

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0784.01 Kristen Forrestal

SENATE BILL 08-153

SENATE SPONSORSHIP

Boyd, Hagedorn, Morse, Tochtrop, and Williams

HOUSE SPONSORSHIP

Ferrandino, Gagliardi, Marostica, and McGihon

Senate Committees

Health and Human Services
Appropriations

House Committees

Health and Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING LICENSURE OF HOME CARE AGENCIES BY THE**
102 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND**
103 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires the department of public health and environment (department) to license home care agencies.

Makes it unlawful for an unlicensed entity to operate a home care agency without meeting license application requirements and obtaining a license by specified dates. Creates penalties for entities that do not comply with the licensing requirements.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 24, 2008

SENATE
Amended 2nd Reading
March 20, 2008

Requires the department to promulgate rules that provide minimum standards for the operation of home care agencies. Requires the rules to include inspection requirements; educational, training, and experience standards, and requirements that address the character of the applicants; authorized enforcement remedies; and written plans required to be submitted by the agencies to the department.

Creates a home care advisory committee for the purpose of advising the department and the state board of health regarding the promulgation of rules and licensing issues.

Creates a home care agency cash fund, to consist of fees and any civil penalties paid by agencies, to pay for the costs of the department to implement and maintain regulation of home care agencies.

Requires home care agencies to apply to the department for licensure. Requires the department to inspect the home care agencies of each applicant. Authorizes the department to make additional inspections as necessary. Requires the owner, applicant, or licensee to submit to fingerprint-based criminal history record checks. Specifies standards for the department to refuse to issue a license. Allows the department to issue a provisional license if the applicant cannot conform to all of the minimum standards required by the department so long as the applicant demonstrates an effort to comply.

Requires a home care agency to require persons seeking employment to submit to a criminal history record check.

Allows the department to suspend, revoke, or refuse to renew a license of a home care agency. Allows the department to impose intermediate restrictions or conditions on a license. Specifies an appeals process for the denial, suspension, or revocation of a license.

Repeals the licensure requirements of home care agencies, effective July 1, 2014.

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

2 **SECTION 1.** 25-1.5-103 (1) (a) (I), Colorado Revised Statutes,
3 is amended to read:

4 **25-1.5-103. Health facilities - powers and duties of the**
5 **department - limitations on rules promulgated by the department.**

6 (1) The department has, in addition to all other powers and duties
7 imposed upon it by law, the powers and duties provided in this section as
8 follows:

1 (a) (I) To annually license and to establish and enforce standards
2 for the operation of general hospitals, hospital units as defined in section
3 25-3-101 (2), psychiatric hospitals, community clinics, rehabilitation
4 centers, convalescent centers, community mental health centers, acute
5 treatment units, facilities for persons with developmental disabilities,
6 habilitation centers for brain-damaged children, chiropractic centers and
7 hospitals, maternity hospitals, nursing care facilities, the pilot project
8 rehabilitative nursing facility, hospice care, assisted living residences,
9 dialysis treatment clinics, ambulatory surgical centers, birthing centers,
10 HOME CARE AGENCIES, and other facilities of a like nature, except those
11 wholly owned and operated by any governmental unit or agency. In
12 establishing and enforcing such standards and in addition to the required
13 announced inspections, the department shall, within available
14 appropriations, make additional inspections without prior notice to the
15 facility. Such inspections shall be made only during the hours of 7 a.m.
16 to 7 p.m. The issuance, suspension, renewal, revocation, annulment, or
17 modification of licenses shall be governed by the provisions of section
18 24-4-104, C.R.S., and section 25-3-102, and all licenses shall bear the
19 date of issue and cover a twelve-month period. Nothing contained in this
20 paragraph (a) shall be construed to prevent the department from adopting
21 and enforcing, with respect to projects for which federal assistance has
22 been obtained or shall be requested, such higher standards as may be
23 required by applicable federal laws or regulations of federal agencies
24 responsible for the administration of such federal laws.

25 **SECTION 2.** 25-3-101 (1), Colorado Revised Statutes, is
26 amended to read:

27 **25-3-101. Hospitals - health facilities - licensed.** (1) It is

1 unlawful for any person, partnership, association, or corporation to open,
2 conduct, or maintain any general hospital, hospital unit as defined in
3 subsection (2) of this section, psychiatric hospital, community clinic,
4 rehabilitation center, convalescent center, community mental health
5 center, acute treatment unit, facility for persons with developmental
6 disabilities, habilitation center for brain-damaged children, chiropractic
7 center and hospital, maternity hospital, nursing care facility, pilot project
8 rehabilitative nursing facility, hospice care, assisted living residence,
9 except an assisted living residence shall be assessed a license fee as set
10 forth in section 25-27-107, dialysis treatment clinic, ambulatory surgical
11 center, birthing center, HOME CARE AGENCY, or other facility of a like
12 nature, except those wholly owned and operated by any governmental unit
13 or agency, without first having obtained a license therefor from the
14 department of public health and environment.

15 **SECTION 3.** Title 25, Colorado Revised Statutes, is amended BY
16 THE ADDITION OF A NEW ARTICLE to read:

17 **ARTICLE 27.5**

18 **Home Care Agencies**

19 **25-27.5-101. Legislative declaration.** (1) IN ORDER TO PROMOTE
20 THE PUBLIC HEALTH AND WELFARE OF THE PEOPLE OF COLORADO, IT IS
21 DECLARED TO BE IN THE PUBLIC INTEREST TO ESTABLISH MINIMUM
22 STANDARDS AND RULES FOR HOME CARE AGENCIES IN THE STATE OF
23 COLORADO AND TO PROVIDE THE AUTHORITY FOR THE ADMINISTRATION
24 AND ENFORCEMENT OF SUCH MINIMUM STANDARDS AND RULES. THESE
25 STANDARDS AND RULES SHALL BE SUFFICIENT TO ASSURE THE HEALTH,
26 SAFETY, AND WELFARE OF HOME CARE CONSUMERS.

27 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AS THE EXECUTIVE
2 BRANCH AGENCY ASSIGNED TO ADMINISTER AND ENFORCE MINIMUM
3 STANDARDS FOR HOME CARE AGENCIES, SHOULD EXPLORE WHETHER
4 RISK-BASED INSPECTIONS MAY BE IMPLEMENTED TO ALLOCATE RESOURCES
5 MORE EFFECTIVELY AND AT THE SAME TIME ADEQUATELY PROTECT THE
6 HEALTH AND SAFETY OF THE HOME CARE CONSUMERS. RISK SHALL BE
7 EVALUATED BASED ON THE HOME CARE AGENCY'S COMPLIANCE HISTORY,
8 QUALITY PERFORMANCE MEASURES, AND OTHER RELEVANT FACTORS SET
9 FORTH IN RULES PROMULGATED BY THE STATE BOARD OF HEALTH.

10 (3) FURTHER, THE GENERAL ASSEMBLY DETERMINES AND
11 DECLARES THAT, IN ADMINISTERING AND ENFORCING STANDARDS FOR
12 HOME CARE AGENCIES, THE INSPECTIONS BY THE DEPARTMENT SHOULD
13 FOCUS ON HOME CARE CONSUMER SAFETY AND OUTCOMES.

14 **25-27.5-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "CERTIFIED HOME CARE AGENCY" MEANS AN AGENCY THAT IS
17 CERTIFIED BY EITHER THE FEDERAL CENTERS FOR MEDICARE AND
18 MEDICAID SERVICES OR THE COLORADO DEPARTMENT OF HEALTH CARE
19 POLICY AND FINANCING TO PROVIDE SKILLED HOME HEALTH OR PERSONAL
20 CARE SERVICES.

21 (2) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF
22 PUBLIC HEALTH AND ENVIRONMENT.

23 (3) (a) "HOME CARE AGENCY" MEANS ANY SOLE PROPRIETORSHIP,
24 PARTNERSHIP, ASSOCIATION, CORPORATION, GOVERNMENT OR
25 GOVERNMENTAL SUBDIVISION OR AGENCY SUBJECT TO THE RESTRICTIONS
26 IN SECTION 25-1.5-103 (1) (a) (II), NOT-FOR-PROFIT AGENCY, OR ANY
27 OTHER LEGAL OR COMMERCIAL ENTITY THAT MANAGES AND OFFERS,

1 DIRECTLY OR BY CONTRACT, SKILLED HOME HEALTH SERVICES OR
2 PERSONAL CARE SERVICES TO A HOME CARE CONSUMER IN THE HOME CARE
3 CONSUMER'S TEMPORARY OR PERMANENT HOME OR PLACE OF RESIDENCE.
4 A RESIDENTIAL FACILITY THAT DELIVERS SKILLED HOME HEALTH OR
5 PERSONAL CARE SERVICES WHICH THE FACILITY IS NOT LICENSED TO
6 PROVIDE, SHALL EITHER BE LICENSED AS A HOME CARE AGENCY OR
7 REQUIRE THE SKILLED HOME HEALTH OR PERSONAL CARE SERVICES TO BE
8 DELIVERED BY A LICENSED HOME CARE AGENCY.

9 (b) "HOME CARE AGENCY" DOES NOT INCLUDE:

10 (I) ORGANIZATIONS THAT PROVIDE ONLY HOUSEKEEPING
11 SERVICES;

12 (II) COMMUNITY AND RURAL HEALTH NETWORKS THAT FURNISH
13 HOME VISITS FOR THE PURPOSE OF PUBLIC HEALTH MONITORING AND
14 DISEASE TRACKING;

15 (III) AN INDIVIDUAL WHO IS NOT EMPLOYED BY OR AFFILIATED
16 WITH A HOME CARE AGENCY AND WHO ACTS ALONE, WITHOUT EMPLOYEES
17 OR CONTRACTORS;

18 (IV) OUTPATIENT REHABILITATION AGENCIES AND
19 COMPREHENSIVE OUTPATIENT REHABILITATION FACILITIES CERTIFIED
20 PURSUANT TO TITLE XVIII OR XIX OF THE "SOCIAL SECURITY ACT", AS
21 AMENDED;

22 (V) CONSUMER-DIRECTED ATTENDANT PROGRAMS ADMINISTERED
23 BY THE COLORADO DEPARTMENT OF HEALTH CARE POLICY AND
24 FINANCING;

25 (VI) LICENSED DIALYSIS CENTERS THAT PROVIDE IN-HOME
26 DIALYSIS SERVICES, SUPPLIES, AND EQUIPMENT;

27

1 (VII) SUBJECT TO THE REQUIREMENTS OF SECTION 25-27.5-103 (3),
2 A FACILITY OTHERWISE LICENSED BY THE DEPARTMENT; OR

3 (VIII) A HOME CARE PLACEMENT AGENCY AS DEFINED IN
4 SUBSECTION (5) OF THIS SECTION.

5 (4) "HOME CARE CONSUMER" MEANS A PERSON WHO RECEIVES
6 SKILLED HOME HEALTH SERVICES OR PERSONAL CARE SERVICES IN HIS OR
7 HER TEMPORARY OR PERMANENT HOME OR PLACE OF RESIDENCE FROM A
8 HOME CARE AGENCY OR HOME CARE PLACEMENT AGENCY.

9 (5) "HOME CARE PLACEMENT AGENCY" MEANS AN ORGANIZATION
10 THAT, FOR A FEE, PROVIDES ONLY REFERRALS OF PROVIDERS TO HOME
11 CARE CONSUMERS SEEKING SERVICES. A HOME CARE PLACEMENT AGENCY
12 DOES NOT PROVIDE SKILLED HOME HEALTH SERVICES OR PERSONAL CARE
13 SERVICES TO A HOME CARE CONSUMER IN THE HOME CARE CONSUMER'S
14 TEMPORARY OR PERMANENT HOME OR PLACE OF RESIDENCE DIRECTLY OR
15 BY CONTRACT. SUCH ORGANIZATIONS SHALL FOLLOW THE REQUIREMENTS
16 OF SECTIONS 25-27.5-103 (2), 25-27.5-104 (1) (c), AND 25-27.5-107.

17 (6) "PERSONAL CARE SERVICES" MEANS ASSISTANCE WITH
18 ACTIVITIES OF DAILY LIVING, INCLUDING BUT NOT LIMITED TO BATHING,
19 DRESSING, EATING, TRANSFERRING, WALKING OR MOBILITY, TOILETING,
20 AND CONTINENCE CARE. IT ALSO INCLUDES HOUSEKEEPING, PERSONAL
21 LAUNDRY, MEDICATION REMINDERS, AND COMPANIONSHIP SERVICES
22 FURNISHED TO A HOME CARE CONSUMER IN THE HOME CARE CONSUMER'S
23 TEMPORARY OR PERMANENT HOME OR PLACE OF RESIDENCE, AND THOSE
24 NORMAL DAILY ROUTINES THAT THE HOME CARE CONSUMER COULD
25 PERFORM FOR HIMSELF OR HERSELF WERE HE OR SHE PHYSICALLY
26 CAPABLE, WHICH ARE INTENDED TO ENABLE THAT INDIVIDUAL TO REMAIN
27 SAFELY AND COMFORTABLY IN THE HOME CARE CONSUMER'S TEMPORARY

1 OR PERMANENT HOME OR PLACE OF RESIDENCE.

2 (7) "SKILLED HOME HEALTH SERVICES" MEANS HEALTH AND
3 MEDICAL SERVICES FURNISHED TO A HOME CARE CONSUMER IN THE HOME
4 CARE CONSUMER'S TEMPORARY OR PERMANENT HOME OR PLACE OF
5 RESIDENCE THAT INCLUDE WOUND CARE SERVICES; USE OF MEDICAL
6 SUPPLIES INCLUDING DRUGS AND BIOLOGICALS PRESCRIBED BY A
7 PHYSICIAN; IN-HOME INFUSION SERVICES; NURSING SERVICES; HOME
8 HEALTH AIDE OR CERTIFIED NURSE AIDE SERVICES THAT REQUIRE THE
9 SUPERVISION OF A LICENSED OR CERTIFIED HEALTH CARE PROFESSIONAL
10 ACTING WITHIN THE SCOPE OF HIS OR HER LICENSE OR CERTIFICATE;
11 OCCUPATIONAL THERAPY; PHYSICAL THERAPY; RESPIRATORY CARE
12 SERVICES; DIETETICS AND NUTRITION COUNSELING SERVICES; MEDICATION
13 ADMINISTRATION; MEDICAL SOCIAL SERVICES; AND SPEECH-LANGUAGE
14 PATHOLOGY SERVICES. "SKILLED HOME HEALTH SERVICES" DOES NOT
15 INCLUDE THE DELIVERY OF EITHER DURABLE MEDICAL EQUIPMENT OR
16 MEDICAL SUPPLIES.

17 (8) "STATE BOARD" MEANS THE STATE BOARD OF HEALTH.

18 **25-27.5-103. License required - civil and criminal penalties.**

19 (1) ON OR AFTER JUNE 1, 2009, IT IS UNLAWFUL FOR ANY PERSON,
20 PARTNERSHIP, ASSOCIATION, OR CORPORATION TO CONDUCT OR MAINTAIN
21 A HOME CARE AGENCY THAT PROVIDES SKILLED HOME HEALTH SERVICES
22 WITHOUT HAVING SUBMITTED A COMPLETED APPLICATION FOR LICENSURE
23 AS A HOME CARE AGENCY TO THE DEPARTMENT. ON OR AFTER JANUARY
24 1, 2010, IT IS UNLAWFUL FOR ANY PERSON, PARTNERSHIP, ASSOCIATION,
25 OR CORPORATION TO CONDUCT OR MAINTAIN A HOME CARE AGENCY THAT
26 PROVIDES SKILLED HOME HEALTH SERVICES WITHOUT HAVING OBTAINED
27 A LICENSE THEREFOR FROM THE DEPARTMENT. ON OR AFTER JANUARY 1,

1 2010, IT IS UNLAWFUL FOR ANY PERSON, PARTNERSHIP, ASSOCIATION, OR
2 CORPORATION TO CONDUCT OR MAINTAIN A HOME CARE AGENCY THAT
3 PROVIDES IN-HOME PERSONAL CARE SERVICES WITHOUT HAVING
4 SUBMITTED A COMPLETED APPLICATION FOR LICENSURE AS A HOME CARE
5 AGENCY TO THE DEPARTMENT. ON OR AFTER JANUARY 1, 2011, IT IS
6 UNLAWFUL FOR ANY PERSON, PARTNERSHIP, ASSOCIATION, OR
7 CORPORATION TO CONDUCT OR MAINTAIN A HOME CARE AGENCY THAT
8 PROVIDES IN-HOME PERSONAL CARE SERVICES WITHOUT HAVING OBTAINED
9 A LICENSE THEREFOR FROM THE DEPARTMENT. ANY PERSON WHO
10 VIOLATES THIS PROVISION:

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

14 (b) MAY BE SUBJECT TO A CIVIL PENALTY ASSESSED BY THE
15 DEPARTMENT OF UP TO TEN THOUSAND DOLLARS FOR EACH VIOLATION OF
16 THIS SECTION. THE DEPARTMENT SHALL ASSESS, ENFORCE, AND COLLECT
17 THE PENALTY IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., FOR
18 CREDIT TO THE HOME CARE AGENCY CASH FUND CREATED IN SECTION
19 25-27.5-105. ENFORCEMENT AND COLLECTION OF THE PENALTY SHALL
20 OCCUR FOLLOWING THE DECISION REACHED IN ACCORDANCE WITH
21 PROCEDURES SET FORTH IN SECTION 24-4-105, C.R.S.

22 (2) (a) ON OR AFTER JUNE 1, 2009, ANY HOME CARE PLACEMENT
23 AGENCY SHALL NOTIFY THE DEPARTMENT IN WRITING THAT IT PROVIDES
24 REFERRALS FOR SKILLED HOME HEALTH SERVICES OR PERSONAL CARE
25 SERVICES, AND SHALL ANNUALLY UPDATE SUCH NOTICE. THE
26 DEPARTMENT SHALL MAINTAIN A LIST OF ALL HOME CARE PLACEMENT
27 AGENCIES, AND SHALL MAKE THE LIST ACCESSIBLE TO THE PUBLIC.

1 (b) A PERSON WHO VIOLATES THIS SECTION MAY BE SUBJECT TO A
2 CIVIL PENALTY ASSESSED BY THE DEPARTMENT THAT IS NOT LESS THAN
3 FIVE HUNDRED DOLLARS PER YEAR OR MORE THAN ONE THOUSAND
4 DOLLARS PER YEAR FOR FAILURE TO REGISTER WITH THE DEPARTMENT.
5 THE DEPARTMENT SHALL ASSESS, ENFORCE, AND COLLECT THE PENALTY
6 IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S. ANY MONEYS
7 COLLECTED SHALL BE DEPOSITED IN THE HOME CARE AGENCY CASH FUND
8 CREATED IN SECTION 25-27.5-105.

9 (3) IF A FACILITY THAT IS LICENSED PURSUANT TO THIS TITLE
10 PROVIDES SKILLED HOME HEALTH OR PERSONAL CARE SERVICES ALSO
11 PROVIDES THE SERVICES OUTSIDE THE PREMISES OF THE LICENSED
12 FACILITY, THE FACILITY LICENSE SHALL BE AMENDED TO INCLUDE THE
13 SERVICES AND THE FACILITY SHALL MEET THE REQUIREMENTS
14 PROMULGATED BY THE STATE BOARD.

15 **25-27.5-104. Minimum standards for home care agencies -**
16 **rules.** (1) ON OR BEFORE MAY 1, 2009, THE STATE BOARD SHALL
17 PROMULGATE RULES PURSUANT TO SECTION 24-4-103, C.R.S., PROVIDING
18 MINIMUM STANDARDS FOR THE OPERATION OF HOME CARE AGENCIES
19 WITHIN THE STATE OF COLORADO. IN PROMULGATING THESE RULES, THE
20 STATE BOARD SHALL CONSIDER THE DIFFERENT REQUIREMENTS
21 APPROPRIATE TO THE VARIOUS TYPES OF SKILLED HOME HEALTH AND
22 PERSONAL CARE SERVICES, INCLUDING DIFFERENTIATING REQUIREMENTS
23 FOR PROVIDERS THAT ARE SUBSTANTIALLY FUNDED THROUGH MEDICARE
24 AND MEDICAID REIMBURSEMENT, PROVIDERS FOR THE PROGRAM OF
25 ALL-INCLUSIVE CARE FOR THE ELDERLY ESTABLISHED IN SECTION
26 25.5-5-412, PROVIDERS THAT ARE ALREADY LICENSED UNDER THIS TITLE,
27 AND PROVIDERS THAT ARE SOLELY OR SUBSTANTIALLY PRIVATELY

1 FUNDED. THIS DIFFERENTIATION MAY CONSIDER THE REQUIREMENTS
2 ALREADY IMPOSED BY OTHER FEDERAL AND STATE REGULATORY
3 AGENCIES. SUCH RULES SHALL INCLUDE BUT NEED NOT BE LIMITED TO THE
4 FOLLOWING:

5 (a) INSPECTION OF HOME CARE AGENCIES BY THE DEPARTMENT OR
6 ITS DESIGNATED REPRESENTATIVE;

7 (b) MINIMUM EDUCATIONAL, TRAINING, AND EXPERIENCE
8 STANDARDS FOR THE ADMINISTRATOR AND STAFF OF AN AGENCY,
9 INCLUDING A REQUIREMENT THAT SUCH PERSONS BE OF GOOD, MORAL,
10 AND RESPONSIBLE CHARACTER;

11 (c) REQUIREMENTS FOR DISCLOSURE NOTICES TO BE PROVIDED BY
12 HOME CARE AGENCIES AND HOME CARE PLACEMENT AGENCIES TO HOME
13 CARE CONSUMERS CONCERNING THE DUTIES AND EMPLOYMENT STATUS OF
14 THE INDIVIDUAL PROVIDING SERVICES;

15 (d) INTERMEDIATE ENFORCEMENT REMEDIES AS AUTHORIZED BY
16 SECTION 25-27.5-108;

17 (e) A REQUIREMENT AND FORM FOR WRITTEN PLANS, TO BE
18 SUBMITTED BY AGENCIES TO THE DEPARTMENT FOR APPROVAL, DETAILING
19 THE MEASURES THAT WILL BE TAKEN TO CORRECT VIOLATIONS FOUND AS
20 A RESULT OF INSPECTIONS;

21 (f) ESTABLISHING OCCURRENCE REPORTING REQUIREMENTS
22 PURSUANT TO SECTION 25-1-124, C.R.S.;

23 (g) FEES FOR HOME CARE AGENCY LICENSURE, WHICH SHALL NOT
24 EXCEED ONE THOUSAND FIVE HUNDRED DOLLARS PER YEAR FOR TWO
25 YEARS FROM THE EFFECTIVE DATE OF FEES ESTABLISHED BY RULE FOR
26 HOME CARE AGENCIES THAT ARE CERTIFIED PROVIDERS THROUGH THE
27 FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES OR THE

1 COLORADO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING. HOME
2 CARE AGENCY FEES SHALL BE PAYABLE TO THE HOME CARE AGENCY CASH
3 FUND. THE ANNUAL FEE SHALL INCLUDE A COMPONENT THAT REFLECTS
4 WHETHER A SURVEY IS PLANNED FOR THE YEAR BASED ON THE AGENCY'S
5 COMPLIANCE HISTORY. THE FEE SCHEDULE SHALL ALSO BE TIERED TO
6 REFLECT THE DIFFERENCES IN TYPE AND VOLUME OF SERVICES OF VARIOUS
7 HOME CARE AGENCIES, INCLUDING BUT NOT LIMITED TO THEIR VOLUME OF
8 MEDICAID AND MEDICARE SERVICES. THE FEE SCHEDULE SHALL ALSO
9 PROVIDE FOR REDUCED FEES FOR HOME CARE AGENCIES THAT ARE
10 CERTIFIED PRIOR TO INITIAL LICENSE APPLICATION. THE DEPARTMENT OF
11 PUBLIC HEALTH AND ENVIRONMENT SHALL NOT CHARGE A DUPLICATE FEE
12 FOR SURVEY WORK CONDUCTED PURSUANT TO ITS ROLE AS STATE SURVEY
13 AGENCY FOR THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID
14 SERVICES OR THE COLORADO DEPARTMENT OF HEALTH CARE POLICY AND
15 FINANCING. NO LATER THAN JANUARY 1, 2011, THE DEPARTMENT OF
16 PUBLIC HEALTH AND ENVIRONMENT SHALL ISSUE AN INDEPENDENT REPORT
17 DETAILING THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE
18 ADMINISTRATION OF HOME CARE AGENCY LICENSURE.

19 (h) REQUIREMENTS FOR [REDACTED] HOME CARE AGENCIES TO PROVIDE
20 EVIDENCE OF AND MAINTAIN EITHER [REDACTED] LIABILITY INSURANCE COVERAGE
21 OR A SURETY BOND IN LIEU OF [REDACTED] LIABILITY INSURANCE COVERAGE, IN
22 AMOUNTS SET THROUGH RULES OF THE STATE BOARD.

23 (2) RULES PROMULGATED BY THE STATE BOARD ARE SUBJECT TO
24 JUDICIAL REVIEW IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
25 24-4-106, C.R.S.

26 (3) THERE IS HEREBY ESTABLISHED A HOME CARE ADVISORY
27 COMMITTEE WHICH SHALL MAKE RECOMMENDATIONS TO THE

1 DEPARTMENT AND THE STATE BOARD OF HEALTH CONCERNING THE RULES
2 PROMULGATED PURSUANT TO THIS ARTICLE AND IMPLEMENTATION OF THE
3 LICENSING OF HOME CARE AGENCIES. THE HOME CARE ADVISORY
4 COMMITTEE SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
5 DEPARTMENT. THE ADVISORY COMMITTEE SHALL, AT A MINIMUM, CONSIST
6 OF REPRESENTATIVES FROM SKILLED HOME HEALTH SERVICES AGENCIES,
7 PERSONAL CARE SERVICES AGENCIES, MEMBERS OF THE DISABLED
8 COMMUNITY WHO ARE HOME CARE CONSUMERS, SENIORS OR
9 REPRESENTATIVES OF SENIORS WHO ARE HOME CARE CONSUMERS,
10 PROVIDERS OF MEDICAID SERVICES, PROVIDERS OF IN-HOME SUPPORT
11 SERVICES, AND REPRESENTATIVES OF THE DEPARTMENTS OF HEALTH CARE
12 POLICY AND FINANCING AND HUMAN SERVICES. MEMBERS OF THE
13 ADVISORY COMMITTEE SHALL SERVE AT THE PLEASURE OF THE APPOINTING
14 AUTHORITY ON A VOLUNTARY BASIS AND SHALL SERVE WITHOUT
15 COMPENSATION.

16 **25-27.5-105. Home care agency cash fund created.** THE FEES
17 COLLECTED PURSUANT TO SECTION 25-27.5-104 (1), PLUS ANY CIVIL
18 PENALTY COLLECTED PURSUANT TO SECTION 25-27.5-103 (1) (b), SHALL
19 BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
20 SAME TO THE HOME CARE AGENCY CASH FUND, WHICH FUND IS HEREBY
21 CREATED. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
22 APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
23 INDIRECT COSTS OF THE DEPARTMENT IN PERFORMING ITS DUTIES UNDER
24 THIS ARTICLE. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND
25 UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND
26 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY
27 OTHER FUND.

1 **25-27.5-106. License - application - inspection - issuance.**

2 (1) AN APPLICATION FOR A LICENSE TO OPERATE A HOME CARE AGENCY
3 SHALL BE SUBMITTED TO THE DEPARTMENT ANNUALLY UPON SUCH FORM
4 AND IN SUCH MANNER AS PRESCRIBED BY THE DEPARTMENT.

5 (2) (a) THE DEPARTMENT SHALL INVESTIGATE AND REVIEW EACH
6 ORIGINAL APPLICATION AND EACH RENEWAL APPLICATION FOR A LICENSE.
7 THE DEPARTMENT SHALL DETERMINE AN APPLICANT'S COMPLIANCE WITH
8 THE RULES ADOPTED PURSUANT TO SECTION 25-27.5-104 BEFORE A
9 LICENSE IS ISSUED OR RENEWED. A CERTIFIED HOME CARE AGENCY THAT
10 APPLIES FOR A LICENSE BY JUNE 1, 2009, SHALL BE EXEMPT FROM
11 LICENSURE INSPECTION PRIOR TO ISSUANCE OF THE INITIAL LICENSE. THE
12 DEPARTMENT SHALL MAKE SUCH INSPECTIONS AS IT DEEMS NECESSARY
13 TO ENSURE THAT THE HEALTH, SAFETY, AND WELFARE OF THE HOME CARE
14 AGENCY HOME CARE CONSUMERS ARE BEING PROTECTED. INSPECTIONS OF
15 A HOME CARE CONSUMER'S HOME SHALL BE SUBJECT TO THE CONSENT OF
16 THE HOME CARE CONSUMER TO ACCESS THE PROPERTY. THE HOME CARE
17 AGENCY SHALL SUBMIT IN WRITING, IN A FORM PRESCRIBED BY THE
18 DEPARTMENT, A PLAN DETAILING THE MEASURES THAT WILL BE TAKEN TO
19 CORRECT ANY VIOLATIONS FOUND BY THE DEPARTMENT AS A RESULT OF
20 INSPECTIONS UNDERTAKEN PURSUANT TO THIS SUBSECTION (2).

21 (b) THE DEPARTMENT SHALL KEEP ALL MEDICAL RECORDS
22 OBTAINED DURING AN INSPECTION OR INVESTIGATION OF A HOME CARE
23 AGENCY CONFIDENTIAL AND THE MEDICAL RECORDS SHALL BE EXEMPT
24 FROM DISCLOSURE PURSUANT TO SECTIONS 24-72-204, C.R.S., AND
25 25-1-124.

26 (3) (a) WITH THE SUBMISSION OF AN APPLICATION FOR A LICENSE
27 GRANTED PURSUANT TO THIS ARTICLE, EACH OWNER, APPLICANT, OR

1 LICENSEE SHALL SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS TO
2 THE DEPARTMENT. THE DEPARTMENT SHALL FORWARD SUCH
3 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
4 PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED
5 CRIMINAL HISTORY RECORD CHECK UTILIZING THE RECORDS OF THE
6 COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF
7 INVESTIGATION. THE OWNER, APPLICANT, OR LICENSEE SHALL PAY THE
8 COSTS ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY
9 RECORD CHECK TO THE COLORADO BUREAU OF INVESTIGATION.

10 (b) THE INFORMATION SHALL BE USED BY THE DEPARTMENT IN
11 ASCERTAINING WHETHER THE PERSON APPLYING FOR LICENSURE HAS BEEN
12 CONVICTED OF A FELONY OR OF A MISDEMEANOR, WHICH FELONY OR
13 MISDEMEANOR INVOLVES MORAL TURPITUDE OR INVOLVES CONDUCT THAT
14 THE DEPARTMENT DETERMINES COULD POSE A RISK TO THE HEALTH,
15 SAFETY, OR WELFARE OF HOME CARE CONSUMERS OF THE HOME CARE
16 AGENCY. THE DEPARTMENT SHALL MAINTAIN INFORMATION OBTAINED IN
17 ACCORDANCE WITH THIS SECTION.

18 (4) NO LICENSE SHALL BE ISSUED OR RENEWED BY THE
19 DEPARTMENT IF THE OWNER, APPLICANT, OR LICENSEE OF THE HOME CARE
20 AGENCY HAS BEEN CONVICTED OF A FELONY OR OF A MISDEMEANOR,
21 WHICH FELONY OR MISDEMEANOR INVOLVES MORAL TURPITUDE OR
22 INVOLVES CONDUCT THAT THE DEPARTMENT DETERMINES COULD POSE A
23 RISK TO THE HEALTH, SAFETY, OR WELFARE OF THE HOME CARE
24 CONSUMERS OF THE HOME CARE AGENCY.

25 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (6) AND (7)
26 OF THIS SECTION, THE DEPARTMENT SHALL ISSUE OR RENEW A LICENSE
27 WHEN IT IS SATISFIED THAT THE APPLICANT OR LICENSEE IS IN COMPLIANCE

1 WITH THE REQUIREMENTS SET OUT IN THIS ARTICLE AND THE RULES
2 PROMULGATED PURSUANT TO THIS ARTICLE. EXCEPT FOR PROVISIONAL
3 LICENSES ISSUED IN ACCORDANCE WITH SUBSECTIONS (6) AND (7) OF THIS
4 SECTION, A LICENSE ISSUED OR RENEWED PURSUANT TO THIS SECTION
5 SHALL EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE OR RENEWAL.

6 (6) THE DEPARTMENT MAY ISSUE A PROVISIONAL LICENSE TO AN
7 APPLICANT FOR THE PURPOSE OF OPERATING A HOME CARE AGENCY FOR A
8 PERIOD OF NINETY DAYS IF THE APPLICANT IS TEMPORARILY UNABLE TO
9 CONFORM TO ALL OF THE MINIMUM STANDARDS REQUIRED UNDER THIS
10 ARTICLE; EXCEPT THAT NO LICENSE SHALL BE ISSUED TO AN APPLICANT IF
11 THE OPERATION OF THE APPLICANT'S HOME CARE AGENCY WILL
12 ADVERSELY AFFECT THE HEALTH, SAFETY, OR WELFARE OF THE HOME
13 CARE CONSUMERS OF SUCH HOME CARE AGENCY. AS A CONDITION OF
14 OBTAINING A PROVISIONAL LICENSE, THE APPLICANT SHALL SHOW PROOF
15 TO THE DEPARTMENT THAT ATTEMPTS ARE BEING MADE TO CONFORM AND
16 COMPLY WITH APPLICABLE STANDARDS. NO PROVISIONAL LICENSE SHALL
17 BE GRANTED PRIOR TO THE COMPLETION OF A CRIMINAL BACKGROUND
18 CHECK IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION AND A
19 FINDING IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION. A
20 SECOND PROVISIONAL LICENSE MAY BE ISSUED, FOR A LIKE TERM AND FEE,
21 TO EFFECT COMPLIANCE. NO FURTHER PROVISIONAL LICENSES MAY BE
22 ISSUED FOR THE CURRENT YEAR AFTER THE SECOND ISSUANCE.

23 (7) IF REQUESTED BY THE COLORADO DEPARTMENT OF HEALTH
24 CARE POLICY AND FINANCING, THE DEPARTMENT MAY ISSUE A
25 PROVISIONAL LICENSE FOR A PERIOD OF NINETY DAYS TO AN AGENCY THAT
26 HAS APPLIED TO BE A CERTIFIED HOME CARE AGENCY AS DEFINED IN
27 SECTION 25-27.5-102. A PROVISIONAL LICENSE SHALL NOT BE GRANTED

1 PRIOR TO THE COMPLETION OF A FINGERPRINT-BASED CRIMINAL HISTORY
2 RECORD CHECK IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION
3 AND A FINDING IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.
4 A SECOND PROVISIONAL LICENSE MAY BE ISSUED, FOR A LIKE TERM AND
5 FEE, TO EFFECT COMPLIANCE. NO FURTHER PROVISIONAL LICENSES MAY
6 BE ISSUED FOR THE CURRENT YEAR AFTER THE SECOND ISSUANCE.

7 **25-27.5-107. Employee criminal history record check.** ON AND
8 AFTER JUNE 1, 2009, PRIOR TO EMPLOYING OR PLACING ANY PERSON, THE
9 HOME CARE AGENCY OR HOME CARE PLACEMENT AGENCY SHALL REQUIRE
10 THE PERSON SEEKING EMPLOYMENT OR PLACEMENT TO SUBMIT TO A
11 CRIMINAL HISTORY RECORD CHECK. THE HOME CARE AGENCY OR HOME
12 CARE PLACEMENT AGENCY OR THE PERSON SEEKING EMPLOYMENT WITH
13 THE HOME CARE AGENCY SHALL PAY THE COSTS OF SUCH INQUIRY. THE
14 CRIMINAL HISTORY RECORD CHECK SHALL BE CONDUCTED NOT MORE THAN
15 NINETY DAYS PRIOR TO THE EMPLOYMENT OF THE APPLICANT.

16 **25-27.5-108. License denial - suspension - revocation.**
17 (1) UPON DENIAL OF AN APPLICATION FOR AN ORIGINAL LICENSE, THE
18 DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING OF SUCH DENIAL
19 BY MAILING A NOTICE TO THE APPLICANT AT THE ADDRESS SHOWN ON HIS
20 OR HER APPLICATION. ANY APPLICANT BELIEVING HIMSELF OR HERSELF
21 AGGRIEVED BY SUCH DENIAL MAY PURSUE THE REMEDY FOR REVIEW
22 PROVIDED IN ARTICLE 4 OF TITLE 24, C.R.S., IF THE APPLICANT, WITHIN
23 THIRTY DAYS AFTER RECEIVING SUCH NOTICE, PETITIONS THE
24 DEPARTMENT TO SET A DATE AND PLACE FOR HEARING, AFFORDING THE
25 APPLICANT AN OPPORTUNITY TO BE HEARD IN PERSON OR BY COUNSEL.
26 ALL HEARINGS ON THE DENIAL OF ORIGINAL LICENSES SHALL BE
27 CONDUCTED IN CONFORMITY WITH THE PROVISIONS AND PROCEDURES

1 SPECIFIED IN ARTICLE 4 OF TITLE 24, C.R.S.

2 (2) (a) THE DEPARTMENT MAY SUSPEND, REVOKE, OR REFUSE TO
3 RENEW THE LICENSE OF ANY HOME CARE AGENCY THAT IS OUT OF
4 COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE OR THE RULES
5 PROMULGATED PURSUANT TO THIS ARTICLE. SUCH SUSPENSION,
6 REVOCATION, OR REFUSAL SHALL BE DONE AFTER A HEARING THEREON
7 AND IN CONFORMANCE WITH THE PROVISIONS AND PROCEDURES SPECIFIED
8 IN ARTICLE 4 OF TITLE 24, C.R.S.; EXCEPT THAT THE DEPARTMENT MAY
9 IMPLEMENT A SUMMARY SUSPENSION PRIOR TO A HEARING IN
10 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

11 (b) (I) THE DEPARTMENT MAY IMPOSE INTERMEDIATE
12 RESTRICTIONS OR CONDITIONS ON A LICENSEE THAT MAY INCLUDE AT
13 LEAST ONE OF THE FOLLOWING:

14 (A) RETAINING A CONSULTANT TO ADDRESS CORRECTIVE
15 MEASURES;

16 (B) MONITORING BY THE DEPARTMENT FOR A SPECIFIC PERIOD;

17 (C) PROVIDING ADDITIONAL TRAINING TO EMPLOYEES, OWNERS,
18 OR OPERATORS OF THE HOME CARE AGENCY;

19 (D) COMPLYING WITH A DIRECTED WRITTEN PLAN TO CORRECT THE
20 VIOLATION; OR

21 (E) PAYING A CIVIL FINE NOT TO EXCEED TEN THOUSAND DOLLARS
22 PER CALENDAR YEAR FOR ALL VIOLATIONS.

23 (II) (A) IF THE DEPARTMENT IMPOSES AN INTERMEDIATE
24 RESTRICTION OR CONDITION THAT IS NOT A RESULT OF A SERIOUS AND
25 IMMEDIATE THREAT TO HEALTH OR WELFARE, THE LICENSEE SHALL
26 RECEIVE WRITTEN NOTICE OF THE RESTRICTION OR CONDITION. NO LATER
27 THAN TEN DAYS AFTER THE DATE THE NOTICE IS RECEIVED FROM THE

1 DEPARTMENT, THE LICENSEE SHALL SUBMIT A WRITTEN PLAN THAT
2 INCLUDES THE TIME FRAME FOR COMPLETING THE PLAN AND ADDRESSES
3 THE RESTRICTION OR CONDITION SPECIFIED.

4 (B) IF THE DEPARTMENT IMPOSES AN INTERMEDIATE RESTRICTION
5 OR CONDITION THAT IS THE RESULT OF A SERIOUS AND IMMEDIATE THREAT
6 TO HEALTH, SAFETY, OR WELFARE, THE DEPARTMENT SHALL NOTIFY THE
7 LICENSEE IN WRITING, BY TELEPHONE, OR IN PERSON DURING AN ON-SITE
8 VISIT. THE LICENSEE SHALL REMEDY THE CIRCUMSTANCES CREATING
9 HARM OR POTENTIAL HARM IMMEDIATELY UPON RECEIVING NOTICE OF THE
10 RESTRICTION OR CONDITION. IF THE DEPARTMENT PROVIDES NOTICE OF A
11 RESTRICTION OR CONDITION BY TELEPHONE OR IN PERSON, THE
12 DEPARTMENT SHALL SEND WRITTEN CONFIRMATION OF THE RESTRICTION
13 OR CONDITION TO THE LICENSEE WITHIN TWO BUSINESS DAYS.

14 (III) (A) AFTER SUBMISSION OF AN APPROVED WRITTEN PLAN, A
15 LICENSEE MAY FIRST APPEAL ANY INTERMEDIATE RESTRICTION OR
16 CONDITION ON ITS LICENSE TO THE DEPARTMENT THROUGH AN INFORMAL
17 REVIEW PROCESS AS ESTABLISHED BY THE DEPARTMENT.

18 (B) IF THE RESTRICTION OR CONDITION REQUIRES PAYMENT OF A
19 CIVIL FINE, THE LICENSEE MAY REQUEST AND THE DEPARTMENT SHALL
20 GRANT A STAY IN PAYMENT OF THE FINE UNTIL FINAL DISPOSITION OF THE
21 RESTRICTION OR CONDITION.

22 (C) IF A LICENSEE IS NOT SATISFIED WITH THE RESULT OF THE
23 INFORMAL REVIEW OR CHOOSES NOT TO SEEK INFORMAL REVIEW, NO
24 INTERMEDIATE RESTRICTION OR CONDITION ON THE LICENSEE SHALL BE
25 IMPOSED UNTIL AFTER AN OPPORTUNITY FOR A HEARING HAS BEEN
26 AFFORDED THE LICENSEE PURSUANT TO SECTION 24-4-105, C.R.S.

27 (IV) IF THE DEPARTMENT ASSESSES A CIVIL FINE PURSUANT TO

1 THIS PARAGRAPH (b), MONEYS RECEIVED BY THE DEPARTMENT SHALL BE
2 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
3 TO THE HOME CARE AGENCY CASH FUND CREATED IN SECTION
4 25-27.5-105.

5 (V) CIVIL FINES COLLECTED PURSUANT TO THIS PARAGRAPH (b)
6 SHALL BE USED FOR EXPENSES RELATED TO:

7 (A) CONTINUING MONITORING REQUIRED PURSUANT TO THIS
8 PARAGRAPH (b);

9 (B) EDUCATION FOR LICENSEES TO AVOID RESTRICTIONS OR
10 CONDITIONS OR FACILITATE THE APPLICATION PROCESS OR THE CHANGE OF
11 OWNERSHIP PROCESS;

12 (C) EDUCATION FOR HOME CARE CONSUMERS AND THEIR FAMILIES
13 ABOUT RESOLVING PROBLEMS WITH A HOME CARE AGENCY, RIGHTS OF
14 HOME CARE CONSUMERS, AND RESPONSIBILITIES OF HOME CARE AGENCIES;

15 (D) PROVIDING TECHNICAL ASSISTANCE TO ANY HOME CARE
16 AGENCY FOR THE PURPOSE OF COMPLYING WITH CHANGES IN RULES OR
17 STATE OR FEDERAL LAW;

18 (E) MONITORING AND ASSISTING IN THE TRANSITION OF HOME
19 CARE CONSUMERS TO OTHER HOME CARE AGENCIES, WHEN THE
20 TRANSITION IS A RESULT OF THE REVOCATION OF A LICENSE, OR OTHER
21 APPROPRIATE MEDICAL SERVICES; OR

22 (F) MAINTAINING THE OPERATION OF A HOME CARE AGENCY
23 PENDING CORRECTION OF VIOLATIONS, AS DETERMINED NECESSARY BY
24 THE DEPARTMENT.

25 (3) THE DEPARTMENT SHALL REVOKE OR REFUSE TO RENEW THE
26 LICENSE OF A HOME CARE AGENCY WHERE THE OWNER OR LICENSEE HAS
27 BEEN CONVICTED OF A FELONY OR MISDEMEANOR INVOLVING MORAL

1 TURPITUDE OR INVOLVING CONDUCT THAT THE DEPARTMENT DETERMINES
2 COULD POSE A RISK TO THE HEALTH, SAFETY, OR WELFARE OF THE HOME
3 CARE CONSUMERS OF SUCH HOME CARE AGENCY. SUCH REVOCATION OR
4 REFUSAL SHALL BE MADE ONLY AFTER A HEARING IS PROVIDED IN
5 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

6 **25-27.5-109. Enforcement.** THE DEPARTMENT IS RESPONSIBLE
7 FOR THE ENFORCEMENT OF THIS ARTICLE AND THE RULES ADOPTED
8 PURSUANT TO THIS ARTICLE.

9 **25-27.5-110. Repeal of article - sunset review.** (1) THIS
10 ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2014.

11 (2) PRIOR TO SUCH REPEAL, THE LICENSING OF HOME CARE
12 AGENCIES SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104,
13 C.R.S.

14 **SECTION 4.** 24-34-104 (45), Colorado Revised Statutes, is
15 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16 **24-34-104. General assembly review of regulatory agencies
17 and functions for termination, continuation, or reestablishment.**

18 (45) The following agencies, functions, or both shall terminate on July
19 1, 2014:

20 (f) THE LICENSING OF HOME CARE AGENCIES IN ACCORDANCE WITH
21 ARTICLE 27.5 OF TITLE 25, C.R.S.

22 **SECTION 5. Appropriation.** (1) In addition to any other
23 appropriation, there is hereby appropriated, out of any moneys in the
24 home care agency cash fund created in section 25-27.5-105, Colorado
25 Revised Statutes, not otherwise appropriated, to the department of public
26 health and environment, for the fiscal year beginning July 1, 2008, the
27 sum of one hundred eighty-four thousand three hundred eighty-nine

1 dollars (\$184,389) cash funds, and 2.9 FTE, or so much thereof as may
2 be necessary, for the implementation of this act. Of said sum, two
3 thousand eight hundred eighty-one dollars (\$2,881) shall be allocated to
4 administration and support for the purchase of legal services from the
5 department of law and one hundred eighty-one thousand five hundred
6 eight dollars (\$181,508) and 2.9 FTE shall be allocated to the health
7 facilities and emergency medical services division.

8 (2) In addition to any other appropriation, there is hereby
9 appropriated, to the department of law, for the fiscal year beginning July
10 1, 2008, the sum of two thousand eight hundred eighty-one dollars
11 (\$2,881) or so much thereof as may be necessary, for the provision of
12 legal services to the department of public health and environment related
13 to the implementation of this act. Said sum shall be from reappropriated
14 funds received from the department of public health and environment,
15 executive director's office out of the appropriation for legal services in
16 subsection 1 of this section.

17 (3) In addition to any other appropriation, there is hereby
18 appropriated, to the department of public safety, Colorado bureau of
19 investigation, for the fiscal year beginning July 1, 2008, the sum of
20 eighteen thousand one hundred seventy dollars (\$18,170), or so much
21 thereof as may be necessary, for fingerprint processing services related to
22 the implementation of this act. Of this sum, ten thousand two hundred
23 thirty-five dollars (\$10,235) shall be cash funds from fingerprint and
24 name check processing fees collected by the department, and seven
25 thousand nine hundred thirty-five dollars (\$7,935) shall be cash funds
26 from fingerprint and name check processing fees collected by the
27 department for transmittal to the federal bureau of investigation.

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