

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

**PREAMENDED**

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

LLS NO. 23-0787.01 Christy Chase x2008

**SENATE BILL 23-261**

---

**SENATE SPONSORSHIP**

**Danielson and Exum**, Buckner, Coleman, Cutter, Fenberg, Fields, Gonzales, Hinrichsen, Kolker, Marchman, Moreno, Mullica, Priola, Roberts, Rodriguez, Sullivan, Winter F., Bridges, Ginal, Jaquez Lewis

**HOUSE SPONSORSHIP**

**Duran and Willford**, Amabile, Bacon, Boesenecker, Brown, deGruy Kennedy, Dickson, Epps, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Mabrey, Marshall, Martinez, Michaelson Jenet, Ortiz, Parenti, Ricks, Sharbini, Sirota, Snyder, Titone, Valdez, Velasco, Vigil, Woodrow, Young

---

**Senate Committees**

Business, Labor, & Technology  
Appropriations

**House Committees**

State, Civic, Military, & Veterans Affairs  
Appropriations

---

**A BILL FOR AN ACT**

101     **CONCERNING THE CREATION OF THE DIRECT CARE WORKFORCE**  
102             **STABILIZATION BOARD TO DEVELOP RECOMMENDATIONS**  
103             **REGARDING DIRECT CARE WORKERS, AND, IN CONNECTION**  
104             **THEREWITH, MAKING AN APPROPRIATION.**

---

**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 creates the direct care workforce stabilization board (board) in the department of labor and employment (department) to review the direct care industry, which is the industry of workers who

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

SENATE  
3rd Reading Unamended  
April 24, 2023

SENATE  
Amended 2nd Reading  
April 21, 2023

provide home-based or community-based direct care to individuals who require assistance in accomplishing activities of daily living. The bill directs the board, at least once every 2 years, to review the direct care industry and develop recommendations for:

- Minimum employment standards for direct care workers based on information gathered through an investigation of the direct care industry market; and
- Improving state communications with direct care workers about their rights and the obligations of direct care employers.

The board must conduct public hearings to engage direct care workers, direct care employers, and direct care consumers in the development of the standards and recommendations for improved communications. The executive director of the department may direct the board to review minimum direct care employment standards more frequently.

The board must report any recommendations approved by at least 6 board members to the governor and specified committees of the general assembly by September 1, 2024, and at least every 2 years thereafter. Direct care employers are prohibited from retaliating against direct care workers for participating in board meetings and activities. The board is subject to a sunset review and repeal on September 1, 2029.

---

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** article 7.5 to title  
3 8 as follows:

4   **ARTICLE 7.5**

5   **Direct Care Workforce Stabilization Board**

6           **8-7.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 7.5 IS  
7 THE "DIRECT CARE WORKFORCE STABILIZATION BOARD ACT".

8           **8-7.5-102. Definitions.** AS USED IN THIS ARTICLE 7.5, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10           (1) "BOARD" MEANS THE DIRECT CARE WORKFORCE STABILIZATION  
11 BOARD CREATED IN SECTION 8-7.5-103.

12           (2) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND  
13 EMPLOYMENT CREATED IN SECTION 24-1-121.

1 (3) "DIRECT CARE CONSUMER" MEANS:  
2 (a) A HOME CARE CONSUMER;  
3 (b) AN ELIGIBLE PERSON, AS DEFINED IN SECTION 25.5-6-1101 (4),  
4 INCLUDING AN ELIGIBLE PERSON WHO PARTICIPATES IN THE  
5 CONSUMER-DIRECTED CARE SERVICE MODEL PURSUANT TO PART 11 OF  
6 ARTICLE 6 OF TITLE 25.5; OR  
7 (c) AN ELIGIBLE PERSON WITH A DISABILITY, AS DEFINED IN  
8 SECTION 25.5-6-1302 (2).  
9 (4) (a) "DIRECT CARE EMPLOYER" MEANS:  
10 (I) A HOME CARE EMPLOYER; OR  
11 (II) A PROVIDER AGENCY OR ORGANIZATION THAT PROVIDES  
12 DIRECT CARE SERVICES.  
13 (b) "DIRECT CARE EMPLOYER" DOES NOT INCLUDE AN ELIGIBLE  
14 PERSON, AS DEFINED IN SECTION 25.5-6-1101 (4), WHO PARTICIPATES IN  
15 THE CONSUMER-DIRECTED CARE SERVICE MODEL PURSUANT TO PART 11  
16 OF ARTICLE 6 OF TITLE 25.5; EXCEPT THAT, SUCH ELIGIBLE PERSON IS A  
17 DIRECT CARE EMPLOYER FOR PURPOSES OF APPOINTMENT OF DIRECT CARE  
18 EMPLOYERS TO THE BOARD PURSUANT TO SECTION 8-7.5-103 (2)(a)(I)(B).  
19 (5) "DIRECT CARE INDUSTRY" MEANS THE INDUSTRY IN WHICH  
20 DIRECT CARE WORKERS DELIVER DIRECT CARE SERVICES TO DIRECT CARE  
21 CONSUMERS IN COLORADO.  
22 (6) "DIRECT CARE SERVICES" MEANS:  
23 (a) PERSONAL CARE SERVICES; OR  
24 (b) ANY SERVICES DESCRIBED IN PARTS 3 TO 13 OF ARTICLE 6 OF  
25 TITLE 25.5 THAT DO NOT REQUIRE THE INDIVIDUAL PROVIDING THE  
26 SERVICES TO BE LICENSED OR CERTIFIED BY THE STATE OR THE FEDERAL  
27 GOVERNMENT IN ORDER TO PERFORM THE SERVICES.

- 1 (7) "DIRECT CARE WORKER" MEANS:
- 2 (a) A HOME CARE WORKER;
- 3 (b) AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF A DIRECT
- 4 CARE EMPLOYER, AS DEFINED IN SUBSECTION (4)(a)(II) OF THIS SECTION,
- 5 WHO PROVIDES DIRECT CARE SERVICES TO DIRECT CARE CONSUMERS, AS
- 6 DEFINED IN SUBSECTION (3)(b) OF THIS SECTION; OR
- 7 (c) AN INDIVIDUAL WHO PROVIDES DIRECT CARE SERVICES TO
- 8 DIRECT CARE CONSUMERS, AS DEFINED IN SUBSECTION (3)(c) OF THIS
- 9 SECTION.
- 10 (8) "EMPLOYER ORGANIZATION" MEANS:
- 11 (a) AN ORGANIZATION EXEMPT FROM FEDERAL INCOME TAXATION
- 12 UNDER SECTION 501 (c)(6) OF THE FEDERAL "INTERNAL REVENUE CODE
- 13 OF 1986", 26 U.S.C. SEC. 501, AS AMENDED, THAT REPRESENTS DIRECT
- 14 CARE EMPLOYERS; OR
- 15 (b) AN ENTITY SELECTED BY AND REPRESENTING EMPLOYERS.
- 16 (9) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
- 17 THE DEPARTMENT.
- 18 (10) "HOME CARE CONSUMER" MEANS A HOME CARE CONSUMER,
- 19 AS DEFINED IN SECTION 25-27.5-102 (4), WHO RECEIVES PERSONAL CARE
- 20 SERVICES.
- 21 (11) "HOME CARE EMPLOYER" MEANS A HOME CARE AGENCY, AS
- 22 DEFINED IN SECTION 25-27.5-102 (3), OR OTHER ENTITY THAT EMPLOYS
- 23 HOME CARE WORKERS.
- 24 (12) "HOME CARE WORKER" MEANS A WORKER PROVIDING
- 25 PERSONAL CARE SERVICES TO A HOME CARE CONSUMER.
- 26 (13) "PERSONAL CARE SERVICES" HAS THE SAME MEANING AS SET
- 27 FORTH IN SECTION 25-27.5-102 (6).

- 1 (14) "WORKER ORGANIZATION" MEANS AN ORGANIZATION THAT:  
2 (a) IS EXEMPT FROM FEDERAL INCOME TAXATION UNDER SECTION  
3 501 (c)(3), (c)(4), (c)(5), OR (c)(6) OF THE FEDERAL "INTERNAL REVENUE  
4 CODE OF 1986", 26 U.S.C. SEC. 501, AS AMENDED;  
5 (b) IS NOT DOMINATED, CONTROLLED, OR FUNDED BY ANY DIRECT  
6 CARE EMPLOYER; AND  
7 (c) HAS AT LEAST TWO YEARS OF DEMONSTRATED EXPERIENCE  
8 ENGAGING AND ADVOCATING FOR DIRECT CARE WORKERS.

9 **8-7.5-103. Direct care workforce stabilization board - creation**  
10 **- membership - repeal. (1) Board creation.** THE DIRECT CARE  
11 WORKFORCE STABILIZATION BOARD IS CREATED IN THE DEPARTMENT AS  
12 A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS  
13 POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE  
14 DEPARTMENT AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

15 (2) **Board membership.** (a) THE BOARD CONSISTS OF FIFTEEN  
16 MEMBERS APPOINTED AS FOLLOWS:

17 (I) THE EXECUTIVE DIRECTOR SHALL APPOINT THE FOLLOWING  
18 MEMBERS TO THE BOARD:

19 (A) A REPRESENTATIVE OF THE DEPARTMENT;

20 (B) FOUR MEMBERS REPRESENTING DIRECT CARE EMPLOYERS OR  
21 EMPLOYER ORGANIZATIONS, INCLUDING AT LEAST ONE MEMBER THAT  
22 SERVES A RURAL OR FRONTIER AREA OF THE STATE;

23 (C) FOUR MEMBERS REPRESENTING DIRECT CARE WORKERS OR  
24 WORKER ORGANIZATIONS, INCLUDING AT LEAST ONE MEMBER FROM A  
25 RURAL OR FRONTIER AREA OF THE STATE; AND

26 (D) FOUR MEMBERS REPRESENTING DIRECT CARE CONSUMERS WHO  
27 RECEIVE DIRECT CARE SERVICES FROM DIRECT CARE WORKERS, INCLUDING

1 ONE MEMBER FROM AN ORGANIZATION REPRESENTING INDIVIDUALS WITH  
2 DISABILITIES, ONE MEMBER FROM AN ORGANIZATION REPRESENTING  
3 OLDER ADULTS, AND AT LEAST ONE MEMBER FROM A RURAL OR FRONTIER  
4 AREA OF THE STATE;

5 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH  
6 CARE POLICY AND FINANCING SHALL APPOINT A REPRESENTATIVE OF THE  
7 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO SERVE ON THE  
8 BOARD; AND

9 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
10 HEALTH AND ENVIRONMENT SHALL APPOINT A REPRESENTATIVE OF THE  
11 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO SERVE ON THE  
12 BOARD.

13 (b) THE APPOINTING AUTHORITIES SHALL MAKE INITIAL  
14 APPOINTMENTS TO THE BOARD BY OCTOBER 1, 2023. TO THE EXTENT  
15 POSSIBLE, THE APPOINTING AUTHORITIES SHALL APPOINT BOARD MEMBERS  
16 WHO REPRESENT COLORADO'S DIVERSITY WITH REGARD TO ETHNICITY,  
17 RACE, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER  
18 EXPRESSION, DISABILITY, AGE, AND SOCIOECONOMIC BACKGROUND.

19 (3) **Terms.** (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(a)(II)  
20 OF THIS SECTION, MEMBERS OF THE BOARD SERVE THREE-YEAR TERMS OF  
21 OFFICE AND SHALL NOT SERVE MORE THAN TWO CONSECUTIVE TERMS OF  
22 OFFICE.

23 (II) TO ENSURE STAGGERED TERMS OF OFFICE:

24 (A) THE INITIAL TERM OF OFFICE OF ONE MEMBER INITIALLY  
25 APPOINTED PURSUANT TO SUBSECTION (2)(a)(I)(B) OF THIS SECTION, OF  
26 ONE MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTION (2)(a)(I)(C)  
27 OF THIS SECTION, AND OF ONE MEMBER INITIALLY APPOINTED PURSUANT

1 TO SUBSECTION (2)(a)(I)(D) OF THIS SECTION IS ONE YEAR; AND

2 (B) THE INITIAL TERM OF OFFICE OF ONE MEMBER INITIALLY  
3 APPOINTED PURSUANT TO SUBSECTION (2)(a)(I)(B) OF THIS SECTION, OF  
4 ONE MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTION (2)(a)(I)(C)  
5 OF THIS SECTION, AND OF ONE MEMBER INITIALLY APPOINTED PURSUANT  
6 TO SUBSECTION (2)(a)(I)(D) OF THIS SECTION IS TWO YEARS.

7 (III) SUBSECTION (3)(a)(II) OF THIS SECTION AND THIS SUBSECTION  
8 (3)(a)(III) ARE REPEALED, EFFECTIVE SEPTEMBER 1, 2024.

9 (b) IF A VACANCY OCCURS ON THE BOARD, THE APPOINTING  
10 AUTHORITY FOR THE VACANT POSITION SHALL FILL THE POSITION ON THE  
11 BOARD FOR THE REMAINDER OF THE UNEXPIRED TERM WITH A MEMBER  
12 QUALIFIED FOR THE VACATED POSITION.

13 (4) **Board chair.** THE BOARD SHALL ELECT BY A MAJORITY VOTE  
14 A MEMBER OF THE BOARD TO SERVE AS THE CHAIR OF THE BOARD.

15 (5) **Meetings and hearings.** (a) THE BOARD SHALL CONVENE ITS  
16 FIRST MEETING NO LATER THAN NOVEMBER 15, 2023, AND SHALL MEET AT  
17 LEAST QUARTERLY THEREAFTER AND AT OTHER TIMES AS DETERMINED BY  
18 THE CHAIR FOR PURPOSES OF DEVELOPING RECOMMENDATIONS FOR  
19 MINIMUM DIRECT CARE EMPLOYMENT STANDARDS PURSUANT TO SECTION  
20 8-7.5-104.

21 (b) IN ADDITION TO THE MEETINGS DESCRIBED IN SUBSECTION  
22 (5)(a) OF THIS SECTION, THE BOARD SHALL HOST PUBLIC HEARINGS AS  
23 DESCRIBED IN SECTION 8-7.5-104 (2)(c) TO ENGAGE WITH AND OBTAIN  
24 INPUT FROM DIRECT CARE WORKERS, DIRECT CARE EMPLOYERS, AND  
25 DIRECT CARE CONSUMERS.

26 (6) **Voting.** THE BOARD MAY TAKE ACTION, INCLUDING ACTION TO  
27 RECOMMEND MINIMUM DIRECT CARE EMPLOYMENT STANDARDS UNDER

1 SECTION 8-7.5-104, ONLY UPON THE AFFIRMATIVE VOTE OF AT LEAST  
2 EIGHT MEMBERS OF THE BOARD.

3 (7) **Staffing.** THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT TO  
4 THE BOARD AS NEEDED.

5 (8) **No compensation - expense reimbursement.** MEMBERS OF  
6 THE BOARD SERVE WITHOUT COMPENSATION BUT ARE ENTITLED TO  
7 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN  
8 PERFORMING THEIR DUTIES UNDER THIS ARTICLE 7.5.

9 **8-7.5-104. Duties of the board - recommendations for**  
10 **minimum direct care employment standards - analysis of market**  
11 **conditions - public outreach - report.** (1) (a) (I) BY SEPTEMBER 1,  
12 2024, AND EVERY TWO YEARS THEREAFTER, THE BOARD SHALL DEVELOP  
13 RECOMMENDATIONS FOR MINIMUM DIRECT CARE EMPLOYMENT  
14 STANDARDS THAT ARE REASONABLY NECESSARY OR APPROPRIATE TO  
15 PROTECT AND ENSURE THE HEALTH AND WELFARE OF DIRECT CARE  
16 WORKERS WITHOUT IMPEDING THE DIGNITY AND INDEPENDENCE OF DIRECT  
17 CARE CONSUMERS. THE RECOMMENDATIONS MUST INCLUDE, AS  
18 APPROPRIATE, STANDARDS FOR COMPENSATION, WORKING HOURS, AND  
19 OTHER WORKING CONDITIONS FOR DIRECT CARE WORKERS. THE BOARD  
20 SHALL ALSO DEVELOP RECOMMENDATIONS ON HOW THE STATE CAN  
21 BETTER COMMUNICATE INFORMATION TO DIRECT CARE WORKERS ABOUT  
22 THEIR RIGHTS AND ABOUT THE OBLIGATIONS OF DIRECT CARE EMPLOYERS.

23 (II) NOTWITHSTANDING SECTION 8-7.5-103 (6) AND SUBSECTION  
24 (1)(c) OF THIS SECTION, THE BOARD MAY EXTEND ANY  
25 RECOMMENDATIONS FOR MINIMUM DIRECT CARE EMPLOYMENT  
26 STANDARDS DEVELOPED PURSUANT TO THIS SECTION TO ADDITIONAL  
27 TYPES OF WORKERS WHO ARE DETERMINED TO PROVIDE SERVICES THAT



1 ARE DIRECT CARE IN NATURE WITHIN COLORADO'S LONG-TERM CARE  
2 DELIVERY SYSTEM IF DEEMED APPROPRIATE BY THE MEMBERS OF THE  
3 BOARD APPOINTED PURSUANT TO SECTION 8-7.5-103 (2)(a)(I)(A),  
4 (2)(a)(II), AND (2)(a)(III).

5 (b) ANY STANDARDS RECOMMENDED BY THE BOARD PURSUANT TO  
6 THIS ARTICLE 7.5 MUST BE AT LEAST AS PROTECTIVE OF OR BENEFICIAL TO  
7 DIRECT CARE WORKERS AS ANY OTHER APPLICABLE STATE STATUTE OR  
8 RULE.

9 (c) AS SPECIFIED IN SECTION 8-7.5-103 (6), THE BOARD SHALL NOT  
10 MAKE ANY RECOMMENDATION THAT DOES NOT RECEIVE THE AFFIRMATIVE  
11 VOTE OF AT LEAST EIGHT VOTING MEMBERS OF THE BOARD.

12 (2) (a) IN DEVELOPING RECOMMENDATIONS FOR MINIMUM DIRECT  
13 CARE EMPLOYMENT STANDARDS, THE BOARD SHALL:

14 (I) INVESTIGATE THE MARKET CONDITIONS OF THE DIRECT CARE  
15 INDUSTRY IN RELATION TO THE COLORADO LABOR MARKET, INCLUDING  
16 EXISTING WAGES, BENEFITS, WORKING HOURS, AND OTHER WORKING  
17 CONDITIONS OF DIRECT CARE WORKERS AND CHALLENGES TO DIRECT CARE  
18 EMPLOYERS THROUGHOUT THE STATE AND IN SPECIFIC AREAS OF THE  
19 STATE SPECIFIED BY THE BOARD;

20 (II) INVESTIGATE OTHER DIRECT CARE INDUSTRY MODELS,  
21 INCLUDING DIRECT-CARE-WORKER-OWNED OPPORTUNITIES AND THE  
22 IMPACT OF ACCESS TO WORKER ORGANIZATIONS;

23 (III) INVESTIGATE THE IMPACTS OF RACIAL AND ECONOMIC  
24 INJUSTICES ON DIRECT CARE WORKERS AND THE DIRECT CARE CONSUMERS  
25 TO WHOM THEY PROVIDE DIRECT CARE SERVICES;

26 (IV) INVESTIGATE THE ADEQUACY OF THE REIMBURSEMENT RATE  
27 AVAILABLE THROUGH THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED

1 IN ARTICLES 4, 5, AND 6 OF TITLE 25.5;

2 (V) HOST PUBLIC MEETINGS IN ACCORDANCE WITH SUBSECTION  
3 (2)(c) OF THIS SECTION FOR PURPOSES OF ENGAGING WITH AND OBTAINING  
4 INPUT FROM DIRECT CARE WORKERS, DIRECT CARE EMPLOYERS, AND  
5 DIRECT CARE CONSUMERS; AND

6 (VI) ENDEAVOR TO DEVELOP MINIMUM DIRECT CARE EMPLOYMENT  
7 STANDARDS THAT MEET OR EXCEED THE EXISTING INDUSTRY CONDITIONS  
8 THAT APPLY TO A MAJORITY OF DIRECT CARE WORKERS IN THE STATE OR  
9 IN SPECIFIED AREAS OF THE STATE.

10 (b) THE BOARD SHALL CONSIDER THE FOLLOWING INFORMATION IN  
11 DEVELOPING RECOMMENDATIONS FOR MINIMUM DIRECT CARE  
12 EMPLOYMENT STANDARDS:

13 (I) DATA CONCERNING WAGE RATES, BENEFITS, WORKING HOURS,  
14 AND OTHER WORKING CONDITIONS, WHICH DATA IS COLLECTED BY OR  
15 SUBMITTED TO THE BOARD AND RELATES TO DIRECT CARE WORKERS IN  
16 THE STATE OR IN THE AREAS SPECIFIED BY THE BOARD;

17 (II) DATA CONCERNING THE REIMBURSEMENT RATE THROUGH THE  
18 MEDICAL ASSISTANCE PROGRAM ESTABLISHED IN ARTICLES 4, 5, AND 6 OF  
19 TITLE 25.5;

20 (III) STATEMENTS SHOWING WAGE RATES PAID TO, BENEFITS  
21 PROVIDED TO, AND WORKING HOURS AND OTHER WORKING CONDITIONS OF  
22 DIRECT CARE WORKERS IN THE AREAS SPECIFIED BY THE BOARD;

23 (IV) SIGNED COLLECTIVE BARGAINING AGREEMENTS APPLICABLE  
24 TO DIRECT CARE WORKERS IN THE STATE OR IN THE AREAS SPECIFIED BY  
25 THE BOARD;

26 (V) TESTIMONY AND INFORMATION PROVIDED BY CURRENT AND  
27 FORMER DIRECT CARE WORKERS, WORKER ORGANIZATIONS, DIRECT CARE

1 EMPLOYERS, EMPLOYER ORGANIZATIONS, AND DIRECT CARE CONSUMERS;

2 (VI) LOCAL JURISDICTION MINIMUM DIRECT CARE EMPLOYMENT  
3 STANDARDS;

4 (VII) ANY RECOMMENDATIONS AND FINDINGS FROM PREVIOUS  
5 ANDEXISTING WORKING GROUPS THAT THE BOARD CONSIDERS RELEVANT,  
6 INCLUDING ANY DIRECT CARE WORKFORCE COLLABORATIVE STAKEHOLDER  
7 GROUPS CONVENED BY THE DEPARTMENT OF HEALTH CARE POLICY AND  
8 FINANCING AND THE HOME CARE ADVISORY COMMITTEE CREATED IN  
9 SECTION 25-27.5-104 (3);

10 (VIII) INFORMATION SUBMITTED BY OR OBTAINED FROM STATE  
11 AND LOCAL GOVERNMENT AGENCIES; ==

12 (IX) DATA AND ANALYSIS THAT THE DEPARTMENT OF HEALTH  
13 CARE POLICY AND FINANCING SHALL PROVIDE TO THE BOARD REGARDING  
14 THE DIRECT CARE WORKFORCE THAT SERVES RECIPIENTS OF THE MEDICAL  
15 ASSISTANCE PROGRAM ESTABLISHED PURSUANT TO ARTICLES 4, 5, AND 6  
16 OF TITLE 25.5 AND CONTEXT, EXPERTISE, OR FEEDBACK THAT THE  
17 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PROVIDE TO  
18 THE BOARD, WHEN RELEVANT TO THE RECOMMENDATIONS THE BOARD IS  
19 DEVELOPING, THAT IS SPECIFIC TO THE POTENTIAL IMPACTS OF THE  
20 RECOMMENDATIONS ON THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED  
21 PURSUANT TO ARTICLES 4, 5, AND 6 OF TITLE 25.5; AND

22 (X) ANY OTHER INFORMATION PERTINENT TO THE DETERMINATION  
23 OF MINIMUM DIRECT CARE EMPLOYMENT STANDARDS.

24 (c) (I) THE BOARD SHALL ENDEAVOR TO ENGAGE AS MANY DIRECT  
25 CARE WORKERS AS POSSIBLE IN INVESTIGATING THE DIRECT CARE  
26 INDUSTRY MARKET CONDITIONS AND IN DEVELOPING RECOMMENDATIONS  
27 FOR MINIMUM DIRECT CARE EMPLOYMENT STANDARDS AND IMPROVED

1 COMMUNICATIONS. TO FACILITATE OUTREACH TO DIRECT CARE WORKERS  
2 AND DIRECT CARE CONSUMERS, THE BOARD SHALL DEVELOP A PUBLIC  
3 EDUCATION AND COMMUNICATION PLAN IN ORDER TO INFORM DIRECT  
4 CARE WORKERS AND DIRECT CARE CONSUMERS OF THE BOARD, ITS  
5 PURPOSE, ITS MEETINGS AND HEARINGS, AND THE RIGHT OF DIRECT CARE  
6 WORKERS AND DIRECT CARE CONSUMERS TO PARTICIPATE IN THE BOARD'S  
7 MEETINGS AND HEARINGS, ITS MARKET CONDITIONS INVESTIGATION, AND  
8 ITS DEVELOPMENT OF RECOMMENDATIONS FOR MINIMUM DIRECT CARE  
9 EMPLOYMENT STANDARDS. THE PLAN MUST BE CULTURALLY COMPETENT  
10 AND USE TARGETED METHODS THAT WILL EFFECTIVELY ENGAGE DIRECT  
11 CARE WORKERS AND DIRECT CARE CONSUMERS, INCLUDING ADVERTISING  
12 AND OTHER MARKETING TOOLS, AND MUST INCLUDE AN OPTION FOR  
13 DIRECT CARE WORKERS AND DIRECT CARE CONSUMERS TO INDICATE AN  
14 INTEREST IN RECEIVING ONGOING COMMUNICATIONS FROM THE BOARD  
15 ABOUT OPPORTUNITIES FOR ENGAGEMENT WITH THE BOARD.

16 (II) FOR PURPOSES OF FACILITATING ENGAGEMENT WITH AND  
17 INPUT FROM DIRECT CARE WORKERS, DIRECT CARE EMPLOYERS, AND  
18 DIRECT CARE CONSUMERS, THE BOARD SHALL HOST AT LEAST FOUR PUBLIC  
19 HEARINGS BEFORE FINALIZING ITS INITIAL RECOMMENDATIONS FOR  
20 MINIMUM DIRECT CARE EMPLOYMENT STANDARDS. THE BOARD SHALL:

21 (A) SCHEDULE PUBLIC HEARINGS AT VARIABLE TIMES OF THE DAY  
22 AND DAYS OF THE WEEK THROUGHOUT THE YEAR, INCLUDING AT LEAST  
23 ONE MEETING SCHEDULED ON A WEEKEND, ONE MEETING SCHEDULED IN  
24 THE EVENING, AND ONE MEETING SCHEDULED IN THE MORNING;

25 (B) PROVIDE NOTICE OF EACH HEARING, INCLUDING THE DATE,  
26 TIME, AND LOCATION OF THE HEARING AND THE NAME AND CONTACT  
27 INFORMATION FOR EACH MEMBER OF THE BOARD, AT LEAST THIRTY DAYS

1 IN ADVANCE OF THE HEARING AND SHALL ENLIST ASSISTANCE FROM THE  
2 DEPARTMENT OF LABOR AND EMPLOYMENT AND THE DEPARTMENT OF  
3 HEALTH CARE POLICY AND FINANCING, AS WELL AS EMPLOYER  
4 ORGANIZATIONS, WORKER ORGANIZATIONS, CONSUMER ADVOCACY  
5 GROUPS, AND OTHER STAKEHOLDERS IN THE DIRECT CARE INDUSTRY, TO  
6 PROVIDE NOTICE OF THE HEARING TO DIRECT CARE WORKERS, DIRECT CARE  
7 EMPLOYERS, DIRECT CARE CONSUMERS, AND OTHER INTERESTED PARTIES;  
8 AND

9 (C) INCLUDE IN THE NOTICE AN OPTION FOR DIRECT CARE  
10 WORKERS AND DIRECT CARE CONSUMERS TO INDICATE AN INTEREST IN  
11 RECEIVING ONGOING COMMUNICATIONS FROM THE BOARD REGARDING THE  
12 ACTIVITIES OF THE BOARD AND OPPORTUNITIES FOR DIRECT CARE  
13 WORKERS AND DIRECT CARE CONSUMERS TO PARTICIPATE IN HEARINGS  
14 AND TO PROVIDE INPUT TO THE BOARD. A DEPARTMENT OR OTHER ENTITY  
15 THAT RECEIVES AN INDICATION OF INTEREST FROM A DIRECT CARE  
16 WORKER OR A DIRECT CARE CONSUMER SHALL FORWARD THAT  
17 INFORMATION TO THE BOARD.

18 (3) (a) BY SEPTEMBER 1, 2024, THE BOARD SHALL REPORT ANY  
19 RECOMMENDATIONS FOR INITIAL STANDARDS FOR DIRECT CARE WORKER  
20 COMPENSATION, WORKING HOURS, AND OTHER WORKING CONDITIONS,  
21 INCLUDING RECOMMENDATIONS FOR LEGISLATION OR ADMINISTRATIVE  
22 RULES OR ORDERS, THAT THE BOARD APPROVES IN ACCORDANCE WITH  
23 SECTION 8-7.5-103 (6) TO THE GOVERNOR AND TO THE BUSINESS AFFAIRS  
24 AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
25 BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, OR  
26 THEIR SUCCESSOR COMMITTEES.

27 (b) NO LATER THAN TWO YEARS AFTER THE BOARD REPORTS ITS

1 INITIAL MINIMUM DIRECT CARE EMPLOYMENT STANDARDS  
2 RECOMMENDATIONS PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION,  
3 AND AT LEAST ONCE EVERY TWO YEARS THEREAFTER, THE BOARD SHALL  
4 CONDUCT A REVIEW OF THE DIRECT CARE INDUSTRY AND DEVELOP  
5 RECOMMENDATIONS IN ACCORDANCE WITH SUBSECTIONS (1) AND (2) OF  
6 THIS SECTION. THE BOARD SHALL REPORT ITS RECOMMENDATIONS AS  
7 SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION.

8 (c) IN ADDITION TO THE BOARD'S BIENNIAL REVIEW OF THE DIRECT  
9 CARE INDUSTRY PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION, THE  
10 EXECUTIVE DIRECTOR MAY CONVENE THE BOARD AT OTHER TIMES TO  
11 CONDUCT A REVIEW OF MINIMUM DIRECT CARE EMPLOYMENT STANDARDS  
12 IF THE EXECUTIVE DIRECTOR DETERMINES THAT A REVIEW IS NECESSARY.

13 (4) NOTHING IN THIS SECTION:

14 (a) LIMITS THE RIGHTS OF PARTIES TO A COLLECTIVE BARGAINING  
15 AGREEMENT TO BARGAIN AND AGREE WITH RESPECT TO DIRECT CARE  
16 EMPLOYMENT STANDARDS;

17 (b) DIMINISHES THE OBLIGATION OF A DIRECT CARE EMPLOYER TO  
18 COMPLY WITH ANY CONTRACT, COLLECTIVE BARGAINING AGREEMENT, OR  
19 EMPLOYMENT BENEFIT PROGRAM OR PLAN THAT MEETS OR EXCEEDS, AND  
20 DOES NOT CONFLICT WITH, ANY MINIMUM DIRECT CARE EMPLOYMENT  
21 STANDARDS ENACTED INTO LAW OR ADOPTED BY RULE; OR

22 (c) DIMINISHES THE RIGHTS OF AN ELIGIBLE PERSON, AS DEFINED  
23 IN SECTION 25.5-6-1101 (4), PARTICIPATING IN THE CONSUMER-DIRECTED  
24 CARE SERVICE MODEL PURSUANT TO PART 11 OF ARTICLE 6 OF TITLE 25.5  
25 TO CONTROL AND MANAGE THE ELIGIBLE PERSON'S SERVICES, INCLUDING  
26 THE RIGHT TO HIRE, FIRE, SCHEDULE, AND SET WAGES FOR DIRECT CARE  
27 WORKERS WHO PROVIDE DIRECT CARE SERVICES TO THE ELIGIBLE PERSON

1        WITHIN PARAMETERS SET IN CURRENT STATE AND LOCAL LAW.

2                **8-7.5-105. Notice to direct care workers - duty of direct care**  
3 **employers - posting on state websites - board review and**  
4 **recommendations - rules.** (1) (a) STARTING JANUARY 1, 2025, EACH  
5 DIRECT CARE EMPLOYER SHALL ANNUALLY PROVIDE A NOTICE TO DIRECT  
6 CARE WORKERS EMPLOYED BY THE DIRECT CARE EMPLOYER INFORMING  
7 THE DIRECT CARE WORKERS OF THE FOLLOWING:

8                (I) THE RIGHTS OF DIRECT CARE WORKERS AND THE OBLIGATIONS  
9 OF DIRECT CARE EMPLOYERS PROVIDED UNDER THIS ARTICLE 7.5,  
10 INCLUDING THEIR RIGHTS TO PARTICIPATE IN PUBLIC HEARINGS THAT THE  
11 BOARD CONDUCTS AND TO PROVIDE WRITTEN OR ORAL TESTIMONY TO THE  
12 BOARD;

13                (II) ALL CURRENT MINIMUM DIRECT CARE EMPLOYMENT  
14 STANDARDS AND ANY LOCAL JURISDICTION MINIMUM DIRECT CARE  
15 EMPLOYMENT STANDARDS; AND

16                (III) THE CONTACT INFORMATION FOR, AND A STATEMENT THAT  
17 THE DIRECT CARE WORKER MAY CONTACT, THE DEPARTMENT FOR  
18 ASSISTANCE AND INFORMATION REGARDING THE RIGHTS AND OBLIGATIONS  
19 UNDER THIS ARTICLE 7.5 AND ANY STANDARDS DESCRIBED IN SUBSECTION  
20 (1)(a)(II) OF THIS SECTION.

21                (b) A DIRECT CARE EMPLOYER SHALL PROVIDE THE NOTICE  
22 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION USING THE SAME MEANS  
23 THAT THE DIRECT CARE EMPLOYER USES TO PROVIDE OTHER  
24 WORK-RELATED NOTICES TO DIRECT CARE WORKERS.

25                (c) (I) THE BOARD SHALL MAKE AVAILABLE TO DIRECT CARE  
26 EMPLOYERS A TEMPLATE OR SAMPLE NOTICE THAT SATISFIES THE  
27 REQUIREMENTS OF THIS SECTION AND RULES ADOPTED BY THE

1 DEPARTMENT PURSUANT TO THIS TITLE 8 REGARDING OTHER REQUIRED  
2 EMPLOYER NOTICES PERTAINING TO WAGES, PAY EQUITY, LABOR  
3 CONDITIONS, AND FAMILY AND MEDICAL LEAVE BENEFITS. DIRECT CARE  
4 EMPLOYERS SHALL PROVIDE THE BOARD WITH COPIES OF ANY NOTICES  
5 GIVEN TO DIRECT CARE WORKERS PURSUANT TO THIS SECTION.

6 (II) THE BOARD SHALL PROVIDE, IN AN ACCESSIBLE FORMAT, THE  
7 TEMPLATE OR SAMPLE NOTICE DESCRIBED IN SUBSECTION (1)(c)(I) OF THIS  
8 SECTION TO AN ELIGIBLE PERSON, AS DEFINED IN SECTION 25.5-6-1101 (4),  
9 PARTICIPATING IN THE CONSUMER-DIRECTED CARE SERVICE MODEL  
10 PURSUANT TO PART 11 OF ARTICLE 6 OF TITLE 25.5.

11 (2) THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE  
12 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND THE  
13 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL POST THE  
14 NOTICE DESCRIBED IN SUBSECTION (1) OF THIS SECTION ON THEIR  
15 RESPECTIVE PUBLIC-FACING WEBSITES.

16 (3) (a) THE BOARD SHALL REVIEW THE MANNER IN WHICH DIRECT  
17 CARE WORKERS ARE INFORMED OF THEIR RIGHTS AND THE OBLIGATIONS OF  
18 DIRECT CARE EMPLOYERS UNDER THIS ARTICLE 7.5 AND UNDER OTHER  
19 APPLICABLE STATE STATUTES AND RULES AND SHALL MAKE  
20 RECOMMENDATIONS TO THE DEPARTMENT OF LABOR AND EMPLOYMENT,  
21 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND THE  
22 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ON METHODS TO  
23 IMPROVE THE STATE'S ABILITY TO COMMUNICATE WITH DIRECT CARE  
24 WORKERS REGARDING THE WORKERS' RIGHTS AND THE OBLIGATIONS OF  
25 DIRECT CARE EMPLOYERS.

26 (b) THE DEPARTMENTS SPECIFIED IN SUBSECTION (3)(a) OF THIS  
27 SECTION SHALL REVIEW THE BOARD RECOMMENDATIONS AND ADOPT OR



1 AMEND ANY RULES THE DEPARTMENTS DETERMINE WOULD IMPROVE THE  
2 TRANSMISSION OF INFORMATION TO DIRECT CARE WORKERS.

3 **8-7.5-106. Retaliation.** (1) A DIRECT CARE EMPLOYER SHALL NOT  
4 RETALIATE AGAINST A DIRECT CARE WORKER, INCLUDING TAKING  
5 RETALIATORY PERSONNEL ACTION, FOR:

6 (a) EXERCISING ANY RIGHT AFFORDED TO THE DIRECT CARE  
7 WORKER UNDER THIS ARTICLE 7.5; OR

8 (b) PARTICIPATING IN ANY PROCESS OR PROCEEDING UNDER THIS  
9 ARTICLE 7.5, INCLUDING BOARD HEARINGS, INVESTIGATIONS, OR OTHER  
10 PROCEEDINGS.

11 (2) A DIRECT CARE EMPLOYER SHALL NOT RETALIATE AGAINST A  
12 DIRECT CARE CONSUMER FOR ADVOCATING FOR A DIRECT CARE WORKER  
13 OR ASSISTING A DIRECT CARE WORKER IN REPORTING MISCONDUCT TO THE  
14 DEPARTMENT. RETALIATION INCLUDES DROPPING A DIRECT CARE  
15 CONSUMER FROM SERVICES BECAUSE THE DIRECT CARE CONSUMER  
16 ADVOCATED FOR DIRECT CARE WORKERS.

17 **8-7.5-107. Repeal of article - subject to review.** THIS ARTICLE  
18 7.5 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029. BEFORE THE REPEAL,  
19 THE BOARD IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION  
20 24-34-104.

21 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**  
22 (30)(a)(VIII) as follows:

23 **24-34-104. General assembly review of regulatory agencies**  
24 **and functions for repeal, continuation, or reestablishment - legislative**  
25 **declaration - repeal.** (30) (a) The following agencies, functions, or both,  
26 are scheduled for repeal on September 1, 2029:

27 (VIII) THE DIRECT CARE WORKFORCE STABILIZATION BOARD

1       CREATED IN ARTICLE 7.5 OF TITLE 8.

2               **SECTION 3. Appropriation.** (1) For the 2023-24 state fiscal  
3 year, \$186,876 is appropriated to the department of labor and employment  
4 for use by the executive directors' office. This appropriation is from the  
5 general fund. To implement this act, the office may use this appropriation  
6 as follows:

7               (a) \$77,915 for personal services, which amount is based on an  
8 assumption that the office will require an additional 0.9 FTE; and

9               (b) \$108,961 for operating expenses.

10              (2) Of the money appropriated under subsection (1)(b) of this  
11 section not expended prior to July 1, 2024, \$75,000 is further  
12 appropriated to the department for the 2024-25 state fiscal year.

13              (3) For the 2023-24 state fiscal year, \$60,358 is appropriated to  
14 the department of health care policy and financing for use by the  
15 executive director's office. This appropriation is from the general fund.  
16 To implement this act, the office may use this appropriation as follows:

17              (a) \$52,608 for personal services, which amount is based on an  
18 assumption that the office will require an additional 1.6 FTE; and

19              (b) \$7,750 for operating expenses.

20              (4) For the 2023-24 state fiscal year, the general assembly  
21 anticipates that the department of health care policy and financing will  
22 receive \$60,358 in federal funds to implement this act, which amount is  
23 subject to the "(I)" notation as defined in the annual general appropriation  
24 act for the same fiscal year. The appropriation in subsection (2) of this  
25 section is based on the assumption that the department will receive this  
26 amount of federal funds to be used as follows:

27              (a) \$52,608 for personal services; and

1 (b) \$7,750 for operating expenses.

2 **SECTION 4. Act subject to petition - effective date.** This act  
3 takes effect at 12:01 a.m. on the day following the expiration of the  
4 ninety-day period after final adjournment of the general assembly; except  
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
6 of the state constitution against this act or an item, section, or part of this  
7 act within such period, then the act, item, section, or part will not take  
8 effect unless approved by the people at the general election to be held in  
9 November 2024 and, in such case, will take effect on the date of the  
10 official declaration of the vote thereon by the governor.