

CHAPTER 167

HEALTH AND ENVIRONMENT

HOUSE BILL 19-1268

BY REPRESENTATIVE(S) Singer and Van Winkle, Bird, Bockenfeld, Buentello, Caraveo, Carver, Catlin, Cutter, Duran, Exum, Galindo, Gonzales-Gutierrez, Hooton, Jackson, Kipp, Michaelson Jenet, Mullica, Ransom, Snyder, Titone, Will, Wilson; also SENATOR(S) Todd and Hisey, Crowder, Moreno, Tate.

AN ACT

CONCERNING A REQUIREMENT THAT A REFERRAL AGENCY MAKE DISCLOSURES TO A PROSPECTIVE RESIDENT OF AN ASSISTED LIVING RESIDENCE.

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

SECTION 1. In Colorado Revised Statutes, **add** 6-1-729 as follows:

6-1-729. Assisted living residence referral - disclosures - penalty - fine - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ASSISTED LIVING RESIDENCE" HAS THE SAME MEANING AS IN SECTION 25-27-102.

(b) "REFERRAL AGENCY" MEANS AN INDIVIDUAL OR ENTITY THAT PROVIDES REFERRALS TO AN ASSISTED LIVING RESIDENCE FOR A FEE THAT IS COLLECTED FROM EITHER THE PROSPECTIVE RESIDENT OR THE ASSISTED LIVING RESIDENCE. "REFERRAL AGENCY" DOES NOT INCLUDE AN ASSISTED LIVING RESIDENCE OR ITS EMPLOYEES; A RESIDENT'S FAMILY MEMBER; OR A RESIDENT OF AN ASSISTED LIVING RESIDENCE, REGARDLESS OF WHETHER THE RESIDENT WHO REFERS A PROSPECTIVE RESIDENT TO AN ASSISTED LIVING RESIDENCE RECEIVES A DISCOUNT OR OTHER REMUNERATION FROM THE ASSISTED LIVING RESIDENCE.

(2) A REFERRAL AGENCY SHALL DISCLOSE TO A PROSPECTIVE RESIDENT OR THE REPRESENTATIVE OF THE PROSPECTIVE RESIDENT REFERRED TO AN ASSISTED LIVING RESIDENCE:

(a) DOCUMENTATION OF THE EXISTENCE OF ANY RELATIONSHIPS BETWEEN THE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

REFERRAL AGENCY AND THE ASSISTED LIVING RESIDENCE, INCLUDING COMMON OWNERSHIP OR CONTROL OF THE ASSISTED LIVING RESIDENCE, AND FINANCIAL, BUSINESS, MANAGEMENT, OR FAMILIAL RELATIONSHIPS BETWEEN THE REFERRAL AGENCY AND THE ASSISTED LIVING RESIDENCE; AND

(b) THAT THE REFERRAL AGENCY RECEIVES A FEE FROM THE ASSISTED LIVING RESIDENCE FOR THE REFERRAL.

(3) (a) THE REFERRAL AGENCY AND THE PROSPECTIVE RESIDENT OR REPRESENTATIVE OF THE PROSPECTIVE RESIDENT SHALL SIGN AND DATE THE DOCUMENTATION REQUIRED IN SUBSECTION (2)(a) OF THIS SECTION. THE REFERRAL AGENCY SHALL PROVIDE A WRITTEN OR ELECTRONIC COPY OF THE SIGNED DISCLOSURE TO THE ASSISTED LIVING RESIDENCE ON OR BEFORE THE DATE THE RESIDENT IS ADMITTED TO THE ASSISTED LIVING RESIDENCE.

(b) THE ASSISTED LIVING RESIDENCE SHALL:

(I) NOT PAY THE REFERRAL AGENCY A FEE UNTIL RECEIPT OF THE DOCUMENTATION; AND

(II) MAINTAIN A WRITTEN OR ELECTRONIC COPY OF THE DOCUMENTATION AT THE ASSISTED LIVING RESIDENCE FOR AT LEAST ONE YEAR AFTER THE DATE THAT THE NEW RESIDENT IS ADMITTED.

(4) A REFERRAL AGENCY THAT VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF UP TO FIVE HUNDRED DOLLARS PER VIOLATION.

(5) THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY MAY BRING A CIVIL ACTION ON BEHALF OF THE STATE TO SEEK THE IMPOSITION OF CIVIL PENALTY FOR A VIOLATION OF THIS SECTION OR TO ENJOIN THE CONTINUANCE OF THE VIOLATION BY THE REFERRAL AGENCY.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to referrals made on or after the applicable effective date of this act.

Approved: May 13, 2019