

**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

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Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

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.**

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.

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 AT LEAST ONE MEMBER THAT
19 SERVES A RURAL OR FRONTIER AREA OF THE STATE;

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

1 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
2 CARE POLICY AND FINANCING SHALL APPOINT A REPRESENTATIVE OF THE
3 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO SERVE ON THE
4 BOARD; AND

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

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

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

19 (II) TO ENSURE STAGGERED TERMS OF OFFICE:

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

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

1 OF THIS SECTION, AND OF ONE MEMBER INITIALLY APPOINTED PURSUANT
2 TO SUBSECTION (2)(a)(I)(D) OF THIS SECTION IS TWO YEARS.

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4 (3)(a)(III) ARE REPEALED, EFFECTIVE SEPTEMBER 1, 2024.

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

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

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

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

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

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

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

5 **8-7.5-104. Duties of the board - recommendations for**
6 **minimum direct care employment standards - analysis of market**
7 **conditions - public outreach - report.** (1) (a) (I) BY SEPTEMBER 1,
8 2024, AND EVERY TWO YEARS THEREAFTER, THE BOARD SHALL DEVELOP
9 RECOMMENDATIONS FOR MINIMUM DIRECT CARE EMPLOYMENT
10 STANDARDS THAT ARE REASONABLY NECESSARY OR APPROPRIATE TO
11 PROTECT AND ENSURE THE HEALTH AND WELFARE OF DIRECT CARE
12 WORKERS WITHOUT IMPEDING THE DIGNITY AND INDEPENDENCE OF DIRECT
13 CARE CONSUMERS. THE RECOMMENDATIONS MUST INCLUDE, AS
14 APPROPRIATE, STANDARDS FOR COMPENSATION, WORKING HOURS, AND
15 OTHER WORKING CONDITIONS FOR DIRECT CARE WORKERS. THE BOARD
16 SHALL ALSO DEVELOP RECOMMENDATIONS ON HOW THE STATE CAN
17 BETTER COMMUNICATE INFORMATION TO DIRECT CARE WORKERS ABOUT
18 THEIR RIGHTS AND ABOUT THE OBLIGATIONS OF DIRECT CARE EMPLOYERS.

19 (II) NOTWITHSTANDING SECTION 8-7.5-103 (6) AND SUBSECTION
20 (1)(c) OF THIS SECTION, THE BOARD MAY EXTEND ANY
21 RECOMMENDATIONS FOR MINIMUM DIRECT CARE EMPLOYMENT
22 STANDARDS DEVELOPED PURSUANT TO THIS SECTION TO ADDITIONAL
23 TYPES OF WORKERS WHO ARE DETERMINED TO PROVIDE SERVICES THAT
24 ARE DIRECT CARE IN NATURE WITHIN COLORADO'S LONG-TERM CARE
25 DELIVERY SYSTEM IF DEEMED APPROPRIATE BY THE MEMBERS OF THE
26 BOARD APPOINTED PURSUANT TO SECTION 8-7.5-103 (2)(a)(I)(A),
27 (2)(a)(II), AND (2)(a)(III).

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

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

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

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

16 (II) INVESTIGATE OTHER DIRECT CARE INDUSTRY MODELS,
17 INCLUDING DIRECT-CARE-WORKER-OWNED OPPORTUNITIES AND THE
18 IMPACT OF ACCESS TO WORKER ORGANIZATIONS;

19 (III) INVESTIGATE THE IMPACTS OF RACIAL AND ECONOMIC
20 INJUSTICES ON DIRECT CARE WORKERS AND THE DIRECT CARE CONSUMERS
21 TO WHOM THEY PROVIDE DIRECT CARE SERVICES;

22 (IV) HOST PUBLIC MEETINGS IN ACCORDANCE WITH SUBSECTION
23 (2)(c) OF THIS SECTION FOR PURPOSES OF ENGAGING WITH AND OBTAINING
24 INPUT FROM DIRECT CARE WORKERS, DIRECT CARE EMPLOYERS, AND
25 DIRECT CARE CONSUMERS; AND

26 (V) ENDEAVOR TO DEVELOP MINIMUM DIRECT CARE EMPLOYMENT
27 STANDARDS THAT MEET OR EXCEED THE EXISTING INDUSTRY CONDITIONS

1 THAT APPLY TO A MAJORITY OF DIRECT CARE WORKERS IN THE STATE OR
2 IN SPECIFIED AREAS OF THE STATE.

3 (b) THE BOARD SHALL CONSIDER THE FOLLOWING INFORMATION IN
4 DEVELOPING RECOMMENDATIONS FOR MINIMUM DIRECT CARE
5 EMPLOYMENT STANDARDS:

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

10 (II) STATEMENTS SHOWING WAGE RATES PAID TO, BENEFITS
11 PROVIDED TO, AND WORKING HOURS AND OTHER WORKING CONDITIONS OF
12 DIRECT CARE WORKERS IN THE AREAS SPECIFIED BY THE BOARD;

13 (III) SIGNED COLLECTIVE BARGAINING AGREEMENTS APPLICABLE
14 TO DIRECT CARE WORKERS IN THE STATE OR IN THE AREAS SPECIFIED BY
15 THE BOARD;

16 (IV) TESTIMONY AND INFORMATION PROVIDED BY CURRENT AND
17 FORMER DIRECT CARE WORKERS, WORKER ORGANIZATIONS, DIRECT CARE
18 EMPLOYERS, EMPLOYER ORGANIZATIONS, AND DIRECT CARE CONSUMERS;

19 (V) LOCAL JURISDICTION MINIMUM DIRECT CARE EMPLOYMENT
20 STANDARDS;

21 (VI) ANY RECOMMENDATIONS AND FINDINGS FROM PREVIOUS AND
22 EXISTING WORKING GROUPS THAT THE BOARD CONSIDERS RELEVANT,
23 INCLUDING ANY DIRECT CARE WORKFORCE COLLABORATIVE STAKEHOLDER
24 GROUPS CONVENED BY THE DEPARTMENT OF HEALTH CARE POLICY AND
25 FINANCING AND THE HOME CARE ADVISORY COMMITTEE CREATED IN
26 SECTION 25-27.5-104 (3);

27 (VII) INFORMATION SUBMITTED BY OR OBTAINED FROM STATE AND

1 LOCAL GOVERNMENT AGENCIES; AND

2 (VIII) ANY OTHER INFORMATION PERTINENT TO THE
3 DETERMINATION OF MINIMUM DIRECT CARE EMPLOYMENT STANDARDS.

4 (c) (I) THE BOARD SHALL ENDEAVOR TO ENGAGE AS MANY DIRECT
5 CARE WORKERS AS POSSIBLE IN INVESTIGATING THE DIRECT CARE
6 INDUSTRY MARKET CONDITIONS AND IN DEVELOPING RECOMMENDATIONS
7 FOR MINIMUM DIRECT CARE EMPLOYMENT STANDARDS AND IMPROVED
8 COMMUNICATIONS. TO FACILITATE OUTREACH TO DIRECT CARE WORKERS
9 AND DIRECT CARE CONSUMERS, THE BOARD SHALL DEVELOP A PUBLIC
10 EDUCATION AND COMMUNICATION PLAN IN ORDER TO INFORM DIRECT
11 CARE WORKERS AND DIRECT CARE CONSUMERS OF THE BOARD, ITS
12 PURPOSE, ITS MEETINGS AND HEARINGS, AND THE RIGHT OF DIRECT CARE
13 WORKERS AND DIRECT CARE CONSUMERS TO PARTICIPATE IN THE BOARD'S
14 MEETINGS AND HEARINGS, ITS MARKET CONDITIONS INVESTIGATION, AND
15 ITS DEVELOPMENT OF RECOMMENDATIONS FOR MINIMUM DIRECT CARE
16 EMPLOYMENT STANDARDS. THE PLAN MUST INCLUDE AN OPTION FOR
17 DIRECT CARE WORKERS AND DIRECT CARE CONSUMERS TO INDICATE AN
18 INTEREST IN RECEIVING ONGOING COMMUNICATIONS FROM THE BOARD
19 ABOUT OPPORTUNITIES FOR ENGAGEMENT WITH THE BOARD.

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

25 (A) SCHEDULE PUBLIC HEARINGS AT VARIABLE TIMES OF THE DAY
26 AND DAYS OF THE WEEK THROUGHOUT THE YEAR, INCLUDING AT LEAST
27 ONE MEETING SCHEDULED ON A WEEKEND, ONE MEETING SCHEDULED IN

1 THE EVENING, AND ONE MEETING SCHEDULED IN THE MORNING;

2 (B) PROVIDE NOTICE OF EACH HEARING, INCLUDING THE DATE,
3 TIME, AND LOCATION OF THE HEARING AND THE NAME AND CONTACT
4 INFORMATION FOR EACH MEMBER OF THE BOARD, AT LEAST THIRTY DAYS
5 IN ADVANCE OF THE HEARING AND SHALL ENLIST ASSISTANCE FROM THE
6 DEPARTMENT OF LABOR AND EMPLOYMENT AND THE DEPARTMENT OF
7 HEALTH CARE POLICY AND FINANCING, AS WELL AS EMPLOYER
8 ORGANIZATIONS, WORKER ORGANIZATIONS, CONSUMER ADVOCACY
9 GROUPS, AND OTHER STAKEHOLDERS IN THE DIRECT CARE INDUSTRY, TO
10 PROVIDE NOTICE OF THE HEARING TO DIRECT CARE WORKERS, DIRECT CARE
11 EMPLOYERS, DIRECT CARE CONSUMERS, AND OTHER INTERESTED PARTIES;
12 AND

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

22 (3) (a) BY SEPTEMBER 1, 2024, THE BOARD SHALL REPORT ANY
23 RECOMMENDATIONS FOR INITIAL STANDARDS FOR DIRECT CARE WORKER
24 COMPENSATION, WORKING HOURS, AND OTHER WORKING CONDITIONS,
25 INCLUDING RECOMMENDATIONS FOR LEGISLATION OR ADMINISTRATIVE
26 RULES OR ORDERS, THAT THE BOARD APPROVES IN ACCORDANCE WITH
27 SECTION 8-7.5-103 (6) TO THE GOVERNOR AND TO THE BUSINESS AFFAIRS

1 AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
2 BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, OR
3 THEIR SUCCESSOR COMMITTEES.

4 (b) NO LATER THAN TWO YEARS AFTER THE BOARD REPORTS ITS
5 INITIAL MINIMUM DIRECT CARE EMPLOYMENT STANDARDS
6 RECOMMENDATIONS PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION,
7 AND AT LEAST ONCE EVERY TWO YEARS THEREAFTER, THE BOARD SHALL
8 CONDUCT A REVIEW OF THE DIRECT CARE INDUSTRY AND DEVELOP
9 RECOMMENDATIONS IN ACCORDANCE WITH SUBSECTIONS (1) AND (2) OF
10 THIS SECTION. THE BOARD SHALL REPORT ITS RECOMMENDATIONS AS
11 SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION.

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

17 (4) NOTHING IN THIS SECTION:

18 (a) LIMITS THE RIGHTS OF PARTIES TO A COLLECTIVE BARGAINING
19 AGREEMENT TO BARGAIN AND AGREE WITH RESPECT TO DIRECT CARE
20 EMPLOYMENT STANDARDS;

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

26 (c) DIMINISHES THE RIGHTS OF AN ELIGIBLE PERSON, AS DEFINED
27 IN SECTION 25.5-6-1101 (4), PARTICIPATING IN THE CONSUMER-DIRECTED

1 CARE SERVICE MODEL PURSUANT TO PART 11 OF ARTICLE 6 OF TITLE 25.5
2 TO CONTROL AND MANAGE THE ELIGIBLE PERSON'S SERVICES, INCLUDING
3 THE RIGHT TO HIRE, FIRE, SCHEDULE, AND SET WAGES FOR DIRECT CARE
4 WORKERS WHO PROVIDE DIRECT CARE SERVICES TO THE ELIGIBLE PERSON
5 WITHIN PARAMETERS SET IN CURRENT STATE AND LOCAL LAW.

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

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

17 (II) ALL CURRENT MINIMUM DIRECT CARE EMPLOYMENT
18 STANDARDS AND ANY LOCAL JURISDICTION MINIMUM DIRECT CARE
19 EMPLOYMENT STANDARDS; AND

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

25 (b) A DIRECT CARE EMPLOYER SHALL PROVIDE THE NOTICE
26 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION USING THE SAME MEANS
27 THAT THE DIRECT CARE EMPLOYER USES TO PROVIDE OTHER

1 WORK-RELATED NOTICES TO DIRECT CARE WORKERS.

2 (c) (I) THE BOARD SHALL MAKE AVAILABLE TO DIRECT CARE
3 EMPLOYERS A TEMPLATE OR SAMPLE NOTICE THAT SATISFIES THE
4 REQUIREMENTS OF THIS SECTION AND RULES ADOPTED BY THE
5 DEPARTMENT PURSUANT TO THIS TITLE 8 REGARDING OTHER REQUIRED
6 EMPLOYER NOTICES PERTAINING TO WAGES, PAY EQUITY, LABOR
7 CONDITIONS, AND FAMILY AND MEDICAL LEAVE BENEFITS. DIRECT CARE
8 EMPLOYERS SHALL PROVIDE THE BOARD WITH COPIES OF ANY NOTICES
9 GIVEN TO DIRECT CARE WORKERS PURSUANT TO THIS SECTION.

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

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

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

1 WORKERS REGARDING THE WORKERS' RIGHTS AND THE OBLIGATIONS OF
2 DIRECT CARE EMPLOYERS.

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

7 **8-7.5-106. Retaliation.** (1) A DIRECT CARE EMPLOYER SHALL NOT
8 RETALIATE AGAINST A DIRECT CARE WORKER, INCLUDING TAKING
9 RETALIATORY PERSONNEL ACTION, FOR:

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

12 (b) PARTICIPATING IN ANY PROCESS OR PROCEEDING UNDER THIS
13 ARTICLE 7.5, INCLUDING BOARD HEARINGS, INVESTIGATIONS, OR OTHER
14 PROCEEDINGS.

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

21 **8-7.5-107. Repeal of article - subject to review.** THIS ARTICLE
22 7.5 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029. BEFORE THE REPEAL,
23 THE BOARD IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION
24 24-34-104.

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

27 **24-34-104. General assembly review of regulatory agencies**

1 **and functions for repeal, continuation, or reestablishment - legislative**
2 **declaration - repeal.** (30) (a) The following agencies, functions, or both,
3 are scheduled for repeal on September 1, 2029:

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

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