

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0723.01 Kristen Forrestal x4217

**SENATE BILL 24-167**

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**SENATE SPONSORSHIP**

**Ginal and Smallwood,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Health & Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PORTABLE REQUIREMENTS FOR DIRECT-CARE**  
102 **HEALTH-CARE WORKERS IN ASSISTED LIVING RESIDENCES.**

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**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
- Undergo fit testing for a respiratory mask.

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.

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.

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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.**

19 **(9.5) "PORTABLE TRAINING" MEANS THE FOLLOWING TRAINING FOR**

1 WHICH, WHEN SUCCESSFULLY COMPLETED BY AN INDIVIDUAL, THE  
2 INDIVIDUAL IS PROVIDED A CERTIFICATION OF COMPLETION THAT MAY BE  
3 TRANSFERRED FROM ONE ASSISTED LIVING RESIDENCE TO ANOTHER IN  
4 ACCORDANCE WITH THIS SECTION:

5 (a) HAND HYGIENE AND INFECTION CONTROL;

6 (b) BASIC FIRST AID;

7 (c) RESIDENT RIGHTS;

8 (d) PERSON-CENTERED CARE;

9 (e) FALL PREVENTION;

10 (f) LIFT ASSISTANCE; AND

11 (g) FOOD SAFETY.

12 (10.5) "QUALIFIED MEDICATION ADMINISTRATION PERSONNEL"  
13 MEANS AN INDIVIDUAL WHO HAS PASSED A COMPETENCY EVALUATION  
14 ADMINISTERED BY AN APPROVED TRAINING ENTITY ON OR AFTER JULY 1,  
15 2017, AND WHOSE NAME APPEARS ON THE DEPARTMENT'S LIST OF  
16 INDIVIDUALS WHO HAVE PASSED THE REQUISITE COMPETENCY  
17 EVALUATION.

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

20 **25-27-114. Direct care workers in assisted living residences -**  
21 **training - portability - rules.** (1) (a) IF AN OPERATOR OF AN ASSISTED  
22 LIVING RESIDENCE PROVIDES OR PAYS FOR A PORTABLE TEST FOR A DIRECT  
23 CARE WORKER OR FOR QUALIFIED MEDICATION ADMINISTRATION  
24 PERSONNEL EMPLOYED BY THE ASSISTED LIVING RESIDENCE, THE  
25 OPERATOR SHALL MAKE THE RESULTS OF THE TEST AVAILABLE TO THE  
26 DIRECT CARE WORKER OR QUALIFIED MEDICATION ADMINISTRATION  
27 PERSONNEL UPON COMPLETION OF THE TEST.

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

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

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

- 19               (a) THE TOPIC COVERED;
- 20               (b) THE DATE OF THE TRAINING;
- 21               (c) THE INDIVIDUAL OR ENTITY THAT PROVIDED THE TRAINING;
- 22               (d) DOCUMENTATION OF COMPETENCY IN THE SPECIFIC TOPIC OF  
23               THE TRAINING; AND
- 24               (e) ADDITIONAL ELEMENTS AS DETERMINED BY RULE OF THE  
25               DEPARTMENT.

26          (3) (a) IF, UPON HIRE BY AN ASSISTED LIVING RESIDENCE, A NEW  
27          DIRECT CARE WORKER PROVIDES PROOF OF COMPLETION OF PORTABLE

1 TRAINING, THE ASSISTED LIVING RESIDENCE SHALL ENSURE, IN A FORM  
2 AND MANNER DETERMINED BY THE OPERATOR, THAT THE DIRECT CARE  
3 WORKER HAS SATISFIED THE RELATED PORTABLE TRAINING REQUIREMENTS  
4 IN ORDER TO ENSURE THAT EACH DIRECT CARE WORKER CAN SAFELY  
5 CARRY OUT THE DUTIES AND RESPONSIBILITIES FOR THE CARE AND  
6 PROVISION OF SERVICES TO RESIDENTS.

7 (b) IN ADDITION TO PORTABLE TRAINING, THE OPERATOR OF AN  
8 ASSISTED LIVING RESIDENCE SHALL ENSURE THAT EACH DIRECT CARE  
9 WORKER RECEIVES ANY TRAINING REQUIRED BY RULES ADOPTED BY THE  
10 STATE BOARD, OR AS SET FORTH IN STATE LAW, WITHIN THE TIMELINES SET  
11 BY STATE LAW OR RULE.

12 (4) THE DEPARTMENT SHALL ACCEPT PROOF OF A PORTABLE TEST  
13 OR A CERTIFICATE FOR PORTABLE TRAINING THAT IS DEEMED SUFFICIENT  
14 BY AN ASSISTED LIVING RESIDENCE OPERATOR AS PROOF OF COMPLETION  
15 OF A TEST OR TRAINING. THE DEPARTMENT MAY, BUT IS NOT REQUIRED TO,  
16 PROMULGATES RULES TO DEFINE OTHER TESTS OR TRAININGS AS  
17 PORTABLE.

18 (5) IF AN ASSISTED LIVING RESIDENCE OPERATOR ACCEPTS PROOF  
19 OF TRAINING CONDUCTED BY ANOTHER ENTITY, THE ASSISTED LIVING  
20 RESIDENCE OPERATOR SHALL ENSURE COMPETENCY IN A FORM AND  
21 MANNER TO BE DETERMINED BY THE OPERATOR IN ORDER TO ENSURE  
22 PRIOR EDUCATION AND TRAINING ARE SUFFICIENT FOR THE DIRECT CARE  
23 WORKER TO SAFELY CARRY OUT THE DIRECT CARE WORKER'S DUTIES AND  
24 RESPONSIBILITIES. AN ASSISTED LIVING RESIDENCE THAT CURRENTLY  
25 EMPLOYS A DIRECT CARE WORKER IS LIABLE FOR ANY ACTS OR OMISSIONS  
26 BY THE DIRECT CARE WORKER EMPLOYEE THAT ARE DIRECTLY RELATED  
27 TO THE EMPLOYEE'S PREVIOUS TRAINING AND THE ACCEPTANCE OF THE

1 CERTIFICATION OF COMPLETION OF THAT TRAINING BY THE ASSISTED  
2 LIVING RESIDENCE.

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