

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB24-167 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, 25-27-102, **add**
4 (2.5), (2.7), (9.3), (9.5), and (10.5) as follows:

5 **25-27-102. Definitions.** As used in this article 27, unless the
6 context otherwise requires:

7 (2.5) "DIRECT CARE WORKER" MEANS AN EMPLOYEE WHO
8 PROVIDES HANDS-ON CARE, SERVICES, AND SUPPORT TO RESIDENTS OF AN
9 ASSISTED LIVING RESIDENCE.

10 (2.7) "FIT TEST" MEANS A TEST PROTOCOL CONDUCTED TO VERIFY
11 THAT A RESPIRATOR OR MASK IS BOTH COMFORTABLE AND PROVIDES THE
12 WEARER WITH THE EXPECTED PROTECTION.

13 (9.3) "PORTABLE TEST" MEANS THE FOLLOWING TESTS FOR WHICH,
14 WHEN SUCCESSFULLY COMPLETED BY AN INDIVIDUAL, THE INDIVIDUAL IS
15 PROVIDED A CERTIFICATION OF COMPLETION THAT MAY BE TRANSFERRED
16 FROM ONE ASSISTED LIVING RESIDENCE TO ANOTHER IN ACCORDANCE
17 WITH THIS SECTION:

18 (a) A FIT TEST; AND

19 (b) A TUBERCULOSIS TEST.

20 (9.5) "PORTABLE TRAINING" MEANS THE FOLLOWING TRAINING FOR
21 WHICH, WHEN SUCCESSFULLY COMPLETED BY AN INDIVIDUAL, THE
22 INDIVIDUAL IS PROVIDED A CERTIFICATION OF COMPLETION THAT MAY BE
23 TRANSFERRED FROM ONE ASSISTED LIVING RESIDENCE TO ANOTHER IN
24 ACCORDANCE WITH THIS SECTION:

25 (a) HAND HYGIENE AND INFECTION CONTROL;

26 (b) BASIC FIRST AID;

27 (c) RESIDENT RIGHTS;

28 (d) PERSON-CENTERED CARE;

29 (e) FALL PREVENTION;

30 (f) LIFT ASSISTANCE; AND

31 (g) FOOD SAFETY.

32 (10.5) "QUALIFIED MEDICATION ADMINISTRATION PERSONNEL"
33 MEANS AN INDIVIDUAL WHO HAS PASSED A COMPETENCY EVALUATION
34 ADMINISTERED BY AN APPROVED TRAINING ENTITY ON OR AFTER JULY 1,
35 2017, AND WHOSE NAME APPEARS ON THE DEPARTMENT'S LIST OF
36 INDIVIDUALS WHO HAVE PASSED THE REQUISITE COMPETENCY
37 EVALUATION.

38 **SECTION 2.** In Colorado Revised Statutes, **add** 25-27-114 as
39 follows:

1 **25-27-114. Direct care workers in assisted living residences -**
2 **training - portability - rules.** (1) (a) If AN OPERATOR OF AN ASSISTED
3 LIVING RESIDENCE PROVIDES OR PAYS FOR A PORTABLE TEST FOR A DIRECT
4 CARE WORKER OR FOR QUALIFIED MEDICATION ADMINISTRATION
5 PERSONNEL EMPLOYED BY THE ASSISTED LIVING RESIDENCE, THE
6 OPERATOR SHALL MAKE THE RESULTS OF THE TEST AVAILABLE TO THE
7 DIRECT CARE WORKER OR QUALIFIED MEDICATION ADMINISTRATION
8 PERSONNEL UPON COMPLETION OF THE TEST.

9 (b) If, UPON HIRE BY AN ASSISTED LIVING RESIDENCE, A NEW
10 EMPLOYEE PROVIDES PROOF OF COMPLETION OF A PORTABLE TEST, THE
11 OPERATOR OF THE ASSISTED LIVING RESIDENCE MAY DETERMINE THAT THE
12 INDIVIDUAL HAS SATISFIED RELATED TESTING REQUIREMENTS OR REQUIRE
13 THE INDIVIDUAL TO COMPLETE NEW TESTING.

14 (c) THE RESULTS OF A TUBERCULOSIS TEST MAY BE ACCEPTED FOR
15 PURPOSES OF NEW EMPLOYMENT RECORDS IF PRESENTED TO THE NEW
16 EMPLOYER WITHIN TWO YEARS AFTER THE TESTING DATE.
17 NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE DEPARTMENT
18 MAY REQUIRE ADDITIONAL TESTING AS DETERMINED THROUGH
19 ADMINISTRATIVE ACTION, NOTICE, RULE, OR STATE LAW.

20 (2) IF AN OPERATOR OF AN ASSISTED LIVING RESIDENCE PROVIDES
21 OR PAYS FOR PORTABLE TRAINING FOR A DIRECT CARE WORKER OR
22 QUALIFIED MEDICATION ADMINISTRATION PERSONNEL EMPLOYED BY THE
23 OPERATOR, UPON COMPLETION OF THE TRAINING, THE OPERATOR OR THE
24 ENTITY THAT PROVIDES THE TRAINING SHALL PROVIDE THE INDIVIDUAL
25 WHO COMPLETES THE TRAINING WITH A CERTIFICATE OF COMPLETION. THE
26 CERTIFICATE OF COMPLETION MUST INCLUDE:

27 (a) THE TOPIC COVERED;
28 (b) THE DATE OF THE TRAINING;
29 (c) THE INDIVIDUAL OR ENTITY THAT PROVIDED THE TRAINING;
30 (d) DOCUMENTATION OF COMPETENCY IN THE SPECIFIC TOPIC OF
31 THE TRAINING; AND
32 (e) ADDITIONAL ELEMENTS AS DETERMINED BY RULE OF THE
33 DEPARTMENT.

34 (3) (a) If, UPON HIRE BY AN ASSISTED LIVING RESIDENCE, A NEW
35 DIRECT CARE WORKER PROVIDES PROOF OF COMPLETION OF PORTABLE
36 TRAINING, THE ASSISTED LIVING RESIDENCE SHALL ENSURE, IN A FORM
37 AND MANNER DETERMINED BY THE OPERATOR, THAT THE DIRECT CARE
38 WORKER HAS SATISFIED THE RELATED PORTABLE TRAINING REQUIREMENTS
39 IN ORDER TO ENSURE THAT EACH DIRECT CARE WORKER CAN SAFELY
40 CARRY OUT THE DUTIES AND RESPONSIBILITIES FOR THE CARE AND
41 PROVISION OF SERVICES TO RESIDENTS.

42 (b) IN ADDITION TO PORTABLE TRAINING, THE OPERATOR OF AN
43 ASSISTED LIVING RESIDENCE SHALL ENSURE THAT EACH DIRECT CARE

1 WORKER RECEIVES ANY TRAINING REQUIRED BY RULES ADOPTED BY THE
2 STATE BOARD, OR AS SET FORTH IN STATE LAW, WITHIN THE TIMELINES SET
3 BY STATE LAW OR RULE.

4 (4) THE DEPARTMENT SHALL ACCEPT PROOF OF A PORTABLE TEST
5 OR A CERTIFICATE FOR PORTABLE TRAINING THAT IS DEEMED SUFFICIENT
6 BY AN ASSISTED LIVING RESIDENCE OPERATOR AS PROOF OF COMPLETION
7 OF A TEST OR TRAINING. THE DEPARTMENT MAY, BUT IS NOT REQUIRED TO,
8 PROMULGATES RULES TO DEFINE OTHER TESTS OR TRAININGS AS
9 PORTABLE.

10 (5) IF AN ASSISTED LIVING RESIDENCE OPERATOR ACCEPTS PROOF
11 OF TRAINING CONDUCTED BY ANOTHER ENTITY, THE ASSISTED LIVING
12 RESIDENCE OPERATOR SHALL ENSURE COMPETENCY IN A FORM AND
13 MANNER TO BE DETERMINED BY THE OPERATOR IN ORDER TO ENSURE
14 PRIOR EDUCATION AND TRAINING ARE SUFFICIENT FOR THE DIRECT CARE
15 WORKER TO SAFELY CARRY OUT THE DIRECT CARE WORKER'S DUTIES AND
16 RESPONSIBILITIES. AN ASSISTED LIVING RESIDENCE THAT CURRENTLY
17 EMPLOYS A DIRECT CARE WORKER IS LIABLE FOR ANY ACTS OR OMISSIONS
18 BY THE DIRECT CARE WORKER EMPLOYEE THAT ARE DIRECTLY RELATED
19 TO THE EMPLOYEE'S PREVIOUS TRAINING AND THE ACCEPTANCE OF THE
20 CERTIFICATION OF COMPLETION OF THAT TRAINING BY THE ASSISTED
21 LIVING RESIDENCE.

22 **SECTION 3. Act subject to petition - effective date.** This act
23 takes effect January 1, 2025; except that, if a referendum petition is filed
24 pursuant to section 1 (3) of article V of the state constitution against this
25 act or an item, section, or part of this act within the ninety-day period
26 after final adjournment of the general assembly, then the act, item,
27 section, or part will not take effect unless approved by the people at the
28 general election to be held in November 2024 and, in such case, will take
29 effect January 1, 2025, or on the date of the official declaration of the
30 vote thereon by the governor, whichever is later."

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