

CHAPTER 177

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 09-056

BY SENATOR(S) Kester, Bacon, Boyd, Gibbs, Groff, Heath, Isgar, King K., Lundberg, Mitchell, Newell, Penry, Schwartz, Shaffer B., Tapia, Tochtrop, Williams;
also REPRESENTATIVE(S) Riesberg, Fischer, Labuda, Marostica, McKinley, Merrifield, Ryden, Schafer S., Todd, Carroll T.

AN ACT**CONCERNING THE TRINIDAD STATE NURSING HOME.**

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

SECTION 1. 24-51-310 (1) (i), Colorado Revised Statutes, is amended to read:

24-51-310. Persons not eligible for membership. (1) Persons not eligible for membership in the association include:

(i) Employees of a nonprofit public hospital, LONG-TERM CARE FACILITY, OR HEALTH CARE FACILITY which was previously affiliated with the association if such employees were hired subsequent to the sale, lease, or transfer of the hospital OR STATE NURSING HOME;

SECTION 2. 24-51-311, Colorado Revised Statutes, is amended to read:

24-51-311. Continuation of membership. Notwithstanding the provisions of section 24-51-310, employees of a public hospital which is sold, leased, or otherwise transferred to a nonprofit corporation organized pursuant to the laws of this state for the purpose of conducting a hospital, OR EMPLOYEES OF AN ASSOCIATION-AFFILIATED EMPLOYER THAT HAS TRANSFERRED TITLE PURSUANT TO SECTION 26-12-112 (5) (a), C.R.S., TO AN ENTITY ORGANIZED PURSUANT TO THE LAWS OF THE STATE FOR THE PURPOSE OF CONDUCTING A LONG-TERM CARE FACILITY OR HEALTH CARE FACILITY, may continue membership in the association ~~if such~~ PROVIDED THE BOARD DETERMINES, IN ITS SOLE DISCRETION, THAT CONTINUED MEMBERSHIP WILL NOT ADVERSELY AFFECT ITS QUALIFIED GOVERNMENTAL PLAN STATUS, AND PROVIDED THAT THE transfer agreement provides for continuance of membership and ~~if~~ the new employer agrees to submit to the association the

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

appropriate amount of employer and member contributions ~~which would be due from an employer affiliated with the association and from a member pursuant to the provisions of section 24-51-401 (1.7)~~ AND DISBURSEMENTS PURSUANT TO PART 4 OF THIS ARTICLE.

SECTION 3. 26-12-102, Colorado Revised Statutes, is amended to read:

26-12-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES.

~~(1)~~ (2) "Resident" means a person who ~~is residing~~ RESIDES in a state nursing home operated pursuant to the provisions of this article.

~~(2)~~ (3) "State board" means the state board of human services.

~~(3)~~ (4) "State department" means the state department of human services.

~~(4)~~ (5) "State nursing home" means any state nursing home or any state veterans nursing home and all programs operated by ~~such~~ A state nursing home or state veterans nursing home, including domiciliary services, day care, and other facility programs.

~~(5)~~ (6) "State veterans nursing home" means a state nursing home that has been designed and constructed so as to qualify for federal funds under the provisions of federal Public Law 88-450, as amended, and that is operated so as to qualify for per diem payments from the United States veterans administration under the provisions of 38 U.S.C. sec. 1741.

SECTION 4. 26-12-112, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-12-112. Powers and duties of state department. (5) (a) THE EXECUTIVE DIRECTOR SHALL HAVE THE AUTHORITY TO TRANSFER TITLE TO ANY REAL OR PERSONAL PROPERTY AT THE TRINIDAD STATE NURSING HOME, ESTABLISHED PURSUANT TO SECTION 26-12-201, ON TERMS AND CONDITIONS HE OR SHE DEEMS APPROPRIATE. IN THE PROCESS OF TRANSFERRING THE PROPERTY PURSUANT TO THIS SUBSECTION (5), THE EXECUTIVE DIRECTOR SHALL WORK IN CONSULTATION WITH THE BOARD OF COUNTY COMMISSIONERS FOR LAS ANIMAS COUNTY AND SHALL ENCOURAGE AND ENTERTAIN BIDS THAT INCLUDE AN ASSURANCE OF CONTINUITY OF CARE FOR RESIDENTS AND AN EMPLOYEE RETENTION PLAN. IN MAKING A DECISION, THE STATE DEPARTMENT SHALL CONSIDER ANY INDEPENDENT FEASIBILITY STUDY THAT MAY BE CONDUCTED BY OR ON BEHALF OF ANY TRINIDAD OR LAS ANIMAS COUNTY ORGANIZATION AND SHALL MAKE AVAILABLE UPON REQUEST ANY NONCONFIDENTIAL INFORMATION CONCERNING THE TRINIDAD STATE NURSING HOME THAT MAY BE NEEDED FOR SUCH FEASIBILITY STUDY.

(b) ANY PROCEEDS FROM THE SALE OF PROPERTY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL BE DEPOSITED IN THE CENTRAL FUND AND APPLIED

TOWARD PROJECTS AND PROGRAMS FOR STATE NURSING HOMES.

SECTION 5. 24-1-120 (5) (b), Colorado Revised Statutes, is amended to read:

24-1-120. Department of human services - creation - repeal. (5) The department of human services shall include the following:

(b) The Trinidad state nursing home, UNLESS TRANSFERRED PURSUANT TO SECTION 26-12-112(5), and the Colorado state veterans center, which are transferred by a **type 2** transfer to the department of human services;

SECTION 6. 26-12-121 (1), Colorado Revised Statutes, is amended to read:

26-12-121. State and veterans nursing homes - local advisory boards - rules - repeal. (1) The state board, with input from the division within the state department that is responsible for state ~~and veterans~~ nursing homes, shall promulgate rules to establish the requirements and procedures governing the creation and operation of local advisory boards at each of the EXISTING state ~~and veterans~~ nursing homes within the state department, located in Homelake, Florence, Trinidad, Rifle, Aurora, and Walsenburg, Colorado.

SECTION 7. 26-12-201 (1), Colorado Revised Statutes, is amended to read:

26-12-201. State nursing homes authorized. (1) (a) There is hereby established a state nursing home, to be known as the Trinidad state nursing home, to be located at or near the city of Trinidad, Colorado.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), THE EXECUTIVE DIRECTOR SHALL HAVE THE AUTHORITY TO TRANSFER TITLE TO ANY REAL OR PERSONAL PROPERTY AT THE TRINIDAD STATE NURSING HOME PURSUANT TO SECTION 26-12-112 (5).

SECTION 8. 26-12-402 (2) (a), Colorado Revised Statutes, is amended to read:

26-12-402. Board of commissioners of state and veterans nursing homes - creation - powers and duties. (2) The functions of the board of commissioners are to:

(a) Advise the division, the state nursing home located in Trinidad, UNLESS IT HAS BEEN TRANSFERRED PURSUANT TO SECTION 26-12-112 (5), and the veterans nursing homes located in Homelake, Florence, Rifle, Aurora, and Walsenburg, Colorado;

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 22, 2009