

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

REVISED

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

LLS NO. 19-0992.01 Kristen Forrestal x4217

HOUSE BILL 19-1268

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A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT A REFERRAL AGENCY MAKE**
102 **DISCLOSURES TO A PROSPECTIVE RESIDENT OF AN ASSISTED**
103 **LIVING RESIDENCE.**

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>.)

The bill requires an individual or entity who, for a fee, refers a prospective resident to an assisted living residence to disclose:

- ! Any business relationships that the referring party has with the assisted living residence; and
- ! That the assisted living residence pays for the referral.

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.

SENATE
2nd Reading Unamended
April 19, 2019

HOUSE
3rd Reading Unamended
April 10, 2019

HOUSE
2nd Reading Unamended
April 9, 2019

The bill requires written or electronic documentation of the disclosure to be provided to and maintained by the assisted living residence. The referring party is subject to a civil penalty for a violation. The attorney general or district attorney in the appropriate county is authorized to bring a civil action to seek a civil penalty and to enjoin the referring party from any further violation.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 6-1-729** as
3 follows:

4 **6-1-729. Assisted living residence referral - disclosures -**
5 **penalty - fine - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (a) "ASSISTED LIVING RESIDENCE" HAS THE SAME MEANING AS IN
8 SECTION 25-27-102.

9 (b) "REFERRAL AGENCY" MEANS AN INDIVIDUAL OR ENTITY THAT
10 PROVIDES REFERRALS TO AN ASSISTED LIVING RESIDENCE FOR A FEE THAT
11 IS COLLECTED FROM EITHER THE PROSPECTIVE RESIDENT OR THE ASSISTED
12 LIVING RESIDENCE. "REFERRAL AGENCY" DOES NOT INCLUDE AN ASSISTED
13 LIVING RESIDENCE OR ITS EMPLOYEES; A RESIDENT'S FAMILY MEMBER; OR
14 A RESIDENT OF AN ASSISTED LIVING RESIDENCE, REGARDLESS OF WHETHER
15 THE RESIDENT WHO REFERS A PROSPECTIVE RESIDENT TO AN ASSISTED
16 LIVING RESIDENCE RECEIVES A DISCOUNT OR OTHER REMUNERATION FROM
17 THE ASSISTED LIVING RESIDENCE.

18 (2) A REFERRAL AGENCY SHALL DISCLOSE TO A PROSPECTIVE
19 RESIDENT OR THE REPRESENTATIVE OF THE PROSPECTIVE RESIDENT
20 REFERRED TO AN ASSISTED LIVING RESIDENCE:

21 (a) DOCUMENTATION OF THE EXISTENCE OF ANY RELATIONSHIPS
22 BETWEEN THE REFERRAL AGENCY AND THE ASSISTED LIVING RESIDENCE,

1 INCLUDING COMMON OWNERSHIP OR CONTROL OF THE ASSISTED LIVING
2 RESIDENCE, AND FINANCIAL, BUSINESS, MANAGEMENT, OR FAMILIAL
3 RELATIONSHIPS BETWEEN THE REFERRAL AGENCY AND THE ASSISTED
4 LIVING RESIDENCE; AND

5 (b) THAT THE REFERRAL AGENCY RECEIVES A FEE FROM THE
6 ASSISTED LIVING RESIDENCE FOR THE REFERRAL.

7 (3) (a) THE REFERRAL AGENCY AND THE PROSPECTIVE RESIDENT
8 OR REPRESENTATIVE OF THE PROSPECTIVE RESIDENT SHALL SIGN AND
9 DATE THE DOCUMENTATION REQUIRED IN SUBSECTION (2)(a) OF THIS
10 SECTION. THE REFERRAL AGENCY SHALL PROVIDE A WRITTEN OR
11 ELECTRONIC COPY OF THE SIGNED DISCLOSURE TO THE ASSISTED LIVING
12 RESIDENCE ON OR BEFORE THE DATE THE RESIDENT IS ADMITTED TO THE
13 ASSISTED LIVING RESIDENCE.

14 (b) THE ASSISTED LIVING RESIDENCE SHALL:

15 (I) NOT PAY THE REFERRAL AGENCY A FEE UNTIL RECEIPT OF THE
16 DOCUMENTATION; AND

17 (II) MAINTAIN A WRITTEN OR ELECTRONIC COPY OF THE
18 DOCUMENTATION AT THE ASSISTED LIVING RESIDENCE FOR AT LEAST ONE
19 YEAR AFTER THE DATE THAT THE NEW RESIDENT IS ADMITTED.

20 (4) A REFERRAL AGENCY THAT VIOLATES THIS SECTION IS SUBJECT
21 TO A CIVIL PENALTY OF UP TO FIVE HUNDRED DOLLARS PER VIOLATION.

22 (5) THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY MAY BRING
23 A CIVIL ACTION ON BEHALF OF THE STATE TO SEEK THE IMPOSITION OF
24 CIVIL PENALTY FOR A VIOLATION OF THIS SECTION OR TO ENJOIN THE
25 CONTINUANCE OF THE VIOLATION BY THE REFERRAL AGENCY.

26 **SECTION 2. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly (August 2, 2019, if adjournment sine die is on May 3,
3 2019); except that, if a referendum petition is filed pursuant to section 1
4 (3) of article V of the state constitution against this act or an item, section,
5 or part of this act within such period, then the act, item, section, or part
6 will not take effect unless approved by the people at the general election
7 to be held in November 2020 and, in such case, will take effect on the
8 date of the official declaration of the vote thereon by the governor.

9 (2) This act applies to referrals made on or after the applicable
10 effective date of this act.