

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 23-0787.01 Christy Chase x2008

SENATE BILL 23-261

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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, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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

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.

SENATE
3rd Reading Unamended
April 24, 2023

SENATE
Amended 2nd Reading
April 21, 2023

1 (3) "DIRECT CARE CONSUMER" MEANS:
2 (a) A HOME CARE CONSUMER;
3 (b) AN ELIGIBLE PERSON, AS DEFINED IN SECTION 25.5-6-1101 (4),
4 INCLUDING AN ELIGIBLE PERSON WHO PARTICIPATES IN THE
5 CONSUMER-DIRECTED CARE SERVICE MODEL PURSUANT TO PART 11 OF
6 ARTICLE 6 OF TITLE 25.5; OR
7 (c) AN ELIGIBLE PERSON WITH A DISABILITY, AS DEFINED IN
8 SECTION 25.5-6-1302 (2).
9 (4) (a) "DIRECT CARE EMPLOYER" MEANS:
10 (I) A HOME CARE EMPLOYER; OR
11 (II) A PROVIDER AGENCY OR ORGANIZATION THAT PROVIDES
12 DIRECT CARE SERVICES.
13 (b) "DIRECT CARE EMPLOYER" DOES NOT INCLUDE AN ELIGIBLE
14 PERSON, AS DEFINED IN SECTION 25.5-6-1101 (4), WHO PARTICIPATES IN
15 THE CONSUMER-DIRECTED CARE SERVICE MODEL PURSUANT TO PART 11
16 OF ARTICLE 6 OF TITLE 25.5; EXCEPT THAT, SUCH ELIGIBLE PERSON IS A
17 DIRECT CARE EMPLOYER FOR PURPOSES OF APPOINTMENT OF DIRECT CARE
18 EMPLOYERS TO THE BOARD PURSUANT TO SECTION 8-7.5-103 (2)(a)(I)(B).
19 (5) "DIRECT CARE INDUSTRY" MEANS THE INDUSTRY IN WHICH
20 DIRECT CARE WORKERS DELIVER DIRECT CARE SERVICES TO DIRECT CARE
21 CONSUMERS IN COLORADO.
22 (6) "DIRECT CARE SERVICES" MEANS:
23 (a) PERSONAL CARE SERVICES; OR
24 (b) ANY SERVICES DESCRIBED IN PARTS 3 TO 13 OF ARTICLE 6 OF
25 TITLE 25.5 THAT DO NOT REQUIRE THE INDIVIDUAL PROVIDING THE
26 SERVICES TO BE LICENSED OR CERTIFIED BY THE STATE OR THE FEDERAL
27 GOVERNMENT IN ORDER TO PERFORM THE SERVICES.

- 1 (7) "DIRECT CARE WORKER" MEANS:
- 2 (a) A HOME CARE WORKER;
- 3 (b) AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF A DIRECT
- 4 CARE EMPLOYER, AS DEFINED IN SUBSECTION (4)(a)(II) OF THIS SECTION,
- 5 WHO PROVIDES DIRECT CARE SERVICES TO DIRECT CARE CONSUMERS, AS
- 6 DEFINED IN SUBSECTION (3)(b) OF THIS SECTION; OR
- 7 (c) AN INDIVIDUAL WHO PROVIDES DIRECT CARE SERVICES TO
- 8 DIRECT CARE CONSUMERS, AS DEFINED IN SUBSECTION (3)(c) OF THIS
- 9 SECTION.
- 10 (8) "EMPLOYER ORGANIZATION" MEANS:
- 11 (a) AN ORGANIZATION EXEMPT FROM FEDERAL INCOME TAXATION
- 12 UNDER SECTION 501 (c)(6) OF THE FEDERAL "INTERNAL REVENUE CODE
- 13 OF 1986", 26 U.S.C. SEC. 501, AS AMENDED, THAT REPRESENTS DIRECT
- 14 CARE EMPLOYERS; OR
- 15 (b) AN ENTITY SELECTED BY AND REPRESENTING EMPLOYERS.
- 16 (9) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
- 17 THE DEPARTMENT.
- 18 (10) "HOME CARE CONSUMER" MEANS A HOME CARE CONSUMER,
- 19 AS DEFINED IN SECTION 25-27.5-102 (4), WHO RECEIVES PERSONAL CARE
- 20 SERVICES.
- 21 (11) "HOME CARE EMPLOYER" MEANS A HOME CARE AGENCY, AS
- 22 DEFINED IN SECTION 25-27.5-102 (3), OR OTHER ENTITY THAT EMPLOYS
- 23 HOME CARE WORKERS.
- 24 (12) "HOME CARE WORKER" MEANS A WORKER PROVIDING
- 25 PERSONAL CARE SERVICES TO A HOME CARE CONSUMER.
- 26 (13) "PERSONAL CARE SERVICES" HAS THE SAME MEANING AS SET
- 27 FORTH IN SECTION 25-27.5-102 (6).

- 1 (14) "WORKER ORGANIZATION" MEANS AN ORGANIZATION THAT:
2 (a) IS EXEMPT FROM FEDERAL INCOME TAXATION UNDER SECTION
3 501 (c)(3), (c)(4), (c)(5), OR (c)(6) OF THE FEDERAL "INTERNAL REVENUE
4 CODE OF 1986", 26 U.S.C. SEC. 501, AS AMENDED;
5 (b) IS NOT DOMINATED, CONTROLLED, OR FUNDED BY ANY DIRECT
6 CARE EMPLOYER; AND
7 (c) HAS AT LEAST TWO YEARS OF DEMONSTRATED EXPERIENCE
8 ENGAGING AND ADVOCATING FOR DIRECT CARE WORKERS.

9 **8-7.5-103. Direct care workforce stabilization board - creation**
10 **- membership - repeal. (1) Board creation.** THE DIRECT CARE
11 WORKFORCE STABILIZATION BOARD IS CREATED IN THE DEPARTMENT AS
12 A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS
13 POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE
14 DEPARTMENT AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

15 (2) **Board membership.** (a) THE BOARD CONSISTS OF FIFTEEN
16 MEMBERS APPOINTED AS FOLLOWS:

17 (I) THE EXECUTIVE DIRECTOR SHALL APPOINT THE FOLLOWING
18 MEMBERS TO THE BOARD:

19 (A) A REPRESENTATIVE OF THE DEPARTMENT;

20 (B) FOUR MEMBERS REPRESENTING DIRECT CARE EMPLOYERS OR
21 EMPLOYER ORGANIZATIONS, INCLUDING AT LEAST ONE MEMBER THAT
22 SERVES A RURAL OR FRONTIER AREA OF THE STATE;

23 (C) FOUR MEMBERS REPRESENTING DIRECT CARE WORKERS OR
24 WORKER ORGANIZATIONS, INCLUDING AT LEAST ONE MEMBER FROM A
25 RURAL OR FRONTIER AREA OF THE STATE; AND

26 (D) FOUR MEMBERS REPRESENTING DIRECT CARE CONSUMERS WHO
27 RECEIVE DIRECT CARE SERVICES FROM DIRECT CARE WORKERS, INCLUDING

1 ONE MEMBER FROM AN ORGANIZATION REPRESENTING INDIVIDUALS WITH
2 DISABILITIES, ONE MEMBER FROM AN ORGANIZATION REPRESENTING
3 OLDER ADULTS, AND AT LEAST ONE MEMBER FROM A RURAL OR FRONTIER
4 AREA OF THE STATE;

5 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
6 CARE POLICY AND FINANCING SHALL APPOINT A REPRESENTATIVE OF THE
7 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO SERVE ON THE
8 BOARD; AND

9 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
10 HEALTH AND ENVIRONMENT SHALL APPOINT A REPRESENTATIVE OF THE
11 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO SERVE ON THE
12 BOARD.

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

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

23 (II) TO ENSURE STAGGERED TERMS OF OFFICE:

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

1 TO SUBSECTION (2)(a)(I)(D) OF THIS SECTION IS ONE YEAR; AND

2 (B) THE INITIAL TERM OF OFFICE OF ONE MEMBER INITIALLY
3 APPOINTED PURSUANT TO SUBSECTION (2)(a)(I)(B) OF THIS SECTION, OF
4 ONE MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTION (2)(a)(I)(C)
5 OF THIS SECTION, AND OF ONE MEMBER INITIALLY APPOINTED PURSUANT
6 TO SUBSECTION (2)(a)(I)(D) OF THIS SECTION IS TWO YEARS.

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

9 (b) IF A VACANCY OCCURS ON THE BOARD, THE APPOINTING
10 AUTHORITY FOR THE VACANT POSITION SHALL FILL THE POSITION ON THE
11 BOARD FOR THE REMAINDER OF THE UNEXPIRED TERM WITH A MEMBER
12 QUALIFIED FOR THE VACATED POSITION.

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

15 (5) **Meetings and hearings.** (a) THE BOARD SHALL CONVENE ITS
16 FIRST MEETING NO LATER THAN NOVEMBER 15, 2023, AND SHALL MEET AT
17 LEAST QUARTERLY THEREAFTER AND AT OTHER TIMES AS DETERMINED BY
18 THE CHAIR FOR PURPOSES OF DEVELOPING RECOMMENDATIONS FOR
19 MINIMUM DIRECT CARE EMPLOYMENT STANDARDS PURSUANT TO SECTION
20 8-7.5-104.

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

26 (6) **Voting.** THE BOARD MAY TAKE ACTION, INCLUDING ACTION TO
27 RECOMMEND MINIMUM DIRECT CARE EMPLOYMENT STANDARDS UNDER

1 SECTION 8-7.5-104, ONLY UPON THE AFFIRMATIVE VOTE OF AT LEAST
2 EIGHT MEMBERS OF THE BOARD.

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

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

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

23 (II) NOTWITHSTANDING SECTION 8-7.5-103 (6) AND SUBSECTION
24 (1)(c) OF THIS SECTION, THE BOARD MAY EXTEND ANY
25 RECOMMENDATIONS FOR MINIMUM DIRECT CARE EMPLOYMENT
26 STANDARDS DEVELOPED PURSUANT TO THIS SECTION TO ADDITIONAL
27 TYPES OF WORKERS WHO ARE DETERMINED TO PROVIDE SERVICES THAT

1 ARE DIRECT CARE IN NATURE WITHIN COLORADO'S LONG-TERM CARE
2 DELIVERY SYSTEM IF DEEMED APPROPRIATE BY THE MEMBERS OF THE
3 BOARD APPOINTED PURSUANT TO SECTION 8-7.5-103 (2)(a)(I)(A),
4 (2)(a)(II), AND (2)(a)(III).

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

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

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

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

20 (II) INVESTIGATE OTHER DIRECT CARE INDUSTRY MODELS,
21 INCLUDING DIRECT-CARE-WORKER-OWNED OPPORTUNITIES AND THE
22 IMPACT OF ACCESS TO WORKER ORGANIZATIONS;

23 (III) INVESTIGATE THE IMPACTS OF RACIAL AND ECONOMIC
24 INJUSTICES ON DIRECT CARE WORKERS AND THE DIRECT CARE CONSUMERS
25 TO WHOM THEY PROVIDE DIRECT CARE SERVICES;

26 (IV) INVESTIGATE THE ADEQUACY OF THE REIMBURSEMENT RATE
27 AVAILABLE THROUGH THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED

1 IN ARTICLES 4, 5, AND 6 OF TITLE 25.5;

2 (V) HOST PUBLIC MEETINGS IN ACCORDANCE WITH SUBSECTION
3 (2)(c) OF THIS SECTION FOR PURPOSES OF ENGAGING WITH AND OBTAINING
4 INPUT FROM DIRECT CARE WORKERS, DIRECT CARE EMPLOYERS, AND
5 DIRECT CARE CONSUMERS; AND

6 (VI) ENDEAVOR TO DEVELOP MINIMUM DIRECT CARE EMPLOYMENT
7 STANDARDS THAT MEET OR EXCEED THE EXISTING INDUSTRY CONDITIONS
8 THAT APPLY TO A MAJORITY OF DIRECT CARE WORKERS IN THE STATE OR
9 IN SPECIFIED AREAS OF THE STATE.

10 (b) THE BOARD SHALL CONSIDER THE FOLLOWING INFORMATION IN
11 DEVELOPING RECOMMENDATIONS FOR MINIMUM DIRECT CARE
12 EMPLOYMENT STANDARDS:

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

17 (II) DATA CONCERNING THE REIMBURSEMENT RATE THROUGH THE
18 MEDICAL ASSISTANCE PROGRAM ESTABLISHED IN ARTICLES 4, 5, AND 6 OF
19 TITLE 25.5;

20 (III) STATEMENTS SHOWING WAGE RATES PAID TO, BENEFITS
21 PROVIDED TO, AND WORKING HOURS AND OTHER WORKING CONDITIONS OF
22 DIRECT CARE WORKERS IN THE AREAS SPECIFIED BY THE BOARD;

23 (IV) SIGNED COLLECTIVE BARGAINING AGREEMENTS APPLICABLE
24 TO DIRECT CARE WORKERS IN THE STATE OR IN THE AREAS SPECIFIED BY
25 THE BOARD;

26 (V) TESTIMONY AND INFORMATION PROVIDED BY CURRENT AND
27 FORMER DIRECT CARE WORKERS, WORKER ORGANIZATIONS, DIRECT CARE

1 EMPLOYERS, EMPLOYER ORGANIZATIONS, AND DIRECT CARE CONSUMERS;

2 (VI) LOCAL JURISDICTION MINIMUM DIRECT CARE EMPLOYMENT
3 STANDARDS;

4 (VII) ANY RECOMMENDATIONS AND FINDINGS FROM PREVIOUS
5 ANDEXISTING WORKING GROUPS THAT THE BOARD CONSIDERS RELEVANT,
6 INCLUDING ANY DIRECT CARE WORKFORCE COLLABORATIVE STAKEHOLDER
7 GROUPS CONVENED BY THE DEPARTMENT OF HEALTH CARE POLICY AND
8 FINANCING AND THE HOME CARE ADVISORY COMMITTEE CREATED IN
9 SECTION 25-27.5-104 (3);

10 (VIII) INFORMATION SUBMITTED BY OR OBTAINED FROM STATE
11 AND LOCAL GOVERNMENT AGENCIES; ==

12 (IX) DATA AND ANALYSIS THAT THE DEPARTMENT OF HEALTH
13 CARE POLICY AND FINANCING SHALL PROVIDE TO THE BOARD REGARDING
14 THE DIRECT CARE WORKFORCE THAT SERVES RECIPIENTS OF THE MEDICAL
15 ASSISTANCE PROGRAM ESTABLISHED PURSUANT TO ARTICLES 4, 5, AND 6
16 OF TITLE 25.5 AND CONTEXT, EXPERTISE, OR FEEDBACK THAT THE
17 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PROVIDE TO
18 THE BOARD, WHEN RELEVANT TO THE RECOMMENDATIONS THE BOARD IS
19 DEVELOPING, THAT IS SPECIFIC TO THE POTENTIAL IMPACTS OF THE
20 RECOMMENDATIONS ON THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED
21 PURSUANT TO ARTICLES 4, 5, AND 6 OF TITLE 25.5; AND

22 (X) ANY OTHER INFORMATION PERTINENT TO THE DETERMINATION
23 OF MINIMUM DIRECT CARE EMPLOYMENT STANDARDS.

24 (c) (I) THE BOARD SHALL ENDEAVOR TO ENGAGE AS MANY DIRECT
25 CARE WORKERS AS POSSIBLE IN INVESTIGATING THE DIRECT CARE
26 INDUSTRY MARKET CONDITIONS AND IN DEVELOPING RECOMMENDATIONS
27 FOR MINIMUM DIRECT CARE EMPLOYMENT STANDARDS AND IMPROVED

1 COMMUNICATIONS. TO FACILITATE OUTREACH TO DIRECT CARE WORKERS
2 AND DIRECT CARE CONSUMERS, THE BOARD SHALL DEVELOP A PUBLIC
3 EDUCATION AND COMMUNICATION PLAN IN ORDER TO INFORM DIRECT
4 CARE WORKERS AND DIRECT CARE CONSUMERS OF THE BOARD, ITS
5 PURPOSE, ITS MEETINGS AND HEARINGS, AND THE RIGHT OF DIRECT CARE
6 WORKERS AND DIRECT CARE CONSUMERS TO PARTICIPATE IN THE BOARD'S
7 MEETINGS AND HEARINGS, ITS MARKET CONDITIONS INVESTIGATION, AND
8 ITS DEVELOPMENT OF RECOMMENDATIONS FOR MINIMUM DIRECT CARE
9 EMPLOYMENT STANDARDS. THE PLAN MUST INCLUDE AN OPTION FOR
10 DIRECT CARE WORKERS AND DIRECT CARE CONSUMERS TO INDICATE AN
11 INTEREST IN RECEIVING ONGOING COMMUNICATIONS FROM THE BOARD
12 ABOUT OPPORTUNITIES FOR ENGAGEMENT WITH THE BOARD.

13 (II) FOR PURPOSES OF FACILITATING ENGAGEMENT WITH AND
14 INPUT FROM DIRECT CARE WORKERS, DIRECT CARE EMPLOYERS, AND
15 DIRECT CARE CONSUMERS, THE BOARD SHALL HOST AT LEAST FOUR PUBLIC
16 HEARINGS BEFORE FINALIZING ITS INITIAL RECOMMENDATIONS FOR
17 MINIMUM DIRECT CARE EMPLOYMENT STANDARDS. THE BOARD SHALL:

18 (A) SCHEDULE PUBLIC HEARINGS AT VARIABLE TIMES OF THE DAY
19 AND DAYS OF THE WEEK THROUGHOUT THE YEAR, INCLUDING AT LEAST
20 ONE MEETING SCHEDULED ON A WEEKEND, ONE MEETING SCHEDULED IN
21 THE EVENING, AND ONE MEETING SCHEDULED IN THE MORNING;

22 (B) PROVIDE NOTICE OF EACH HEARING, INCLUDING THE DATE,
23 TIME, AND LOCATION OF THE HEARING AND THE NAME AND CONTACT
24 INFORMATION FOR EACH MEMBER OF THE BOARD, AT LEAST THIRTY DAYS
25 IN ADVANCE OF THE HEARING AND SHALL ENLIST ASSISTANCE FROM THE
26 DEPARTMENT OF LABOR AND EMPLOYMENT AND THE DEPARTMENT OF
27 HEALTH CARE POLICY AND FINANCING, AS WELL AS EMPLOYER

1 ORGANIZATIONS, WORKER ORGANIZATIONS, CONSUMER ADVOCACY
2 GROUPS, AND OTHER STAKEHOLDERS IN THE DIRECT CARE INDUSTRY, TO
3 PROVIDE NOTICE OF THE HEARING TO DIRECT CARE WORKERS, DIRECT CARE
4 EMPLOYERS, DIRECT CARE CONSUMERS, AND OTHER INTERESTED PARTIES;
5 AND

6 (C) INCLUDE IN THE NOTICE AN OPTION FOR DIRECT CARE
7 WORKERS AND DIRECT CARE CONSUMERS TO INDICATE AN INTEREST IN
8 RECEIVING ONGOING COMMUNICATIONS FROM THE BOARD REGARDING THE
9 ACTIVITIES OF THE BOARD AND OPPORTUNITIES FOR DIRECT CARE
10 WORKERS AND DIRECT CARE CONSUMERS TO PARTICIPATE IN HEARINGS
11 AND TO PROVIDE INPUT TO THE BOARD. A DEPARTMENT OR OTHER ENTITY
12 THAT RECEIVES AN INDICATION OF INTEREST FROM A DIRECT CARE
13 WORKER OR A DIRECT CARE CONSUMER SHALL FORWARD THAT
14 INFORMATION TO THE BOARD.

15 (3) (a) BY SEPTEMBER 1, 2024, THE BOARD SHALL REPORT ANY
16 RECOMMENDATIONS FOR INITIAL STANDARDS FOR DIRECT CARE WORKER
17 COMPENSATION, WORKING HOURS, AND OTHER WORKING CONDITIONS,
18 INCLUDING RECOMMENDATIONS FOR LEGISLATION OR ADMINISTRATIVE
19 RULES OR ORDERS, THAT THE BOARD APPROVES IN ACCORDANCE WITH
20 SECTION 8-7.5-103 (6) TO THE GOVERNOR AND TO THE BUSINESS AFFAIRS
21 AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
22 BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, OR
23 THEIR SUCCESSOR COMMITTEES.

24 (b) NO LATER THAN TWO YEARS AFTER THE BOARD REPORTS ITS
25 INITIAL MINIMUM DIRECT CARE EMPLOYMENT STANDARDS
26 RECOMMENDATIONS PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION,
27 AND AT LEAST ONCE EVERY TWO YEARS THEREAFTER, THE BOARD SHALL

1 CONDUCT A REVIEW OF THE DIRECT CARE INDUSTRY AND DEVELOP
2 RECOMMENDATIONS IN ACCORDANCE WITH SUBSECTIONS (1) AND (2) OF
3 THIS SECTION. THE BOARD SHALL REPORT ITS RECOMMENDATIONS AS
4 SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION.

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

10 (4) NOTHING IN THIS SECTION:

11 (a) LIMITS THE RIGHTS OF PARTIES TO A COLLECTIVE BARGAINING
12 AGREEMENT TO BARGAIN AND AGREE WITH RESPECT TO DIRECT CARE
13 EMPLOYMENT STANDARDS;

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

19 (c) DIMINISHES THE RIGHTS OF AN ELIGIBLE PERSON, AS DEFINED
20 IN SECTION 25.5-6-1101 (4), PARTICIPATING IN THE CONSUMER-DIRECTED
21 CARE SERVICE MODEL PURSUANT TO PART 11 OF ARTICLE 6 OF TITLE 25.5
22 TO CONTROL AND MANAGE THE ELIGIBLE PERSON'S SERVICES, INCLUDING
23 THE RIGHT TO HIRE, FIRE, SCHEDULE, AND SET WAGES FOR DIRECT CARE
24 WORKERS WHO PROVIDE DIRECT CARE SERVICES TO THE ELIGIBLE PERSON
25 WITHIN PARAMETERS SET IN CURRENT STATE AND LOCAL LAW.

26 **8-7.5-105. Notice to direct care workers - duty of direct care**
27 **employers - posting on state websites - board review and**

1 **recommendations - rules.** (1) (a) STARTING JANUARY 1, 2025, EACH
2 DIRECT CARE EMPLOYER SHALL ANNUALLY PROVIDE A NOTICE TO DIRECT
3 CARE WORKERS EMPLOYED BY THE DIRECT CARE EMPLOYER INFORMING
4 THE DIRECT CARE WORKERS OF THE FOLLOWING:

5 (I) THE RIGHTS OF DIRECT CARE WORKERS AND THE OBLIGATIONS
6 OF DIRECT CARE EMPLOYERS PROVIDED UNDER THIS ARTICLE 7.5,
7 INCLUDING THEIR RIGHTS TO PARTICIPATE IN PUBLIC HEARINGS THAT THE
8 BOARD CONDUCTS AND TO PROVIDE WRITTEN OR ORAL TESTIMONY TO THE
9 BOARD;

10 (II) ALL CURRENT MINIMUM DIRECT CARE EMPLOYMENT
11 STANDARDS AND ANY LOCAL JURISDICTION MINIMUM DIRECT CARE
12 EMPLOYMENT STANDARDS; AND

13 (III) THE CONTACT INFORMATION FOR, AND A STATEMENT THAT
14 THE DIRECT CARE WORKER MAY CONTACT, THE DEPARTMENT FOR
15 ASSISTANCE AND INFORMATION REGARDING THE RIGHTS AND OBLIGATIONS
16 UNDER THIS ARTICLE 7.5 AND ANY STANDARDS DESCRIBED IN SUBSECTION
17 (1)(a)(II) OF THIS SECTION.

18 (b) A DIRECT CARE EMPLOYER SHALL PROVIDE THE NOTICE
19 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION USING THE SAME MEANS
20 THAT THE DIRECT CARE EMPLOYER USES TO PROVIDE OTHER
21 WORK-RELATED NOTICES TO DIRECT CARE WORKERS.

22 (c) (I) THE BOARD SHALL MAKE AVAILABLE TO DIRECT CARE
23 EMPLOYERS A TEMPLATE OR SAMPLE NOTICE THAT SATISFIES THE
24 REQUIREMENTS OF THIS SECTION AND RULES ADOPTED BY THE
25 DEPARTMENT PURSUANT TO THIS TITLE 8 REGARDING OTHER REQUIRED
26 EMPLOYER NOTICES PERTAINING TO WAGES, PAY EQUITY, LABOR
27 CONDITIONS, AND FAMILY AND MEDICAL LEAVE BENEFITS. DIRECT CARE

1 EMPLOYERS SHALL PROVIDE THE BOARD WITH COPIES OF ANY NOTICES
2 GIVEN TO DIRECT CARE WORKERS PURSUANT TO THIS SECTION.

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

8 (2) THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE
9 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND THE
10 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL POST THE
11 NOTICE DESCRIBED IN SUBSECTION (1) OF THIS SECTION ON THEIR
12 RESPECTIVE PUBLIC-FACING WEBSITES.

13 (3) (a) THE BOARD SHALL REVIEW THE MANNER IN WHICH DIRECT
14 CARE WORKERS ARE INFORMED OF THEIR RIGHTS AND THE OBLIGATIONS OF
15 DIRECT CARE EMPLOYERS UNDER THIS ARTICLE 7.5 AND UNDER OTHER
16 APPLICABLE STATE STATUTES AND RULES AND SHALL MAKE
17 RECOMMENDATIONS TO THE DEPARTMENT OF LABOR AND EMPLOYMENT,
18 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND THE
19 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ON METHODS TO
20 IMPROVE THE STATE'S ABILITY TO COMMUNICATE WITH DIRECT CARE
21 WORKERS REGARDING THE WORKERS' RIGHTS AND THE OBLIGATIONS OF
22 DIRECT CARE EMPLOYERS.

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

27 **8-7.5-106. Retaliation.** (1) A DIRECT CARE EMPLOYER SHALL NOT

1 RETALIATE AGAINST A DIRECT CARE WORKER, INCLUDING TAKING
2 RETALIATORY PERSONNEL ACTION, FOR:

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

5 (b) PARTICIPATING IN ANY PROCESS OR PROCEEDING UNDER THIS
6 ARTICLE 7.5, INCLUDING BOARD HEARINGS, INVESTIGATIONS, OR OTHER
7 PROCEEDINGS.

8 (2) A DIRECT CARE EMPLOYER SHALL NOT RETALIATE AGAINST A
9 DIRECT CARE CONSUMER FOR ADVOCATING FOR A DIRECT CARE WORKER
10 OR ASSISTING A DIRECT CARE WORKER IN REPORTING MISCONDUCT TO THE
11 DEPARTMENT. RETALIATION INCLUDES DROPPING A DIRECT CARE
12 CONSUMER FROM SERVICES BECAUSE THE DIRECT CARE CONSUMER
13 ADVOCATED FOR DIRECT CARE WORKERS.

14 **8-7.5-107. Repeal of article - subject to review.** THIS ARTICLE
15 7.5 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029. BEFORE THE REPEAL,
16 THE BOARD IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION
17 24-34-104.

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

20 **24-34-104. General assembly review of regulatory agencies**
21 **and functions for repeal, continuation, or reestablishment - legislative**
22 **declaration - repeal.** (30) (a) The following agencies, functions, or both,
23 are scheduled for repeal on September 1, 2029:

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

26 **SECTION 3. Appropriation.** (1) **For the 2023-24 state fiscal**
27 **year, \$81,912 is appropriated to the department of labor and employment**

1 for use by the executive directors' office. This appropriation is from the
2 general fund. To implement this act, the office may use this appropriation
3 as follows:

4 (a) \$23,747 for personal services, which amount is based on an
5 assumption that the office will require an additional 0.4 FTE; and

6 (b) \$58,165 for operating expenses.

7 **SECTION 4. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2024 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.