

CHAPTER 54

HEALTH AND ENVIRONMENT

HOUSE BILL 20-1101

BY REPRESENTATIVE(S) Wilson, Singer, Buckner, Buentello, Caraveo, Carver, Cutter, Duran, Gray, Hooton, Michaelson Jenet, Sirota, Snyder, Valdez D., Woodrow, Young;
 also SENATOR(S) Hisey and Todd, Bridges, Cooke, Crowder, Gardner, Ginal, Gonzales, Hansen, Lee, Marble, Moreno, Pettersen, Rodriguez, Scott, Sonnenberg, Story, Tate, Winter, Woodward, Garcia.

AN ACT

CONCERNING THE REFERRAL OF A PROSPECTIVE RESIDENT TO AN ASSISTED LIVING RESIDENCE BY AN ASSISTED LIVING RESIDENCE REFERRAL AGENCY.

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

SECTION 1. In Colorado Revised Statutes, 6-1-729, **amend** (1)(a), (2), and (3) as follows:

6-1-729. Assisted living residence referral - disclosures - penalty - fine - definitions. (1) As used in this section, unless the context otherwise requires:

(a) (I) "~~Assisted living residence~~" ~~has the same meaning as in section 25-27-102~~ MEANS A RESIDENTIAL FACILITY THAT MAKES AVAILABLE TO THREE OR MORE ADULTS NOT RELATED TO THE OWNER OF THE FACILITY, EITHER DIRECTLY OR INDIRECTLY THROUGH AN AGREEMENT WITH A RESIDENT, ROOM AND BOARD AND AT LEAST THE FOLLOWING SERVICES: PERSONAL SERVICES; PROTECTIVE OVERSIGHT; SOCIAL CARE DUE TO IMPAIRED CAPACITY TO LIVE INDEPENDENTLY; AND REGULAR SUPERVISION THAT IS AVAILABLE ON A TWENTY-FOUR-HOUR BASIS.

(II) "ASSISTED LIVING RESIDENCE" INCLUDES A FACILITY OPERATED FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, A LONG-TERM CARE FACILITY, AND ANY OTHER FACILITY OF A SIMILAR NATURE.

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

(a) Documentation of the existence of any relationships between the referral

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

agency and the assisted living residence, including common ownership or control of the assisted living residence, and financial, business, management, or familial relationships between the referral agency and the assisted living residence; ~~and~~

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

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

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

(II) 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.

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

(b) The assisted living residence shall:

(I) Not pay the referral agency a fee:

(A) Until WRITTEN receipt of the documentation REQUIRED IN SUBSECTION (2) OF THIS SECTION; and

(B) ON OR AFTER THE DATE THE AGREEMENT BETWEEN THE REFERRAL AGENCY AND THE PROSPECTIVE CLIENT OR REPRESENTATIVE OF THE PROSPECTIVE CLIENT IS TERMINATED;

(II) Maintain a written or electronic copy of the documentation REQUIRED IN SUBSECTION (2) OF THIS SECTION at the assisted living residence for at least one year after the date that the new resident is admitted; AND

(III) NOT SELL OR TRANSFER THE PROSPECTIVE RESIDENT'S OR PROSPECTIVE RESIDENT'S REPRESENTATIVE'S CONTACT INFORMATION TO A THIRD PARTY WITHOUT THE WRITTEN CONSENT OF THE PROSPECTIVE RESIDENT OR REPRESENTATIVE OF THE PROSPECTIVE RESIDENT.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 20, 2020