

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0723.01 Kristen Forrestal x4217

SENATE BILL 24-167

SENATE SPONSORSHIP

Ginal and Smallwood,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING PORTABLE REQUIREMENTS FOR DIRECT-CARE
102 HEALTH-CARE WORKERS 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>.)

The bill authorizes the department of public health and environment to require each operator of an assisted living residence to require each direct-care worker who provides direct-care services to residents of an assisted living residence (direct-care worker) to:

- Take a tuberculosis test; and
- Undergo fit testing for a respiratory mask.

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.

The bill requires each operator of an assisted living residence to require each direct-care worker to complete direct-care training to provide specific services to residents.

The individual or entity that provides training is required to provide each trained direct-care worker with a certificate of completion of training that may be presented to another assisted living residence to consider for the purposes of satisfying the residence's training requirements.

For a direct-care worker who has been issued a certificate of completion, an operator of an assisted living residence may require an employee to complete new training or may require the completion of a competency test prior to the employee providing direct-care services.

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

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

4 **25-27-102. Definitions.** As used in this article 27, unless the
5 context otherwise requires:

6 (2.5) "DIRECT-CARE WORKER" MEANS A STAFF MEMBER CARING
7 FOR THE PHYSICAL, EMOTIONAL, OR MENTAL HEALTH NEEDS OF RESIDENTS
8 OF AN ASSISTED LIVING RESIDENCE AND WHOSE WORK INVOLVES REGULAR
9 CONTACT WITH RESIDENTS WHO ARE LIVING WITH A DEMENTIA DISEASE
10 AND RELATED DISABILITIES.

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

14 (10.5) "QUALIFIED MEDICATION ADMINISTRATION PERSONNEL"
15 MEANS AN INDIVIDUAL WHO HAS PASSED A COMPETENCY EVALUATION
16 ADMINISTERED BY AN APPROVED TRAINING ENTITY ON OR AFTER JULY 1,
17 2017, AND WHOSE NAME APPEARS ON THE DEPARTMENT'S LIST OF
18 INDIVIDUALS WHO HAVE PASSED THE REQUISITE COMPETENCY
19 EVALUATION.

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

3 **25-27-114. Direct-care workers in assisted living residences -**
4 **training - portability - rules - definitions.** (1) (a) IF, BY RULE, THE
5 DEPARTMENT REQUIRES AN OPERATOR OF AN ASSISTED LIVING RESIDENCE
6 TO REQUIRE DIRECT-CARE WORKERS AND QUALIFIED MEDICATION
7 ADMINISTRATION PERSONNEL WHO PROVIDE DIRECT-CARE SERVICES TO
8 RESIDENTS OF THE ASSISTED LIVING RESIDENCE TO UNDERGO
9 TUBERCULOSIS TESTING AND FIT TESTING BEFORE PROVIDING DIRECT-CARE
10 SERVICES TO RESIDENTS, THEN THE OPERATOR SHALL MAKE THE RESULTS
11 OF THE TUBERCULOSIS TESTING AND THE FIT TESTING AVAILABLE TO THE
12 DIRECT-CARE WORKER WHO UNDERWENT THE TEST.

13 (b) THE TESTING REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION
14 MAY BE PROVIDED BY A STATE AGENCY, A QUALIFIED TRAINING ENTITY,
15 AN ASSOCIATION OF EMPLOYERS, OR ANOTHER ENTITY DEEMED
16 APPROPRIATE BY THE DEPARTMENT.

17 (c) THE OPERATOR OF AN ASSISTED LIVING RESIDENCE MAY
18 CHOOSE TO REQUIRE A DIRECT-CARE WORKER EMPLOYED BY THE ASSISTED
19 LIVING RESIDENCE TO REPEAT THE TUBERCULOSIS AND FIT TESTING AT THE
20 OPERATOR'S DISCRETION.

21 (2) (a) THE OPERATOR OF AN ASSISTED LIVING RESIDENCE SHALL
22 ENSURE THAT EACH DIRECT-CARE WORKER RECEIVES THE FOLLOWING
23 TRAINING BEFORE PROVIDING DIRECT CARE TO RESIDENTS OF THE ASSISTED
24 LIVING RESIDENCE:

- 25 (I) HAND HYGIENE AND INFECTION CONTROL;
- 26 (II) BASIC FIRST AID;
- 27 (III) AUTOMATED EXTERNAL DEFIBRILLATOR USE, IF APPLICABLE;

1 (IV) RESIDENT RIGHTS;
2 (V) CARE FOR DEMENTIA PATIENTS;
3 (VI) PERSON-CENTERED CARE;
4 (VII) FALL PREVENTION;
5 (VIII) LIFT ASSISTANCE;
6 (IX) FOOD SAFETY; AND
7 (X) ANY OTHER TRAINING DEEMED RELEVANT BY THE
8 DEPARTMENT.

9 (b) THE TRAINING REQUIRED BY THIS SUBSECTION (2) MAY BE
10 PROVIDED BY AN ASSISTED LIVING RESIDENCE EMPLOYER; A STATE
11 AGENCY; A QUALIFIED TRAINING ENTITY; AN ACCREDITED COMMUNITY
12 COLLEGE, TRADE SCHOOL, OR OTHER EDUCATIONAL INSTITUTION; AN
13 ASSOCIATION OF EMPLOYERS; OR ANOTHER ENTITY APPROVED BY THE
14 DEPARTMENT.

15 (3) THE INDIVIDUAL OR ENTITY THAT PROVIDES THE TRAINING
16 SHALL PROVIDE THE INDIVIDUAL WHO COMPLETES THE DIRECT-CARE
17 TRAINING REQUIRED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION
18 WITH A CERTIFICATE OF COMPLETION OF THE TRAINING THAT STATES THAT
19 THE INDIVIDUAL HAS COMPLETED TRAINING AS A DIRECT-CARE WORKER.
20 THE CERTIFICATE OF COMPLETION MUST INCLUDE:

- 21 (a) THE TOPIC COVERED;
- 22 (b) THE DATE OF THE TRAINING;
- 23 (c) THE INDIVIDUAL OR ENTITY THAT PROVIDED THE TRAINING;
- 24 (d) THE NUMBER OF HOURS FOR THE TRAINING;
- 25 (e) DOCUMENTATION OF COMPETENCY IN THE SPECIFIC TOPIC OF
26 THE TRAINING; AND
- 27 (f) OTHER INFORMATION DEEMED APPROPRIATE BY THE

1 DEPARTMENT.

2 (4) IF AN INDIVIDUAL HOLDS A CERTIFICATE OF COMPLETION OF
3 TRAINING THAT WAS AWARDED WITHIN THE PREVIOUS FIVE YEARS, IF
4 REQUIRED BY STATE OR FEDERAL LAW, AND CHANGES EMPLOYMENT TO A
5 DIFFERENT ASSISTED LIVING RESIDENCE UNDER A DIFFERENT OPERATOR,
6 THE INDIVIDUAL MAY PRESENT THE CERTIFICATE TO THE DIFFERENT
7 OPERATOR FOR CONSIDERATION. IF PRESENTED THE CERTIFICATE, THE
8 DIFFERENT OPERATOR SHALL DETERMINE THAT THE INDIVIDUAL HAS
9 SATISFIED A TRAINING REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION
10 OR REQUIRE THE INDIVIDUAL TO COMPLETE NEW TRAINING OR PASS A
11 COMPETENCY TEST.

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