

CHAPTER 395

HEALTH AND ENVIRONMENT

SENATE BILL 08-154

BY SENATOR(S) Isgar, Boyd, Tochtrop, and Williams;
also REPRESENTATIVE(S) Riesberg, and Roberts.

AN ACT

CONCERNING THE ESTABLISHMENT OF FACILITY LICENSURE REQUIREMENTS BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR CERTAIN FACILITIES CONTIGUOUS WITH AN ACUTE TREATMENT UNIT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 25-1.5-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-1.5-103. Hospitals and community mental health centers - powers and duties of the department - limitations on rules promulgated by the department.

(3.5) (a) (I) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT MAY ESTABLISH LIFE SAFETY CODE AND PHYSICAL PLANT REQUIREMENTS FOR AN OCCUPANCY THAT IS CONTIGUOUS WITH AN ACUTE TREATMENT UNIT IF THE OCCUPANCY IS OPERATED BY THE ACUTE TREATMENT UNIT LICENSEE AND THE SERVICES PROVIDED BY THE OCCUPANCY ARE OUTPATIENT SERVICES CERTIFIED IN ACCORDANCE WITH ARTICLE 10 OF TITLE 27, C.R.S., TO DETERMINE APPROPRIATE PLACEMENT OR DETOXIFICATION SERVICES LICENSED BY THE DEPARTMENT OF HUMAN SERVICES. THE SERVICES PROVIDED BY THE OCCUPANCY SHALL BENEFIT ACUTE TREATMENT UNIT CLIENTS, ALTHOUGH THE OCCUPANCY MAY ALSO PROVIDE SUCH SERVICES TO OTHER POPULATIONS. IT SHALL BE AT THE DISCRETION OF THE ACUTE TREATMENT UNIT LICENSEE TO EITHER CONSTRUCT THE NECESSARY FIRE SAFETY SEPARATIONS BETWEEN THE OCCUPANCY AND THE ACUTE TREATMENT UNIT OR TO ASSUME FISCAL AND ADMINISTRATIVE RESPONSIBILITY FOR ASSURING THAT THE OCCUPANCY MEETS THE LIFE SAFETY CODE REQUIREMENTS AS SPECIFIED AND VERIFIED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(II) THE STATE BOARD OF HEALTH MAY PROMULGATE RULES AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO ASSESS A PENALTY OF UP

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

TO ONE HUNDRED DOLLARS PER DAY IF THE DEPARTMENT FINDS THAT AN OCCUPANCY DOES NOT COMPLY WITH LIFE SAFETY CODE REQUIREMENTS. THE DEPARTMENT SHALL ONLY ASSESS THE PENALTY AFTER THE ACUTE TREATMENT UNIT LICENSEE HAS HAD AN OPPORTUNITY TO CORRECT THE NONCOMPLIANCE.

(III) NOTHING IN THIS SUBSECTION (3.5) SHALL BE CONSTRUED TO EXTEND THE LIFE SAFETY CODE AUTHORITY OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO AN OCCUPANCY THAT IS NOT SUBJECT TO LICENSURE BY THE DEPARTMENT AND THAT HAS THE APPROPRIATE FIRE SAFETY SEPARATIONS BETWEEN THE OCCUPANCY AND THE ACUTE TREATMENT UNIT.

(b) A LICENSEE THAT IS SUBJECT TO LIFE SAFETY CODE OVERSIGHT OF ONE OR MORE OCCUPANCIES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3.5) SHALL PAY A FEE OR FEES IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD OF HEALTH.

(c) ANY MONEYS COLLECTED PURSUANT TO THIS SUBSECTION (3.5) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE HEALTH FACILITIES GENERAL LICENSURE CASH FUND CREATED IN SECTION 25-3-103.1.

SECTION 2. 25-3-103.1 (2), Colorado Revised Statutes, is amended to read:

25-3-103.1. Health facilities general licensure cash fund. (2) The general assembly shall make annual appropriations from the health facilities general licensure cash fund to partially reimburse the department of public health and environment for the direct and indirect costs of the department incurred in the performance of its duties under this article AND FOR THE PURPOSES OF SECTION 25-1.5-103 (3.5). No appropriation shall be made out of the cash fund for expenditures incurred by the department pursuant to section 25-1.5-103 (1) (a) (II) in carrying out duties relating to health facilities wholly owned and operated by a governmental unit or agency.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the health facilities general licensure cash fund created in section 25-3-103.1, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for allocation to the health facilities and emergency medical services division, for the fiscal year beginning July 1, 2008, the sum of four thousand twenty-nine dollars (\$4,029) cash funds, or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. 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: June 2, 2008