

CHAPTER 188

**HEALTH AND ENVIRONMENT**

**HOUSE BILL 08-1038**

BY REPRESENTATIVE(S) Riesberg, Buescher, Green, Jahn, Kerr A., Madden, Marshall, McGihon, Merrifield, Todd, and Solano;  
also SENATOR(S) Ward and Morse.

**AN ACT**

**CONCERNING FUNDING FOR THE REGULATION OF ASSISTED LIVING RESIDENCES, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1. Repeal.** 25-1-108 (5), Colorado Revised Statutes, is repealed as follows:

**25-1-108. Powers and duties of the state board of health.** (5) ~~In consultation with the advisory committee for assisted living residences, the board shall report to the house and senate health and human services committees, or any successor committees, and the joint budget committee on October 15, 2003, and every five years thereafter, concerning the cost of administering the assisted living residence program, statutory and regulatory mandates for which the department does not have adequate resources, and any additional moneys necessary to fund the program.~~

**SECTION 2.** 25-27-107 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**25-27-107. License fees - rules - repeal.** (1) (f) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JANUARY 1, 2009.

**SECTION 3.** 25-27-107, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**25-27-107. License fees - rules - repeal.** (1.5) (a) NO LATER THAN JANUARY 1, 2009, THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING A SCHEDULE OF FEES SUFFICIENT TO MEET THE DIRECT AND INDIRECT COSTS OF ADMINISTRATION

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

AND ENFORCEMENT OF THIS ARTICLE. THE RULES SHALL SET A LOWER FEE FOR FACILITIES WITH A HIGH MEDICAID UTILIZATION RATE AS DEFINED BY THE STATE BOARD. THE RULES SHALL BE ADOPTED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(b) PRIOR TO SETTING A FEE BY RULE PURSUANT TO THIS SUBSECTION (1.5), THE DIVISION SHALL HOLD PUBLIC STAKEHOLDER MEETINGS ON BEHALF OF THE BOARD TO DISCUSS ISSUES PERTAINING TO SETTING FEES, INCLUDING, WITHOUT LIMITATION, A PHASED-IN FEE SCHEDULE BASED UPON EXPECTED LICENSING PROGRAM COSTS, MAXIMUM YEARLY FEE INCREASES, RISK-BASED ASSESSMENTS, AND TECHNICAL ASSISTANCE THAT MAY BE MET BY OR IN COLLABORATION WITH THE PRIVATE SECTOR.

(c) THE DEPARTMENT SHALL ASSESS AND COLLECT, FROM ASSISTED LIVING RESIDENCES SUBJECT TO LICENSURE, FEES IN ACCORDANCE WITH THE FEE SCHEDULE ESTABLISHED BY THE STATE BOARD.

(d) A FEE ESTABLISHED BY THE STATE BOARD PURSUANT TO THIS SUBSECTION (1.5) SHALL NOT BE ASSESSED UNTIL THE PERIOD IN WHICH THE FEE ASSESSED PURSUANT TO SUBSECTION (1) OF THIS SECTION EXPIRES.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the assisted living residence cash fund created in section 25-27-107.5, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, health facilities and emergency medical services division, for the fiscal year beginning July 1, 2008, the sum of one hundred seventy-three thousand one hundred eighty-two dollars (\$173,182) cash funds and 2.2 FTE, or so much thereof as may be necessary, for the performance of the department's duties pursuant to article 27 of title 25, Colorado Revised Statutes.

**SECTION 5. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 25, 2008