

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 23-155

BY SENATOR(S) Zenzinger, Fields, Buckner, Ginal, Lundeen, Moreno, Smallwood;
also REPRESENTATIVE(S) Willford and Young, Bird, Boesenecker, Duran, English, Epps, Froelich, Garcia, Hamrick, Herod, Jodeh, Lieder, Lindsay, Lindstedt, McLachlan, Michaelson Jenet, Snyder, Bradley, Brown, Joseph, Parenti, Velasco, Woodrow, McCluskie.

CONCERNING THE CONTINUATION OF THE REGULATION OF NURSING HOME ADMINISTRATORS, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS IN THE 2022 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (24)(a)(VIII); and **add** (29)(a)(XIX) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (24) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2023:

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.

(VIII) ~~The regulation of nursing home administrators by the board of examiners of nursing home administrators in accordance with article 265 of title 12;~~

(29) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2028:

(XIX) THE REGULATION OF NURSING HOME ADMINISTRATORS BY THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS IN ACCORDANCE WITH ARTICLE 265 OF TITLE 12.

SECTION 2. In Colorado Revised Statutes, **amend** 12-265-123 as follows:

12-265-123. Repeal of article - review of functions. This article 265 is repealed, effective ~~September 1, 2023~~ SEPTEMBER 1, 2028. Before the repeal, the licensing functions of the board are scheduled for review in accordance with section 24-34-104.

SECTION 3. In Colorado Revised Statutes, 12-265-113, **amend** (1)(n), (1)(o), and (3); and **add** (1)(p) as follows:

12-265-113. Grounds for discipline. (1) The board has the power to take disciplinary or other action as specified in sections 12-20-404 and 12-265-107 (1)(d), upon proof that the person:

(n) Has practiced as a nursing home administrator during a period when the person's license has been suspended or revoked; ~~or~~

(o) Has sold, fraudulently obtained, or furnished a license to practice as a nursing home administrator, or has aided or abetted therein; OR

(p) HAS FAILED TO RESPOND IN AN HONEST, MATERIALLY RESPONSIVE, AND TIMELY MANNER TO A COMPLAINT FILED AGAINST THE PERSON.

(3) The board may send a letter of admonition ~~by certified mail~~ to a licensee under the circumstances specified in and in accordance with section 12-20-404 (4).

SECTION 4. In Colorado Revised Statutes, 25-1-124.5, **amend** (3) as follows:

25-1-124.5. Nursing care facilities - employees - record check - adult protective services data system check - definition. (3) In addition to the background check required pursuant to this section, on and after ~~January 1, 2019~~ JANUARY 1, 2024, prior to employment, a nursing care facility shall submit the name of a person who will be providing direct care, as defined in section 26-3.1-101 (3.5), to an at-risk adult, as defined in section 26-3.1-101 (1.5), AND THE NAME OF A PERSON WHO WILL BE SERVING AS A NURSING HOME ADMINISTRATOR, AS DEFINED IN SECTION 12-265-103 (2), as well as any other required identifying information, to the department of human services for a check of the Colorado adult protective services data system pursuant to section 26-3.1-111, to determine if the person is substantiated in a case of mistreatment of an at-risk adult.

SECTION 5. Effective date. This act takes effect upon passage; except that section 4 of this act takes effect January 1, 2024.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO