

SB24-167 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3       **"SECTION 1.** In Colorado Revised Statutes, 25-27-102, **add**  
4 (2.5), (2.7), (9.3), (9.5), and (10.5) as follows:

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

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

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

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

18       (a) A FIT TEST; AND  
19       (b) A TUBERCULOSIS TEST.

20       (9.5) "PORTABLE TRAINING" MEANS THE FOLLOWING TRAINING FOR  
21 WHICH, WHEN SUCCESSFULLY COMPLETED BY AN INDIVIDUAL, THE  
22 INDIVIDUAL IS PROVIDED A CERTIFICATION OF COMPLETION THAT MAY BE  
23 TRANSFERRED FROM ONE ASSISTED LIVING RESIDENCE TO ANOTHER IN  
24 ACCORDANCE WITH THIS SECTION:

25       (a) HAND HYGIENE AND INFECTION CONTROL;  
26       (b) BASIC FIRST AID;  
27       (c) RESIDENT RIGHTS;  
28       (d) PERSON-CENTERED CARE;  
29       (e) FALL PREVENTION;  
30       (f) LIFT ASSISTANCE; AND  
31       (g) FOOD SAFETY.

32       (10.5) "QUALIFIED MEDICATION ADMINISTRATION PERSONNEL"  
33 MEANS AN INDIVIDUAL WHO HAS PASSED A COMPETENCY EVALUATION  
34 ADMINISTERED BY AN APPROVED TRAINING ENTITY ON OR AFTER JULY 1,  
35 2017, AND WHOSE NAME APPEARS ON THE DEPARTMENT'S LIST OF  
36 INDIVIDUALS WHO HAVE PASSED THE REQUISITE COMPETENCY  
37 EVALUATION.

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

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

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

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

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

- (a) THE TOPIC COVERED;
- (b) THE DATE OF THE TRAINING;
- (c) THE INDIVIDUAL OR ENTITY THAT PROVIDED THE TRAINING;
- (d) DOCUMENTATION OF COMPETENCY IN THE SPECIFIC TOPIC OF TRAINING; AND
- (e) ADDITIONAL ELEMENTS AS DETERMINED BY RULE OF THE STATEMENT.

(3) (a) IF, UPON HIRE BY AN ASSISTED LIVING RESIDENCE, A NEW DIRECT CARE WORKER PROVIDES PROOF OF COMPLETION OF PORTABLE TRAINING, THE ASSISTED LIVING RESIDENCE SHALL ENSURE, IN A FORM AND MANNER DETERMINED BY THE OPERATOR, THAT THE DIRECT CARE WORKER HAS SATISFIED THE RELATED PORTABLE TRAINING REQUIREMENTS IN ORDER TO ENSURE THAT EACH DIRECT CARE WORKER CAN SAFELY CARRY OUT THE DUTIES AND RESPONSIBILITIES FOR THE CARE AND PROVISION OF SERVICES TO RESIDENTS.

(b) IN ADDITION TO PORTABLE TRAINING, THE OPERATOR OF AN ASSISTED LIVING RESIDENCE SHALL ENSURE THAT EACH DIRECT CARE

1 WORKER RECEIVES ANY TRAINING REQUIRED BY RULES ADOPTED BY THE  
2 STATE BOARD, OR AS SET FORTH IN STATE LAW, WITHIN THE TIMELINES SET  
3 BY STATE LAW OR RULE.

4 (4) THE DEPARTMENT SHALL ACCEPT PROOF OF A PORTABLE TEST  
5 OR A CERTIFICATE FOR PORTABLE TRAINING THAT IS DEEMED SUFFICIENT  
6 BY AN ASSISTED LIVING RESIDENCE OPERATOR AS PROOF OF COMPLETION  
7 OF A TEST OR TRAINING. THE DEPARTMENT MAY, BUT IS NOT REQUIRED TO,  
8 PROMULGATES RULES TO DEFINE OTHER TESTS OR TRAININGS AS  
9 PORTABLE.

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

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

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