

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

INTRODUCED

LLS NO. 20-0791.01 Kristen Forrestal x4217

HOUSE BILL 20-1101

HOUSE SPONSORSHIP

Wilson, Singer

SENATE SPONSORSHIP

Hisey and Todd,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REFERRAL OF A PROSPECTIVE RESIDENT TO AN**
102 **ASSISTED LIVING RESIDENCE BY AN ASSISTED LIVING RESIDENCE**
103 **REFERRAL AGENCY.**

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 agreement between an assisted living residence referral agency and a prospective resident of an assisted living residence to be in writing and include:

- ! The right of the prospective resident or representative of the prospective resident to terminate the referral agency's

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.

- services for any reason at any time; and
- ! A requirement that the referral agency communicate the cancellation of the agreement to all assisted living residences to which the prospective resident has been referred.

The bill prohibits an assisted living residence from:

- ! Paying a referral fee to a referral agency if the agreement between the referral agency and the prospective resident has been terminated; and
- ! Selling the prospective resident's or prospective resident's representative's contact information without written consent.

The bill expands the definition of "assisted living residence" to include a facility operating for persons with intellectual and developmental disabilities.

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

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-729, **amend**
3 (1)(a), (2), and (3) as 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) (I) "Assisted living residence" ~~has the same meaning as in~~
8 ~~section 25-27-102~~ MEANS A RESIDENTIAL FACILITY THAT MAKES
9 AVAILABLE TO THREE OR MORE ADULTS NOT RELATED TO THE OWNER OF
10 THE FACILITY, EITHER DIRECTLY OR INDIRECTLY THROUGH AN AGREEMENT
11 WITH A RESIDENT, ROOM AND BOARD AND AT LEAST THE FOLLOWING
12 SERVICES: PERSONAL SERVICES; PROTECTIVE OVERSIGHT; SOCIAL CARE
13 DUE TO IMPAIRED CAPACITY TO LIVE INDEPENDENTLY; AND REGULAR
14 SUPERVISION THAT IS AVAILABLE ON A TWENTY-FOUR-HOUR BASIS.

15 (II) "ASSISTED LIVING RESIDENCE" INCLUDES A FACILITY
16 OPERATED FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
17 DISABILITIES, A NURSING CARE FACILITY, AND ANY OTHER FACILITY OF A

1 SIMILAR NATURE.

2 (2) A referral agency shall disclose to a prospective resident or the
3 representative of the prospective resident referred to an assisted living
4 residence:

5 (a) Documentation of the existence of any relationships between
6 the referral agency and the assisted living residence, including common
7 ownership or control of the assisted living residence, and financial,
8 business, management, or familial relationships between the referral
9 agency and the assisted living residence; ~~and~~

10 (b) That the referral agency receives a fee from the assisted living
11 residence for the referral; AND

12 (c) WRITTEN DOCUMENTATION OF THE AGREEMENT BETWEEN THE
13 REFERRAL AGENCY AND THE PROSPECTIVE RESIDENT OR REPRESENTATIVE
14 OF THE PROSPECTIVE RESIDENT. THE AGREEMENT MUST INCLUDE:

15 (I) THE RIGHT OF THE PROSPECTIVE RESIDENT OR REPRESENTATIVE
16 OF THE PROSPECTIVE RESIDENT TO TERMINATE THE REFERRAL AGENCY'S
17 SERVICES FOR ANY REASON AT ANY TIME; AND

18 (II) A REQUIREMENT THAT THE REFERRAL AGENCY COMMUNICATE
19 THE CANCELLATION OF THE AGREEMENT TO ALL ASSISTED LIVING
20 RESIDENCES TO WHICH THE PROSPECTIVE RESIDENT HAS BEEN REFERRED.

21 (3) (a) The referral agency and the prospective resident or
22 representative of the prospective resident shall sign and date the
23 documentation required in subsection ~~(2)(a)~~ (2) of this section. The
24 referral agency shall provide a written or electronic copy of the signed
25 disclosure to the assisted living residence on or before the date the
26 resident is admitted to the assisted living residence.

27 (b) The assisted living residence shall:

- 1 (I) Not pay the referral agency a fee:
- 2 (A) Until WRITTEN receipt of the documentation REQUIRED IN
- 3 SUBSECTION (2) OF THIS SECTION; and
- 4 (B) ON OR AFTER THE DATE THE AGREEMENT BETWEEN THE
- 5 REFERRAL AGENCY AND THE PROSPECTIVE CLIENT OR REPRESENTATIVE OF
- 6 THE PROSPECTIVE CLIENT IS TERMINATED;
- 7 (II) Maintain a written or electronic copy of the documentation
- 8 REQUIRED IN SUBSECTION (2) OF THIS SECTION at the assisted living
- 9 residence for at least one year after the date that the new resident is
- 10 admitted; AND
- 11 (III) NOT SELL OR TRANSFER THE PROSPECTIVE RESIDENT'S OR
- 12 PROSPECTIVE RESIDENT'S REPRESENTATIVE'S CONTACT INFORMATION TO
- 13 A THIRD PARTY WITHOUT THE WRITTEN CONSENT OF THE PROSPECTIVE
- 14 RESIDENT OR REPRESENTATIVE OF THE PROSPECTIVE RESIDENT.

15 **SECTION 2. Act subject to petition - effective date.** This act

16 takes effect at 12:01 a.m. on the day following the expiration of the

17 ninety-day period after final adjournment of the general assembly (August

18 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a

19 referendum petition is filed pursuant to section 1 (3) of article V of the

20 state constitution against this act or an item, section, or part of this act

21 within such period, then the act, item, section, or part will not take effect

22 unless approved by the people at the general election to be held in

23 November 2020 and, in such case, will take effect on the date of the

24 official declaration of the vote thereon by the governor.