



Colorado Health Care Association & Center for Assisted Living

February 14, 2022

Chairperson Rhonda Fields
Health & Human Services Committee
Colorado Senate

Chairperson Fields and members of the Senate Health & Human Services Committee,

The Colorado Health Care Association represents more than 90% of the state's nursing homes and 20% of the assisted living capacity. On behalf of the long term care provider members of the Colorado Health Care Association, please accept the following testimony in opposition to SB 22-079.

The Colorado Health Care Association and our member care centers are committed to the provision of high-quality care. However, we feel that SB 22-079 is adding a layer of unnecessary regulation that amounts to an unfunded mandate.

Current federal and state regulations already require that all licensed nursing home or assisted living facilities provide training necessary to meet the specific needs of their residents, including that specific to dementia care. Under federal regulation nursing homes must provide ongoing training and education that is determined pertinent to their population through their "Facility Assessment." This specifically includes treatment and services for dementia and person-centered care. Failure to provide this training can result in citations in at least seven specific regulatory categories, including civil money penalties. Colorado 6 CCR 1011-1 outlines training that is required for nursing homes and includes the statement: "If a facility has residents with intellectual and developmental disabilities, dementia or behavioral health issues, it shall also provide annual in-service education for staff in those topics."

Furthermore, CNA, LPN and RN professionals are all required to demonstrate competency in understanding the disease processes common to the long term care population as part of their certification and licensure.

The COVID 19 pandemic has created a crisis in the long term care workforce. Providers struggle to find enough staff to provide quality care and are currently using staffing agency resources to cover an estimated 25-30% of their nursing shifts. The long term care profession is not in a position to take on a new set of regulatory requirements, especially for regulations that are already addressed at both the state and federal level. In addition to the cost of providing this specific training there would be significant costs involved with paying replacement staff members while currently employed caregivers were taken off the floors of nursing homes and assisted living facilities to participate in trainings. The cost associated with this requirement would undoubtedly be in the millions of dollars.

Given the current state of affairs in long term care, it seems that the intention of this bill can be more efficiently addressed through the existing authority of the Department of Public Health and Environment. If CDPHE were to share best practices in providing Dementia care in residential care settings, those best practices could be incorporated into their current training requirements and care community cultures. This would alleviate the need for a new law, a new set of regulations, and the costs associated with both.

As always, the Colorado Health Care Association is committed to working with our elected officials to address the needs of Coloradans. We are happy to engage with committee members around this issue at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'DF', with a long horizontal flourish extending to the right.

Doug Farmer
President & CEO