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HOUSE BILL 26-1107

BY REPRESENTATIVE(S) Feret and Paschal, Bacon, Boesenecker, Brown, Duran, Hamrick, Lindsay, Marshall, Nguyen, Rydin, Sirota, Story, Woodrow, McCluskie;
also SENATOR(S) Cutter, Jodeh, Kipp, Lindstedt, Coleman.

CONCERNING MEASURES TO INCREASE ACCESS TO SERVICES IN FACILITIES
THAT PROVIDE MEDICAL CARE.

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

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

25-1-124.3. Dementia care services - information disclosure form - requirements - assisted living residence improvement cash fund - rules - definitions.

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

(a) "DEMENTIA CARE FACILITY" OR "FACILITY" MEANS A FACILITY

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

THAT IS LICENSED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-103 AND THAT OFFERS ON-SITE AND RESIDENTIAL SERVICES FOR INDIVIDUALS WITH DEMENTIA DISEASES AND RELATED DISABILITIES.

(b) "DEMENTIA DISEASES AND RELATED DISABILITIES" OR "DEMENTIA" HAS THE MEANING SET FORTH IN SECTION 25-1-502 (2.5).

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

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

(2) Dementia care services information form.

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

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

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

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

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

(V) A DESCRIPTION OF HOW THE FACILITY INVOLVES FAMILY MEMBERS IN THE ACTIVITIES AND CARE OF RESIDENTS LIVING WITH DEMENTIA;

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

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

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

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

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

(IX) AN EXPLANATION OF THE FACILITY'S FEE MODEL. THE EXPLANATION MUST INCLUDE DETAILS ABOUT WHEN AND HOW A RESIDENT AND THE RESIDENT'S AUTHORIZED REPRESENTATIVE WILL BE NOTIFIED OF ANY CHANGE TO THE FEES.

(b) THE DEPARTMENT SHALL CREATE THE FORM DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION IN CONSULTATION WITH THE STATE LONG-TERM CARE OMBUDSMAN. THE DEPARTMENT MAY CONSULT WITH ANY OTHER STATE DEPARTMENT OR ORGANIZATION AS THE DEPARTMENT DEEMS NECESSARY.

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

(d) AS SOON AS PRACTICABLE AFTER CREATING OR UPDATING THE

FORM PURSUANT TO THIS SUBSECTION (2), THE DEPARTMENT SHALL PROVIDE THE FORM OR THE MOST RECENTLY UPDATED VERSION OF THE FORM TO EVERY DEMENTIA CARE FACILITY.

(e) THE DEPARTMENT MAY ADOPT RULES AS NECESSARY TO IMPLEMENT THIS SECTION.

(f) THE DEPARTMENT MAY USE MONEY FROM THE ASSISTED LIVING RESIDENCE IMPROVEMENT CASH FUND, CREATED IN SECTION 25-27-106 (2)(b)(IV), FOR THE PURPOSES OF CREATING THE FORM IN ACCORDANCE WITH THIS SUBSECTION (2) AND ADOPTING RULES RELATED TO THE FORM.

(2.5) THE RULES ADOPTED BY THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION SHALL NOT EXCEED APPLICABLE NATIONAL STANDARDS.

(3) Duty to distribute dementia care information.

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

(b) BEGINNING OCTOBER 1, 2027, A DEMENTIA CARE FACILITY SHALL:

(I) PROVIDE THE FACILITY'S COMPLETED DEMENTIA CARE SERVICES INFORMATION FORM TO AN INDIVIDUAL WHO CONTACTS THE FACILITY SEEKING DEMENTIA CARE SERVICES, WHETHER THE INDIVIDUAL IS SEEKING DEMENTIA CARE SERVICES FOR THEMSELF, FOR A FAMILY MEMBER, OR FOR SOMEONE WHO IS NOT A FAMILY MEMBER;

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

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

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

(V) 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.

(4) Regulatory oversight and enforcement.

(a) THE DEPARTMENT SHALL REQUIRE A DEMENTIA CARE FACILITY TO MAINTAIN AND HAVE AVAILABLE FOR INSPECTION A COPY OF THE FACILITY'S CURRENT AND COMPLETED FORM DESCRIBED IN SUBSECTION (3)(b)(V) OF THIS SECTION.

(b) DURING EACH SURVEY OR INSPECTION OF A DEMENTIA CARE FACILITY, THE DEPARTMENT SHALL REQUIRE THE FACILITY TO PRODUCE FOR INSPECTION THE FACILITY'S CURRENT FORM, COMPLETED AND UPDATED IN ACCORDANCE WITH SUBSECTION (3)(b)(V) OF THIS SECTION.

(c) IF A FACILITY VIOLATES SUBSECTION (3)(b)(V) OF THIS SECTION OR DOES NOT PRODUCE THE FACILITY'S CURRENT FORM UPON A REQUEST MADE BY THE DEPARTMENT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE A CITATION TO THE FACILITY.

SECTION 2. In Colorado Revised Statutes, 25-27-106, **amend** (2)(b)(V) introductory portion, (2)(b)(V)(G), and (2)(b)(V)(H); and **add** (2)(b)(V)(I) as follows:

25-27-106. License denial, suspension, or revocation.

(2) (b) (V) Civil fines collected pursuant to this ~~paragraph (b)~~ SUBSECTION (2)(b) shall be used for expenses related to:

(G) Closing a residence; ~~or~~

(H) Reimbursing residents for personal funds lost, as determined necessary by the department; OR

(I) CREATING A DEMENTIA CARE SERVICES INFORMATION FORM AND ADOPTING RULES RELATED TO THE FORM, PURSUANT TO SECTION 25-1-124.3 (2).

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO