

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

REREVISED

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

LLS NO. 22-0004.01 Brita Darling x2241

SENATE BILL 22-154

SENATE SPONSORSHIP

Danielson, Buckner, Gonzales, Jaquez Lewis, Kolker, Moreno, Pettersen, Story, Winter

HOUSE SPONSORSHIP

McCormick and Lindsay, Amabile, Bird, Boesenecker, Caraveo, Cutter, Esgar, Exum, Hooton, Sirota, Titone, Young

Senate Committees

Health & Human Services
Appropriations

House Committees

Public & Behavioral Health & Human Services
Appropriations

HOUSE
Amended 3rd Reading
May 11, 2022

HOUSE
Amended 2nd Reading
May 10, 2022

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
3rd Reading Unamended
April 22, 2022

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.

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 ■

1 IS BECAUSE THE RESIDENT REQUIRES A LEVEL OF CARE THAT CANNOT
2 BE MET BY THE RESIDENCE OR THE RESIDENT HAS DEMONSTRATED THAT
3 THE RESIDENT IS A DANGER TO THE RESIDENT OR OTHERS, THIRTY DAYS'
4 NOTICE IS NOT REQUIRED. HOWEVER, THE RESIDENCE SHALL GIVE AS MUCH
5 ADVANCE NOTICE AS IS REASONABLE UNDER THE CIRCUMSTANCES PRIOR
6 TO THE RESIDENT'S REMOVAL FROM THE RESIDENCE. THE RESIDENCE MUST
7 STILL PROVIDE WRITTEN NOTICE OF THE INVOLUNTARY DISCHARGE
8 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION AS SOON AS POSSIBLE
9 TO THE 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 REMOVAL FROM THE
12 RESIDENCE PURSUANT TO THIS SUBSECTION (1)(c), THE RESIDENT MAY FILE
13 A GRIEVANCE RELATING TO THE INVOLUNTARY DISCHARGE WITHIN
14 FOURTEEN DAYS AFTER THE RESIDENT'S RECEIPT OF THE WRITTEN NOTICE
15 OF INVOLUNTARY DISCHARGE REQUIRED PURSUANT TO SUBSECTION (1)(b)
16 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 RESIDENT, THE
13 RESIDENCE, AND THE STATE LONG-TERM CARE OMBUDSMAN AND THE
14 LOCAL OMBUDSMAN CONCERNING THE 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.

15 (7) AS USED IN THIS SECTION, "DESIGNEE" MEANS THE INDIVIDUAL
16 DESIGNATED BY THE ASSISTED LIVING RESIDENCE TO RECEIVE GRIEVANCES
17 RELATING TO AN INVOLUNTARY DISCHARGE OF A RESIDENT PURSUANT TO
18 SUBSECTION (2)(a)(I) OF THIS SECTION.

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

21 **25-27-104. Minimum standards for assisted living residences**
22 **- rules.** (2) ~~Rules promulgated by the State board~~ RULES PROMULGATED
23 pursuant to subsection (1) of this section ~~shall~~ MUST include, ~~as~~ AT a
24 minimum, ~~provisions~~ RULES requiring the following:

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

26 (I) (A) Meet minimum educational, training, and experience
27 standards established by the state board. ~~including a requirement that such~~

1 persons be

2 (B) ON AND AFTER JANUARY 1, 2024, THE STATE BOARD'S
3 MINIMUM STANDARDS FOR ADMINISTRATORS MUST REQUIRE, AT A
4 MINIMUM, THAT EACH ADMINISTRATOR, REGARDLESS OF THE
5 ADMINISTRATOR'S HIRE DATE, HAVE AT LEAST ONE YEAR EXPERIENCE
6 SUPERVISING THE DELIVERY OF PERSONAL CARE SERVICES THAT INCLUDES
7 ACTIVITIES OF DAILY LIVING OR HAS ATTAINED THE EDUCATION OR
8 EXPERIENCE ESTABLISHED BY THE STATE BOARD IN LIEU OF THAT
9 SUPERVISORY EXPERIENCE.

10 (II) ARE of good, moral, and responsible character. In making
11 ~~such a~~ THE determination, the owner or licensee of a residence ~~may~~ SHALL
12 have access to and shall obtain any criminal history record information
13 from a criminal justice agency, subject to any restrictions imposed by
14 ~~such~~ THE agency for any person responsible for the care and welfare of
15 residents of ~~such~~ THE residence AND SHALL OBTAIN A CHECK OF THE
16 COLORADO ADULT PROTECTIVE SERVICES DATA SYSTEM PURSUANT TO
17 SECTION 26-3.1-111 FOR ANY PERSON WHO IS AN EMPLOYEE OF THE
18 RESIDENCE, AS DEFINED IN SECTION 26-3.1-111 (2), WHO WILL PROVIDE
19 DIRECT CARE TO RESIDENTS.

20 (I) THAT THE ASSISTED LIVING RESIDENCE COMPLY WITH THE
21 PROVISIONS OF SECTION 25-27-104.3 CONCERNING THE INVOLUNTARY
22 DISCHARGE OF RESIDENTS; AND

23 (m) THAT THE STATE BOARD ESTABLISH, NOT LATER THAN
24 JANUARY 1, 2024, A RANGE OF FINES FOR VIOLATIONS, ██████ WHICH
25 AMOUNTS MAY VARY BASED ON THE SIZE OF THE ASSISTED LIVING
26 RESIDENCE AND THE POTENTIAL FOR HARM TO ONE OR MORE PERSONS,
27 AND SHALL PERMIT THE DEPARTMENT TO CONSIDER FACTORS SET FORTH

1 IN SECTION 25-27-106 (4) IN DETERMINING THE AMOUNT OF THE FINE.
2 PRIOR TO THE BOARD'S ADOPTION OF RULES CONCERNING THE RANGE OF
3 FINES FOR VIOLATIONS, THE DEPARTMENT SHALL MAKE
4 RECOMMENDATIONS TO THE BOARD, INCLUDING A PROPOSED SCHEDULE OF
5 FINES THAT VARY THE RANGE OF FINES BY THE SEVERITY AND FREQUENCY
6 OF THE VIOLATIONS AND THAT MAY INCLUDE A DIFFERENT RANGE OF FINES
7 BASED ON THE SIZE OF THE RESIDENCE. THE DEPARTMENT SHALL FIRST
8 PRESENT THE RECOMMENDATIONS TO AND SEEK FEEDBACK FROM THE
9 ADVISORY COMMITTEE ESTABLISHED IN SECTION 25-27-110. _____

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

12 **25-27-106. License denial, suspension, or revocation.**

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

15 (E) Paying a civil fine not to exceed ~~two thousand dollars in a~~
16 calendar year TEN THOUSAND DOLLARS PER VIOLATION; EXCEPT THAT THE
17 DEPARTMENT MAY EXCEED THE CAP FOR AN EGREGIOUS VIOLATION THAT
18 RESULTS IN DEATH OR SERIOUS INJURY TO A RESIDENT AFTER CONSIDERING
19 THE CIRCUMSTANCES SURROUNDING THE VIOLATION AND THE FACTORS
20 SET FORTH IN SUBSECTION (4)(a) OF THIS SECTION.

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

1 (B) If the department imposes an intermediate restriction or
2 condition that is the result of a life-threatening situation OR IS DUE TO
3 SERIOUS INJURY OR HARM TO A RESIDENT, the department shall notify the
4 licensee in writing, by telephone, or in person during an on-site visit. The
5 licensee shall implement the restriction or condition immediately upon
6 receiving notice of the restriction or condition. If the department provides
7 notice of a restriction or condition by telephone or in person, the
8 department shall send written confirmation of the restriction or condition
9 to the licensee within two business days.

10 (4) (a) (I) NOTWITHSTANDING THE DEPARTMENT'S DISCRETION
11 PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION CONCERNING THE
12 IMPOSITION OF INTERMEDIATE RESTRICTIONS OR CONDITIONS ON A
13 LICENSEE, THE DEPARTMENT SHALL IMPOSE A FINE, IN AN AMOUNT PER
14 VIOLATION THAT IS CALCULATED TO DETER FURTHER VIOLATIONS, FOR
15 ANY VIOLATION RESULTING IN ACTUAL HARM OR INJURY TO A RESIDENT.
16 CONSISTENT WITH STATE BOARD RULES PURSUANT TO SECTION 25-27-104
17 (2), THE AMOUNT OF THE FINE MAY VARY DEPENDING ON THE SIZE OF THE
18 RESIDENCE, THE POTENTIAL FOR HARM OR INJURY TO ONE OR MORE
19 RESIDENTS, AND WHETHER THERE IS A PATTERN OF POTENTIAL OR ACTUAL
20 HARM OR INJURY TO RESIDENTS.

21 (II) IN DETERMINING THE AMOUNT OF A FINE, THE DEPARTMENT
22 SHALL CONSIDER:

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

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

26 (C) THE ADEQUACY OF THE RESIDENCE'S OCCURRENCE
27 INVESTIGATIONS AND REPORTING;

1 (D) THE ADEQUACY OF THE ADMINISTRATOR'S SUPERVISION OF
2 EMPLOYEES TO ENSURE EMPLOYEES ARE KEEPING RESIDENTS SAFE FROM
3 HARM OR INJURY; AND

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

6 (b) NOTWITHSTANDING THE DEPARTMENT'S DISCRETION PURSUANT
7 TO SUBSECTION (2)(b)(I) OF THIS SECTION, THE DEPARTMENT SHALL
8 IMPOSE A FINE, IN AN AMOUNT DETERMINED BY THE DEPARTMENT, FOR
9 ANY RESIDENCE THAT IS FOUND TO BE WITHOUT AN ADMINISTRATOR, OR
10 AN INTERIM ADMINISTRATOR, AS DEFINED BY THE STATE BOARD BY RULE,
11 ON OR AFTER JANUARY 1, 2024, WHO MEETS THE REQUIREMENTS
12 ESTABLISHED BY THE STATE BOARD PURSUANT TO SECTION 25-27-104
13 (2)(g)(I)(B).

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

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

19 (b) THE RESIDENCE'S OWNER OR ADMINISTRATOR DIRECTLY
20 CAUSED THE MISTREATMENT OR THE MISTREATMENT RESULTED FROM THE
21 ADMINISTRATOR'S FAILURE TO ADEQUATELY TRAIN OR SUPERVISE
22 EMPLOYEES; AND

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

27 (6) ON AND AFTER JANUARY 1, 2024, THE DEPARTMENT MAY

1 REFUSE TO RENEW THE LICENSE OF A RESIDENCE IF THE RESIDENCE'S
2 ADMINISTRATOR DOES NOT MEET THE REQUIREMENTS ESTABLISHED BY
3 THE STATE BOARD PURSUANT TO SECTION 25-27-104 (2)(g)(I)(B).

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

6 **25-27-102. Definitions.** As used in this ~~article~~ ARTICLE 27, unless
7 the context otherwise requires:

8 (6.5) "LOCAL OMBUDSMAN" HAS THE SAME MEANING AS SET
9 FORTH IN SECTION 26-11.5-103 (2).

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

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

16 (a) \$26,829 for use by the health facilities and emergency medical
17 services division for administration and operations, which amount is
18 based on an assumption that the division will require an additional 0.3
19 FTE; and

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

21 (2) For the 2022-23 state fiscal year, \$47,680 is appropriated to
22 the office of the governor for use by the office of information technology.
23 This appropriation is from reappropriated funds received from the
24 department of public health and environment under subsection (1)(b) of
25 this section. To implement this act, the office may use this appropriation
26 to provide information technology services for the department of public
27 health and environment.

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