

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 24-0723.01 Kristen Forrestal x4217

SENATE BILL 24-167

SENATE SPONSORSHIP

Ginal and Smallwood,

HOUSE SPONSORSHIP

McCormick,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING PORTABLE REQUIREMENTS FOR DIRECT-CARE**
102 **HEALTH-CARE WORKERS IN ASSISTED LIVING RESIDENCES, AND,**
103 **IN CONNECTION 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 authorizes the department of public health and environment to require each operator of an assisted living residence to require each direct-care worker who provides direct-care services to residents of an assisted living residence (direct-care worker) to:

- Take a tuberculosis test; and

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
Amended 2nd Reading
April 18, 2024

- Undergo fit testing for a respiratory mask.

The bill requires each operator of an assisted living residence to require each direct-care worker to complete direct-care training to provide specific services to residents.

The individual or entity that provides training is required to provide each trained direct-care worker with a certificate of completion of training that may be presented to another assisted living residence to consider for the purposes of satisfying the residence's training requirements.

For a direct-care worker who has been issued a certificate of completion, an operator of an assisted living residence may require an employee to complete new training or may require the completion of a competency test prior to the employee providing direct-care services.

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

2 **SECTION 1. In Colorado Revised Statutes, 25-27-102, add (2.5),**
3 **(2.7), (9.3), (9.5), and (10.5) as follows:**

4 **25-27-102. Definitions. As used in this article 27, unless the**
5 **context otherwise requires:**

6 **(2.5) "DIRECT CARE WORKER" MEANS AN EMPLOYEE WHO**
7 **PROVIDES HANDS-ON CARE, SERVICES, AND SUPPORT TO RESIDENTS OF AN**
8 **ASSISTED LIVING RESIDENCE.**

9 **(2.7) "FIT TEST" MEANS A TEST PROTOCOL CONDUCTED TO VERIFY**
10 **THAT A RESPIRATOR OR MASK IS BOTH COMFORTABLE AND PROVIDES THE**
11 **WEARER WITH THE EXPECTED PROTECTION.**

12 **(9.3) "PORTABLE TEST" MEANS THE FOLLOWING TESTS FOR WHICH,**
13 **WHEN SUCCESSFULLY COMPLETED BY AN INDIVIDUAL, THE INDIVIDUAL IS**
14 **PROVIDED A CERTIFICATION OF COMPLETION THAT MAY BE TRANSFERRED**
15 **FROM ONE ASSISTED LIVING RESIDENCE TO ANOTHER IN ACCORDANCE**
16 **WITH THIS SECTION:**

17 **(a) A FIT TEST; AND**

18 **(b) A TUBERCULOSIS TEST.**

1 (9.5) "PORTABLE TRAINING" MEANS THE FOLLOWING TRAINING FOR
2 WHICH, WHEN SUCCESSFULLY COMPLETED BY AN INDIVIDUAL, THE
3 INDIVIDUAL IS PROVIDED A CERTIFICATION OF COMPLETION THAT MAY BE
4 TRANSFERRED FROM ONE ASSISTED LIVING RESIDENCE TO ANOTHER IN
5 ACCORDANCE WITH THIS SECTION:

- 6 (a) HAND HYGIENE AND INFECTION CONTROL;
- 7 (b) BASIC FIRST AID;
- 8 (c) RESIDENT RIGHTS;
- 9 (d) PERSON-CENTERED CARE;
- 10 (e) FALL PREVENTION;
- 11 (f) LIFT ASSISTANCE; AND
- 12 (g) FOOD SAFETY.

13 (10.5) "QUALIFIED MEDICATION ADMINISTRATION PERSONNEL"
14 MEANS AN INDIVIDUAL WHO HAS PASSED A COMPETENCY EVALUATION
15 ADMINISTERED BY AN APPROVED TRAINING ENTITY ON OR AFTER JULY 1,
16 2017, AND WHOSE NAME APPEARS ON THE DEPARTMENT'S LIST OF
17 INDIVIDUALS WHO HAVE PASSED THE REQUISITE COMPETENCY
18 EVALUATION.

19 **SECTION 2.** In Colorado Revised Statutes, add 25-27-114 as
20 follows:

21 **25-27-114. Direct care workers in assisted living residences -**
22 **training - portability - rules.** (1) (a) If AN OPERATOR OF AN ASSISTED
23 LIVING RESIDENCE PROVIDES OR PAYS FOR A PORTABLE TEST FOR A DIRECT
24 CARE WORKER OR FOR QUALIFIED MEDICATION ADMINISTRATION
25 PERSONNEL EMPLOYED BY THE ASSISTED LIVING RESIDENCE, THE
26 OPERATOR SHALL MAKE THE RESULTS OF THE TEST AVAILABLE TO THE
27 DIRECT CARE WORKER OR QUALIFIED MEDICATION ADMINISTRATION

1 PERSONNEL UPON COMPLETION OF THE TEST.

2 (b) IF, UPON HIRE BY AN ASSISTED LIVING RESIDENCE, A NEW
3 EMPLOYEE PROVIDES PROOF OF COMPLETION OF A PORTABLE TEST, THE
4 OPERATOR OF THE ASSISTED LIVING RESIDENCE MAY DETERMINE THAT THE
5 INDIVIDUAL HAS SATISFIED RELATED TESTING REQUIREMENTS OR REQUIRE
6 THE INDIVIDUAL TO COMPLETE NEW TESTING.

7 (c) THE RESULTS OF A TUBERCULOSIS TEST MAY BE ACCEPTED FOR
8 PURPOSES OF NEW EMPLOYMENT RECORDS IF PRESENTED TO THE NEW
9 EMPLOYER WITHIN TWO YEARS AFTER THE TESTING DATE.
10 NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE DEPARTMENT
11 MAY REQUIRE ADDITIONAL TESTING AS DETERMINED THROUGH
12 ADMINISTRATIVE ACTION, NOTICE, RULE, OR STATE LAW.

13 (2) IF AN OPERATOR OF AN ASSISTED LIVING RESIDENCE PROVIDES
14 OR PAYS FOR PORTABLE TRAINING FOR A DIRECT CARE WORKER OR
15 QUALIFIED MEDICATION ADMINISTRATION PERSONNEL EMPLOYED BY THE
16 OPERATOR, UPON COMPLETION OF THE PORTABLE TRAINING, THE
17 OPERATOR OR THE ENTITY THAT PROVIDES THE PORTABLE TRAINING SHALL
18 PROVIDE THE INDIVIDUAL WHO COMPLETES THE PORTABLE TRAINING WITH
19 A CERTIFICATE OF COMPLETION. THE CERTIFICATE OF COMPLETION MUST
20 INCLUDE:

21 (a) THE PORTABLE TOPIC COVERED;

22 (b) THE DATE OF THE PORTABLE TRAINING;

23 (c) THE INDIVIDUAL OR ENTITY THAT PROVIDED THE PORTABLE
24 TRAINING;

25 (d) DOCUMENTATION OF COMPETENCY IN THE SPECIFIC PORTABLE
26 TOPIC OF THE PORTABLE TRAINING; AND

27 (e) ADDITIONAL ELEMENTS AS DETERMINED BY RULE.

1 (3) (a) If, upon hire by an assisted living residence, a new
2 direct care worker provides proof of completion of portable
3 training, the assisted living residence shall ensure, in a form
4 and manner determined by the operator, that the direct care
5 worker has satisfied the related portable training requirements
6 in order to ensure that each direct care worker can safely
7 carry out the duties and responsibilities for the care and
8 provision of services to residents.

9 (b) In addition to portable training, the operator of an
10 assisted living residence shall ensure that each direct care
11 worker receives any training required by rules adopted by the
12 state board, or as set forth in state law, within the timelines set
13 by state law or rule.

14 (4) The state board shall accept proof of a portable test
15 or a certificate for portable training that is deemed sufficient
16 by an assisted living residence operator as proof of completion
17 of a portable test or portable training. The state board may,
18 but is not required to, promulgate rules to define other
19 portable tests or portable trainings as portable.

20 (5) If an assisted living residence operator accepts proof
21 of portable training conducted by another entity, the assisted
22 living residence operator shall ensure competency in a form and
23 manner to be determined by the operator in order to ensure
24 prior education and portable training are sufficient for the
25 direct care worker to safely carry out the direct care worker's
26 duties and responsibilities. An assisted living residence that
27 currently employs a direct care worker is liable for any acts or

1 OMISSIONS BY THE DIRECT CARE WORKER EMPLOYEE THAT ARE DIRECTLY
2 RELATED TO THE EMPLOYEE'S PREVIOUS PORTABLE TRAINING AND THE
3 ACCEPTANCE OF THE CERTIFICATION OF COMPLETION OF THAT TRAINING
4 BY THE ASSISTED LIVING RESIDENCE.

5 **SECTION 3. Appropriation.** For the 2024-25 state fiscal year,
6 \$30,152 is appropriated to the department of public health and
7 environment for use by the health facilities and emergency medical
8 services division. This appropriation is from the general fund and is based
9 on an assumption that the division will require an additional 0.3 FTE. To
10 implement this act, the division may use this appropriation for
11 administration and operations.

12 **SECTION 4. Act subject to petition - effective date.** This act
13 takes effect January 1, 2025; except that, if a referendum petition is filed
14 pursuant to section 1 (3) of article V of the state constitution against this
15 act or an item, section, or part of this act within the ninety-day period
16 after final adjournment of the general assembly, then the act, item,
17 section, or part will not take effect unless approved by the people at the
18 general election to be held in November 2024 and, in such case, will take
19 effect January 1, 2025, or on the date of the official declaration of the
20 vote thereon by the governor, whichever is later.