

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**ENGROSSED**

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

LLS NO. 22-0004.01 Brita Darling x2241

**SENATE BILL 22-154**

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**SENATE SPONSORSHIP**

**Danielson,**

**HOUSE SPONSORSHIP**

**McCormick and Lindsay,**

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**Senate Committees**

Health & Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING INCREASING SAFETY IN ASSISTED LIVING RESIDENCES,**  
102 **AND, IN CONNECTION 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>.)*

**Section 1** of the bill, with regard to the involuntary discharge of residents from an assisted living residence (residence):

- Requires a residence to provide written notice to the resident and other specified persons at least 30 days prior to the involuntary discharge;
- Requires the residence to include certain information and

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  
Amended 2nd Reading  
April 21, 2022

- documentation with the written notice; and
- Establishes a process for a resident or other specified persons to challenge an involuntary discharge, including the ability to file a grievance with the residence, a requirement that the residence respond to the grievance, the ability to appeal to the department of public health and environment (department), and the ability to request an administrative hearing.

**Section 2** requires the state board of health (state board) to promulgate rules that:

- Require all residence administrators, on and after January 1, 2024, to meet or exceed the minimum educational, training, and experience standards established by the state board, and **section 3** establishes a fine for the residence if the residence's administrator fails to meet the standards;
- Require the residence owner or residence to conduct a check of the Colorado adult protective services data system for any person responsible for the care and welfare of residents;
- Require the residence to comply with provisions concerning involuntary discharge of residents; and
- Establish a range of fines for violations, including violations that result in harm or injury to residents.

**Section 3** removes the \$2,000 annual cap on the amount of fines that may be imposed by the department as an intermediate restriction or condition on a residence license and requires the department to impose a fine for any violation resulting in actual harm or injury to a resident. The bill allows the department to determine the amount of the fine, consistent with state board rules, based on factors listed in the bill including, in part:

- The size of the residence and the number of residents impacted by the violation;
- The actual or potential harm to one or more residents;
- Prior violations or a pattern of violations; and
- The level of fine that will deter future violations.

**Section 3** also:

- Requires the department to suspend, revoke, or refuse to renew a residence license if a resident is subject to mistreatment that causes injury to the resident; the residence's owner or administrator either directly caused the mistreatment or the mistreatment resulted from the administrator's failure to adequately train or supervise employees; and a directed written plan to correct the violation, in addition to the assessment of civil fines, has not or is not reasonably expected to correct the violations; and

- Permits the department to refuse to renew a license if the residence administrator does not meet or exceed the minimum educational, training, and experience standards established by the state board.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-27-104.3 as  
3 follows:

4 **25-27-104.3. Involuntary discharge - notice - grievance process**

5 **- appeal - hearing - definition.** (1) (a) (I) EXCEPT AS PROVIDED IN  
6 SUBSECTION (1)(c) OF THIS SECTION, AN ASSISTED LIVING RESIDENCE  
7 SHALL PROVIDE WRITTEN NOTICE OF ANY INVOLUNTARY DISCHARGE OF A  
8 RESIDENT AT LEAST THIRTY CALENDAR DAYS IN ADVANCE OF THE  
9 DISCHARGE TO:

10 (A) THE RESIDENT;

11 (B) THE RESIDENT'S LEGAL REPRESENTATIVE; AND

12 (C) ANY RELATIVE OR OTHER PERSON LISTED AS A CONTACT  
13 PERSON FOR THE RESIDENT OR DESIGNATED TO RECEIVE NOTICE OF A  
14 DISCHARGE.

15 (II) WITHIN FIVE DAYS AFTER PROVIDING WRITTEN NOTICE TO THE  
16 RESIDENT, THE RESIDENCE SHALL SEND THE DISCHARGE NOTICE TO THE  
17 STATE LONG-TERM CARE OMBUDSMAN AND THE LOCAL OMBUDSMAN.

18 (b) (I) AT A MINIMUM, THE NOTICE OF DISCHARGE MUST INCLUDE  
19 A DETAILED EXPLANATION OF THE REASON OR REASONS FOR THE  
20 INVOLUNTARY DISCHARGE, INCLUDING:

21 (A) FACTS AND EVIDENCE SUPPORTING EACH REASON GIVEN BY  
22 THE RESIDENCE;

23 (B) A RECOUNTING OF EVENTS LEADING TO THE INVOLUNTARY

1 DISCHARGE, INCLUDING INTERACTIONS WITH THE RESIDENT OVER A PERIOD  
2 OF TIME PRIOR TO THE NOTICE, AND ACTIONS TAKEN TO AVOID DISCHARGE  
3 AND THE TIMING OF THOSE ACTIONS;

4 (C) A STATEMENT THAT THE RESIDENT OR A PERSON LISTED IN  
5 SUBSECTION (1)(a)(I) OF THIS SECTION        HAS THE RIGHT TO FILE A  
6 GRIEVANCE WITH THE RESIDENCE CHALLENGING THE INVOLUNTARY  
7 DISCHARGE WITHIN FOURTEEN DAYS AFTER THE WRITTEN NOTICE, THAT  
8 THE RESIDENCE'S DESIGNEE MUST PROVIDE A RESPONSE TO THE GRIEVANCE  
9 WITHIN FIVE BUSINESS DAYS AFTER RECEIVING THE GRIEVANCE, AND, IF  
10 THE RESIDENT OR PERSON FILING THE GRIEVANCE IS DISSATISFIED WITH  
11 THE RESPONSE, THAT THE RESIDENT OR PERSON FILING THE GRIEVANCE  
12 MAY APPEAL TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE  
13 EXECUTIVE DIRECTOR'S DESIGNEE PURSUANT TO SUBSECTION (3) OF THIS  
14 SECTION; AND

15 (D) NAMES AND CONTACT INFORMATION, INCLUDING TELEPHONE  
16 NUMBERS, ADDRESSES, AND E-MAIL ADDRESSES, FOR THE STATE  
17 LONG-TERM CARE OMBUDSMAN, THE LOCAL OMBUDSMAN, AND THE  
18 DEPARTMENT.

19 (II) IF THE RESIDENCE'S INVOLUNTARY DISCHARGE OF THE  
20 RESIDENT IS DUE TO A MEDICAL OR PHYSICAL CONDITION RESULTING IN A  
21 REQUIRED LEVEL OF CARE THAT CANNOT BE TREATED WITH MEDICATION  
22 OR SERVICES ROUTINELY PROVIDED BY THE RESIDENCE'S STAFF OR AN  
23 EXTERNAL SERVICE PROVIDER, THE NOTICE MUST ALSO INCLUDE AN  
24 ASSESSMENT BY THE RESIDENT'S PHYSICIAN OR APPLICABLE HEALTH-CARE  
25 OR BEHAVIORAL HEALTH PROVIDER OF THE RESIDENT'S CURRENT NEEDS IN  
26 RELATION TO THE RESIDENT'S MEDICAL AND PHYSICAL CONDITION.

27 (c) IF THE STATED REASON FOR THE INVOLUNTARY DISCHARGE OF

1     A RESIDENT WITHOUT THIRTY DAYS' NOTICE IS BECAUSE THE RESIDENT  
2     REQUIRES A LEVEL OF CARE THAT CANNOT BE MET BY THE RESIDENCE OR  
3     THE RESIDENT HAS DEMONSTRATED THAT THE RESIDENT IS A DANGER TO  
4     THE RESIDENT OR OTHERS, THE RESIDENCE SHALL GIVE AS MUCH ADVANCE  
5     NOTICE AS IS REASONABLE UNDER THE CIRCUMSTANCES PRIOR TO THE  
6     RESIDENT'S REMOVAL FROM THE RESIDENCE. THE RESIDENCE MUST STILL  
7     PROVIDE WRITTEN NOTICE OF THE INVOLUNTARY DISCHARGE PURSUANT  
8     TO SUBSECTION (1)(b) OF THIS SECTION AS SOON AS POSSIBLE TO THE  
9     RESIDENT, OTHER PERSONS LISTED IN SUBSECTION (1)(a)(I) OF THIS  
10    SECTION, AND THE STATE LONG-TERM CARE OMBUDSMAN AND THE LOCAL  
11    OMBUDSMAN. NOTWITHSTANDING THE RESIDENT'S INVOLUNTARY  
12    DISCHARGE FROM THE RESIDENCE PURSUANT TO THIS SUBSECTION (1)(c),  
13    THE RESIDENT MAY FILE A GRIEVANCE RELATING TO THE INVOLUNTARY  
14    DISCHARGE WITHIN FOURTEEN DAYS AFTER THE RESIDENT'S RECEIPT OF  
15    THE WRITTEN NOTICE OF INVOLUNTARY DISCHARGE REQUIRED PURSUANT  
16    TO SUBSECTION (1)(b) OF THIS SECTION.

17           (2) (a) (I) EACH ASSISTED LIVING RESIDENCE SHALL DESIGNATE AN  
18    INDIVIDUAL TO RECEIVE GRIEVANCES, PURSUANT TO SUBSECTION (2)(a)(II)  
19    OF THIS SECTION, RELATING TO THE INVOLUNTARY DISCHARGE OF A  
20    RESIDENT.

21           (II) A RESIDENT OR ANY PERSON LISTED IN SUBSECTION (1)(a)(I)  
22    OF THIS SECTION MAY FILE A GRIEVANCE WITH THE DESIGNEE WITHIN  
23    FOURTEEN DAYS AFTER WRITTEN NOTICE IS GIVEN TO THE RESIDENT  
24    PURSUANT TO SUBSECTION (1)(b) OR (1)(c) OF THIS SECTION CHALLENGING  
25    THE INVOLUNTARY DISCHARGE OF THE RESIDENT AND THE REASONS FOR  
26    THE DISCHARGE.

27           (III) A RESIDENT OR A PERSON LISTED IN SUBSECTION (1)(a)(I) OF

1     THIS SECTION FILING A GRIEVANCE SHALL SUBMIT THE GRIEVANCE IN  
2     WRITING, CAUSE IT TO BE WRITTEN, OR STATE IT ORALLY TO THE DESIGNEE,  
3     WITH THE PERSON FILING THE GRIEVANCE PROVIDING SOME EVIDENCE OF  
4     THE ORAL SUBMISSION OF THE GRIEVANCE OR A WITNESS ATTESTING TO  
5     THE ORAL SUBMISSION.

6           (b) NO LATER THAN FIVE BUSINESS DAYS AFTER A GRIEVANCE HAS  
7     BEEN SUBMITTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE  
8     DESIGNEE SHALL PROVIDE A WRITTEN RESPONSE TO THE GRIEVANCE TO  
9     THE RESIDENT, THE PERSONS LISTED IN SUBSECTION (1)(a)(I) OF THIS  
10    SECTION, AND THE STATE LONG-TERM CARE OMBUDSMAN AND THE LOCAL  
11    OMBUDSMAN. THE DESIGNEE'S WRITTEN RESPONSE MUST BE  
12    ACCOMPANIED BY AN ORAL EXPLANATION TO THE RESIDENT OR PERSON  
13    FILING THE GRIEVANCE IF APPROPRIATE BECAUSE OF THE MENTAL OR  
14    PHYSICAL CONDITION OF THE RESIDENT OR PERSON FILING THE GRIEVANCE.

15           (c) THE STATE LONG-TERM CARE OMBUDSMAN OR THE LOCAL  
16    OMBUDSMAN MAY PROVIDE ASSISTANCE TO A RESIDENT OR PERSON FILING  
17    A GRIEVANCE IN INVESTIGATING, PREPARING, AND FILING THE GRIEVANCE  
18    PURSUANT TO THIS SUBSECTION (2) OR INVESTIGATING, PREPARING, AND  
19    FILING AN APPEAL OF THE DESIGNEE'S RESPONSE TO THE GRIEVANCE  
20    PURSUANT TO SUBSECTION (3) OF THIS SECTION.

21           (3) IF THE RESIDENT OR PERSON FILING THE GRIEVANCE IS  
22    DISSATISFIED WITH THE DESIGNEE'S WRITTEN RESPONSE, THE RESIDENT OR  
23    THE PERSON FILING THE GRIEVANCE MAY APPEAL TO THE DEPARTMENT  
24    FOR REVIEW OF THE DESIGNEE'S RESPONSE TO THE GRIEVANCE BY FILING  
25    THE SAME GRIEVANCE, THE ORIGINAL NOTICE AND SUPPORTING  
26    DOCUMENTATION GIVEN TO THE RESIDENT PURSUANT TO SUBSECTION  
27    (1)(b) OR (1)(c) OF THIS SECTION, AND THE DESIGNEE'S WRITTEN RESPONSE

1 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION, INCLUDING  
2 SUPPORTING DOCUMENTATION, ALONG WITH ANY ADDITIONAL  
3 INFORMATION OR DOCUMENTATION, TO THE EXECUTIVE DIRECTOR OF THE  
4 DEPARTMENT FOR THE DEPARTMENT'S REVIEW. AN APPEAL TO THE  
5 EXECUTIVE DIRECTOR OF THE DEPARTMENT MUST BE FILED WITHIN FIVE  
6 BUSINESS DAYS AFTER THE RESIDENT OR PERSON FILING THE GRIEVANCE  
7 RECEIVES THE DESIGNEE'S WRITTEN RESPONSE. THE DEPARTMENT SHALL  
8 REVIEW THE GRIEVANCE AND RESPONSE AS SOON AS POSSIBLE, BUT NO  
9 LATER THAN SIXTY DAYS AFTER RECEIVING THE APPEAL, TO DETERMINE  
10 WHETHER THE INVOLUNTARY DISCHARGE COMPLIES WITH THE LAW AND  
11 THE PROCESS ESTABLISHED IN THIS SECTION. THE DEPARTMENT MAY  
12 CONFER WITH OR RECEIVE INFORMATION FROM THE STATE LONG-TERM  
13 CARE OMBUDSMAN AND THE LOCAL OMBUDSMAN CONCERNING THE  
14 INVOLUNTARY DISCHARGE.

15 (4) (a) THE ASSISTED LIVING RESIDENCE SHALL NOT TAKE ANY  
16 PUNITIVE OR RETALIATORY ACTION AGAINST A RESIDENT DUE TO THE  
17 RESIDENT FILING A GRIEVANCE OR APPEAL PURSUANT TO THIS SECTION  
18 AND SHALL CONTINUE TO ASSIST WITH PLANNING A DISCHARGE OR  
19 TRANSFER OF THE RESIDENT WHILE THE GRIEVANCE OR APPEAL TO THE  
20 DEPARTMENT IS PENDING.

21 (b) IF THE STATED REASON FOR THE INVOLUNTARY DISCHARGE IS  
22 FOR NONPAYMENT OF MONTHLY SERVICES OR ROOM AND BOARD, THE  
23 RESIDENCE MAY DISCHARGE THE RESIDENT ON THE THIRTY-FIRST DAY  
24 AFTER THE WRITTEN NOTICE OF DISCHARGE HAS BEEN PROVIDED TO THE  
25 RESIDENT. IF IT IS DETERMINED THROUGH THE GRIEVANCE AND APPEAL  
26 PROCESS THAT THE RESIDENT SUBSTANTIALLY COMPLIED WITH PAYMENTS  
27 DUE TO THE RESIDENCE, THE RESIDENCE SHALL ALLOW THE RESIDENT TO

1 RETURN TO THE RESIDENCE.

2 (5) IF THE RESIDENT, THE PERSON FILING THE GRIEVANCE OR THE  
3 APPEAL, OR THE ASSISTED LIVING RESIDENCE IS DISSATISFIED WITH THE  
4 FINDINGS AND RECOMMENDATIONS OF THE DEPARTMENT, THAT RESIDENT,  
5 PERSON, OR RESIDENCE MAY REQUEST A HEARING CONDUCTED BY THE  
6 DEPARTMENT PURSUANT TO SECTION 24-4-105.

7 (6) (a) NO LATER THAN JANUARY 1, 2024, THE STATE BOARD  
8 SHALL PROMULGATE RULES NECESSARY TO IMPLEMENT THE GRIEVANCE  
9 PROCESS SET FORTH IN THIS SECTION.

10 (b) PRIOR TO THE BOARD'S ADOPTION OF RULES FOR THE  
11 IMPLEMENTATION OF THE GRIEVANCE PROCESS, THE DEPARTMENT SHALL  
12 CONFER WITH THE ADVISORY COMMITTEE ESTABLISHED IN SECTION  
13 25-27-110 FOR THE PURPOSE OF MAKING RECOMMENDATIONS TO THE  
14 BOARD CONCERNING RULES RELATING TO THE GRIEVANCE PROCESS, TO  
15 INCLUDE, AT A MINIMUM:

16 (I) RULES RELATING TO THE INVOLUNTARY DISCHARGE OF A  
17 RESIDENT FOR NONPAYMENT, INCLUDING WHETHER THE RESIDENCE WILL  
18 BE REQUIRED TO PERMIT THE RESIDENT TO REMAIN IN THE RESIDENCE  
19 DURING THE PENDENCY OF THE GRIEVANCE AND APPEAL PROCESS BEYOND  
20 THE REQUIRED THIRTY-DAY NOTICE PERIOD; AND

21 (II) A DETERMINATION OF THE PERSON RESPONSIBLE FOR PAYING  
22 FOR SERVICES AND ROOM AND BOARD DURING THE PENDENCY OF THE  
23 GRIEVANCE AND APPEAL PROCESS IF THE RESIDENT IS PERMITTED TO  
24 REMAIN IN THE RESIDENCE.

25 (7) AS USED IN THIS SECTION, "DESIGNEE" MEANS THE INDIVIDUAL  
26 DESIGNATED BY THE ASSISTED LIVING RESIDENCE TO RECEIVE GRIEVANCES  
27 RELATING TO AN INVOLUNTARY DISCHARGE OF A RESIDENT PURSUANT TO

1 SUBSECTION (2)(a)(I) OF THIS SECTION.

2 **SECTION 2.** In Colorado Revised Statutes, 25-27-104, **amend**  
3 (2) introductory portion and (2)(g); and **add (2)(l) and (2)(m)** as follows:

4 **25-27-104. Minimum standards for assisted living residences**  
5 **- rules.** (2) ~~Rules promulgated by the State board~~ RULES PROMULGATED  
6 pursuant to subsection (1) of this section ~~shall~~ MUST include, ~~as~~ AT a  
7 minimum, ~~provisions~~ RULES requiring the following:

8 (g) That the administrator and staff of a residence:

9 (I) (A) Meet minimum educational, training, and experience  
10 standards established by the state board. ~~including a requirement that such~~  
11 ~~persons be~~

12 (B) ON AND AFTER JANUARY 1, 2024, THE STATE BOARD'S  
13 MINIMUM STANDARDS FOR ADMINISTRATORS MUST REQUIRE, AT A  
14 MINIMUM, THAT EACH ADMINISTRATOR, REGARDLESS OF THE  
15 ADMINISTRATOR'S HIRE DATE, HAVE AT LEAST ONE YEAR EXPERIENCE  
16 SUPERVISING THE DELIVERY OF PERSONAL CARE SERVICES THAT INCLUDES  
17 ACTIVITIES OF DAILY LIVING OR HAS ATTAINED THE EDUCATION OR  
18 EXPERIENCE ESTABLISHED BY THE STATE BOARD IN LIEU OF THAT  
19 SUPERVISORY EXPERIENCE.

20 (II) ARE of good, moral, and responsible character. In making  
21 ~~such a~~ THE determination, the owner or licensee of a residence ~~may~~ SHALL  
22 have access to and shall obtain any criminal history record information  
23 from a criminal justice agency, subject to any restrictions imposed by  
24 ~~such~~ THE agency for any person responsible for the care and welfare of  
25 residents of ~~such~~ THE residence AND SHALL OBTAIN A CHECK OF THE  
26 COLORADO ADULT PROTECTIVE SERVICES DATA SYSTEM PURSUANT TO  
27 SECTION 26-3.1-111 FOR ANY PERSON WHO IS AN EMPLOYEE OF THE

1 RESIDENCE, AS DEFINED IN SECTION 26-3.1-111 (2), WHO WILL PROVIDE  
2 DIRECT CARE TO RESIDENTS.

3 (l) THAT THE ASSISTED LIVING RESIDENCE COMPLY WITH THE  
4 PROVISIONS OF SECTION 25-27-104.3 CONCERNING THE INVOLUNTARY  
5 DISCHARGE OF RESIDENTS; AND

6 (m) THAT THE STATE BOARD ESTABLISH, NOT LATER THAN  
7 JANUARY 1, 2024, A RANGE OF FINES FOR VIOLATIONS, INCLUDING FINES  
8 FOR VIOLATIONS THAT RESULT IN HARM OR INJURY TO A RESIDENT, WHICH  
9 AMOUNTS MAY VARY BASED ON THE SIZE OF THE ASSISTED LIVING  
10 RESIDENCE AND THE POTENTIAL FOR HARM TO ONE OR MORE PERSONS,  
11 AND SHALL PERMIT THE DEPARTMENT TO CONSIDER FACTORS SET FORTH  
12 IN SECTION 25-27-106 (4) IN DETERMINING THE AMOUNT OF THE FINE.  
13 PRIOR TO THE BOARD'S ADOPTION OF RULES CONCERNING THE RANGE OF  
14 FINES FOR VIOLATIONS, THE DEPARTMENT SHALL MAKE  
15 RECOMMENDATIONS TO THE BOARD, INCLUDING A PROPOSED SCHEDULE OF  
16 FINES THAT VARY THE RANGE OF FINES BY THE SEVERITY AND FREQUENCY  
17 OF THE VIOLATIONS AND THAT MAY INCLUDE A DIFFERENT RANGE OF FINES  
18 BASED ON THE SIZE OF THE RESIDENCE. THE DEPARTMENT SHALL FIRST  
19 PRESENT THE RECOMMENDATIONS TO AND SEEK FEEDBACK FROM THE  
20 ADVISORY COMMITTEE ESTABLISHED IN SECTION 25-27-110. \_\_\_\_\_

21 **SECTION 3.** In Colorado Revised Statutes, 25-27-106, **amend**  
22 (2)(b)(I)(E) and (2)(b)(II); and **add** (4), (5), and (6) as follows:

23 **25-27-106. License denial, suspension, or revocation.**

24 (2) (b) (I) The department may impose intermediate restrictions or  
25 conditions on a licensee that may include at least one of the following:

26 (E) Paying a civil fine not to exceed two thousand dollars in a  
27 calendar year TWENTY THOUSAND DOLLARS IN A CALENDAR YEAR; EXCEPT

1 THAT THE DEPARTMENT MAY EXCEED THE CAP FOR AN EGREGIOUS  
2 VIOLATION THAT RESULTS IN DEATH OR SERIOUS INJURY TO A RESIDENT  
3 AFTER CONSIDERING THE CIRCUMSTANCES SURROUNDING THE VIOLATION  
4 AND THE FACTORS SET FORTH IN SUBSECTION (4)(a) OF THIS SECTION.

5 (II) (A) If the department imposes an intermediate restriction or  
6 condition that is not a result of a life-threatening situation OR DUE TO  
7 SERIOUS INJURY OR HARM TO A RESIDENT, the licensee shall receive  
8 written notice of the restriction or condition. No later than ten days after  
9 the date the notice is received from the department, the licensee shall  
10 submit a written plan that includes the time frame for completing the plan  
11 and addresses the restriction or condition specified.

12 (B) If the department imposes an intermediate restriction or  
13 condition that is the result of a life-threatening situation OR IS DUE TO  
14 SERIOUS INJURY OR HARM TO A RESIDENT, the department shall notify the  
15 licensee in writing, by telephone, or in person during an on-site visit. The  
16 licensee shall implement the restriction or condition immediately upon  
17 receiving notice of the restriction or condition. If the department provides  
18 notice of a restriction or condition by telephone or in person, the  
19 department shall send written confirmation of the restriction or condition  
20 to the licensee within two business days.

21 (4) (a) (I) NOTWITHSTANDING THE DEPARTMENT'S DISCRETION  
22 PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION CONCERNING THE  
23 IMPOSITION OF INTERMEDIATE RESTRICTIONS OR CONDITIONS ON A  
24 LICENSEE, THE DEPARTMENT SHALL IMPOSE A FINE, IN AN AMOUNT PER  
25 VIOLATION THAT IS CALCULATED TO DETER FURTHER VIOLATIONS, FOR  
26 ANY VIOLATION RESULTING IN ACTUAL HARM OR INJURY TO A RESIDENT.  
27 CONSISTENT WITH STATE BOARD RULES PURSUANT TO SECTION 25-27-104

1 (2), THE AMOUNT OF THE FINE MAY VARY DEPENDING ON THE SIZE OF THE  
2 RESIDENCE, THE POTENTIAL FOR HARM OR INJURY TO ONE OR MORE  
3 RESIDENTS, AND WHETHER THERE IS A PATTERN OF POTENTIAL OR ACTUAL  
4 HARM OR INJURY TO RESIDENTS.

5 (II) IN DETERMINING THE AMOUNT OF A FINE,    THE DEPARTMENT  
6 MAY CONSIDER:

7 (A) THE HISTORY OF HARM OR INJURY AT THE RESIDENCE;

8 (B) THE NUMBER OF INJURIES TO RESIDENTS FOR WHICH THE CAUSE  
9 OF THE INJURY IS UNKNOWN;

10 (C) THE ADEQUACY OF THE RESIDENCE'S OCCURRENCE  
11 INVESTIGATIONS AND REPORTING;

12 (D) THE ADEQUACY OF THE ADMINISTRATOR'S SUPERVISION OF  
13 EMPLOYEES TO ENSURE EMPLOYEES ARE KEEPING RESIDENTS SAFE FROM  
14 HARM OR INJURY; AND

15 (E) THE RESIDENCE'S COMPLIANCE WITH REQUIRED MANDATORY  
16 REPORTING OF THE MISTREATMENT OF RESIDENTS.

17 (b) NOTWITHSTANDING THE DEPARTMENT'S DISCRETION PURSUANT  
18 TO SUBSECTION (2)(b)(I) OF THIS SECTION,    THE DEPARTMENT SHALL  
19 IMPOSE A FINE, IN AN AMOUNT DETERMINED BY THE DEPARTMENT, FOR  
20 ANY RESIDENCE THAT IS FOUND TO BE WITHOUT AN ADMINISTRATOR, ON  
21 AND AFTER JANUARY 1, 2024, WHO MEETS OR EXCEEDS THE  
22 EDUCATIONAL, TRAINING, AND EXPERIENCE STANDARDS FOR RESIDENCE  
23 ADMINISTRATORS ESTABLISHED BY THE STATE BOARD PURSUANT TO  
24 SECTION 25-27-104.

25 (5) EXCEPT AS PROVIDED IN SUBSECTION (2)(b)(III) OF THIS  
26 SECTION, THE DEPARTMENT MAY SUSPEND, REVOKE, OR REFUSE TO RENEW  
27 THE LICENSE OF A RESIDENCE IF:

1 (a) A RESIDENT IS SUBJECT TO MISTREATMENT, AS DEFINED IN  
2 SECTION 26-3.1-101 (7), THAT CAUSES INJURY TO THE RESIDENT;

3 (b) THE RESIDENCE'S OWNER OR ADMINISTRATOR DIRECTLY  
4 CAUSED THE MISTREATMENT OR THE MISTREATMENT RESULTED FROM THE  
5 ADMINISTRATOR'S FAILURE TO ADEQUATELY TRAIN OR SUPERVISE  
6 EMPLOYEES; AND

7 (c) A DIRECTED WRITTEN PLAN REQUIRED BY THE DEPARTMENT  
8 PURSUANT TO SUBSECTION (2)(b)(I)(D) OF THIS SECTION TO CORRECT THE  
9 VIOLATION, IN ADDITION TO THE ASSESSMENT OF CIVIL FINES, HAS NOT OR  
10 IS NOT REASONABLY EXPECTED TO CORRECT THE VIOLATIONS.

11 (6) ON AND AFTER JANUARY 1, 2024, THE DEPARTMENT MAY  
12 REFUSE TO RENEW THE LICENSE OF A RESIDENCE IF THE RESIDENCE'S  
13 ADMINISTRATOR DOES NOT MEET THE REQUIREMENTS ESTABLISHED BY  
14 THE STATE BOARD PURSUANT TO SECTION 25-27-104 (2)(g)(I)(B).

15 **SECTION 4.** In Colorado Revised Statutes, 25-27-102, **amend**  
16 the introductory portion; and **add** (6.5) and (12) as follows:

17 **25-27-102. Definitions.** As used in this ~~article~~ ARTICLE 27, unless  
18 the context otherwise requires:

19 (6.5) "LOCAL OMBUDSMAN" HAS THE SAME MEANING AS SET  
20 FORTH IN SECTION 26-11.5-103 (2).

21 (12) "STATE LONG-TERM CARE OMBUDSMAN" HAS THE SAME  
22 MEANING AS SET FORTH IN SECTION 26-11.5-103 (7).

23 **SECTION 5. Appropriation. (1) For the 2022-23 state fiscal**  
24 **year, \$74,509 is appropriated to the department of public health and**  
25 **environment. This appropriation is from the general fund. To implement**  
26 **this act, the department may use this appropriation as follows:**

27 (a) \$26,829 for use by the health facilities and emergency medical

1 services division for administration and operations, which amount is  
2 based on an assumption that the division will require an additional 0.3  
3 FTE; and

4 (b) \$47,680 for the purchase of information technology services.

5 (2) For the 2022-23 state fiscal year, \$47,680 is appropriated to  
6 the office of the governor for use by the office of information technology.

7 This appropriation is from reappropriated funds received from the  
8 department of public health and environment under subsection (1)(b) of  
9 this section. To implement this act, the office may use this appropriation  
10 to provide information technology services for the department of public  
11 health and environment.

12 **SECTION 6. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, or safety.