

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0004.01 Brita Darling x2241

SENATE BILL 22-154

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SENATE SPONSORSHIP

Danielson,

HOUSE SPONSORSHIP

McCormick and Young,

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Senate Committees  
Health & Human Services

House Committees

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A BILL FOR AN ACT

101 CONCERNING INCREASING SAFETY IN ASSISTED LIVING RESIDENCES.

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>.)*

**Section 1** of the bill, with regard to the involuntary discharge of residents from an assisted living residence (residence):

- Requires a residence to provide written notice to the resident and other specified persons at least 30 days prior to the involuntary discharge;
- Requires the residence to include certain information and documentation with the written notice; and
- Establishes a process for a resident or other specified

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

persons to challenge an involuntary discharge, including the ability to file a grievance with the residence, a requirement that the residence respond to the grievance, the ability to appeal to the department of public health and environment (department), and the ability to request an administrative hearing.

**Section 2** requires the state board of health (state board) to promulgate rules that:

- Require all residence administrators, on and after January 1, 2024, to meet or exceed the minimum educational, training, and experience standards established by the state board, and **section 3** establishes a fine for the residence if the residence's administrator fails to meet the standards;
- Require the residence owner or residence to conduct a check of the Colorado adult protective services data system for any person responsible for the care and welfare of residents;
- Require the residence to comply with provisions concerning involuntary discharge of residents; and
- Establish a range of fines for violations, including violations that result in harm or injury to residents.

**Section 3** removes the \$2,000 annual cap on the amount of fines that may be imposed by the department as an intermediate restriction or condition on a residence license and requires the department to impose a fine for any violation resulting in actual harm or injury to a resident. The bill allows the department to determine the amount of the fine, consistent with state board rules, based on factors listed in the bill including, in part:

- The size of the residence and the number of residents impacted by the violation;
- The actual or potential harm to one or more residents;
- Prior violations or a pattern of violations; and
- The level of fine that will deter future violations.

**Section 3** also:

- Requires the department to suspend, revoke, or refuse to renew a residence license if a resident is subject to mistreatment that causes injury to the resident; the residence's owner or administrator either directly caused the mistreatment or the mistreatment resulted from the administrator's failure to adequately train or supervise employees; and a directed written plan to correct the violation, in addition to the assessment of civil fines, has not or is not reasonably expected to correct the violations; and
- Permits the department to refuse to renew a license if the residence administrator does not meet or exceed the

minimum educational, training, and experience standards established by the state board.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-27-104.3 as  
3 follows:

4 **25-27-104.3. Involuntary discharge - notice - grievance process**  
5 **- appeal - hearing - definition.** (1) (a) (I) EXCEPT AS PROVIDED IN  
6 SUBSECTION (1)(c) OF THIS SECTION, AN ASSISTED LIVING RESIDENCE  
7 SHALL PROVIDE WRITTEN NOTICE OF ANY INVOLUNTARY DISCHARGE OF A  
8 RESIDENT AT LEAST THIRTY CALENDAR DAYS IN ADVANCE OF THE  
9 DISCHARGE TO:

10 (A) THE RESIDENT;

11 (B) THE RESIDENT'S LEGAL REPRESENTATIVE; AND

12 (C) ANY RELATIVE OR OTHER PERSON LISTED AS A CONTACT  
13 PERSON FOR THE RESIDENT OR DESIGNATED TO RECEIVE NOTICE OF A  
14 DISCHARGE.

15 (II) WITHIN FIVE DAYS AFTER PROVIDING WRITTEN NOTICE TO THE  
16 RESIDENT, THE RESIDENCE SHALL SEND THE DISCHARGE NOTICE TO THE  
17 STATE LONG-TERM CARE OMBUDSMAN AND THE LOCAL OMBUDSMAN.

18 (b) (I) AT A MINIMUM, THE NOTICE OF DISCHARGE MUST INCLUDE  
19 A DETAILED EXPLANATION OF THE REASON OR REASONS FOR THE  
20 INVOLUNTARY DISCHARGE, INCLUDING:

21 (A) FACTS AND EVIDENCE SUPPORTING EACH REASON GIVEN BY  
22 THE RESIDENCE;

23 (B) A RECOUNTING OF EVENTS LEADING TO THE INVOLUNTARY  
24 DISCHARGE, INCLUDING INTERACTIONS WITH THE RESIDENT OVER A PERIOD  
25 OF TIME PRIOR TO THE NOTICE, AND ACTIONS TAKEN TO AVOID DISCHARGE

1 AND THE TIMING OF THOSE ACTIONS;

2 (C) A STATEMENT THAT THE RESIDENT, A PERSON LISTED IN  
3 SUBSECTION (1)(a)(I) OF THIS SECTION, OR THE STATE LONG-TERM CARE  
4 OMBUDSMAN OR THE LOCAL OMBUDSMAN, WITH THE CONSENT OF THE  
5 RESIDENT, HAS THE RIGHT TO FILE A GRIEVANCE WITH THE RESIDENCE  
6 CHALLENGING THE INVOLUNTARY DISCHARGE, THAT THE RESIDENCE'S  
7 DESIGNEE MUST PROVIDE A RESPONSE TO THE GRIEVANCE WITHIN  
8 FOURTEEN DAYS AFTER RECEIVING THE GRIEVANCE, AND, IF THE RESIDENT  
9 OR PERSON FILING THE GRIEVANCE IS DISSATISFIED WITH THE RESPONSE,  
10 THAT THE RESIDENT, THE PERSON FILING THE GRIEVANCE, OR THE STATE  
11 LONG-TERM CARE OMBUDSMAN OR THE LOCAL OMBUDSMAN MAY APPEAL  
12 TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE EXECUTIVE  
13 DIRECTOR'S DESIGNEE PURSUANT TO SUBSECTION (3) OF THIS SECTION;  
14 AND

15 (D) NAMES AND CONTACT INFORMATION, INCLUDING TELEPHONE  
16 NUMBERS, ADDRESSES, AND E-MAIL ADDRESSES, FOR THE STATE  
17 LONG-TERM CARE OMBUDSMAN, THE LOCAL OMBUDSMAN, AND THE  
18 DEPARTMENT.

19 (II) IF THE RESIDENCE'S INVOLUNTARY DISCHARGE OF THE  
20 RESIDENT IS DUE TO A MEDICAL OR PHYSICAL CONDITION RESULTING IN A  
21 REQUIRED LEVEL OF CARE THAT CANNOT BE TREATED WITH MEDICATION  
22 OR SERVICES ROUTINELY PROVIDED BY THE RESIDENCE'S STAFF OR AN  
23 EXTERNAL SERVICE PROVIDER, THE NOTICE MUST ALSO INCLUDE AN  
24 ASSESSMENT BY THE RESIDENT'S PHYSICIAN OF THE RESIDENT'S CURRENT  
25 NEEDS IN RELATION TO THE RESIDENT'S MEDICAL AND PHYSICAL  
26 CONDITION.

27 (c) IF THE STATED REASON FOR THE INVOLUNTARY DISCHARGE IS

1 BECAUSE THE RESIDENT REQUIRES A LEVEL OF CARE THAT CANNOT BE MET  
2 BY THE RESIDENCE OR THE RESIDENT HAS DEMONSTRATED THAT THE  
3 RESIDENT IS A DANGER TO THE RESIDENT OR OTHERS, THE RESIDENCE  
4 SHALL GIVE AS MUCH ADVANCE NOTICE AS IS REASONABLE UNDER THE  
5 CIRCUMSTANCES PRIOR TO THE RESIDENT'S REMOVAL FROM THE  
6 RESIDENCE. THE RESIDENCE MUST STILL PROVIDE WRITTEN NOTICE OF THE  
7 INVOLUNTARY DISCHARGE PURSUANT TO SUBSECTION (1)(b) OF THIS  
8 SECTION AS SOON AS POSSIBLE TO THE RESIDENT, OTHER PERSONS LISTED  
9 IN SUBSECTION (1)(a)(I) OF THIS SECTION, AND THE STATE LONG-TERM  
10 CARE OMBUDSMAN AND THE LOCAL OMBUDSMAN. IF A RESIDENCE  
11 INVOLUNTARILY DISCHARGES A RESIDENT UNDER THESE CIRCUMSTANCES  
12 WITHOUT GIVING THE REQUIRED NOTICE AT LEAST THIRTY DAYS BEFORE  
13 THE DISCHARGE, THE RESIDENT IS ENTITLED TO THE GRIEVANCE PROCESS  
14 SET FORTH IN SUBSECTION (2) OF THIS SECTION RELATING TO THE  
15 INVOLUNTARY DISCHARGE.

16 (2) (a) (I) EACH ASSISTED LIVING RESIDENCE SHALL DESIGNATE AN  
17 INDIVIDUAL TO RECEIVE GRIEVANCES, PURSUANT TO SUBSECTION (2)(a)(II)  
18 OF THIS SECTION, RELATING TO THE INVOLUNTARY DISCHARGE OF A  
19 RESIDENT.

20 (II) A RESIDENT, ANY PERSON LISTED IN SUBSECTION (1)(a)(I) OF  
21 THIS SECTION, OR THE STATE LONG-TERM CARE OMBUDSMAN OR THE  
22 LOCAL OMBUDSMAN, WITH THE CONSENT OF THE RESIDENT, MAY FILE A  
23 GRIEVANCE WITH THE DESIGNEE WITHIN FOURTEEN DAYS AFTER WRITTEN  
24 NOTICE IS GIVEN TO THE RESIDENT PURSUANT TO SUBSECTION (1)(b) OR  
25 (1)(c) OF THIS SECTION CHALLENGING THE INVOLUNTARY DISCHARGE OF  
26 THE RESIDENT AND THE REASONS FOR THE DISCHARGE.

27 (III) A PERSON FILING A GRIEVANCE SHALL SUBMIT THE

1 GRIEVANCE IN WRITING, CAUSE IT TO BE WRITTEN, OR STATE IT ORALLY TO  
2 THE DESIGNEE, WITH THE RESIDENT PROVIDING SOME EVIDENCE OF THE  
3 ORAL SUBMISSION OF THE GRIEVANCE OR A WITNESS ATTESTING TO THE  
4 ORAL SUBMISSION.

5 (b) NO LATER THAN FOURTEEN DAYS AFTER A GRIEVANCE HAS  
6 BEEN SUBMITTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE  
7 DESIGNEE SHALL PROVIDE A WRITTEN RESPONSE TO THE GRIEVANCE TO  
8 THE RESIDENT, THE PERSONS LISTED IN SUBSECTION (1)(a)(I) OF THIS  
9 SECTION, AND THE STATE LONG-TERM CARE OMBUDSMAN AND THE LOCAL  
10 OMBUDSMAN. THE DESIGNEE'S WRITTEN RESPONSE MUST BE  
11 ACCOMPANIED BY AN ORAL EXPLANATION TO THE RESIDENT OR PERSON  
12 FILING THE GRIEVANCE IF APPROPRIATE BECAUSE OF THE MENTAL OR  
13 PHYSICAL CONDITION OF THE RESIDENT OR PERSON FILING THE GRIEVANCE.

14 (c) THE STATE LONG-TERM CARE OMBUDSMAN OR THE LOCAL  
15 OMBUDSMAN MAY PROVIDE ASSISTANCE TO A RESIDENT OR PERSON FILING  
16 A GRIEVANCE IN INVESTIGATING, PREPARING, AND FILING THE GRIEVANCE  
17 PURSUANT TO THIS SUBSECTION (2) OR INVESTIGATING, PREPARING, AND  
18 FILING AN APPEAL OF THE DESIGNEE'S RESPONSE TO THE GRIEVANCE  
19 PURSUANT TO SUBSECTION (3) OF THIS SECTION.

20 (3) IF THE RESIDENT OR PERSON FILING THE GRIEVANCE IS  
21 DISSATISFIED WITH THE DESIGNEE'S WRITTEN RESPONSE, THE RESIDENT OR  
22 THE PERSON FILING THE GRIEVANCE MAY APPEAL TO THE DEPARTMENT  
23 FOR REVIEW OF THE DESIGNEE'S RESPONSE TO THE GRIEVANCE BY FILING  
24 THE SAME GRIEVANCE, THE ORIGINAL NOTICE AND SUPPORTING  
25 DOCUMENTATION GIVEN TO THE RESIDENT PURSUANT TO SUBSECTION  
26 (1)(b) OR (1)(c) OF THIS SECTION, AND THE DESIGNEE'S WRITTEN RESPONSE  
27 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION, INCLUDING

1 SUPPORTING DOCUMENTATION, ALONG WITH ANY ADDITIONAL  
2 INFORMATION OR DOCUMENTATION, TO THE EXECUTIVE DIRECTOR OF THE  
3 DEPARTMENT FOR THE DEPARTMENT'S REVIEW. THE DEPARTMENT SHALL  
4 REVIEW THE GRIEVANCE AND RESPONSE TO DETERMINE WHETHER THE  
5 INVOLUNTARY DISCHARGE COMPLIES WITH THE LAW AND THE PROCESS  
6 ESTABLISHED IN THIS SECTION. THE DEPARTMENT MAY CONFER WITH OR  
7 RECEIVE INFORMATION FROM THE STATE LONG-TERM CARE OMBUDSMAN  
8 AND THE LOCAL OMBUDSMAN CONCERNING THE INVOLUNTARY  
9 DISCHARGE.

10 (4) THE ASSISTED LIVING RESIDENCE SHALL NOT TAKE ANY  
11 PUNITIVE OR RETALIATORY ACTION AGAINST A RESIDENT DUE TO THE  
12 RESIDENT FILING A GRIEVANCE OR APPEAL PURSUANT TO THIS SECTION  
13 AND SHALL CONTINUE TO ASSIST WITH PLANNING A DISCHARGE OR  
14 TRANSFER OF THE RESIDENT WHILE THE GRIEVANCE OR APPEAL TO THE  
15 DEPARTMENT IS PENDING.

16 (5) IF THE RESIDENT, THE PERSON FILING THE GRIEVANCE OR THE  
17 APPEAL, THE STATE LONG-TERM CARE OMBUDSMAN OR THE LOCAL  
18 OMBUDSMAN, OR THE ASSISTED LIVING RESIDENCE IS DISSATISFIED WITH  
19 THE FINDINGS AND RECOMMENDATIONS OF THE DEPARTMENT, THAT  
20 PERSON MAY REQUEST A HEARING CONDUCTED BY THE DEPARTMENT  
21 PURSUANT TO SECTION 24-4-105.

22 (6) AS USED IN THIS SECTION, "DESIGNEE" MEANS THE INDIVIDUAL  
23 DESIGNATED BY THE ASSISTED LIVING RESIDENCE TO RECEIVE GRIEVANCES  
24 RELATING TO AN INVOLUNTARY DISCHARGE OF A RESIDENT PURSUANT TO  
25 SUBSECTION (2)(a)(I) OF THIS SECTION.

26 **SECTION 2.** In Colorado Revised Statutes, 25-27-104, **amend**  
27 (2) introductory portion and (2)(g); and **add** (2)(l), (2)(m), and (3) as

1 follows:

2 **25-27-104. Minimum standards for assisted living residences**

3 **- rules.** (2) ~~Rules promulgated by the State board~~ RULES PROMULGATED  
4 pursuant to subsection (1) of this section ~~shall~~ MUST include, ~~as~~ AT a  
5 minimum, ~~provisions~~ RULES requiring the following:

6 (g) That the administrator and staff of a residence:

7 (I) (A) Meet minimum educational, training, and experience  
8 standards established by the state board. ~~including a requirement that such~~  
9 ~~persons be~~

10 (B) THE STATE BOARD'S MINIMUM EDUCATIONAL, TRAINING, AND  
11 EXPERIENCE STANDARDS FOR RESIDENCE ADMINISTRATORS ESTABLISHED  
12 PURSUANT TO SUBSECTION (2)(g)(I)(A) OF THIS SECTION MUST REQUIRE,  
13 AT A MINIMUM, THAT, ON AND AFTER JANUARY 1, 2024, EACH  
14 ADMINISTRATOR, REGARDLESS OF HIRE DATE, MEETS OR EXCEEDS THE  
15 MINIMUM EDUCATIONAL, TRAINING, AND EXPERIENCE STANDARDS SET  
16 FORTH IN SUBSECTION (3) OF THIS SECTION.

17 (II) ARE of good, moral, and responsible character. In making  
18 ~~such a~~ THE determination, the owner or licensee of a residence ~~may~~ SHALL  
19 have access to and shall obtain any criminal history record information  
20 from a criminal justice agency, subject to any restrictions imposed by  
21 ~~such~~ THE agency, AND A CHECK OF THE COLORADO ADULT PROTECTIVE  
22 SERVICES DATA SYSTEM PURSUANT TO SECTION 26-3.1-111 for any person  
23 responsible for the care and welfare of residents of ~~such~~ THE residence.

24 (I) THAT THE ASSISTED LIVING RESIDENCE COMPLY WITH THE  
25 PROVISIONS OF SECTION 25-27-104.3 CONCERNING THE INVOLUNTARY  
26 DISCHARGE OF RESIDENTS; AND

27 (m) THAT THE STATE BOARD ESTABLISH A RANGE OF FINES FOR

1 VIOLATIONS, INCLUDING FINES FOR VIOLATIONS THAT RESULT IN HARM OR  
2 INJURY TO A RESIDENT, WHICH AMOUNTS MAY VARY BASED ON THE SIZE  
3 OF THE ASSISTED LIVING RESIDENCE AND THE POTENTIAL FOR HARM TO  
4 ONE OR MORE PERSONS, AND SHALL PERMIT THE DEPARTMENT TO  
5 CONSIDER FACTORS SET FORTH IN SECTION 25-27-106(4) IN DETERMINING  
6 THE AMOUNT OF THE FINE.

7 (3) ON AND AFTER JANUARY 1, 2024, THE STATE BOARD'S  
8 EDUCATIONAL, TRAINING, AND EXPERIENCE STANDARDS FOR RESIDENCE  
9 ADMINISTRATORS MUST REQUIRE, AT A MINIMUM, THAT EACH  
10 ADMINISTRATOR, REGARDLESS OF HIRE DATE:

11 (a) (I) IS TWENTY-ONE YEARS OF AGE OR OLDER;

12 (II) HAS EARNED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT;

13 AND

14 (III) (A) HAS AT LEAST ONE YEAR OF EXPERIENCE SUPERVISING  
15 THE DELIVERY OF PERSONAL SERVICES THAT MUST INCLUDE ASSISTANCE  
16 WITH ACTIVITIES OF DAILY LIVING; OR

17 (B) IN LIEU OF THE EXPERIENCE REQUIRED IN SUBSECTION  
18 (3)(a)(III)(A) OF THIS SECTION, IS CURRENTLY SUPERVISING THE DELIVERY  
19 OF PERSONAL SERVICES THAT INCLUDE ASSISTANCE WITH ACTIVITIES OF  
20 DAILY LIVING AND IS LICENSED AS A HEALTH-CARE PROFESSIONAL OR HAS  
21 EDUCATION AND WORK EXPERIENCE ESTABLISHED BY THE STATE BOARD  
22 BY RULE; AND

23 (b) (I) BEFORE ASSUMING AN ADMINISTRATOR POSITION, HAS  
24 WRITTEN PROOF OF COMPLETION OF AN ADMINISTRATOR TRAINING  
25 PROGRAM THAT SATISFIES REQUIREMENTS ESTABLISHED BY THE STATE  
26 BOARD BY RULE; AND

27 (II) COMPLETES COMPETENCY TESTING THAT SATISFIES

1 REQUIREMENTS ESTABLISHED BY THE STATE BOARD BY RULE,  
2 DEMONSTRATING A COMPREHENSIVE, EVIDENCE-BASED UNDERSTANDING  
3 OF THE TOPICS AND REGULATIONS.

4 **SECTION 3.** In Colorado Revised Statutes, 25-27-106, **amend**  
5 (2)(b)(I)(E) and (2)(b)(II)(B); and **add** (4), (5), and (6) as follows:

6 **25-27-106. License denial, suspension, or revocation.**

7 (2) (b) (I) The department may impose intermediate restrictions or  
8 conditions on a licensee that may include at least one of the following:

9 (E) Paying a civil fine ~~not to exceed two thousand dollars in a~~  
10 ~~calendar year~~ PURSUANT TO SUBSECTION (4) OF THIS SECTION.

11 (II) (B) If the department imposes an intermediate restriction or  
12 condition that is the result of a life-threatening situation OR IS DUE TO  
13 SERIOUS INJURY OR HARM TO A RESIDENT, the department shall notify the  
14 licensee in writing, by telephone, or in person during an on-site visit. The  
15 licensee shall implement the restriction or condition immediately upon  
16 receiving notice of the restriction or condition. If the department provides  
17 notice of a restriction or condition by telephone or in person, the  
18 department shall send written confirmation of the restriction or condition  
19 to the licensee within two business days.

20 (4) (a) (I) NOTWITHSTANDING THE DEPARTMENT'S DISCRETION  
21 PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION, THE DEPARTMENT  
22 SHALL IMPOSE A FINE, IN AN AMOUNT PER VIOLATION THAT IS CALCULATED  
23 TO DETER FURTHER VIOLATIONS, FOR ANY VIOLATION RESULTING IN  
24 ACTUAL HARM OR INJURY TO A RESIDENT. CONSISTENT WITH STATE BOARD  
25 RULES PURSUANT TO SECTION 25-27-104 (2), THE AMOUNT OF THE FINE  
26 MAY VARY DEPENDING ON THE SIZE OF THE RESIDENCE, THE POTENTIAL  
27 FOR HARM OR INJURY TO ONE OR MORE RESIDENTS, AND WHETHER THERE

1 IS A PATTERN OF POTENTIAL OR ACTUAL HARM OR INJURY TO RESIDENTS.

2 (II) IN DETERMINING THE AMOUNT OF A FINE, CONSISTENT WITH  
3 STATE BOARD RULES, THE DEPARTMENT MAY CONSIDER:

4 (A) THE HISTORY OF HARM OR INJURY AT THE RESIDENCE;

5 (B) THE NUMBER OF INJURIES TO RESIDENTS FOR WHICH THE CAUSE  
6 OF THE INJURY IS UNKNOWN;

7 (C) THE ADEQUACY OF THE RESIDENCE'S OCCURRENCE  
8 INVESTIGATIONS AND REPORTING;

9 (D) THE ADEQUACY OF THE ADMINISTRATOR'S SUPERVISION OF  
10 EMPLOYEES TO ENSURE EMPLOYEES ARE KEEPING RESIDENTS SAFE FROM  
11 HARM OR INJURY; AND

12 (E) THE RESIDENCE'S COMPLIANCE WITH REQUIRED MANDATORY  
13 REPORTING OF THE MISTREATMENT OF RESIDENTS.

14 (b) NOTWITHSTANDING THE DEPARTMENT'S DISCRETION PURSUANT  
15 TO SUBSECTION (2)(b)(I) OF THIS SECTION, CONSISTENT WITH STATE  
16 BOARD RULES, THE DEPARTMENT SHALL IMPOSE A FINE, IN AN AMOUNT  
17 DETERMINED BY THE DEPARTMENT, FOR ANY RESIDENCE THAT IS FOUND  
18 TO BE WITHOUT AN ADMINISTRATOR, ON AND AFTER JANUARY 1, 2024,  
19 WHO MEETS OR EXCEEDS THE EDUCATIONAL, TRAINING, AND EXPERIENCE  
20 STANDARDS FOR RESIDENCE ADMINISTRATORS ESTABLISHED BY THE STATE  
21 BOARD PURSUANT TO SECTION 25-27-104.

22 (5) EXCEPT AS PROVIDED IN SUBSECTION (2)(b)(III) OF THIS  
23 SECTION, THE DEPARTMENT SHALL SUSPEND, REVOKE, OR REFUSE TO  
24 RENEW THE LICENSE OF A RESIDENCE IF:

25 (a) A RESIDENT IS SUBJECT TO MISTREATMENT, AS DEFINED IN  
26 SECTION 26-3.1-101 (7), THAT CAUSES INJURY TO THE RESIDENT;

27 (b) THE RESIDENCE'S OWNER OR ADMINISTRATOR DIRECTLY

1 CAUSED THE MISTREATMENT OR THE MISTREATMENT RESULTED FROM THE  
2 ADMINISTRATOR'S FAILURE TO ADEQUATELY TRAIN OR SUPERVISE  
3 EMPLOYEES; AND

4 (c) A DIRECTED WRITTEN PLAN REQUIRED BY THE DEPARTMENT  
5 PURSUANT TO SUBSECTION (2)(b)(I)(D) OF THIS SECTION TO CORRECT THE  
6 VIOLATION, IN ADDITION TO THE ASSESSMENT OF CIVIL FINES, HAS NOT OR  
7 IS NOT REASONABLY EXPECTED TO CORRECT THE VIOLATIONS.

8 (6) ON AND AFTER JANUARY 1, 2024, THE DEPARTMENT MAY  
9 REFUSE TO RENEW THE LICENSE OF A RESIDENCE IF THE RESIDENCE'S  
10 ADMINISTRATOR DOES NOT MEET OR EXCEED THE EDUCATIONAL,  
11 TRAINING, AND EXPERIENCE STANDARDS FOR ADMINISTRATORS  
12 ESTABLISHED BY THE STATE BOARD PURSUANT TO SECTION 25-27-104.

13 **SECTION 4.** In Colorado Revised Statutes, 25-27-102, **amend**  
14 the introductory portion; and **add** (6.5) and (12) as follows:

15 **25-27-102. Definitions.** As used in this ~~article~~ ARTICLE 27, unless  
16 the context otherwise requires:

17 (6.5) "LOCAL OMBUDSMAN" HAS THE SAME MEANING AS SET  
18 FORTH IN SECTION 26-11.5-103 (2).

19 (12) "STATE LONG-TERM CARE OMBUDSMAN" HAS THE SAME  
20 MEANING AS SET FORTH IN SECTION 26-11.5-103 (7).

21 **SECTION 5. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, or safety.