12-39-111, **add**
3 (1)(p) as follows:

4 **12-39-111. Grounds for discipline.** (1) The board has the power
5 to revoke, suspend, withhold, or refuse to renew any license, to place on
6 probation a licensee or temporary license holder, or to issue a letter of
7 admonition to a licensee in accordance with the procedures set forth in
8 subsection (3) of this section, upon proof that the person:

9 (p) (I) HAS FAILED TO REPORT TO THE APPROPRIATE LAW
10 ENFORCEMENT AUTHORITY CONDUCT OCCURRING IN A NURSING HOME
11 FACILITY BY AN INDIVIDUAL EMPLOYED BY THAT FACILITY THAT THE
12 NURSING HOME ADMINISTRATOR REASONABLY BELIEVES WOULD
13 CONSTITUTE A FELONY UNDER THE LAWS OF THE STATE OF COLORADO; OR

14 (II) IF THE EMPLOYEE DESCRIBED IN SUBSECTION (1)(p)(I) OF THIS
15 SECTION IS LICENSED BY A COLORADO OCCUPATIONAL BOARD OR THE
16 DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS, HAS
17 FAILED TO REPORT CONDUCT DESCRIBED IN SUBSECTION (1)(p)(I) OF THIS
18 SECTION TO THE APPROPRIATE OCCUPATIONAL BOARD OR THE DIRECTOR.

19 **SECTION 5.** In Colorado Revised Statutes, 12-39-114, **add** (8)
20 as follows:

21 **12-39-114. Disciplinary proceedings - administrative law judge**
22 **- judicial review - publicly recorded votes.** (8) ALL VOTES TO IMPOSE
23 DISCIPLINE, ISSUE A CONFIDENTIAL LETTER OF CONCERN, OR DISMISS A
24 COMPLAINT MUST BE RECORDED IN THE BOARD'S PUBLICLY AVAILABLE
25 MINUTES AND INDICATE HOW EACH BOARD MEMBER VOTED ON THE
26 QUESTION.

27 **SECTION 6. Effective date.** This act takes effect July 1, 2018.

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