

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

**INTRODUCED**

LLS NO. 23-0787.01 Christy Chase x2008

**SENATE BILL 23-261**

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**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.**

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**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 provide home-based or community-based direct care to individuals who require assistance in accomplishing activities of daily living. The bill

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.*

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.

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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** 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.

14           (3) "DIRECT CARE CONSUMER" MEANS:

1 (a) A HOME CARE CONSUMER;  
2 (b) AN ELIGIBLE PERSON, AS DEFINED IN SECTION 25.5-6-1101 (4),  
3 INCLUDING AN ELIGIBLE PERSON WHO PARTICIPATES IN THE  
4 CONSUMER-DIRECTED CARE SERVICE MODEL PURSUANT TO PART 11 OF  
5 ARTICLE 6 OF TITLE 25.5; OR

6 (c) AN ELIGIBLE PERSON WITH A DISABILITY, AS DEFINED IN  
7 SECTION 25.5-6-1302 (2).

8 (4) (a) "DIRECT CARE EMPLOYER" MEANS:

9 (I) A HOME CARE EMPLOYER; OR

10 (II) A PROVIDER AGENCY OR ORGANIZATION THAT PROVIDES  
11 DIRECT CARE SERVICES.

12 (b) "DIRECT CARE EMPLOYER" DOES NOT INCLUDE AN ELIGIBLE  
13 PERSON, AS DEFINED IN SECTION 25.5-6-1101 (4), WHO PARTICIPATES IN  
14 THE CONSUMER-DIRECTED CARE SERVICE MODEL PURSUANT TO PART 11  
15 OF ARTICLE 6 OF TITLE 25.5.

16 (5) "DIRECT CARE INDUSTRY" MEANS THE INDUSTRY IN WHICH  
17 DIRECT CARE WORKERS DELIVER DIRECT CARE SERVICES TO DIRECT CARE  
18 CONSUMERS IN COLORADO.

19 (6) "DIRECT CARE SERVICES" MEANS:

20 (a) PERSONAL CARE SERVICES; OR

21 (b) ANY SERVICES DESCRIBED IN PARTS 3 TO 13 OF ARTICLE 6 OF  
22 TITLE 25.5 THAT DO NOT REQUIRE THE INDIVIDUAL PROVIDING THE  
23 SERVICES TO BE LICENSED OR CERTIFIED BY THE STATE OR THE FEDERAL  
24 GOVERNMENT IN ORDER TO PERFORM THE SERVICES.

25 (7) "DIRECT CARE WORKER" MEANS:

26 (a) A HOME CARE WORKER;

27 (b) AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF A DIRECT

1 CARE EMPLOYER, AS DEFINED IN SUBSECTION (4)(a)(II) OF THIS SECTION,  
2 WHO PROVIDES DIRECT CARE SERVICES TO DIRECT CARE CONSUMERS, AS  
3 DEFINED IN SUBSECTION (3)(b) OF THIS SECTION; OR

4 (c) AN INDIVIDUAL WHO PROVIDES DIRECT CARE SERVICES TO  
5 DIRECT CARE CONSUMERS, AS DEFINED IN SUBSECTION (3)(c) OF THIS  
6 SECTION.

7 (8) "EMPLOYER ORGANIZATION" MEANS:

8 (a) AN ORGANIZATION EXEMPT FROM FEDERAL INCOME TAXATION  
9 UNDER SECTION 501 (c)(6) OF THE FEDERAL "INTERNAL REVENUE CODE  
10 OF 1986", 26 U.S.C. SEC. 501, AS AMENDED, THAT REPRESENTS DIRECT  
11 CARE EMPLOYERS; OR

12 (b) AN ENTITY SELECTED BY AND REPRESENTING EMPLOYERS.

13 (9) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
14 THE DEPARTMENT.

15 (10) "HOME CARE CONSUMER" MEANS A HOME CARE CONSUMER,  
16 AS DEFINED IN SECTION 25-27.5-102 (4), WHO RECEIVES PERSONAL CARE  
17 SERVICES.

18 (11) "HOME CARE EMPLOYER" MEANS A HOME CARE AGENCY, AS  
19 DEFINED IN SECTION 25-27.5-102 (3), OR OTHER ENTITY THAT EMPLOYS  
20 HOME CARE WORKERS.

21 (12) "HOME CARE WORKER" MEANS A WORKER PROVIDING  
22 PERSONAL CARE SERVICES TO A HOME CARE CONSUMER.

23 (13) "PERSONAL CARE SERVICES" HAS THE SAME MEANING AS SET  
24 FORTH IN SECTION 25-27.5-102 (6).

25 (14) "WORKER ORGANIZATION" MEANS AN ORGANIZATION THAT:

26 (a) IS EXEMPT FROM FEDERAL INCOME TAXATION UNDER SECTION  
27 501 (c)(3), (c)(4), (c)(5), OR (c)(6) OF THE FEDERAL "INTERNAL REVENUE

1 CODE OF 1986", 26 U.S.C. SEC. 501, AS AMENDED;

2 (b) IS NOT DOMINATED, CONTROLLED, OR FUNDED BY ANY DIRECT  
3 CARE EMPLOYER; AND

4 (c) HAS AT LEAST TWO YEARS OF DEMONSTRATED EXPERIENCE  
5 ENGAGING AND ADVOCATING FOR DIRECT CARE WORKERS.

6 **8-7.5-103. Direct care workforce stabilization board - creation**

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

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

14 (I) THE EXECUTIVE DIRECTOR SHALL APPOINT THE FOLLOWING  
15 MEMBERS TO THE BOARD:

16 (A) A REPRESENTATIVE OF THE DEPARTMENT;

17 (B) FOUR MEMBERS REPRESENTING DIRECT CARE EMPLOYERS OR  
18 EMPLOYER ORGANIZATIONS, INCLUDING ONE MEMBER FROM A RURAL  
19 AREA OF THE STATE;

20 (C) FOUR MEMBERS REPRESENTING DIRECT CARE WORKERS OR  
21 WORKER ORGANIZATIONS, INCLUDING ONE MEMBER FROM A RURAL AREA  
22 OF THE STATE; AND

23 (D) FOUR MEMBERS REPRESENTING DIRECT CARE CONSUMERS WHO  
24 RECEIVE DIRECT CARE SERVICES FROM DIRECT CARE WORKERS, INCLUDING  
25 ONE MEMBER FROM AN ORGANIZATION REPRESENTING INDIVIDUALS WITH  
26 DISABILITIES AND ONE MEMBER FROM A RURAL AREA OF THE STATE;

27 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH

1 CARE POLICY AND FINANCING SHALL APPOINT A REPRESENTATIVE OF THE  
2 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO SERVE ON THE  
3 BOARD; AND

4 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
5 HEALTH AND ENVIRONMENT SHALL APPOINT A REPRESENTATIVE OF THE  
6 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO SERVE ON THE  
7 BOARD.

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

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

18 (II) TO ENSURE STAGGERED TERMS OF OFFICE:

19 (A) THE INITIAL TERM OF OFFICE OF ONE MEMBER INITIALLY  
20 APPOINTED PURSUANT TO SUBSECTION (2)(a)(I)(B) OF THIS SECTION, OF  
21 ONE MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTION (2)(a)(I)(C)  
22 OF THIS SECTION, AND OF ONE MEMBER INITIALLY APPOINTED PURSUANT  
23 TO SUBSECTION (2)(a)(I)(D) OF THIS SECTION IS ONE YEAR; AND

24 (B) 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 TWO YEARS.

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

4 (b) IF A VACANCY OCCURS ON THE BOARD, THE APPOINTING  
5 AUTHORITY FOR THE VACANT POSITION SHALL FILL THE POSITION ON THE  
6 BOARD FOR THE REMAINDER OF THE UNEXPIRED TERM WITH A MEMBER  
7 QUALIFIED FOR THE VACATED POSITION.

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

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

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

21 (6) **Voting.** THE BOARD MAY TAKE ACTION, INCLUDING ACTION TO  
22 RECOMMEND MINIMUM DIRECT CARE EMPLOYMENT STANDARDS UNDER  
23 SECTION 8-7.5-104, ONLY UPON THE AFFIRMATIVE VOTE OF AT LEAST SIX  
24 MEMBERS OF THE BOARD.

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

27 (8) **No compensation - expense reimbursement.** MEMBERS OF

1 THE BOARD SERVE WITHOUT COMPENSATION BUT ARE ENTITLED TO  
2 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN  
3 PERFORMING THEIR DUTIES UNDER THIS ARTICLE 7.5.

4 **8-7.5-104. Duties of the board - recommendations for**  
5 **minimum direct care employment standards - analysis of market**  
6 **conditions - public outreach - report.** (1) (a) BY SEPTEMBER 1, 2024,

7 AND EVERY TWO YEARS THEREAFTER, THE BOARD SHALL DEVELOP  
8 RECOMMENDATIONS FOR MINIMUM DIRECT CARE EMPLOYMENT  
9 STANDARDS THAT ARE REASONABLY NECESSARY OR APPROPRIATE TO  
10 PROTECT AND ENSURE THE HEALTH AND WELFARE OF DIRECT CARE  
11 WORKERS WITHOUT IMPEDING THE DIGNITY AND INDEPENDENCE OF DIRECT  
12 CARE CONSUMERS. THE RECOMMENDATIONS MUST INCLUDE, AS  
13 APPROPRIATE, STANDARDS FOR COMPENSATION, WORKING HOURS, AND  
14 OTHER WORKING CONDITIONS FOR DIRECT CARE WORKERS. THE BOARD  
15 SHALL ALSO DEVELOP RECOMMENDATIONS ON HOW THE STATE CAN  
16 BETTER COMMUNICATE INFORMATION TO DIRECT CARE WORKERS ABOUT  
17 THEIR RIGHTS AND ABOUT THE OBLIGATIONS OF DIRECT CARE EMPLOYERS.

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

22 (c) AS SPECIFIED IN SECTION 8-7.5-103 (6), THE BOARD SHALL NOT  
23 MAKE ANY RECOMMENDATION THAT DOES NOT RECEIVE THE AFFIRMATIVE  
24 VOTE OF AT LEAST SIX VOTING MEMBERS OF THE BOARD.

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

27 (I) INVESTIGATE THE MARKET CONDITIONS OF THE DIRECT CARE



1 INDUSTRY, INCLUDING EXISTING WAGES, BENEFITS, WORKING HOURS, AND  
2 OTHER WORKING CONDITIONS OF DIRECT CARE WORKERS THROUGHOUT  
3 THE STATE AND IN SPECIFIC REGIONS OF THE STATE SPECIFIED BY THE  
4 BOARD;

5 (II) INVESTIGATE OTHER DIRECT CARE INDUSTRY MODELS,  
6 INCLUDING DIRECT-CARE-WORKER-OWNED OPPORTUNITIES AND THE  
7 IMPACT OF ACCESS TO WORKER ORGANIZATIONS;

8 (III) INVESTIGATE THE IMPACTS OF RACIAL AND ECONOMIC  
9 INJUSTICES ON DIRECT CARE WORKERS AND THE DIRECT CARE CONSUMERS  
10 TO WHOM THEY PROVIDE DIRECT CARE SERVICES;

11 (IV) HOST PUBLIC MEETINGS IN ACCORDANCE WITH SUBSECTION  
12 (2)(c) OF THIS SECTION FOR PURPOSES OF ENGAGING WITH AND OBTAINING  
13 INPUT FROM DIRECT CARE WORKERS, DIRECT CARE EMPLOYERS, AND  
14 DIRECT CARE CONSUMERS; AND

15 (V) ENDEAVOR TO DEVELOP MINIMUM DIRECT CARE EMPLOYMENT  
16 STANDARDS THAT MEET OR EXCEED THE EXISTING INDUSTRY CONDITIONS  
17 THAT APPLY TO A MAJORITY OF DIRECT CARE WORKERS IN THE STATE OR  
18 IN THE SPECIFIED GEOGRAPHIC REGIONS.

19 (b) THE BOARD SHALL CONSIDER THE FOLLOWING INFORMATION IN  
20 DEVELOPING RECOMMENDATIONS FOR MINIMUM DIRECT CARE  
21 EMPLOYMENT STANDARDS:

22 (I) DATA CONCERNING WAGE RATES, BENEFITS, WORKING HOURS,  
23 AND OTHER WORKING CONDITIONS, WHICH DATA IS COLLECTED BY OR  
24 SUBMITTED TO THE BOARD AND RELATES TO DIRECT CARE WORKERS IN  
25 THE STATE OR IN THE GEOGRAPHIC REGIONS SPECIFIED BY THE BOARD;

26 (II) STATEMENTS SHOWING WAGE RATES PAID TO, BENEFITS  
27 PROVIDED TO, AND WORKING HOURS AND OTHER WORKING CONDITIONS OF

1 DIRECT CARE WORKERS IN THE GEOGRAPHIC REGIONS SPECIFIED BY THE  
2 BOARD;

3 (III) SIGNED COLLECTIVE BARGAINING AGREEMENTS APPLICABLE  
4 TO DIRECT CARE WORKERS IN THE STATE OR IN THE GEOGRAPHIC REGIONS  
5 SPECIFIED BY THE BOARD;

6 (IV) TESTIMONY AND INFORMATION PROVIDED BY CURRENT AND  
7 FORMER DIRECT CARE WORKERS, WORKER ORGANIZATIONS, DIRECT CARE  
8 EMPLOYERS, EMPLOYER ORGANIZATIONS, AND DIRECT CARE CONSUMERS;

9 (V) LOCAL MINIMUM DIRECT CARE EMPLOYMENT STANDARDS;

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

12 (VII) ANY OTHER INFORMATION PERTINENT TO THE  
13 DETERMINATION OF MINIMUM DIRECT CARE EMPLOYMENT STANDARDS.

14 (c) (I) THE BOARD SHALL ENDEAVOR TO ENGAGE AS MANY DIRECT  
15 CARE WORKERS AS POSSIBLE IN INVESTIGATING THE DIRECT CARE  
16 INDUSTRY MARKET CONDITIONS AND IN DEVELOPING RECOMMENDATIONS  
17 FOR MINIMUM DIRECT CARE EMPLOYMENT STANDARDS AND IMPROVED  
18 COMMUNICATIONS. TO FACILITATE OUTREACH TO DIRECT CARE WORKERS  
19 AND DIRECT CARE CONSUMERS, THE BOARD SHALL DEVELOP A PUBLIC  
20 EDUCATION AND COMMUNICATION PLAN IN ORDER TO INFORM DIRECT  
21 CARE WORKERS AND DIRECT CARE CONSUMERS OF THE BOARD, ITS  
22 PURPOSE, ITS MEETINGS AND HEARINGS, AND THE RIGHT OF DIRECT CARE  
23 WORKERS AND DIRECT CARE CONSUMERS TO PARTICIPATE IN THE BOARD'S  
24 MEETINGS AND HEARINGS, ITS MARKET CONDITIONS INVESTIGATION, AND  
25 ITS DEVELOPMENT OF RECOMMENDATIONS FOR MINIMUM DIRECT CARE  
26 EMPLOYMENT STANDARDS. THE PLAN MUST INCLUDE AN OPTION FOR  
27 DIRECT CARE WORKERS AND DIRECT CARE CONSUMERS TO INDICATE AN

1 INTEREST IN RECEIVING ONGOING COMMUNICATIONS FROM THE BOARD  
2 ABOUT OPPORTUNITIES FOR ENGAGEMENT WITH THE BOARD.

3 (II) FOR PURPOSES OF FACILITATING ENGAGEMENT WITH AND  
4 INPUT FROM DIRECT CARE WORKERS, DIRECT CARE EMPLOYERS, AND  
5 DIRECT CARE CONSUMERS, THE BOARD SHALL HOST AT LEAST FOUR PUBLIC  
6 HEARINGS BEFORE FINALIZING ITS INITIAL RECOMMENDATIONS FOR  
7 MINIMUM DIRECT CARE EMPLOYMENT STANDARDS. THE BOARD SHALL:

8 (A) SCHEDULE PUBLIC HEARINGS AT VARIABLE TIMES OF THE DAY  
9 AND DAYS OF THE WEEK THROUGHOUT THE YEAR, INCLUDING AT LEAST  
10 ONE MEETING SCHEDULED ON A WEEKEND, ONE MEETING SCHEDULED IN  
11 THE EVENING, AND ONE MEETING SCHEDULED IN THE MORNING;

12 (B) PROVIDE NOTICE OF EACH HEARING, INCLUDING THE DATE,  
13 TIME, AND LOCATION OF THE HEARING AND THE NAME AND CONTACT  
14 INFORMATION FOR EACH MEMBER OF THE BOARD, AT LEAST THIRTY DAYS  
15 IN ADVANCE OF THE HEARING AND SHALL ENLIST ASSISTANCE FROM THE  
16 DEPARTMENT OF LABOR AND EMPLOYMENT AND THE DEPARTMENT OF  
17 HEALTH CARE POLICY AND FINANCING, AS WELL AS EMPLOYER  
18 ORGANIZATIONS, WORKER ORGANIZATIONS, CONSUMER ADVOCACY  
19 GROUPS, AND OTHER STAKEHOLDERS IN THE DIRECT CARE INDUSTRY, TO  
20 PROVIDE NOTICE OF THE HEARING TO DIRECT CARE WORKERS, DIRECT CARE  
21 EMPLOYERS, DIRECT CARE CONSUMERS, AND OTHER INTERESTED PARTIES;  
22 AND

23 (C) INCLUDE IN THE NOTICE AN OPTION FOR DIRECT CARE  
24 WORKERS AND DIRECT CARE CONSUMERS TO INDICATE AN INTEREST IN  
25 RECEIVING ONGOING COMMUNICATIONS FROM THE BOARD REGARDING THE  
26 ACTIVITIES OF THE BOARD AND OPPORTUNITIES FOR DIRECT CARE  
27 WORKERS AND DIRECT CARE CONSUMERS TO PARTICIPATE IN HEARINGS

1 AND TO PROVIDE INPUT TO THE BOARD. A DEPARTMENT OR OTHER ENTITY  
2 THAT RECEIVES AN INDICATION OF INTEREST FROM A DIRECT CARE  
3 WORKER OR A DIRECT CARE CONSUMER SHALL FORWARD THAT  
4 INFORMATION TO THE BOARD.

5 (3) (a) BY SEPTEMBER 1, 2024, THE BOARD SHALL REPORT ANY  
6 RECOMMENDATIONS FOR INITIAL STANDARDS FOR DIRECT CARE WORKER  
7 COMPENSATION, WORKING HOURS, AND OTHER WORKING CONDITIONS,  
8 INCLUDING RECOMMENDATIONS FOR LEGISLATION OR ADMINISTRATIVE  
9 RULES OR ORDERS, THAT THE BOARD APPROVES IN ACCORDANCE WITH  
10 SECTION 8-7.5-103 (6) TO THE GOVERNOR AND TO THE BUSINESS AFFAIRS  
11 AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
12 BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, OR  
13 THEIR SUCCESSOR COMMITTEES.

14 (b) NO LATER THAN TWO YEARS AFTER THE BOARD REPORTS ITS  
15 INITIAL MINIMUM DIRECT CARE EMPLOYMENT STANDARDS  
16 RECOMMENDATIONS PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION,  
17 AND AT LEAST ONCE EVERY TWO YEARS THEREAFTER, THE BOARD SHALL  
18 CONDUCT A REVIEW OF THE DIRECT CARE INDUSTRY AND DEVELOP  
19 RECOMMENDATIONS IN ACCORDANCE WITH SUBSECTIONS (1) AND (2) OF  
20 THIS SECTION. THE BOARD SHALL REPORT ITS RECOMMENDATIONS AS  
21 SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION.

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

27 (4) NOTHING IN THIS SECTION:

1 (a) LIMITS THE RIGHTS OF PARTIES TO A COLLECTIVE BARGAINING  
2 AGREEMENT TO BARGAIN AND AGREE WITH RESPECT TO DIRECT CARE  
3 EMPLOYMENT STANDARDS;

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

9 (c) DIMINISHES THE RIGHTS OF AN ELIGIBLE PERSON, AS DEFINED  
10 IN SECTION 25.5-6-1101 (4), PARTICIPATING IN THE CONSUMER-DIRECTED  
11 CARE SERVICE MODEL PURSUANT TO PART 11 OF ARTICLE 6 OF TITLE 25.5  
12 TO CONTROL AND MANAGE THE ELIGIBLE PERSON'S SERVICES, INCLUDING  
13 THE RIGHT TO HIRE, FIRE, SCHEDULE, AND SET WAGES FOR DIRECT CARE  
14 WORKERS WHO PROVIDE DIRECT CARE SERVICES TO THE ELIGIBLE PERSON  
15 WITHIN PARAMETERS SET IN CURRENT STATE AND LOCAL LAW.

16 **8-7.5-105. Notice to direct care workers - duty of direct care**  
17 **employers - posting on state websites - board review and**  
18 **recommendations - rules.** (1) (a) STARTING JANUARY 1, 2025, EACH  
19 DIRECT CARE EMPLOYER SHALL ANNUALLY PROVIDE A NOTICE TO DIRECT  
20 CARE WORKERS EMPLOYED BY THE DIRECT CARE EMPLOYER INFORMING  
21 THE DIRECT CARE WORKERS OF THE FOLLOWING:

22 (I) THE RIGHTS OF DIRECT CARE WORKERS AND THE OBLIGATIONS  
23 OF DIRECT CARE EMPLOYERS PROVIDED UNDER THIS ARTICLE 7.5,  
24 INCLUDING THEIR RIGHTS TO PARTICIPATE IN PUBLIC HEARINGS THAT THE  
25 BOARD CONDUCTS AND TO PROVIDE WRITTEN OR ORAL TESTIMONY TO THE  
26 BOARD;

27 (II) ALL CURRENT MINIMUM DIRECT CARE EMPLOYMENT

1 STANDARDS AND ANY LOCAL MINIMUM DIRECT CARE EMPLOYMENT  
2 STANDARDS; AND

3 (III) THE CONTACT INFORMATION FOR, AND A STATEMENT THAT  
4 THE DIRECT CARE WORKER MAY CONTACT, THE DEPARTMENT FOR  
5 ASSISTANCE AND INFORMATION REGARDING THE RIGHTS AND OBLIGATIONS  
6 UNDER THIS ARTICLE 7.5 AND ANY STANDARDS DESCRIBED IN SUBSECTION  
7 (1)(a)(II) OF THIS SECTION.

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

12 (c) (I) THE BOARD SHALL MAKE AVAILABLE TO DIRECT CARE  
13 EMPLOYERS A TEMPLATE OR SAMPLE NOTICE THAT SATISFIES THE  
14 REQUIREMENTS OF THIS SECTION AND RULES ADOPTED BY THE  
15 DEPARTMENT PURSUANT TO THIS TITLE 8 REGARDING OTHER REQUIRED  
16 EMPLOYER NOTICES PERTAINING TO WAGES, PAY EQUITY, LABOR  
17 CONDITIONS, AND FAMILY AND MEDICAL LEAVE BENEFITS. DIRECT CARE  
18 EMPLOYERS SHALL PROVIDE THE BOARD WITH COPIES OF ANY NOTICES  
19 GIVEN TO DIRECT CARE WORKERS PURSUANT TO THIS SECTION.

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

25 (2) THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE  
26 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND THE  
27 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL POST THE

1 NOTICE DESCRIBED IN SUBSECTION (1) OF THIS SECTION ON THEIR  
2 RESPECTIVE PUBLIC-FACING WEBSITES.

3 (3) (a) THE BOARD SHALL REVIEW THE MANNER IN WHICH DIRECT  
4 CARE WORKERS ARE INFORMED OF THEIR RIGHTS AND THE OBLIGATIONS OF  
5 DIRECT CARE EMPLOYERS UNDER THIS ARTICLE 7.5 AND UNDER OTHER  
6 APPLICABLE STATE STATUTES AND RULES AND SHALL MAKE  
7 RECOMMENDATIONS TO THE DEPARTMENT OF LABOR AND EMPLOYMENT,  
8 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND THE  
9 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ON METHODS TO  
10 IMPROVE THE STATE'S ABILITY TO COMMUNICATE WITH DIRECT CARE  
11 WORKERS REGARDING THE WORKERS' RIGHTS AND THE OBLIGATIONS OF  
12 DIRECT CARE EMPLOYERS.

13 (b) THE DEPARTMENTS SPECIFIED IN SUBSECTION (3)(a) OF THIS  
14 SECTION SHALL REVIEW THE BOARD RECOMMENDATIONS AND ADOPT OR  
15 AMEND ANY RULES THE DEPARTMENTS DETERMINE WOULD IMPROVE THE  
16 TRANSMISSION OF INFORMATION TO DIRECT CARE WORKERS.

17 **8-7.5-106. Retaliation.** (1) A DIRECT CARE EMPLOYER SHALL NOT  
18 RETALIATE AGAINST A DIRECT CARE WORKER, INCLUDING TAKING  
19 RETALIATORY PERSONNEL ACTION, FOR:

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

22 (b) PARTICIPATING IN ANY PROCESS OR PROCEEDING UNDER THIS  
23 ARTICLE 7.5, INCLUDING BOARD HEARINGS, INVESTIGATIONS, OR OTHER  
24 PROCEEDINGS.

25 (2) A DIRECT CARE EMPLOYER SHALL NOT RETALIATE AGAINST A  
26 DIRECT CARE CONSUMER FOR ADVOCATING FOR A DIRECT CARE WORKER  
27 OR ASSISTING A DIRECT CARE WORKER IN REPORTING MISCONDUCT TO THE

1 DEPARTMENT. RETALIATION INCLUDES DROPPING A DIRECT CARE  
2 CONSUMER FROM SERVICES BECAUSE THE DIRECT CARE CONSUMER  
3 ADVOCATED FOR DIRECT CARE WORKERS.

4 **8-7.5-107. Repeal of article - subject to review.** THIS ARTICLE  
5 7.5 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029. BEFORE THE REPEAL,  
6 THE BOARD IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION  
7 24-34-104.

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

10 **24-34-104. General assembly review of regulatory agencies**  
11 **and functions for repeal, continuation, or reestablishment - legislative**  
12 **declaration - repeal.** (30) (a) The following agencies, functions, or both,  
13 are scheduled for repeal on September 1, 2029:

14 (VIII) THE DIRECT CARE WORKFORCE STABILIZATION BOARD  
15 CREATED IN ARTICLE 7.5 OF TITLE 8.

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