

SENATE COMMITTEE OF REFERENCE REPORT

_____ Date April 4, 2022
Chair of Committee

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB22-154 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, line 2, strike "RESIDENT," and substitute
2 "RESIDENT OR".
- 3 Page 4, lines 3 and 4, strike "SECTION, OR THE STATE-LONG TERM CARE
4 OMBUDSMAN OR THE LOCAL OMBUDSMAN, WITH THE CONSENT OF THE"
5 and substitute "SECTION".
- 6 Page 4, line 5, strike "RESIDENT,".
- 7 Page 4, line 6, strike "DISCHARGE," and substitute "DISCHARGE WITHIN
8 FOURTEEN DAYS AFTER THE WRITTEN NOTICE,".
- 9 Page 4, line 8, strike "FOURTEEN" and substitute "FIVE BUSINESS".
- 10 Page 4, strike lines 10 and 11 and substitute "THAT THE RESIDENT OR
11 PERSON FILING THE GRIEVANCE MAY APPEAL".
- 12 Page 4, line 24, after "PHYSICIAN" insert "OR APPLICABLE HEALTH-CARE
13 OR BEHAVIORAL HEALTH PROVIDER".
- 14 Page 4, line 27, after "DISCHARGE" insert "OF A RESIDENT WITHOUT
15 THIRTY DAYS' NOTICE".
- 16 Page 5, line 10, strike "If A RESIDENCE".
- 17 Page 5, strike lines 11 through 15 and substitute "NOTWITHSTANDING THE
18 RESIDENT'S INVOLUNTARY DISCHARGE FROM THE RESIDENCE PURSUANT TO
19 THIS SUBSECTION (1)(c), THE RESIDENT MAY FILE A GRIEVANCE RELATING

1 TO THE INVOLUNTARY DISCHARGE WITHIN FOURTEEN DAYS AFTER THE
2 RESIDENT'S RECEIPT OF THE WRITTEN NOTICE OF INVOLUNTARY DISCHARGE
3 REQUIRED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION."

4 Page 5, strike lines 20 through 22 and substitute:

5 "(II) A RESIDENT OR ANY PERSON LISTED IN SUBSECTION (1)(a)(I)
6 OF THIS SECTION MAY FILE A".

7 Page 5, line 27, strike "A PERSON" and substitute "A RESIDENT OR A
8 PERSON LISTED IN SUBSECTION (1)(a)(I) OF THIS SECTION".

9 Page 6, line 2, strike "RESIDENT" and substitute "PERSON FILING THE
10 GRIEVANCE".

11 Page 6, line 5, strike "FOURTEEN" and substitute "FIVE BUSINESS".

12 Page 7, line 4, after "RESPONSE" insert "AS SOON AS POSSIBLE, BUT NO
13 LATER THAN SIXTY DAYS AFTER RECEIVING THE APPEAL,".

14 Page 7, line 10, after "NOT" insert "DISCHARGE, EXCEPT PURSUANT TO
15 SUBSECTION (1)(c) OF THIS SECTION, OR".

16 Page 7, lines 17 and 18, strike "THE STATE LONG-TERM CARE OMBUDSMAN
17 OR THE LOCAL OMBUDSMAN,".

18 Page 7, line 20, strike "PERSON" and substitute "RESIDENT, PERSON, OR
19 RESIDENCE".

20 Page 7, after line 21 insert:

21 "(6) NO LATER THAN JANUARY 1, 2023, THE STATE BOARD SHALL
22 PROMULGATE RULES NECESSARY TO IMPLEMENT THE GRIEVANCE PROCESS
23 SET FORTH IN THIS SECTION."

24 Renumber succeeding subsection accordingly.

25 Page 7, line 27, strike "(2)(l), (2)(m), and (3)" and substitute "(2)(l)".

26 Page 8, strike lines 10 through 16 and substitute:

27 "(B) ON AND AFTER JANUARY 1, 2024, THE STATE BOARD'S
28 MINIMUM STANDARDS FOR ADMINISTRATORS MUST REQUIRE, AT A
29 MINIMUM, THAT EACH ADMINISTRATOR, REGARDLESS OF THE

1 ADMINISTRATOR'S HIRE DATE, HAVE AT LEAST ONE YEAR EXPERIENCE
2 SUPERVISING THE DELIVERY OF PERSONAL CARE SERVICES THAT INCLUDES
3 ACTIVITIES OF DAILY LIVING OR HAS ATTAINED THE EDUCATION OR
4 EXPERIENCE ESTABLISHED BY THE STATE BOARD IN LIEU OF THAT
5 SUPERVISORY EXPERIENCE."

6 Page 8, lines 21 and 22, strike "agency, AND A CHECK OF THE COLORADO
7 ADULT PROTECTIVE SERVICES DATA SYSTEM PURSUANT TO SECTION
8 26-3.1-111" and substitute "agency".

9 Page 8, line 23, strike "residence." and substitute "residence AND SHALL
10 OBTAIN A CHECK OF THE COLORADO ADULT PROTECTIVE SERVICES DATA
11 SYSTEM PURSUANT TO SECTION 26-3.1-111 FOR ANY PERSON WHO IS AN
12 EMPLOYEE OF THE RESIDENCE, AS DEFINED IN SECTION 26-3.1-111 (2),
13 WHO WILL PROVIDE DIRECT CARE TO RESIDENTS."

14 Page 8, strike lines 26 and 27 and substitute "DISCHARGE OF RESIDENTS."

15 Strike page 9.

16 Page 10, strike lines 1 through 3.

17 Page 10, line 5, strike "(2)(b)(II)(B);" and substitute "(2)(b)(II);".

18 Page 10, line 9, strike "fine" and substitute "fine."

19 Page 10, strike line 10 and substitute "~~calendar year~~ THE STATE BOARD
20 SHALL NOT CAP THE AMOUNT OF FINES THAT MAY BE IMPOSED ON A
21 LICENSEE IN A CALENDAR YEAR."

22 Page 10, strike line 11 and substitute:

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

30 (B) If the department imposes an intermediate restriction or"

31 Page 10, line 21, strike "SECTION," and substitute "SECTION CONCERNING
32 THE IMPOSITION OF INTERMEDIATE RESTRICTIONS OR CONDITIONS ON A

1 LICENSEE,".

2 Page 10, lines 24 and 25, strike "CONSISTENT WITH STATE BOARD RULES
3 PURSUANT TO SECTION 25-27-104 (2), THE" and substitute "THE".

4 Page 11, lines 2 and 3, strike "CONSISTENT WITH STATE BOARD RULES,".

5 Page 11, lines 15 and 16, strike "CONSISTENT WITH STATE BOARD RULES,".

6 Page 12, strike lines 10 through 12 and substitute "ADMINISTRATOR DOES
7 NOT MEET THE REQUIREMENTS ESTABLISHED BY THE STATE BOARD
8 PURSUANT TO SECTION 25-27-104 (2)(g)(I)(B).".

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