

CHAPTER 169

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 05-1344

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also SENATOR(S) Taylor, Entz, Evans, Fitz-Gerald, Jones, Kester, Mitchell, Shaffer, Spence, Tochtrop, Williams, and Windels.

AN ACT**CONCERNING THE CREATION OF THE FITZSIMONS STATE VETERANS NURSING HOME ADVISORY BOARD.**

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

SECTION 1. 24-1-120 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-1-120. Department of human services - creation - repeal. (5) The department of human services shall include the following:

(j) (I) THE FITZSIMONS STATE VETERANS NURSING HOME ADVISORY BOARD CREATED BY SECTION 26-12-201.5 (7), C.R.S., WHICH IS TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

(II) THIS PARAGRAPH (j) IS REPEALED, EFFECTIVE JULY 1, 2007.

SECTION 2. 26-12-201.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-12-201.5. Nursing home at former Fitzsimons authorized - Fitzsimons state veterans nursing home advisory board - repeal. (7) (a) THERE IS HEREBY CREATED THE FITZSIMONS STATE VETERANS NURSING HOME ADVISORY BOARD WITHIN THE STATE DEPARTMENT. THE BOARD SHALL EXERCISE ITS POWERS AND DUTIES AS IF TRANSFERRED BY A **TYPE 2** TRANSFER.

(b) (I) THE FITZSIMONS STATE VETERANS NURSING HOME ADVISORY BOARD SHALL BE COMPOSED OF NINE MEMBERS AS FOLLOWS:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

- (A) FIVE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;
 - (B) ONE MEMBER SHALL BE A SENATOR APPOINTED BY THE MAJORITY LEADER OF THE SENATE;
 - (C) ONE MEMBER SHALL BE A SENATOR APPOINTED BY THE MINORITY LEADER OF THE SENATE;
 - (D) ONE MEMBER SHALL BE A REPRESENTATIVE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;
 - (E) ONE MEMBER SHALL BE A REPRESENTATIVE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;
 - (F) AT LEAST TWO OF THE APPOINTED MEMBERS SHALL BE ACTIVE, FORMER, OR RETIRED MEMBERS OF THE ARMED FORCES OF THE UNITED STATES; AND
 - (G) AT LEAST ONE APPOINTED MEMBER SHALL BE A FAMILY MEMBER OF A RESIDENT AT THE FITZSIMONS STATE VETERANS NURSING HOME.
- (II) ALL APPOINTED MEMBERS SHALL SERVE AT THE PLEASURE OF THEIR RESPECTIVE APPOINTING AUTHORITIES.
 - (III) INITIAL APPOINTMENTS TO THE BOARD SHALL BE MADE NO LATER THAN AUGUST 1, 2005.
- (c) BOARD MEMBERS SHALL NOT BE COMPENSATED FOR SERVING ON THE BOARD BUT MAY BE REIMBURSED FOR ALL REASONABLE EXPENSES RELATED TO THEIR WORK FOR THE BOARD.
 - (d) THE BOARD SHALL ANNUALLY ELECT, BY MAJORITY VOTE, A CHAIRPERSON FROM AMONG THE BOARD MEMBERS WHO SHALL ACT AS THE PRESIDING OFFICER OF THE BOARD.
 - (e) THE BOARD SHALL PROMULGATE REASONABLE POLICIES AND PROCEDURES AS IT DEEMS NECESSARY TO CONDUCT BOARD MEETINGS AND OTHER BUSINESS.
 - (f) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT SHALL DESIGNATE AN EMPLOYEE OF THE STATE DEPARTMENT TO SERVE AS A NONVOTING STAFF MEMBER AND TECHNICAL RESOURCE PERSON TO THE BOARD.
 - (g) THE BOARD SHALL HAVE THE POWER AND DUTY TO:
 - (I) MEET MONTHLY, OR AS NEEDED AT THE CALL OF THE CHAIR, TO CONDUCT A REVIEW OF SPECIFIC QUALITATIVE AND QUANTITATIVE INFORMATION PERTAINING TO THE FITZSIMONS STATE VETERANS NURSING HOME, INCLUDING BUT NOT LIMITED TO UPDATED CASH FLOW AND CENSUS PROJECTIONS, REQUESTED IN ADVANCE BY THE BOARD AND SUBMITTED BY ANY PRIVATE MANAGEMENT FIRM OR OTHER ENTITY AS THE BOARD DEEMS APPROPRIATE;

(II) INDEPENDENTLY MONITOR ANY PROGRESS BY A PRIVATE MANAGEMENT FIRM OR THE STATE DEPARTMENT TOWARD ENSURING RESIDENT SAFETY AND FINANCIAL VIABILITY AT THE FITZSIMONS STATE VETERANS NURSING HOME;

(III) MAKE RECOMMENDATIONS CONCERNING THE FITZSIMONS STATE VETERANS NURSING HOME TO THE GOVERNOR AS DEEMED APPROPRIATE;

(IV) PROVIDE REGULAR UPDATES TO THE STATE BOARD OF VETERANS AFFAIRS AND REVIEW INPUT AND ADVICE FROM THE STATE BOARD OF VETERANS AFFAIRS CONCERNING THE ACTIVITIES OF THE FITZSIMONS STATE VETERANS NURSING HOME ADVISORY BOARD;

(V) ACCEPT MONEY AND IN-KIND CONTRIBUTIONS FROM PRIVATE ENTITIES ONLY TO THE EXTENT THAT SUCH DONATIONS ARE NECESSARY TO COVER THE BOARD'S EXPENSES. ANY MONEY CONTRIBUTED TO THE BOARD SHALL BE DIRECTED TO THE STATE DEPARTMENT AND DEPOSITED WITH THE STATE TREASURER IN AN ACCOUNT WITHIN THE STATE DEPARTMENT'S BUDGET; AND

(VI) COMMUNICATE PERIODICALLY WITH THE LEGISLATIVE OVERSIGHT COMMITTEE THAT EVALUATES THE QUALITY OF CARE AT CERTAIN STATE AND VETERANS' NURSING HOMES, AS DESCRIBED IN PART 3 OF THIS ARTICLE. THE COMMUNICATIONS DESCRIBED IN THIS SUBPARAGRAPH (VI) MAY BE CONDUCTED BY THE CHAIRPERSON OF THE BOARD OR THE CHAIRPERSON'S DESIGNEE AND MAY CONCERN ANY FUNCTION OR FINDING OF THE BOARD OR THE LEGISLATIVE OVERSIGHT COMMITTEE.

(h) THE BOARD SHALL NOT EXERCISE ADMINISTRATIVE AUTHORITY WITH RESPECT TO THE FITZSIMONS STATE VETERANS NURSING HOME OR THE STATE DEPARTMENT.

(i) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2007.

SECTION 3. No Appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the provisions of this act.

SECTION 4. Effective date. This act shall take effect July 1, 2005; except that section 26-12-201.5 (7) (g) (VI), Colorado Revised Statutes, as enacted in section 2 of this act, shall take effect only if House Bill 05-1336 is enacted at the First Regular Session of the Sixty-fifth General Assembly and becomes law.

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

Approved: May 26, 2005