

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0771.01 Chelsea Princell x4335

HOUSE BILL 25-1184

HOUSE SPONSORSHIP

Paschal and Hartsook,

SENATE SPONSORSHIP

Roberts and Carson,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING COMMUNITY-BASED CONTINUING CARE SERVICES FOR**
102 **SENIORS AWAITING ADMISSION TO A LIFE CARE INSTITUTION.**

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>.)

Under current law, life care institutions provide life and health support services to resident seniors who reside at the life care institution through the help of independent living arrangements, assisted living, or skilled nursing. The bill allows life care institutions to provide community-based continuing care services to seniors in their homes and other services that benefit individuals who are awaiting admission to a

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.*

life care institution.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 11-49-101 as
3 follows:

4 **11-49-101. Definitions.** As used in this article 49, unless the
5 context otherwise requires:

6 (1) "Aged person" means any person sixty-two years of age or
7 older.

8 (2) "Board" means the financial services board created in section
9 11-44-101.6.

10 (3) "Commissioner" means the state commissioner of financial
11 services, serving in accordance with section 11-44-102.

12 (4) "COMMUNITY-BASED CONTINUING CARE" OR "CBCC" MEANS
13 A PROGRAM PROVIDING OR COMMITTING TO PROVIDE A RANGE OF
14 SERVICES TO A PARTICIPANT PURSUANT TO A CONTRACT EFFECTIVE FOR
15 THE LIFE OF THE INDIVIDUAL AND IN CONSIDERATION OF THE PAYMENT OF
16 A ONE-TIME ENTRANCE FEE OR A MONTHLY FEE. "COMMUNITY-BASED
17 CONTINUING CARE" OR "CBCC" ALSO MEANS THE PROVISION OF SERVICES
18 TO AN INDIVIDUAL IN THE INDIVIDUAL'S PRIVATE RESIDENCE, WHEN
19 MEDICALLY FEASIBLE, AND PROVIDING FACILITY-BASED LONG-TERM CARE
20 SERVICES, WHEN REQUIRED, EITHER DIRECTLY OR INDIRECTLY THROUGH
21 AFFILIATED SERVICES OR CONTRACTUAL ARRANGEMENTS.

22 (5) "COMMUNITY-BASED CONTINUING CARE ENTRANCE FEE" OR
23 "CBCC ENTRANCE FEE" MEANS AN INITIAL OR DEFERRED TRANSFER TO A
24 CBCC PROVIDER OF A SUM OF MONEY OR OTHER PROPERTY MADE OR
25 PROMISED TO BE MADE IN ADVANCE OR AT SOME FUTURE TIME AS FULL OR

1 PARTIAL CONSIDERATION FOR ACCEPTANCE OF AN INDIVIDUAL AS A
2 PARTICIPANT.

3 (6) "COMMUNITY-BASED CONTINUING CARE PROVIDER" OR "CBCC
4 PROVIDER" MEANS A PROVIDER WHO PROVIDES OR OFFERS TO PROVIDE
5 COMMUNITY-BASED CONTINUING CARE TO A PARTICIPANT AND HAS
6 OPERATED A LIFE CARE INSTITUTION PURSUANT TO THIS ARTICLE 49 FOR
7 AT LEAST THREE YEARS.

8 (4) (7) "Entrance fee" means the total of any initial or deferred
9 transfer to or for the benefit of a provider MADE PURSUANT TO A LIFE
10 CARE CONTRACT, which transfer:

11 (a) Is made or promised to be made as full or partial consideration
12 for the acceptance or maintenance of a specified individual as a resident
13 in a facility; and

14 (b) Is in the form of:

15 (I) Property; or

16 (II) A sum of money in an amount that is greater than four times
17 the amount of a regular periodic charge under a life care contract at the
18 facility.

19 (5) (8) "Facility" means the place WITH LIVING UNITS in which a
20 provider undertakes to provide life care to a resident.

21 (6) (9) "Life care" means care ~~provided~~, MADE AVAILABLE TO A
22 RESIDENT OF A LIVING UNIT BY A PROVIDER pursuant to a life care
23 contract, for the life of an aged person, including, but not limited to,
24 services such as ~~occupancy of a living unit~~, health care, nutrition
25 assistance, medical services, ~~and nursing services within a living unit~~
26 BOARD, LODGING, NURSING SERVICES, OR OTHER SERVICES REQUIRED BY
27 A LIFE CARE CONTRACT.

1 ~~(7)~~ (10) "Life care contract" means a written contract to provide
2 life care to a person for the duration of the person's life conditioned upon
3 the transfer of an entrance fee to the provider of the services in addition
4 to or in lieu of the payment of regular periodic charges for the LIFE care
5 and services involved. A life care contract under which the entrance fee
6 is payable to or for the provider in four or more installments is subject to
7 the provisions of the "Uniform Consumer Credit Code", articles 1 to 9 of
8 title 5.

9 ~~(8)~~ (11) "Living unit" means a room, apartment, or other area that
10 is within a facility and set aside for the use of one or more identified
11 residents and within which life care is ~~provided~~ MADE AVAILABLE by the
12 provider. A resident's living unit may change based on the appropriate
13 care needs of the resident.

14 (12) "PARTICIPANT" MEANS AN INDIVIDUAL WHO HAS ENTERED
15 INTO A COMMUNITY-BASED CONTINUING CARE CONTRACT.

16 ~~(9)~~ (13) "Person" means all corporations, associations,
17 partnerships, or individuals, including fraternal or benevolent orders or
18 societies.

19 (14) "PRIVATE RESIDENCE" MEANS THE PLACE WHERE A CBCC
20 PROVIDER PROVIDES CBCC TO A PARTICIPANT AND DOES NOT INCLUDE A
21 LIVING UNIT OR A FACILITY.

22 ~~(10)~~ (15) (a) "Provider" means a person who undertakes to
23 provide services in a facility pursuant to a life care contract.

24 (b) "Provider" does not include a unit owners' association, as
25 defined in section 38-33.3-103 (3).

26 (16) "RANGE OF SERVICES" MEANS SERVICES THAT ENABLE A
27 PARTICIPANT TO LIVE SAFELY IN THE PARTICIPANT'S PRIVATE RESIDENCE.

1 ~~(11)~~ (17) "Resident" means any person entitled pursuant to a life
2 care contract to receive life care in a facility.

3 ~~(12)~~ (18) "Third-party service providers" means any person, other
4 than a provider, who is the holder of a management contract with a
5 provider or who contracts with a provider to provide life care services to
6 residents.

7 **SECTION 2.** In Colorado Revised Statutes, 11-49-103, **amend**
8 (2) as follows:

9 **11-49-103. Withdrawal or dismissal of person - refund.** (2) If
10 the provider is an organization described in section 501 (c)(3) of the
11 federal "Internal Revenue Code of 1986", as amended, and exempt from
12 income taxation under section 501 (a) of the federal "Internal Revenue
13 Code of 1986", ~~as amended, it shall be~~ OR HAS A POLICY NOT TO
14 TERMINATE A RESIDENT'S LIFE CARE CONTRACT DUE TO THE INABILITY TO
15 PAY IF THE RESIDENT IS OTHERWISE COMPLIANT WITH THE LIFE CARE
16 CONTRACT, THE PROVIDER IS entitled to make a refund according to a
17 schedule provided in its agreement with the resident so long as the
18 schedule provides for amortization of the amount paid by the resident
19 over a period of not less than sixty months or over the life expectancy of
20 the resident if the expectancy is less than sixty months. In such case, the
21 refund may be delayed for a reasonable period thereafter until the
22 securing by the provider of a substitute fee from another resident or
23 prospective resident. The provider may also deduct from any such refund
24 amounts due it from the resident for damage done or for any other
25 legitimate offsetting item.

26 **SECTION 3.** In Colorado Revised Statutes, 11-49-105, **add** (4)
27 as follows:

1 **11-49-105. Reserve requirements.** (4) A CBCC PROVIDER SHALL
2 MAINTAIN SEPARATE RESERVES TIED TO AN ACTUARIAL ASSESSMENT, IN
3 THE FORM AND MANNER REQUIRED BY THE COMMISSIONER, IN ORDER FOR
4 THE PROVIDER TO FULLY PERFORM ITS OBLIGATIONS UNDER ITS
5 COMMUNITY-BASED CONTINUING CARE CONTRACTS.

6 **SECTION 4.** In Colorado Revised Statutes, 11-49-106, **amend**
7 (1), (2), and (3) as follows:

8 **11-49-106. Annual report by providers - fee.** (1) Each A
9 provider AND CBCC PROVIDER shall file ~~an annual report~~ REPORTS with
10 the commissioner within ninety days after the end of ~~its~~ THEIR fiscal year
11 that ~~contains~~ CONTAIN the certified financial statements for each facility
12 OR PROGRAM and ~~such~~ other information as ~~may be~~ required by the
13 commissioner. The annual ~~report shall~~ REPORTS MUST be made in a form
14 prescribed by the commissioner.

15 (2) A provider AND CBCC PROVIDER shall amend ~~its~~ THEIR annual
16 ~~report~~ REPORTS on file with the commissioner if an amendment is
17 necessary to prevent the ~~report~~ REPORTS from containing a material
18 misstatement of fact or omission of a material fact.

19 (3) A provider AND CBCC PROVIDER shall make ~~its~~ THEIR annual
20 ~~report~~ REPORTS available to residents OR PARTICIPANTS upon request.

21 **SECTION 5.** In Colorado Revised Statutes, **amend** 11-49-107 as
22 follows:

23 **11-49-107. Examination - fees.** The commissioner may conduct
24 an examination of the affairs of ~~any~~ A provider OR CBCC PROVIDER as
25 often as the commissioner deems ~~it~~ necessary for the protection of the
26 interests of the people of this state. Providers AND CBCC PROVIDERS shall
27 maintain copies of their books and records in Colorado to provide access

1 for the purposes of this article 49. The commissioner shall assess each
2 provider at least semiannually, to cover the annual direct and indirect
3 costs of examinations, supervision, and administration conducted
4 pursuant to ~~the provisions of~~ this section. The assessments ~~shall~~ MUST be
5 calculated in terms of cents per thousand dollars of total escrowed
6 entrance fees and reserves maintained. The assessment calculation, or
7 ratio of the assessment charged to total escrowed entrance fees and
8 reserves maintained, ~~shall~~ MUST be alike in all cases. On or before the
9 dates specified by the commissioner, each ~~association~~ PROVIDER AND
10 CBCC PROVIDER shall pay its assessment. If deemed necessary, the
11 commissioner may estimate a per diem rate to be charged for
12 examinations and charge a provider OR CBCC PROVIDER for the actual
13 cost of any examination documented by the commissioner.

14 **SECTION 6.** In Colorado Revised Statutes, **amend** 11-49-109 as
15 follows:

16 **11-49-109. Violation.** ~~Any~~ A person acting in the capacity of a
17 provider OR CBCC PROVIDER who enters into a life care contract OR
18 CBCC CONTRACT, or extends the term of an existing life care contract OR
19 CBCC CONTRACT, without acting in compliance with ~~the provisions of~~
20 this article 49 commits a class 2 misdemeanor.

21 **SECTION 7.** In Colorado Revised Statutes, 11-49-111, **add** (2),
22 (3), and (4) as follows:

23 **11-49-111. Life care contract and CBCC contract - content.**

24 (2) A COMMUNITY-BASED CONTINUED CARE CONTRACT MUST BE WRITTEN
25 IN A CLEAR AND COHERENT MANNER USING WORDS WITH COMMON AND
26 EVERYDAY MEANINGS AND MUST:

27 (a) SHOW THE VALUE OF ALL PROPERTY TRANSFERRED, INCLUDING

1 DONATIONS, SUBSCRIPTIONS, FEES, AND ANY OTHER AMOUNTS PAID OR
2 PAYABLE BY, OR ON BEHALF OF, THE PARTICIPANT;

3 (b) SHOW ALL SERVICES THAT ARE PROVIDED BY THE CBCC
4 PROVIDER TO THE PROSPECTIVE PARTICIPANT, INCLUDING, IN DETAIL, ALL
5 ITEMS THAT THE PARTICIPANT WILL RECEIVE, WHETHER THE ITEMS WILL BE
6 PROVIDED FOR A DESIGNATED TIME PERIOD OR FOR THE LIFE OF THE
7 PARTICIPANT, AND THE MONTHLY CHARGE FOR THE SERVICE;

8 (c) BE ACCOMPANIED BY A FINANCIAL STATEMENT SHOWING IN
9 REASONABLE DETAIL THE FINANCIAL CONDITION OF THE CBCC PROVIDER,
10 INCLUDING A STATEMENT OF EARNINGS FOR THE PREVIOUS THIRTY-SIX
11 MONTHS, THAT MUST BE FURNISHED TO THE PROSPECTIVE PARTICIPANT;

12 (d) DESCRIBE THE PHYSICAL HEALTH, MENTAL HEALTH, AND
13 FINANCIAL CONDITIONS OF THE PARTICIPANT UNDER WHICH THE CBCC
14 PROVIDER MAY REQUIRE THE PARTICIPANT TO END THEIR PARTICIPATION
15 IN THE PROGRAM;

16 (e) DESCRIBE THE CIRCUMSTANCES UNDER WHICH A PARTICIPANT
17 MAY REMAIN IN THE PROGRAM IN THE EVENT THAT A PARTICIPANT IS
18 UNABLE TO PRODUCE A REQUIRED PAYMENT;

19 (f) (I) PROVIDE THAT THE CBCC PROVIDER SHALL NOT CANCEL A
20 COMMUNITY-BASED CONTINUING CARE CONTRACT WITH THE PARTICIPANT
21 WITHOUT SHOWING GOOD CAUSE. GOOD CAUSE IS LIMITED TO THE
22 FOLLOWING:

23 (A) PROOF THAT THE PARTICIPANT IS A DANGER TO THEMSELF OR
24 OTHERS;

25 (B) PERSISTENT NONPAYMENT BY THE PARTICIPANT OF A
26 MONTHLY OR PERIODIC FEE;

27 (C) REPEATED CONDUCT BY THE PARTICIPANT THAT INTERFERES

1 WITH OTHER PARTICIPANTS' QUIET ENJOYMENT OF A FACILITY OR SERVICE;

2 (D) PERSISTENT REFUSAL TO COMPLY WITH WRITTEN RULES AND
3 REGULATIONS OF THE PROGRAM;

4 (E) A MATERIAL MISREPRESENTATION MADE INTENTIONALLY OR
5 RECKLESSLY BY THE PARTICIPANT IN THEIR APPLICATION FOR
6 PARTICIPATION IN THE PROGRAM, OR RELATED MATERIALS, REGARDING
7 INFORMATION THAT, IF ACCURATELY PROVIDED, WOULD RESULT IN EITHER
8 THE PARTICIPANT NOT QUALIFYING FOR PARTICIPATION OR A MATERIAL
9 INCREASE IN THE COST OF PROVIDING THE CARE AND SERVICES PROVIDED
10 UNDER THE CBCC CONTRACT TO THE PARTICIPANT; OR

11 (F) A MATERIAL BREACH BY THE PARTICIPANT OF THE TERMS AND
12 CONDITIONS OF THE COMMUNITY-BASED CONTINUING CARE CONTRACT.

13 (II) IF A CBCC PROVIDER INTENDS TO CANCEL A CBCC CONTRACT
14 AND TERMINATE A PARTICIPANT'S PARTICIPATION, THE PROVIDER MUST
15 GIVE THE PARTICIPANT WRITTEN NOTICE OF, AND A REASONABLE
16 OPPORTUNITY TO CURE WITHIN A REASONABLE PERIOD, THE CONDUCT
17 THAT WARRANTS THE CANCELLATION OF THE CBCC CONTRACT. THE
18 NOTICE MUST SPECIFY WHICH OF THE CIRCUMSTANCES DESCRIBED IN
19 SUBSECTION (2)(f)(I) OF THIS SECTION OCCURRED THAT WARRANTS
20 TERMINATION OF THE CBCC CONTRACT.

21 (g) PROVIDE IN CLEAR AND UNDERSTANDABLE LANGUAGE, IN
22 PRINT NO LARGER THAN THE LARGEST TYPE USED IN THE BODY OF THE
23 CBCC CONTRACT, THE TERMS GOVERNING A REFUND OF A PORTION OF THE
24 CBCC ENTRANCE FEE AND THE MANNER IN WHICH THE CBCC PROVIDER
25 MAY USE THE FUNDS FROM THE CBCC ENTRANCE FEE IF NOT REFUNDED;

26 (h) STATE THE TERMS THAT A CBCC CONTRACT IS CANCELLED BY
27 THE DEATH OF THE PARTICIPANT. THE CBCC CONTRACT MAY CONTAIN A

1 PROVISION TO THE EFFECT THAT, UPON THE DEATH OF THE PARTICIPANT,
2 THE MONEY PAID FOR THE COMMUNITY-BASED CONTINUING CARE OF THE
3 PARTICIPANT IS CONSIDERED EARNED AND IS PROPERTY OF THE CBCC
4 PROVIDER.

5 (i) PROVIDE A PARTICIPANT WITH AT LEAST A THIRTY-DAY NOTICE
6 PRIOR TO A CHANGE IN FEES, CHARGES, OR THE SCOPE OF CARE OR
7 SERVICES, EXCEPT FOR CHANGES REQUIRED BY STATE OR FEDERAL LAW.

8 (3) A PARTICIPANT HAS THE RIGHT TO RESCIND A CBCC
9 CONTRACT AND RECEIVE A FULL REFUND OF THE CBCC ENTRANCE FEE
10 WITHIN SEVEN DAYS AFTER MAKING AN INITIAL DEPOSIT OR EXECUTING
11 THE CBCC CONTRACT. A PARTICIPANT IS NOT REQUIRED TO BEGIN THE
12 PROVISION OF CARE OR SERVICES OUTLINED IN THE PARTICIPANT'S CBCC
13 CONTRACT BEFORE THE EXPIRATION OF THE SEVEN-DAY PERIOD.

14 (4) IF A PARTICIPANT DIES BEFORE THE PROGRAM BEGINS, OR IS
15 PRECLUDED FROM PARTICIPATING IN THE PROGRAM DUE TO ILLNESS,
16 INJURY, OR INCAPACITY, THE CONTRACT AUTOMATICALLY RESCINDS AND
17 THE PARTICIPANT OR THE PARTICIPANT'S LEGAL REPRESENTATIVE MUST
18 RECEIVE A FULL REFUND OF ALL MONEY PAID TO THE CBCC PROVIDER,
19 EXCEPT COSTS SPECIFICALLY INCURRED BY THE CBCC PROVIDER AT THE
20 REQUEST OF THE PARTICIPANT AND SET FORTH IN WRITING IN A SEPARATE
21 ADDENDUM SIGNED BY BOTH PARTIES TO THE CONTRACT.

22 **SECTION 8.** In Colorado Revised Statutes, 11-49-112, **amend**
23 (1) introductory portion and (1)(f); and **repeal** (1)(e) as follows:

24 **11-49-112. Register.** (1) Every provider AND CBCC PROVIDER
25 shall maintain a register setting forth the following facts concerning each
26 person OR PARTICIPANT residing in ~~the~~ A life care institution OR
27 RECEIVING CBCC:

1 (e) ~~Mother's maiden name;~~

2 (f) The person responsible for each resident's care and
3 maintenance; AND

4 **SECTION 9.** In Colorado Revised Statutes, **amend** 11-49-113 as
5 follows:

6 **11-49-113. Advertisements and solicitations of life care**
7 **contracts and CBCC contracts - requirements.** Any report, circular,
8 public announcement, certificate, or financial statement, or any other
9 printed matter or advertising material that is designed for or used to solicit
10 or induce persons to enter into any life care contract OR CBCC
11 CONTRACT, and that lists or refers to the name of any individual or
12 organization as being interested in or connected with the person,
13 association, or corporation to perform the contract, ~~shall~~ MUST clearly
14 state the extent of financial responsibility assumed by that individual or
15 organization for the person, association, or corporation and the fulfillment
16 of its contracts.

17 **SECTION 10.** In Colorado Revised Statutes, 30-28-115, **amend**
18 (2)(b)(II) as follows:

19 **30-28-115. Public welfare to be promoted - legislative**
20 **declaration - construction.** (2) (b) (II) The general assembly declares
21 that the establishment of group homes for the aged for the exclusive use
22 of not more than eight persons sixty years of age or older per home is a
23 matter of statewide concern. The general assembly further finds and
24 declares that it is the policy of this state to enable and assist persons sixty
25 years of age or older who do not need nursing facilities and who so elect
26 to live in normal residential surroundings, including single-family
27 residential units. Group homes for the aged ~~shall~~ MUST be distinguished

1 from nursing facilities, as defined in ~~section 25.5-4-103 (14)~~ SECTION
2 25.5-4-103, and institutions providing life care, as defined in ~~section~~
3 ~~11-49-101 (6)~~ SECTION 11-49-101. Every county ~~having adopted or that~~
4 ~~shall adopt~~ THAT ADOPTS a zoning ordinance shall provide for the location
5 of group homes for the aged. A group home for the aged established
6 under this subsection (2)(b)(II) ~~shall~~ MUST not be located within seven
7 hundred fifty feet of another ~~such~~ group home, unless otherwise provided
8 for by the county.

9 **SECTION 11.** In Colorado Revised Statutes, 31-23-303, **amend**
10 (2)(b)(II) as follows:

11 **31-23-303. Legislative declaration.** (2) (b) (II) The general
12 assembly declares that the establishment of group homes for the aged for
13 the exclusive use of not more than eight persons sixty years of age or
14 older per home is a matter of statewide concern. The general assembly
15 further finds and declares that it is the policy of this state to enable and
16 assist persons sixty years of age or older who do not need nursing
17 facilities, and who so elect, to live in normal residential surroundings,
18 including single-family residential units. Group homes for the aged ~~shall~~
19 MUST be distinguished from nursing facilities, as defined in ~~section~~
20 ~~25.5-4-103 (14)~~ SECTION 25.5-4-103, and institutions providing life care,
21 as defined in ~~section 11-49-101 (6)~~ SECTION 11-49-101. Every
22 municipality ~~having adopted or that shall adopt~~ THAT ADOPTS a zoning
23 ordinance shall provide for the location of group homes for the aged. A
24 group home for the aged established under this subsection (2)(b) ~~shall~~
25 MUST not be located within seven hundred fifty feet of another ~~such~~ group
26 home, unless otherwise provided for by the municipality. Nothing in this
27 subsection (2)(b) shall be construed to exempt the group homes from

1 compliance with any state, county, or municipal health, safety, and fire
2 codes. On April 29, 1976, every person sixty years of age or older who
3 resides in a skilled or intermediate health-care facility and who may be
4 transferred or discharged therefrom to a group home for the aged shall not
5 be so discharged or transferred unless he or she has received ninety days'
6 advance written notice thereof or has agreed in writing to the proposed
7 transfer or discharge.

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