

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0097.03 Brita Darling x2241

SENATE BILL 23-063

SENATE SPONSORSHIP

Mullica,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING REQUIREMENTS FOR REFERRALS FOR PLACEMENT IN
102 ASSISTED LIVING RESIDENCES.

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>.)

With regard to referrals for placement in an assisted living residence (residence), the bill:

- Amends the definition of "referral agency" to specify that the term means an agency that receives a fee from a residence for providing referrals;
- Allows electronic documentation of an agreement between

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.

- a referral agency and a prospective tenant (agreement); and
- Prohibits a referral agency from referring a prospective resident to more than a reasonable number of assisted living residences with the intent to deny another referral agency a referral fee.

The bill adds that an agreement must include:

- The right not to be contacted by the referral agency; and
- The right to receive the referral agency's privacy policy.

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

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-729, **amend**
3 (1)(b), (2) introductory portion, (2)(c) introductory portion, (2)(c)(I),
4 (3)(a), (3)(b)(I), and (3)(b)(II); and **add** (2)(c)(III), (2)(c)(IV), and (3.5)
5 as follows:

6 **6-1-729. Assisted living residence referral - disclosures -**
7 **agreement- penalty - fine - definitions.** (1) As used in this section,
8 unless the context otherwise requires:

9 (b) "Referral agency" means an individual or entity that provides
10 referrals to an assisted living residence for a fee that is collected from
11 ~~either the prospective resident or the assisted living residence.~~ "Referral
12 agency" does not include an assisted living residence or its employees; a
13 resident's family member; or a resident of an assisted living residence,
14 regardless of whether the resident who refers a prospective resident to an
15 assisted living residence receives a discount or other remuneration from
16 the assisted living residence.

17 (2) A referral agency shall disclose OR PROVIDE, AS APPLICABLE
18 to a prospective resident or the representative of the prospective resident
19 referred to an assisted living residence:

20 (c) Written OR ELECTRONIC documentation of the agreement
21 between the referral agency and the prospective resident or representative

1 of the prospective resident. The agreement must include:

2 (I) The right of the prospective resident or representative of the
3 prospective resident to terminate the referral agency's services for any
4 reason at any time; and

5 (III) THE RIGHT OF THE PROSPECTIVE RESIDENT OR
6 REPRESENTATIVE OF THE PROSPECTIVE RESIDENT TO REQUEST NOT TO BE
7 CONTACTED IN THE FUTURE BY THE REFERRAL AGENCY; AND

8 (IV) THE RIGHT OF THE PROSPECTIVE RESIDENT OR
9 REPRESENTATIVE OF THE PROSPECTIVE RESIDENT TO RECEIVE THE
10 REFERRAL AGENCY'S PRIVACY POLICY UPON REQUEST TO THE REFERRAL
11 AGENCY.

12 (3) (a) The referral agency and the prospective resident or
13 representative of the prospective resident shall sign and date, IN WRITING
14 OR ELECTRONICALLY, the ~~documentation~~ AGREEMENT required in
15 ~~subsection (2)~~ SUBSECTION (2)(c) of this section. The referral agency shall
16 provide a written or electronic copy of the signed ~~disclosure~~ AGREEMENT
17 to the assisted living residence on or before the date the resident is
18 admitted to the assisted living residence.

19 (b) The assisted living residence shall:

20 (I) Not pay the referral agency a fee

21 ~~(A) until written receipt of~~ THE ASSISTED LIVING RESIDENCE
22 RECEIVES the ~~documentation~~ WRITTEN OR ELECTRONIC AGREEMENT
23 required in ~~subsection (2)~~ SUBSECTION (2)(c) of this section; and

24 ~~(B) On or after the date the agreement between the referral agency~~
25 ~~and the prospective client or representative of the prospective client is~~
26 ~~terminated;~~

27 (II) Maintain a written or electronic copy of the ~~documentation~~

1 AGREEMENT required in ~~subsection (2)~~ SUBSECTION (2)(c) of this section
2 at the assisted living residence for at least one year after the date that the
3 new resident is admitted; and

4 (3.5) EITHER BEFORE OR AFTER AN INITIAL CONSULTATION, A
5 REFERRAL AGENCY SHALL NOT REFER A PROSPECTIVE RESIDENT OR
6 REPRESENTATIVE OF THE PROSPECTIVE RESIDENT TO MORE THAN A
7 REASONABLE NUMBER OF ASSISTED LIVING RESIDENCES WITH THE INTENT
8 TO DENY ANOTHER REFERRAL AGENCY A REFERRAL FEE.

9 **SECTION 2. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2024 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.