

## CHAPTER 373

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**HEALTH AND ENVIRONMENT**

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**HOUSE BILL 14-1360**

BY REPRESENTATIVE(S) Young, Ginal, Primavera, Schafer, Singer, Hullinghorst, Labuda, Rosenthal, Pettersen, Ryden;  
also SENATOR(S) Aguilar, Kefalas, Newell, Nicholson, Tochtrop, Todd.

**AN ACT**

**CONCERNING THE CONTINUATION OF THE REGULATION OF HOME CARE AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE 2013 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES, AS MODIFIED BY THE GENERAL ASSEMBLY, AND MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 25-27.5-102, **amend** (1.5), (3) (b) (VIII), (3) (b) (IX), (4), and (6.7); and **add** (1.3), (3) (b) (X), (5.3), (5.5), and (5.7) as follows:

**25-27.5-102. Definitions.** As used in this article, unless the context otherwise requires:

(1.3) "CMS" MEANS THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES IN THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(1.5) "Community-centered board" ~~has the meaning set forth~~ MEANS A COMMUNITY-CENTERED BOARD, AS DEFINED IN SECTION 25.5-10-202, C.R.S., THAT IS DESIGNATED PURSUANT TO SECTION 25.5-10-209, C.R.S., BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

(3) (b) "Home care agency" does not include:

(VIII) A home care placement agency as defined in subsection (5) of this section;  
**or**

(IX) Services provided by a qualified early intervention service provider and

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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.*

overseen jointly by the department of education and the department of human services; OR

(X) A PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY ESTABLISHED IN SECTION 25.5-5-412, C.R.S., AND REGULATED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE CMS; EXCEPT THAT PACE HOME CARE SERVICES ARE SUBJECT TO REGULATION IN ACCORDANCE WITH SECTION 25-27.5-104 (4).

(4) "Home care consumer" means a person who receives skilled home health services or personal care services in his or her temporary or permanent home or place of residence from a home care agency or FROM A PROVIDER REFERRED BY A home care placement agency.

(5.3) "MANAGER" OR "ADMINISTRATOR" MEANS ANY PERSON WHO CONTROLS AND SUPERVISES OR OFFERS OR ATTEMPTS TO CONTROL AND SUPERVISE THE DAY-TO-DAY OPERATIONS OF A HOME CARE AGENCY OR HOME CARE PLACEMENT AGENCY.

(5.5) "OWNER" MEANS A SHAREHOLDER IN A FOR-PROFIT OR NONPROFIT CORPORATION, A PARTNER IN A PARTNERSHIP OR LIMITED PARTNERSHIP, MEMBER IN A LIMITED LIABILITY COMPANY, A SOLE PROPRIETOR, OR A PERSON WITH A SIMILAR INTEREST IN AN ENTITY, WHO HAS AT LEAST A FIFTY-PERCENT OWNERSHIP INTEREST IN THE BUSINESS ENTITY.

(5.7) "PACE HOME CARE SERVICES" MEANS SKILLED HOME HEALTH SERVICES OR PERSONAL CARE SERVICES:

(a) OFFERED AS PART OF A COMPREHENSIVE SET OF MEDICAL AND NONMEDICAL BENEFITS, INCLUDING PRIMARY CARE, DAY SERVICES, AND INTERDISCIPLINARY TEAM CARE PLANNING AND MANAGEMENT, BY PACE PROVIDERS TO AN ENROLLED PARTICIPANT IN THE PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY ESTABLISHED IN SECTION 25.5-5-412, C.R.S., AND REGULATED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE CMS; AND

(b) PROVIDED IN THE ENROLLED PARTICIPANT'S TEMPORARY OR PERMANENT PLACE OF RESIDENCE.

(6.7) "Service agency" ~~has the meaning set forth~~ MEANS A SERVICE AGENCY, AS DEFINED IN SECTION 25.5-10-202, C.R.S., THAT HAS RECEIVED CERTIFICATION FROM THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AS A DEVELOPMENTAL DISABILITIES SERVICE AGENCY UNDER RULES PROMULGATED BY THE MEDICAL SERVICES BOARD AND IS PROVIDING SERVICES PURSUANT TO THE SUPPORTED LIVING SERVICES WAIVER OR THE CHILDREN'S EXTENSIVE SUPPORT WAIVER OF THE HOME- AND COMMUNITY-BASED SERVICES WAIVERS ADMINISTERED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING UNDER PART 4 OF ARTICLE 6 OF TITLE 25.5, C.R.S.

**SECTION 2.** In Colorado Revised Statutes, 25-27.5-103, **amend** (1.5) and (2) as follows:

**25-27.5-103. Home care agency license required - home care placement agency registration required - civil and criminal penalties.**

~~(1.5) (a) Notwithstanding any provision of law to the contrary, by March 1, 2011, the following providers of skilled home health services or in-home personal care services shall apply for licensure as a home care agency to the department:~~

~~(I) Community-centered boards designated pursuant to section 25.5-10-209, C.R.S.; and~~

~~(II) Service agencies that have received program approval from the department of human services as a developmental disabilities service agency under rules promulgated by the department of human services that are providing services pursuant to the supported living services waiver or the children's extensive support waiver of the home- and community-based services waivers administered by the department of health care policy and financing and the department of human services under part 4 of article 6 of title 25.5, C.R.S.~~

~~(b) On or after September 1, 2011, It is unlawful for any community-centered A COMMUNITY-CENTERED board that is directly providing home care services or any A service agency as described in paragraph (a) of this subsection (1.5), to conduct or maintain a home care agency that provides skilled home health services or in-home personal care services without having obtained a license therefor from the department. Any person who violates this provision SUBSECTION (1.5) is guilty of a misdemeanor and is subject to the civil and criminal penalties described in paragraphs (a) and (b) of subsection (1) of this section. Nothing in this section relieves an entity that contracts or arranges with a community-centered COMMUNITY-CENTERED board or service agency and that meets the definition of a "home care agency" under section 25-27.5-102, from the entity's obligation to apply for and operate under a license in accordance with this article.~~

~~(2) (a) (I) On or after June 1, 2009, any home care placement agency shall notify the department in writing that it provides referrals for skilled home health services or personal care services and shall annually update such notice. 2015, IT IS UNLAWFUL FOR A PERSON TO CONDUCT OR MAINTAIN A HOME CARE PLACEMENT AGENCY UNLESS THE PERSON HAS SUBMITTED A COMPLETED APPLICATION FOR REGISTRATION AS A HOME CARE PLACEMENT AGENCY TO THE DEPARTMENT, INCLUDING EVIDENCE OF GENERAL LIABILITY INSURANCE COVERAGE AS REQUIRED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a). ON OR AFTER JANUARY 1, 2016, IT IS UNLAWFUL FOR A PERSON TO CONDUCT OR MAINTAIN A HOME CARE PLACEMENT AGENCY WITHOUT A VALID, CURRENT HOME CARE PLACEMENT AGENCY REGISTRATION ISSUED BY THE DEPARTMENT. The department shall maintain a list REGISTRY of all REGISTERED home care placement agencies and shall make the list REGISTRY accessible to the public. WHILE A HOME CARE PLACEMENT AGENCY MUST BE REGISTERED BY THE DEPARTMENT, a home care placement agency is not licensed or certified by the department and shall not claim or assert that the department licenses or certifies the home care placement agency.~~

~~(II) AS A CONDITION OF OBTAINING AN INITIAL OR RENEWAL HOME CARE PLACEMENT AGENCY REGISTRATION PURSUANT TO THIS SUBSECTION (2), A PERSON APPLYING FOR INITIAL OR RENEWAL REGISTRATION SHALL SUBMIT TO THE DEPARTMENT, IN THE FORM AND MANNER REQUIRED BY THE DEPARTMENT, PROOF~~

THAT THE PERSON HAS OBTAINED AND IS MAINTAINING GENERAL LIABILITY INSURANCE COVERAGE THAT COVERS THE HOME CARE PLACEMENT AGENCY AND THE PROVIDERS IT REFERS TO HOME CARE CONSUMERS IN AN AMOUNT DETERMINED BY THE STATE BOARD BY RULE PURSUANT TO SECTION 25-27.5-104 (1) (h).

(b) A HOME CARE PLACEMENT AGENCY SHALL PROVIDE TO ITS HOME CARE CONSUMER CLIENTS, BEFORE REFERRING A PROVIDER TO THE CLIENT, A WRITTEN DISCLOSURE CONTAINING THE INFORMATION REQUIRED IN SECTION 25-27.5-104 (1)

(c) AND IN STATE BOARD RULES ADOPTED PURSUANT TO THAT SECTION.

~~(b)~~ (c) A person who violates this ~~section~~ SUBSECTION (2):

(I) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS; AND

(II) May be subject to a civil penalty assessed by the department ~~that is not less than five hundred dollars per year or more than one thousand dollars per year for failure to register with the department or for claiming to be licensed or certified by the department~~ OF UP TO TEN THOUSAND DOLLARS FOR EACH VIOLATION. The department shall assess, enforce, and collect the penalty in accordance with article 4 of title 24, C.R.S. ~~Any moneys~~ THE DEPARTMENT SHALL TRANSFER ANY PENALTIES ~~collected shall be deposited~~ IT COLLECTS TO THE STATE TREASURER FOR DEPOSIT in the home care agency cash fund created in section 25-27.5-105.

**SECTION 3.** In Colorado Revised Statutes, 25-27.5-104, **amend** (1) introductory portion, (1) (c), (1) (g), and (1) (h); and **add** (1) (i), (1) (j), (1) (k), and (4) as follows:

**25-27.5-104. Minimum standards for home care agencies and home care placement agencies - rules - advisory committee.** (1) The state board shall promulgate rules pursuant to section 24-4-103, C.R.S., providing minimum standards for the operation of home care agencies AND HOME CARE PLACEMENT AGENCIES within the state of Colorado THAT APPLY REGARDLESS OF THE SOURCE OF PAYMENT FOR THE HOME CARE SERVICES OR THE DIAGNOSIS OF THE HOME CARE CONSUMER. In promulgating these rules, the state board shall establish different requirements appropriate to the various types of skilled home health and personal care services, including differentiating requirements for providers that are substantially funded through medicare and medicaid reimbursement, providers for the program of all-inclusive care for the elderly established in section 25.5-5-412, C.R.S., providers that are already licensed under this title, and providers that are solely or substantially privately funded. This differentiation ~~shall consider~~ MUST INCLUDE CONSIDERATION OF the requirements already imposed by other federal and state regulatory agencies ~~shall~~ AND MUST require the department of health care policy and financing and the department of public health and environment to work jointly to resolve differing requirements. ~~and shall only regulate a provider for the program of all-inclusive care for the elderly consistent with the federal requirements established for the provider pursuant to a three-way agreement between the provider, the centers of medicare and medicaid services, and the department of health care policy and financing; except that the department may require additional information from the provider with regard to reporting instances of abuse. Such~~ THE

rules must include the following:

(c) Requirements for disclosure notices to be provided by home care agencies and home care placement agencies to home care consumers concerning the duties and employment status of the individual providing services. WITH REGARD TO HOME CARE PLACEMENT AGENCIES, THE RULES MUST REQUIRE A HOME CARE PLACEMENT AGENCY TO DISCLOSE IN WRITING, AT A MINIMUM, THE FOLLOWING TO EACH HOME CARE CONSUMER CLIENT IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT BEFORE REFERRING A PROVIDER TO THE CLIENT:

(I) THAT THE HOME CARE PLACEMENT AGENCY IS NOT THE EMPLOYER OF ANY PROVIDER IT REFERS TO A HOME CARE CONSUMER; AND

(II) THAT THE HOME CARE PLACEMENT AGENCY DOES NOT DIRECT, CONTROL, SCHEDULE, OR TRAIN ANY PROVIDER IT REFERS;

(g)(I) Fees for home care agency licensure. ~~which shall not exceed one thousand five hundred dollars per year for two years from the effective date of fees established by rule for home care agencies that are certified providers through the federal centers for medicare and medicaid services or the Colorado department of health care policy and financing.~~ Home care agency fees shall be payable to the home care agency cash fund. The annual fee shall MUST include a component that reflects whether a survey is planned for the year based on the agency's compliance history. ~~The fee schedule shall also be tiered~~ STATE BOARD SHALL DEVELOP A METHODOLOGY FOR ESTABLISHING DIFFERENTIATING FEES FOR LICENSURE OF HOME CARE AGENCIES, INCLUDING COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES, TO REFLECT THE DIFFERENCES IN TYPE, SCOPE, AND VOLUME OF SERVICES OF PROVIDED BY THE VARIOUS TYPES OF home care agencies, including ~~but not limited to~~ their volume of medicaid and medicare services, ~~The fee schedule shall also provide~~ AND THAT ALLOWS for reduced fees for home care agencies that are certified prior to initial license application. The department of public health and environment shall not charge a duplicate fee for survey work conducted pursuant to its role as state survey agency for the federal centers for medicare and medicaid services or the Colorado department of health care policy and financing. ~~No later than January 1, 2011, the department of public health and environment shall issue an independent report detailing the direct and indirect costs associated with the administration of home care agency licensure.~~

(II) NOTWITHSTANDING SECTION 25-3-105 (1) (a) (I) (B), THE STATE BOARD MAY SET AND ADJUST LICENSURE FEES FOR HOME CARE AGENCIES AS APPROPRIATE BASED ON THE DIFFERENTIATING FEE METHODOLOGY DEVELOPED BY THE STATE BOARD PURSUANT TO THIS PARAGRAPH (g).

(h) Requirements for home care agencies to provide evidence of and maintain either liability insurance coverage or a surety bond in lieu of liability insurance coverage AND FOR HOME CARE PLACEMENT AGENCIES TO PROVIDE EVIDENCE OF AND MAINTAIN LIABILITY INSURANCE COVERAGE AS REQUIRED IN SECTION 25-27.5-103 (2) (a) (II) in amounts set through rules of the state board;

(i) FACTORS FOR HOME CARE AGENCIES AND HOME CARE PLACEMENT AGENCIES TO CONSIDER WHEN DETERMINING WHETHER AN APPLICANT'S CONVICTION OF OR

PLEA OF GUILTY OR NOLO CONTENDERE TO AN OFFENSE DISQUALIFIES THE APPLICANT FROM EMPLOYMENT OR A REFERRAL. THE STATE BOARD MAY DETERMINE WHICH OFFENSES REQUIRE CONSIDERATION OF THE FACTORS.

(j) REQUIREMENTS FOR HOME CARE PLACEMENT AGENCIES TO RETAIN THEIR RECORDS FOR A LENGTH OF TIME DETERMINED BY THE STATE BOARD TO BE AVAILABLE FOR INSPECTION BY THE DEPARTMENT PURSUANT TO SECTION 25-27.5-106 (2) (a) (III); AND

(k) FEES FOR THE REGISTRATION OF HOME CARE PLACEMENT AGENCIES TO COVER THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THE DEPARTMENT'S OVERSIGHT OF HOME CARE PLACEMENT AGENCIES.

(4) THE DEPARTMENT SHALL REGULATE A PROVIDER OF PACE HOME CARE SERVICES FOR MINIMUM STANDARDS FOR THE OPERATION OF HOME CARE AGENCIES AS FOLLOWS:

(a) FOR A PACE PROVIDER THAT SERVES ONLY MEDICAID OR MEDICARE CLIENTS, IF A FULL FEDERAL RECERTIFICATION SURVEY REQUIRED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IS CONDUCTED AT LEAST EVERY THREE YEARS, THE DEPARTMENT SHALL ACCEPT THE FEDERAL RECERTIFICATION SURVEY IN LIEU OF A SEPARATE SURVEY FOR RELICENSURE;

(b) THE DEPARTMENT SHALL NOT IMPOSE ANY REQUIREMENT ON A PACE PROVIDER THAT IS MORE STRINGENT THAN THE FEDERAL AND STATE MEDICAID PACE REGULATIONS, THE THREE-WAY AGREEMENT ENTERED INTO BY THE PROVIDER, CMS, AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND THE PACE PROVIDER'S POLICIES AND PROCEDURES;

(c) IN REVIEWING A PACE PROVIDER'S COMPLIANCE WITH HOME CARE LICENSURE, THE DEPARTMENT SHALL COORDINATE WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING REGARDING BOTH LICENSE AND CERTIFICATION REQUIREMENTS TO ENSURE THAT THE DEPARTMENTS' SIMILAR REGULATIONS ARE CONGRUENTLY MET;

(d) AT THE TIME THAT A PACE PROVIDER ENROLLS A PACE PARTICIPANT IN A PACE PROGRAM, THE PACE PROVIDER SHALL GIVE THE CLIENT THE DEPARTMENT'S CONTACT INFORMATION IN WRITING TO ALLOW THE CLIENT TO REPORT ANY COMPLAINTS THAT MAY ARISE OUT OF THE CLIENT'S PACE HOME CARE SERVICES. THE DEPARTMENT SHALL UNDERTAKE ANY INVESTIGATION ARISING FROM A COMPLAINT, OTHER THAN A COMPLAINT ALLEGING MATTERS THAT ARE OUTSIDE OF THE DEPARTMENT'S LICENSING AUTHORITY.

(e) UNDER THE DEPARTMENT'S LICENSING AUTHORITY, THE DEPARTMENT HAS COMPLETE AUTHORITY TO ENFORCE ALL HOME CARE REQUIREMENTS APPLICABLE TO A PACE PROVIDER. IF THE DEPARTMENT IS UNABLE TO TAKE CORRECTIVE ACTION CONGRUENTLY WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE DEPARTMENT SHALL FORWARD THE PROPOSED CORRECTIVE ACTION TO AND CONSULT WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING BEFORE TAKING FINAL ACTION AGAINST A PACE PROVIDER.

**SECTION 4.** In Colorado Revised Statutes, **amend** 25-27.5-105 as follows:

**25-27.5-105. Home care agency cash fund created.** The DEPARTMENT SHALL TRANSMIT THE fees collected pursuant to section 25-27.5-104 (1), plus any civil penalty collected pursuant to section 25-27.5-103 (1) (b) ~~shall be transmitted~~ AND (2) (c) (II), to the state treasurer, who shall credit the ~~same~~ FEES AND PENALTIES to the home care agency cash fund, which fund is hereby created. The moneys in the fund ~~shall be~~ ARE subject to annual appropriation by the general assembly for the direct and indirect costs of the department in performing its duties under this article. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund ~~shall~~ remain in the fund and ~~shall~~ MUST not be credited or transferred to the general fund or any other fund.

**SECTION 5.** In Colorado Revised Statutes, 25-27.5-106, **amend** (1), (2), (3), (4), and (5) as follows:

**25-27.5-106. License or registration - application - inspection - issuance - repeal.** (1) A PERSON APPLYING FOR A HOME CARE AGENCY LICENSE OR A HOME CARE PLACEMENT AGENCY REGISTRATION SHALL SUBMIT ~~an application for a license to operate a home care agency shall be submitted~~ to the department annually upon ~~such~~ A form and in ~~such~~ A manner as prescribed by the department.

(2) (a) (I) The department shall investigate and review each original application and each renewal application for a HOME CARE AGENCY license OR HOME CARE PLACEMENT AGENCY REGISTRATION. The department shall determine an applicant's compliance with THIS ARTICLE AND the rules adopted pursuant to section 25-27.5-104 before THE DEPARTMENT ISSUES a license ~~is issued or renewed~~ OR REGISTRATION. ~~A certified home care agency that applies for a license by June 1, 2009, shall be exempt from licensure inspection prior to issuance of the initial license.~~

(II) EXCEPT AS PROVIDED IN PARAGRAPH (a.5) OF THIS SUBSECTION (2), the department shall make ~~such~~ inspections as it deems necessary to ensure that the health, safety, and welfare of the home care agency's OR HOME CARE PLACEMENT AGENCY'S home care consumers are being protected. Inspections of a home care consumer's home ~~shall be~~ ARE subject to the consent of the home care consumer to access the property. The home care agency OR HOME CARE PLACEMENT AGENCY shall submit in writing, in a form prescribed by the department, a plan detailing the measures that will be taken to correct any violations found by the department as a result of inspections undertaken pursuant to this subsection (2).

(III) THE DEPARTMENT MAY INSPECT, AS IT DEEMS NECESSARY, A HOME CARE PLACEMENT AGENCY'S RECORDS ON WEEKDAYS BETWEEN 9 A.M. AND 5 P.M. TO ENSURE THAT THE HOME CARE PLACEMENT AGENCY IS IN COMPLIANCE WITH THE CRIMINAL HISTORY RECORD CHECK, GENERAL LIABILITY INSURANCE, AND DISCLOSURE REQUIREMENTS SET FORTH IN SECTIONS 25-27.3-103 (2) (b), 25-27.5-104 (1) (c) AND (1) (h), AND 25-27.5-107.

(a.5) (I) (A) ON OR AFTER JULY 1, 2014, A COMMUNITY-CENTERED BOARD OR SERVICE AGENCY THAT HAS BEEN CERTIFIED OR RECERTIFIED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING WITHIN THE LAST TWELVE MONTHS FOR

THE PROVISION OF PERSONAL CARE SERVICES UNDER THE SUPPORTED LIVING SERVICES WAIVER OR THE CHILDREN'S EXTENSIVE SUPPORT WAIVER AND THAT HAS SATISFIED ALL REQUIREMENTS FOR CERTIFICATION AS A SUPPORTED LIVING SERVICES WAIVER OR CHILDREN'S EXTENSIVE SUPPORT WAIVER SERVICE PROVIDER MAY APPLY FOR AND OBTAIN AN INITIAL HOME CARE AGENCY LICENSE TO PROVIDE IN-HOME PERSONAL CARE SERVICES, AND THE DEPARTMENT SHALL NOT CONDUCT AN ON-SITE, INITIAL LICENSURE INSPECTION OF THE COMMUNITY-CENTERED BOARD OR SERVICE AGENCY. IF THE COMMUNITY-CENTERED BOARD OR SERVICE AGENCY HAS NOT BEEN INSPECTED WITHIN THE LAST TWELVE MONTHS AND IS NOT IN FULL COMPLIANCE WITH THE CERTIFICATION REQUIREMENTS, THE DEPARTMENT SHALL CONDUCT AN ON-SITE, INITIAL LICENSURE INSPECTION BUT SHALL LIMIT THE INSPECTION TO EVALUATING THE PERSONAL CARE SERVICES RENDERED IN ACCORDANCE WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING'S WAIVER AND REGULATORY REQUIREMENTS AND THE COMMUNITY-CENTERED BOARD'S OR SERVICE AGENCY'S QUALITY MANAGEMENT PROGRAM, COMPETENCY AND TRAINING PROGRAM, AND IMPLEMENTATION OF CRIMINAL HISTORY RECORDS CHECKS RELATED TO CERTIFICATION OF THE COMMUNITY-CENTERED BOARD OR SERVICE AGENCY.

(B) BETWEEN JULY 1, 2014, AND JULY 1, 2016, THE DEPARTMENT SHALL NOT CONDUCT A RELICENSURE INSPECTION OF A COMMUNITY-CENTERED BOARD OR SERVICE AGENCY THAT PROVIDES IN-HOME PERSONAL CARE SERVICES EXCLUSIVELY TO HOME CARE CONSUMERS WHO ARE RECIPIENTS OF SERVICES PURSUANT TO THE SUPPORTED LIVING SERVICES WAIVER OR THE CHILDREN'S EXTENSIVE SUPPORT WAIVER OF THE HOME- AND COMMUNITY-BASED SERVICES WAIVERS ADMINISTERED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING. DURING THIS PERIOD, COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES WHO ARE LICENSED HOME CARE AGENCIES SHALL COMPLY WITH ALL WAIVER REQUIREMENTS AND RULES ADOPTED BY THE MEDICAL SERVICES BOARD THAT ARE APPLICABLE TO COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES. THE DEPARTMENTS OF PUBLIC HEALTH AND ENVIRONMENT AND HEALTH CARE POLICY AND FINANCING SHALL SHARE INFORMATION REGARDING COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES AND THEIR COMPLIANCE WITH THE APPLICABLE RULES.

(C) NOTWITHSTANDING SECTION 25-27.5-104 (1) (g) AND STATE BOARD RULES ADOPTED PURSUANT TO THAT SECTION THE DEPARTMENT SHALL NOT ASSESS FEES BETWEEN JULY 1, 2014, AND JULY 1, 2016, FOR A NEW OR RENEWAL HOME CARE AGENCY LICENSE ISSUED TO A COMMUNITY-CENTERED BOARD OR SERVICE AGENCY, AND THE DEPARTMENT'S COSTS INCURRED IN CONNECTION WITH ISSUING NEW OR RENEWAL HOME CARE AGENCY LICENSES TO COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES IS PAYABLE FROM THE INTELLECTUAL AND DEVELOPMENTAL DISABILITIES SERVICES CASH FUND, CREATED IN SECTION 25.5-10-207(1), C.R.S., AS PART OF A SYSTEM OF CAPACITY EXPANSION FOR HOME- AND COMMUNITY-BASED INTELLECTUAL AND DEVELOPMENTAL DISABILITIES PROGRAMS, SERVICES, AND SUPPORTS PURSUANT TO SECTION 25.5-10-207 (3) (c), C.R.S., ENACTED IN HOUSE BILL 14-1252 IN 2014.

(D) AT THE TIME A COMMUNITY-CENTERED BOARD OR SERVICE AGENCY COMMENCES IN-HOME PERSONAL CARE SERVICES FOR A HOME CARE CONSUMER RECEIVING THE SERVICES PROVIDED PURSUANT TO THE SUPPORTED LIVING SERVICES WAIVER OR THE CHILDREN'S EXTENSIVE SUPPORT WAIVER OF THE HOME- AND COMMUNITY-BASED SERVICES WAIVERS ADMINISTERED BY THE DEPARTMENT OF



HEALTH CARE POLICY AND FINANCING, THE COMMUNITY-CENTERED BOARD OR SERVICE AGENCY SHALL GIVE THE HOME CARE CONSUMER THE DEPARTMENT'S CONTACT INFORMATION IN WRITING TO ALLOW THE HOME CARE CONSUMER TO REPORT ANY COMPLAINTS THAT MAY ARISE OUT OF THE HOME CARE CONSUMER'S IN-HOME PERSONAL CARE SERVICES. THE DEPARTMENT SHALL UNDERTAKE ANY INVESTIGATION ARISING FROM THE COMPLAINT, OTHER THAN ALLEGATIONS OF MATTERS THAT ARE OUTSIDE THE DEPARTMENT'S LICENSING AUTHORITY.

(II) (A) DURING THE PERIOD DESCRIBED IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5), THE DEPARTMENT SHALL ESTABLISH A WORK GROUP COMPOSED OF REPRESENTATIVES FROM OR OF: THE DEPARTMENT; THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING; COMMUNITY-CENTERED BOARDS; SERVICE AGENCIES; AND HOME CARE CONSUMERS RECEIVING SUPPORTED LIVING SERVICES OR CHILDREN'S EXTENSIVE SUPPORT UNDER THE HOME- AND COMMUNITY-BASED SERVICES WAIVERS ADMINISTERED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING. THE WORK GROUP SHALL: EXAMINE THE DEVELOPMENTAL DISABILITIES SERVICES RULES ADOPTED BY THE MEDICAL SERVICES BOARD TO DETERMINE IF THE RULES CONTAIN SUFFICIENT SAFEGUARDS TO PROTECT THE HEALTH, SAFETY, AND RIGHTS OF THE HOME CARE CONSUMERS; IDENTIFY GAPS OR CONFLICTS BETWEEN THE LICENSE REQUIREMENTS UNDER THIS ARTICLE AND RULES ADOPTED BY THE STATE BOARD UNDER THIS ARTICLE AND THE REQUIREMENTS FOR STATE CERTIFICATION AS A PROVIDER OF SERVICES UNDER THE SUPPORTED LIVING SERVICES WAIVER OR THE CHILDREN'S EXTENSIVE SUPPORT WAIVER OF THE HOME- AND COMMUNITY-BASED SERVICES WAIVERS IMPOSED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND RULES ADOPTED BY THE MEDICAL SERVICES BOARD; AND DEVELOP A PLAN TO ELIMINATE CONFLICTS AND GAPS BETWEEN THE REQUIREMENTS OF THE DEPARTMENTS AND BOARDS. THE WORK GROUP SHALL REQUEST SERVICE PROVIDERS TO PROVIDE A COMPREHENSIVE LIST OF THE GAPS OR CONFLICTS IN THE REQUIREMENTS IMPOSED BY EACH DEPARTMENT AND BOARD OR SHALL SURVEY PROVIDERS TO ASCERTAIN ANY GAPS AND CONFLICTS IN THE REQUIREMENTS. THE SERVICE PROVIDERS SHALL PROVIDE THE COMPREHENSIVE LIST OR RESPOND TO THE SURVEY BY SEPTEMBER 1, 2014.

(B) ONCE THE DEPARTMENT HAS A COMPREHENSIVE LIST OF CONFLICTING REQUIREMENTS AND GAPS IN THE REQUIREMENTS, THE WORK GROUP SHALL ANALYZE THE INFORMATION AND DEVELOP A PLAN FOR RESOLVING THE CONFLICTS AND ADDRESSING GAPS IN THE REQUIREMENTS. THE WORK GROUP SHALL PROVIDE AT LEAST TWO PROGRESS UPDATES TO THE HOME CARE ADVISORY COMMITTEE BY JULY 1, 2015, AND SHALL PROVIDE UPDATES THEREAFTER UPON THE REQUEST OF THE ADVISORY COMMITTEE. BY SEPTEMBER 1, 2015, THE WORK GROUP SHALL SUBMIT ITS RECOMMENDATIONS FOR RESOLVING THE CONFLICTS AND GAPS IN THE REQUIREMENTS, INCLUDING PROPOSED RULE CHANGES OR ADDITIONS, TO THE STATE BOARD AND THE MEDICAL SERVICES BOARD. THE RECOMMENDATIONS MUST SPECIFY THE PARTICULAR RULES OF EACH BOARD THAT NEED TO BE MODIFIED OR ADDED TO RESOLVE ANY CONFLICTS AND ADDRESS GAPS IN REQUIREMENTS.

(C) NO LATER THAN JULY 1, 2016, THE STATE BOARD AND THE MEDICAL SERVICES BOARD SHALL ADOPT RULES AS NECESSARY TO ELIMINATE ANY CONFLICTS BETWEEN AND GAPS IN THEIR RESPECTIVE RULES PERTAINING TO THE REQUIREMENTS IMPOSED ON COMMUNITY-CENTERED BOARD AND SERVICE AGENCIES THAT PROVIDE IN-HOME PERSONAL CARE SERVICES EXCLUSIVELY TO HOME CARE CONSUMERS WHO ARE

RECIPIENTS OF SERVICES PURSUANT TO THE SUPPORTED LIVING SERVICES WAIVER OR THE CHILDREN'S EXTENSIVE SUPPORT WAIVER OF THE HOME- AND COMMUNITY-BASED SERVICES WAIVERS ADMINISTERED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

(D) AS PART OF THEIR ANNUAL PRESENTATIONS TO THE JOINT COMMITTEE OF REFERENCE TO WHICH EACH DEPARTMENT IS ASSIGNED UNDER THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIBLE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, C.R.S., THE DEPARTMENTS OF PUBLIC HEALTH AND ENVIRONMENT AND HEALTH CARE POLICY AND FINANCING SHALL REPORT THEIR PROGRESS IN ANALYZING AND DEVELOPING A PLAN TO RESOLVE CONFLICTS AND GAPS IN THE REQUIREMENTS APPLICABLE TO COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES THAT PROVIDE IN-HOME PERSONAL CARE SERVICES. THE DEPARTMENTS SHALL INDICATE WHETHER THEY ARE MEETING THE DEADLINES SPECIFIED IN THIS SUBPARAGRAPH (II), AND IF NOT, DETAIL THE REASONS FOR FAILING TO MEET THE DEADLINES. IN THEIR PRESENTATIONS MADE IN THE INTERIM BETWEEN NOVEMBER 1, 2015, AND THE START OF THE 2016 REGULAR LEGISLATIVE SESSION, THE DEPARTMENTS SHALL REPORT PROGRESS ON: THE ADOPTION OF RULES BY THE STATE BOARD AND THE MEDICAL SERVICES BOARD AND SHALL PROVIDE THE JOINT COMMITTEES COPIES OF DRAFT RULES, IF AVAILABLE; AND ANY PROGRAM EFFICIENCIES THAT COULD IMPACT LICENSURE FEE AMOUNTS. IF THE DEPARTMENTS ARE NOT MEETING THE DEADLINES OUTLINED IN THIS SUBPARAGRAPH (II), THE JOINT COMMITTEE OF REFERENCE SHALL CONSIDER WHETHER FURTHER LEGISLATION IS NEEDED, INCLUDING LEGISLATION TO MODIFY THE DEADLINES, EXTEND THE PERIOD SPECIFIED IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5) DURING WHICH THE DEPARTMENT IS NOT ALLOWED TO CONDUCT RELICENSURE INSPECTIONS, COMPEL THE DEPARTMENTS TO COMPLETE THEIR TASKS, OR MODIFY THE MANNER IN WHICH COMMUNITY-CENTERED BOARDS AND SERVICES AGENCIES PROVIDING IN-HOME PERSONAL CARE SERVICES ARE REGULATED BY THE STATE OR THE ABILITY OF THE DEPARTMENT TO SET AND IMPOSE LICENSURE FEES.

(III) THIS PARAGRAPH (a.5) DOES NOT LIMIT THE ABILITY OF THE DEPARTMENT TO INVESTIGATE COMPLAINTS AND OCCURRENCES INVOLVING, AND ISSUE ANY ASSOCIATED ENFORCEMENT AGAINST, COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES.

(IV) THIS PARAGRAPH (a.5) IS REPEALED, EFFECTIVE JULY 1, 2017.

(b) ~~The department shall keep all medical records~~ INFORMATION OR DOCUMENTS obtained during an inspection or investigation of a home care agency, HOME CARE PLACEMENT AGENCY, OR HOME CARE CONSUMER'S HOME confidential. ~~and the medical~~ ALL records, shall be INFORMATION, OR DOCUMENTS SO OBTAINED ARE exempt from disclosure pursuant to sections 24-72-204, C.R.S., and 25-1-124.

(3) (a) With the submission of an application for a license OR REGISTRATION granted pursuant to this article OR WITHIN TEN DAYS AFTER A CHANGE IN THE OWNER, MANAGER, OR ADMINISTRATOR, each owner ~~applicant, or licensee shall~~ OF A HOME CARE AGENCY OR HOME CARE PLACEMENT AGENCY AND EACH MANAGER OR ADMINISTRATOR OF A HOME CARE AGENCY OR HOME CARE PLACEMENT AGENCY MUST submit a complete set of his or her fingerprints to the ~~department. The~~

~~department shall forward such fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation. The EACH owner applicant, or licensee shall pay the costs associated with~~ AND EACH MANAGER OR ADMINISTRATOR IS RESPONSIBLE FOR PAYING THE FEE ESTABLISHED BY THE COLORADO BUREAU OF INVESTIGATION FOR CONDUCTING the fingerprint-based criminal history record check to the Colorado bureau. of investigation. UPON COMPLETION OF THE CRIMINAL HISTORY RECORD CHECK, THE BUREAU SHALL FORWARD THE RESULTS TO THE DEPARTMENT. THE DEPARTMENT MAY ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE.

(b) ~~The DEPARTMENT SHALL USE THE information shall be used by the department FROM THE CRIMINAL HISTORY RECORD CHECK in ascertaining whether the person applying for licensure OR REGISTRATION has been convicted of a felony or of a misdemeanor, which felony or misdemeanor involves moral turpitude or involves conduct that the department determines could pose a risk to the health, safety, or welfare of home care consumers of the home care agency OR HOME CARE PLACEMENT AGENCY. The department shall maintain information obtained in accordance with this section.~~

(4) ~~No license shall be issued or renewed by~~ The department SHALL NOT ISSUE A LICENSE OR REGISTRATION if the owner, applicant, or licensee MANAGER, OR ADMINISTRATOR of the home care agency OR HOME CARE PLACEMENT AGENCY has been convicted of a felony or of a misdemeanor, which felony or misdemeanor involves moral turpitude or involves conduct that the department determines could pose a risk to the health, safety, or welfare of the home care consumers of the home care agency OR HOME CARE PLACEMENT AGENCY.

(5) Except as otherwise provided in subsections (6) and (7) of this section, the department shall issue or renew a license OR REGISTRATION when it is satisfied that the applicant, or licensee, OR REGISTRANT is in compliance with the requirements set out in this article and the rules promulgated pursuant to this article. Except for provisional licenses issued in accordance with subsections (6) and (7) of this section, a license OR REGISTRATION issued or renewed pursuant to this section ~~shall expire~~ EXPIRES one year after the date of issuance or renewal.

**SECTION 6.** In Colorado Revised Statutes, **amend 25-27.5-107** as follows:

**25-27.5-107. Employee or referred service provider criminal history record check - rules.** ~~On and after June 1, 2009, prior to employing or placing any person;~~ The home care agency or home care placement agency shall require ~~the~~ A person seeking employment or placement to submit to a criminal history record check BEFORE EMPLOYMENT OR REFERRAL TO A CONSUMER. The home care agency or home care placement agency or the person seeking employment with the home care agency shall pay the costs of ~~such inquiry~~ THE CRIMINAL HISTORY RECORD CHECK. The criminal history record check shall be conducted not more than ninety days ~~prior to~~ BEFORE the employment OR PLACEMENT of the applicant.

**SECTION 7.** In Colorado Revised Statutes, **amend 25-27.5-108** as follows:

**25-27.5-108. License or registration denial - suspension - revocation.**

(1) Upon denial of an application for an original license OR REGISTRATION, the department shall notify the applicant in writing of ~~such~~ THE denial by mailing a notice to the applicant at the address shown on his or her application. Any applicant ~~believing himself or herself~~ aggrieved by ~~such~~ THE denial may pursue the remedy for review provided in article 4 of title 24, C.R.S., if the applicant, within thirty days after receiving ~~such~~ THE notice OF DENIAL, petitions the department to set a date and place for hearing, affording the applicant an opportunity to be heard in person or by counsel. All hearings on the denial of original licenses ~~shall~~ OR REGISTRATIONS MUST be conducted in conformity with the provisions and procedures specified in article 4 of title 24, C.R.S.

(2) (a) The department may suspend, revoke, or refuse to renew the license OR REGISTRATION of ~~any~~ A home care agency OR HOME CARE PLACEMENT AGENCY that is out of compliance with the requirements of this article or the rules promulgated pursuant to this article. ~~Such suspension, revocation, or refusal shall be done after~~ BEFORE TAKING FINAL ACTION TO SUSPEND, REVOKE, OR REFUSE TO RENEW A LICENSE OR REGISTRATION, THE DEPARTMENT SHALL CONDUCT a hearing ~~thereon~~ ~~and~~ ON THE MATTER in conformance with the provisions and procedures specified in article 4 of title 24, C.R.S.; except that the department may implement a summary suspension prior to a hearing in accordance with article 4 of title 24, C.R.S. IF THE DEPARTMENT SUSPENDS, REVOKES, OR REFUSES TO RENEW A HOME CARE PLACEMENT AGENCY REGISTRATION, THE DEPARTMENT SHALL REMOVE THE HOME CARE PLACEMENT AGENCY FROM THE REGISTRY MAINTAINED BY THE DEPARTMENT PURSUANT TO SECTION 25-27.3-103 (2) (a) (I).

(b) (I) The department may impose intermediate restrictions or conditions on a ~~licensee~~ LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY that may include at least one of the following:

(A) Retaining a consultant to address corrective measures;

(B) Monitoring by the department for a specific period;

(C) Providing additional training to employees, owners, or operators of the home care agency OR HOME CARE PLACEMENT AGENCY;

(D) Complying with a directed written plan to correct the violation; or

(E) Paying a civil fine not to exceed ten thousand dollars per calendar year for all violations.

(II) (A) If the department imposes an intermediate restriction or condition that is not a result of a serious and immediate threat to health or welfare, the ~~licensee shall~~ ~~receive~~ DEPARTMENT SHALL PROVIDE written notice of the restriction or condition TO THE LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY. No later than ten days after the date the notice is received from the department, the ~~licensee~~ LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY shall submit a written plan that includes the time frame for completing the plan and addresses the restriction or condition specified.

(B) If the department imposes an intermediate restriction or condition that is the result of a serious and immediate threat to health, safety, or welfare, the department shall notify the ~~licensee~~ LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY in writing, by telephone, or in person during an on-site visit. The ~~licensee~~ LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY shall remedy the circumstances creating harm or potential harm immediately upon receiving notice of the restriction or condition. If the department provides notice of a restriction or condition by telephone or in person, the department shall send written confirmation of the restriction or condition to the ~~licensee~~ LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY within two business days.

(III) (A) After submission of an approved written plan, a ~~licensee~~ LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY may first appeal any intermediate restriction or condition on its license OR REGISTRATION to the department through an informal review process as established by the department.

(B) If the restriction or condition requires payment of a civil fine, the ~~licensee~~ LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY may request, and the department shall grant, a stay in payment of the fine until final disposition of the restriction or condition.

(C) If a ~~licensee~~ LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY is not satisfied with the result of the informal review or chooses not to seek informal review, ~~no~~ THE DEPARTMENT SHALL NOT IMPOSE AN intermediate restriction or condition on the ~~licensee shall be imposed~~ LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY until after THE LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY IS AFFORDED an opportunity for a hearing ~~has been afforded the licensee~~ pursuant to section 24-4-105, C.R.S.

(IV) If the department assesses a civil fine pursuant to this paragraph (b), THE DEPARTMENT SHALL TRANSMIT ~~moneys received by the department shall be transmitted~~ THE FINES to the state treasurer, who shall credit the ~~same~~ FINES to the home care agency cash fund created in section 25-27.5-105.

(V) THE DEPARTMENT SHALL USE civil fines collected pursuant to this paragraph (b) ~~shall be used~~ for expenses related to:

(A) Continuing monitoring required pursuant to this paragraph (b);

(B) Education for ~~licensee~~ LICENSED HOME CARE AGENCIES OR REGISTERED HOME CARE PLACEMENT AGENCIES to avoid restrictions or conditions or facilitate the application process or the change of ownership process;

(C) Education for home care consumers and their families about resolving problems with a home care agency OR HOME CARE PLACEMENT AGENCY, rights of home care consumers, and responsibilities of home care agencies AND HOME CARE PLACEMENT AGENCIES;

(D) Providing technical assistance to any home care agency OR HOME CARE

PLACEMENT AGENCY for the purpose of complying with changes in rules or state or federal law;

(E) Monitoring and assisting in the transition of home care consumers to other home care agencies OR HOME CARE PLACEMENT AGENCIES, when the transition is a result of the revocation of a license OR REGISTRATION, or TO other appropriate medical services; or

(F) Maintaining the operation of a home care agency OR HOME CARE PLACEMENT AGENCY pending correction of violations, as determined necessary by the department.

(3) The department shall revoke or refuse to renew the license of a home care agency OR THE REGISTRATION OF A HOME CARE PLACEMENT AGENCY where the owner, or licensee, OR REGISTRANT has been convicted of a felony or misdemeanor involving moral turpitude or involving conduct that the department determines could pose a risk to the health, safety, or welfare of the home care consumers of such home care agency ~~Such revocation or refusal shall be made~~ OR HOME CARE PLACEMENT AGENCY. THE DEPARTMENT MAY REVOKE OR REFUSE TO RENEW A LICENSE OR REGISTRATION only after CONDUCTING a hearing ~~is provided~~ ON THE MATTER in accordance with article 4 of title 24, C.R.S.

**SECTION 8.** In Colorado Revised Statutes, **amend** 25-27.5-110 as follows:

**25-27.5-110. Repeal of article - sunset review.** (1) This article is repealed, effective ~~July~~ SEPTEMBER 1, ~~2014~~ 2019.

(2) ~~Prior to such~~ BEFORE repeal, the DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE licensing of home care agencies ~~shall be reviewed~~ AND THE REGISTERING OF HOME CARE PLACEMENT AGENCIES as provided for in section 24-34-104, C.R.S. IN CONDUCTING ITS REVIEW AND COMPILING ITS REPORT PURSUANT TO SECTION 24-34-104 (8), C.R.S., THE DEPARTMENT OF REGULATORY AGENCIES SHALL SEGREGATE THE DATA IN THE REPORT BASED ON THE TYPE OF AGENCY, SPECIFYING WHETHER THE AGENCY IS:

- (a) A HOME CARE AGENCY THAT PROVIDES SKILLED HOME HEALTH SERVICES;
- (b) A HOME CARE AGENCY THAT ONLY PROVIDES PERSONAL CARE SERVICES; OR
- (c) A HOME CARE PLACEMENT AGENCY.

**SECTION 9.** In Colorado Revised Statutes, 24-34-104, **repeal** (45) (g); and **add** (50.5) (l) as follows:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (45) The following agencies, functions, or both, terminate on July 1, 2014:

(g) ~~The licensing of home care agencies in accordance with article 27.5 of title 25, C.R.S.;~~

(50.5) The following agencies, functions, or both, terminate on September 1, 2019:

(1) NOTWITHSTANDING PARAGRAPH (a) OF SUBSECTION (11) OF THIS SECTION, THE FUNCTIONS OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT RELATING TO THE LICENSING OF HOME CARE AGENCIES AND THE REGISTERING OF HOME CARE PLACEMENT AGENCIES IN ACCORDANCE WITH ARTICLE 27.5 OF TITLE 25, C.R.S.

**SECTION 10. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the intellectual and developmental disabilities services cash fund created in section 25.5-10-207 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2014, the sum of \$110,000, or so much thereof as may be necessary, to be allocated to transfers to/from other departments for transfer to department of public health and environment for facility survey and certification.

(2) In addition to any other appropriation, there is hereby appropriated to the department of public health and environment, for the fiscal year beginning July 1, 2014, the sum of \$110,000, or so much thereof as may be necessary, for the payment of licensure fees for community-centered boards as defined in section 25-27.5-102 (1.5), Colorado Revised Statutes, and service agencies as defined in section 25-27.5-102 (6.7), Colorado Revised Statutes, related to the implementation of this act. Said sum is from reappropriated funds received from the department of health care policy and financing out of the appropriation made in subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the home care agency cash fund created in section 25-27.5-105, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2014, the sum of \$144,423 and 2.1 FTE, or so much thereof as may be necessary, to be allocated to health facilities and emergency medical services division for the health facilities general licensure program for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the home care agency cash fund created in section 25-27.5-105, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2014, the sum of \$53,560, or so much thereof as may be necessary, to be allocated to administration and support for payments to the office of information technology for the implementation of this act.

(5) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2014, the sum of \$53,560, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of public health and environment related to the implementation of this act. Said sum is from reappropriated funds received from the department of public health and environment out of the appropriation made in subsection (4) of this section.

(6) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2014, the sum of \$40,966 and 0.2 FTE, or so much thereof as may be necessary, to be allocated to Colorado bureau of investigation, Colorado crime information center, identification, for fingerprint-based criminal history record checks related to the implementation of this act as follows:

- (a) \$9,362 and 0.2 FTE for personal services; and
- (b) \$31,604 for operating expenses.

**SECTION 11. Effective date.** This act takes effect July 1, 2014.

**SECTION 12. 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 6, 2014