

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0237.01 Eden Rolland x2373

HOUSE BILL 26-1107

HOUSE SPONSORSHIP

Feret and Paschal,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO INCREASE ACCESS TO SERVICES IN**

102 **FACILITIES THAT PROVIDE MEDICAL CARE.**

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>.)

Sections 1 and 4 of the bill establish information disclosure requirements for a licensed facility that advertises, markets, promotes, or offers services, including memory care services, for individuals with dementia and dementia-related conditions, including Alzheimer's disease. The bill refers to such a facility or agency as a "dementia care facility".

The bill requires the department of public health and environment

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.

(department), in consultation with the state long-term care ombudsman or the ombudsman's designee, to create a dementia care services information form (form) by January 1, 2027. The form must include fields for the disclosure of certain information regarding a dementia care facility's dementia care services, including the facility's:

- Dementia training requirements for staff that are in addition to statutory training requirements;
- Guidelines for using restraints; and
- Security features and procedures for addressing the needs of residents with dementia.

The bill authorizes the department to regularly review the form and update it as needed. After creating or subsequently updating the form, the department must provide the form to every dementia care facility in the state.

The bill requires a dementia care facility to complete the form with responsive, accurate, and complete information regarding the facility's dementia care services. Beginning July 1, 2027, every dementia care facility must:

- Provide its completed form to every individual who contacts the facility seeking dementia care services;
- Review and update the form when a change in information occurs to ensure that the facility's information provided on the form is current, complete, and correct;
- Publish the facility's current version of the completed form on the facility's website; and
- At all times, maintain on the facility's premises and have available for inspection a copy of the facility's completed form with the facility's most current information and produce the form upon request by the department during a survey or inspection of the facility.

The bill establishes a facility's violation of the last itemized requirements regarding the form as a deceptive trade practice under the "Colorado Consumer Protection Act".

Currently, the department has the power to establish and maintain by rule a medication administration program in certain licensed or regulated facilities. Current law requires the department of human services, the behavioral health administration, the department of health care policy and financing, and the department of corrections to develop and conduct a medication administration program in certain types of residential, assisted living, and correctional facilities.

Sections 5 and 6 modify the definition of "administration" to include administration of medication specifically by injection and allow a licensed practical nurse (LPN) or a certified nurse aide (CNA) to administer medication by injection as part of a medication administration program if the LPN or CNA receives education and training on

administering medication by injection.

The bill requires the department, in consultation with the state board of nursing, to establish by rule the education and training required for an LPN or a CNA to obtain the authorization created by the bill to administer medication by injection. A facility may not require that a registered nurse be on site as a prerequisite to an LPN or CNA administering medication by injection.

The bill also adds all facilities and agencies licensed and regulated by the department to the list of specified facilities that can have a medication administration program.

Sections 2 and 3 modify the scope of practice for CNAs to include the administration of medication by injection as authorized under the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-105, **add**
3 (1)(qqqq) as follows:

4 **6-1-105. Unfair or deceptive trade practices - definitions.**

5 (1) A person engages in a deceptive trade practice when, in the
6 course of the person's business, vocation, or occupation, the person:

7 (qqqq) VIOLATES SECTION 25-1-124.3 (3)(b)(V).

8 **SECTION 2.** In Colorado Revised Statutes, 12-255-206, **amend**
9 (1)(d) and (1)(e); and **add** (1)(f) as follows:

10 **12-255-206. Scope of practice - rules.**

11 (1) In addition to any nursing tasks delegated to a certified nurse
12 aide pursuant to section 12-255-131, a certified nurse aide who is deemed
13 competent by a registered nurse licensed pursuant to part 1 of this article
14 255 may perform the following tasks:

15 (d) Administration of oxygen to clients; **and**

16 (e) Changing ostomy bags; **AND**

17 (f) ADMINISTRATION OF MEDICATION BY INJECTION SUBJECT TO
18 AND IN ACCORDANCE WITH PART 3 OF ARTICLE 1.5 OF TITLE 25.

19 **SECTION 3.** In Colorado Revised Statutes, 12-255-208, **amend**

1 (1) as follows:

2 **12-255-208. Medication aides - training - scope of duties -**
3 **rules.**

4 (1) Prior to a certified nurse aide obtaining authority as a
5 medication aide to administer medications, the certified nurse aide shall
6 meet all applicable requirements as established by rules of the board. The
7 board shall ~~promulgate~~ ADOPT rules regarding the scope of practice,
8 education, experience, and certification requirements for a nurse aide to
9 obtain authority to administer medications, INCLUDING THE AUTHORITY TO
10 ADMINISTER MEDICATION BY INJECTION IN ACCORDANCE WITH PART 3 OF
11 ARTICLE 1.5 OF TITLE 25. The board shall consider, but not be limited to,
12 reducing the number of required hours of education, expanding the
13 allowable routes of administration, reducing or eliminating the required
14 hours of work experience, and developing different scopes of practice
15 depending on practice setting, if appropriate.

16 **SECTION 4.** In Colorado Revised Statutes, **add** 25-1-124.3 as
17 follows:

18 **25-1-124.3. Dementia care services - information disclosure**
19 **form - requirements - deceptive trade practice - definitions.**

20 (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
21 OTHERWISE REQUIRES:

22 (a) "DEMENTIA CARE FACILITY" OR "FACILITY" MEANS A FACILITY
23 THAT IS LICENSED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-103
24 AND THAT PUBLICLY ADVERTISES, MARKETS, PROMOTES, OR OFFERS
25 SERVICES FOR DEMENTIA DISEASES AND RELATED DISABILITIES, INCLUDING
26 MEMORY CARE SERVICES.

27 (b) "DEMENTIA DISEASES AND RELATED DISABILITIES" OR

1 "DEMENTIA" HAS THE MEANING SET FORTH IN SECTION 25-1-502 (2.5).

2 (c) "FORM" MEANS THE DEMENTIA CARE SERVICES INFORMATION
3 FORM CREATED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2)(a) OF
4 THIS SECTION.

5 (d) "STATE LONG-TERM CARE OMBUDSMAN" MEANS THE STATE
6 LONG-TERM CARE OMBUDSMAN ESTABLISHED PURSUANT TO ARTICLE 11.5
7 OF TITLE 26 OR THE STATE LONG-TERM CARE OMBUDSMAN'S DESIGNEE.

8 **(2) Dementia care services information form.**

9 (a) BY JANUARY 1, 2027, THE DEPARTMENT SHALL CREATE A
10 DEMENTIA CARE SERVICES INFORMATION FORM FOR DEMENTIA CARE
11 FACILITIES TO COMPLETE AND DISTRIBUTE IN ACCORDANCE WITH
12 SUBSECTION (3) OF THIS SECTION. THE FORM MUST INCLUDE FIELDS FOR
13 THE DISCLOSURE OF INFORMATION REGARDING THE DEMENTIA CARE
14 FACILITY'S SERVICES. AT A MINIMUM, THE FORM MUST INCLUDE FIELDS
15 FOR EACH OF THE FOLLOWING ELEMENTS:

16 (I) THE FACILITY'S REQUIREMENTS FOR DEMENTIA TRAINING FOR
17 THE FACILITY'S STAFF THAT ARE IN ADDITION TO THE DEMENTIA TRAINING
18 REQUIRED PURSUANT TO SECTION 25-1.5-118;

19 (II) THE FACILITY'S GUIDELINES FOR USING PHYSICAL AND
20 CHEMICAL RESTRAINTS IN THE COURSE OF PROVIDING CARE TO RESIDENTS
21 LIVING WITH DEMENTIA;

22 (III) THE FACILITY'S SECURITY FEATURES AND SECURITY
23 PROCEDURES FOR ADDRESSING THE NEEDS OF RESIDENTS WITH DEMENTIA,
24 INCLUDING WANDERING AND EMERGENCY RESPONSE;

25 (IV) THE CRITERIA AND PROCESSES THE FACILITY USES TO
26 DETERMINE THE PLACEMENT, TRANSFER, OR DISCHARGE OF RESIDENTS
27 LIVING WITH DEMENTIA;

1 (V) A DESCRIPTION OF HOW THE FACILITY INVOLVES FAMILY
2 MEMBERS, ESPECIALLY FAMILY CAREGIVERS, IN THE ACTIVITIES AND CARE
3 OF RESIDENTS LIVING WITH DEMENTIA;

4 (VI) A DESCRIPTION OF HOW AND WHEN A RESIDENT'S AUTHORIZED
5 REPRESENTATIVE IS NOTIFIED OF INCIDENTS OR CONCERNS, INCLUDING
6 MEDICAL CONCERNS, SAFETY CONCERNS, AND OTHER CONCERNS;

7 (VII) A DESCRIPTION OF THE FACILITY'S ON-SITE AND ON-CALL
8 MEDICAL PROFESSIONALS;

9 (VIII) A STATEMENT IDENTIFYING SOURCES, INCLUDING A LINK TO
10 THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES' "CARE
11 COMPARE" WEBSITE, OR ANY SUCCESSOR WEBSITE, THAT AN INDIVIDUAL
12 MAY CONSULT TO FIND INFORMATION ABOUT:

13 (A) PAST ENFORCEMENT ACTIONS OR COMPLAINTS, IF ANY, THAT
14 RESULTED IN THE DEPARTMENT ISSUING WARNINGS OR FINES; AND

15 (B) THE HEALTH-CARE COVERAGE PAYER SOURCES THAT THE
16 FACILITY ACCEPTS, INCLUDING WHETHER THE FACILITY ACCEPTS PAYMENT
17 FROM PRIVATE INSURANCE PLANS, THROUGH MEDICAID, OR THROUGH THE
18 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS;

25 (X) ANY ADDITIONAL INFORMATION REGARDING DEMENTIA CARE
26 SERVICES THAT THE DEPARTMENT DEEMS NECESSARY.

27 (b) THE DEPARTMENT SHALL CREATE THE FORM DESCRIBED IN

1 SUBSECTION (2)(a) OF THIS SECTION IN CONSULTATION WITH THE STATE
2 LONG-TERM CARE OMBUDSMAN. THE DEPARTMENT MAY CONSULT WITH
3 ANY OTHER STATE DEPARTMENT OR ORGANIZATION AS THE DEPARTMENT
4 DEEMS NECESSARY.

5 (c) THE DEPARTMENT MAY REVIEW AND UPDATE THE FORM TO
6 ENSURE THAT THE FORM FACILITATES THE DISCLOSURE OF THE
7 INFORMATION SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION.

8 (d) AS SOON AS PRACTICABLE AFTER CREATING OR UPDATING THE
9 FORM PURSUANT TO THIS SUBSECTION (2), THE DEPARTMENT SHALL
10 PROVIDE THE FORM OR THE MOST RECENTLY UPDATED VERSION OF THE
11 FORM TO EVERY DEMENTIA CARE FACILITY.

12 **(3) Duty to distribute dementia care information.**

13 (a) A DEMENTIA CARE FACILITY SHALL COMPLETE THE DEMENTIA
14 CARE SERVICES INFORMATION FORM CREATED OR UPDATED BY THE
15 DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION WITH
16 RESPONSIVE, ACCURATE, AND COMPLETE INFORMATION REGARDING THE
17 FACILITY'S DEMENTIA CARE SERVICES.

18 (b) BEGINNING JULY 1, 2027, A DEMENTIA CARE FACILITY SHALL:
19 (I) PROVIDE THE FACILITY'S COMPLETED DEMENTIA CARE SERVICES
20 INFORMATION FORM TO AN INDIVIDUAL WHO CONTACTS THE FACILITY
21 SEEKING DEMENTIA CARE SERVICES, WHETHER THE INDIVIDUAL IS SEEKING
22 DEMENTIA CARE SERVICES FOR THEMSELF, FOR A FAMILY MEMBER, OR FOR
23 SOMEONE WHO IS NOT A FAMILY MEMBER;

24 (II) REVIEW THE FORM WHEN THE FACILITY'S INFORMATION
25 CHANGES, AND NO LESS THAN ONCE EVERY FIVE YEARS, TO ENSURE THAT
26 THE INFORMATION PROVIDED ON THE FORM IS CURRENT, COMPLETE, AND
27 CORRECT;

1 (III) UPDATE THE FACILITY'S INFORMATION ON THE FORM AS SOON
2 AS PRACTICABLE AFTER A CHANGE TO THE INFORMATION OCCURS;

3 (IV) PUBLISH THE CURRENT VERSION OF THE COMPLETED FORM ON
4 THE FACILITY'S PUBLIC-FACING WEBSITE; AND

5 (V) AT ALL TIMES, MAINTAIN ON THE FACILITY'S PREMISES AND
6 HAVE AVAILABLE FOR INSPECTION A COPY OF THE FACILITY'S COMPLETED
7 FORM WITH THE FACILITY'S MOST CURRENT INFORMATION AND PRODUCE
8 THE FORM UPON REQUEST BY THE DEPARTMENT DURING A SURVEY OR
9 INSPECTION OF THE FACILITY.

10 (4) Regulatory oversight and enforcement.

24 (c) A DEMENTIA CARE FACILITY THAT VIOLATES SUBSECTION
25 (3)(b)(V) OF THIS SECTION COMMITS A DECEPTIVE TRADE PRACTICE
26 PURSUANT TO SECTION 6-1-105 (1)(qqqq). EACH DAY DURING WHICH A
27 VIOLATION CONTINUES CONSTITUTES A SEPARATE VIOLATION.

1 **SECTION 5.** In Colorado Revised Statutes, 25-1.5-301, **amend**
2 (1); and **add** (2)(b.7) as follows:

3 **25-1.5-301. Definitions.**

4 As used in this part 3, unless the context otherwise requires:

5 (1) "Administration" means assisting a person in the ingestion,
6 application, inhalation, INJECTION, or, using universal precautions, rectal
7 or vaginal insertion of medication, including prescription drugs,
8 according to the legibly written or printed directions of the attending
9 physician or other authorized practitioner or as written on the prescription
10 label and making a written record thereof with regard to each medication
11 administered, including the time and the amount taken, but
12 "administration" does not include judgment, evaluation, or assessments
13 ~~or the injections~~ of medication, the monitoring of medication, or the
14 self-administration of medication, including prescription drugs and
15 including the self-injection of medication by the resident.
16 "Administration" also means ingestion through gastrostomy tubes or
17 naso-gastric tubes, if administered by a person authorized pursuant to
18 sections 25.5-10-204 (2)(j) and 27-10.5-103 (2)(i), C.R.S., as part of
19 residential or day program services provided through service agencies
20 approved by the department of health care policy and financing and
21 supervised by a licensed physician or nurse.

22 (2) "Facility" means:

23 (b.7) A FACILITY OR AGENCY LICENSED AND REGULATED BY THE
24 DEPARTMENT PURSUANT TO SECTION 25-1.5-103 (1);

25 **SECTION 6.** In Colorado Revised Statutes, 25-1.5-302, **amend**
26 (1) and (3); and **add** (2)(a.5) and (11) as follows:

27 **25-1.5-302. Administration of medications - powers and duties**

1 **of department - record checks - rules - definitions.**

2 (1) The department has, in addition to all other powers and duties
3 imposed upon it by law, the power to establish and maintain by rule a
4 program for the administration of medications in facilities. The
5 department of human services, the behavioral health administration, the
6 department of health care policy and financing, and the department of
7 corrections shall develop and conduct a medication administration program
8 as provided in this part 3. A medication administration program
9 developed pursuant to this subsection (1) must be conducted within the
10 following guidelines:

11 (a) As a condition to authorizing or renewing the authorization to
12 operate any facility that administers medications to persons under its care,
13 the authorizing agency shall require that the facility have a staff member
14 qualified pursuant to subsection (1)(b) of this section on duty at any time
15 that the facility administers such medications and that the facility
16 maintain a written record of each medication administered to each
17 resident, including the date, time, and amount of the medication and the
18 signature of the person administering the medication. ~~Such~~ THE record is
19 subject to review by the authorizing agency as a part of the agency's
20 procedure in authorizing the continued operation of the facility.
21 Notwithstanding any exemption enumerated in subsection (1)(b) of this
22 section, ~~any~~ A facility may establish a policy that requires a person
23 authorized to administer medication to report to, be supervised by, or be
24 otherwise accountable TO A REGISTERED NURSE AS DEFINED IN SECTION
25 12-255-104 for the performance of ~~such~~ THE administration; ~~to a~~
26 ~~registered nurse as defined in section 12-255-104.~~ EXCEPT THAT A
27 FACILITY MAY NOT ESTABLISH A POLICY THAT, WITH RESPECT TO LICENSED

1 PRACTICAL NURSES OR CERTIFIED NURSE AIDES QUALIFIED IN ACCORDANCE
2 WITH SUBSECTION (1)(b) OF THIS SECTION:

3 (I) REQUIRES THE FACILITY TO HAVE A REGISTERED NURSE ON SITE
4 AT THE FACILITY AS A CONDITION FOR ALLOWING A LICENSED PRACTICAL
5 NURSE OR A CERTIFIED NURSE AIDE TO ADMINISTER MEDICATION BY
6 INJECTION; OR

7 (II) PROHIBITS A LICENSED PRACTICAL NURSE OR A CERTIFIED
8 NURSE AIDE FROM ADMINISTERING MEDICATION BY INJECTION.

9 (b) Any individual who is not otherwise authorized by law to
10 administer medication in a facility ~~shall be allowed to~~ MAY perform such
11 duties only after passing a competency evaluation; EXCEPT THAT A
12 LICENSED PRACTICAL NURSE OR A CERTIFIED NURSE AIDE MAY ADMINISTER
13 MEDICATION BY INJECTION UPON COMPLETING THE EDUCATION AND
14 TRAINING REQUIREMENTS ESTABLISHED PURSUANT TO RULES ADOPTED IN
15 ACCORDANCE WITH SUBSECTION (2)(a.5) OF THIS SECTION. A FACILITY
16 SHALL ALLOW A LICENSED PRACTICAL NURSE OR A CERTIFIED NURSE AIDE
17 WHO IS NOT OTHERWISE AUTHORIZED BY LAW TO ADMINISTER MEDICATION
18 BY INJECTION IN THE FACILITY TO ADMINISTER MEDICATION BY INJECTION
19 AFTER RECEIVING EDUCATION AND TRAINING ON ADMINISTERING
20 MEDICATION BY INJECTION. An individual who administers medications
21 in facilities in compliance with ~~the provisions of this part 3~~ ~~shall be~~ IS
22 exempt from the licensing requirements of the "Colorado Medical
23 Practice Act", the "Nurse and Nurse Aide Practice Act", and the laws of
24 this state pertaining to possession of controlled substances as contained
25 in article 280 of title 12, part 2 of article 80 of title 27, or the "Uniform
26 Controlled Substances Act of 2013", article 18 of title 18.

27 (c) (I) A LICENSED PRACTICAL NURSE OR A CERTIFIED NURSE AIDE

1 IS AUTHORIZED TO ADMINISTER MEDICATION BY INJECTION AS PART OF A
2 MEDICATION ADMINISTRATION PROGRAM DEVELOPED AND CONDUCTED
3 PURSUANT TO THIS SUBSECTION (1) IF THE LICENSED PRACTICAL NURSE OR
4 THE CERTIFIED NURSE AIDE HAS RECEIVED EDUCATION AND TRAINING ON
5 ADMINISTERING MEDICATION BY INJECTION PURSUANT TO RULES ADOPTED
6 IN ACCORDANCE WITH SUBSECTION (2)(a.5) OF THIS SECTION.

7 (II) A MEDICATION ADMINISTRATION PROGRAM DEVELOPED AND
8 CONDUCTED PURSUANT TO THIS SUBSECTION (1) SHALL NOT ALLOW ANY
9 INDIVIDUAL TO ADMINISTER MEDICATION BY INJECTION IN A FACILITY
10 UNLESS THE INDIVIDUAL IS AUTHORIZED TO ADMINISTER MEDICATION BY
11 INJECTION PURSUANT TO SUBSECTION (1)(c)(I) OF THIS SECTION OR IS
12 OTHERWISE AUTHORIZED BY LAW TO ADMINISTER MEDICATION BY
13 INJECTION.

14 (2) (a.5) THE DEPARTMENT, IN CONSULTATION WITH THE STATE
15 BOARD OF NURSING CREATED IN SECTION 12-255-105 (1)(a), SHALL
16 ESTABLISH BY RULE THE MINIMUM REQUIREMENTS FOR COURSE CONTENT
17 FOR MEDICATION ADMINISTRATION BY INJECTION PERFORMED BY A
18 LICENSED PRACTICAL NURSE OR A CERTIFIED NURSE AIDE IN ACCORDANCE
19 WITH SUBSECTION (1)(c) OF THIS SECTION AND TO DETERMINE
20 COMPLIANCE WITH THE REQUIREMENTS FOR FACILITIES LICENSED UNDER
21 THIS TITLE 25.

22 (3) The department of human services, the department of health
23 care policy and financing, and the department of corrections may develop
24 and approve minimum requirements for course content, including
25 competency evaluations, for individuals who administer medications in
26 facilities whose operation is authorized by those departments; EXCEPT
27 THAT THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF

1 HEALTH CARE POLICY AND FINANCING, AND THE DEPARTMENT OF
2 CORRECTIONS SHALL NOT PROHIBIT THE ADMINISTRATION OF MEDICATION
3 BY INJECTION BY A LICENSED PRACTICAL NURSE OR A CERTIFIED NURSE
4 AIDE WHO IS QUALIFIED TO ADMINISTER MEDICATION BY INJECTION IN
5 ACCORDANCE WITH SUBSECTIONS (1)(c) AND (2)(a.5) OF THIS SECTION. A
6 department that administers competency evaluations shall maintain a
7 public list of individuals who have successfully completed the
8 competency evaluation.

9 (11) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (a) "CERTIFIED NURSE AIDE" HAS THE MEANING SET FORTH IN
12 SECTION 12-255-104 (3.3).

13 (b) "LICENSED PRACTICAL NURSE" HAS THE MEANING SET FORTH
14 IN SECTION 12-255-104 (7).

15 **SECTION 7. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2026 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.