

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0597.01 Kristen Forrestal

HOUSE BILL 10-1142

HOUSE SPONSORSHIP

Roberts, Riesberg

SENATE SPONSORSHIP

Tochtrop,

House Committees

Health and Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE DIRECT CARE PROVIDER CAREER PATH PROGRAM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates a direct care provider career path program (program). This is an expansion of the pilot program that was created by the general assembly in 2002 in southwest Colorado and that repealed in 2008. The implementation of the program is conditioned on the approval of necessary federal waivers. The state board for community colleges and occupational education is directed to coordinate the efforts of interested stakeholders to achieve the common goal of improved recruitment and

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.

1 TO BRING TOGETHER, IN A COLLABORATIVE ENVIRONMENT, INSTITUTIONS
2 OF HIGHER EDUCATION AND OTHER APPROPRIATE EDUCATORS,
3 INDIVIDUALS SEEKING ENTRY-LEVEL EMPLOYMENT INCLUDING BUT NOT
4 LIMITED TO COLORADO WORKS PARTICIPANTS, COUNTY DEPARTMENTS OF
5 SOCIAL SERVICES, COLORADO WORK FORCE INVESTMENT PROGRAMS,
6 JOB-TRAINING PROFESSIONALS, AND POTENTIAL EMPLOYERS IN THE
7 SUBACUTE AND LONG-TERM HEALTH CARE PROVIDER INDUSTRY TOWARD
8 THE ACHIEVEMENT OF THE COMMON GOAL OF IMPROVED RECRUITMENT
9 AND RETENTION OF WORKERS IN THE DIRECT HEALTH CARE PROFESSION.
10 THE PROGRAM SHALL BE IMPLEMENTED ON A STATEWIDE BASIS IN
11 COLORADO.

12 (2) UNDER THE PROGRAM, IT SHALL BE THE RESPONSIBILITY OF THE
13 STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL
14 EDUCATION ESTABLISHED PURSUANT TO SECTION 23-60-104, C.R.S., TO
15 COORDINATE COMMUNICATION AND COLLABORATION AMONG INTERESTED
16 STAKEHOLDERS IN THE PROGRAM, INCLUDING BUT NOT LIMITED TO THE
17 COMMUNITY COLLEGES IN COLORADO, THE VOCATIONAL EDUCATION
18 INSTITUTIONS IN COLORADO, LOCAL WORK FORCE INVESTMENT BOARDS IN
19 COLORADO ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 71 OF TITLE 8,
20 C.R.S., COUNTY DEPARTMENTS OF SOCIAL SERVICES' COLORADO WORKS
21 PROGRAMS, INDIVIDUALS SEEKING ENTRY-LEVEL EMPLOYMENT,
22 COLORADO WORKS PARTICIPANTS, AND POTENTIAL EMPLOYERS IN THE
23 HEALTH CARE INDUSTRY TO ACHIEVE THE COMMON GOAL OF IMPROVED
24 RECRUITMENT AND RETENTION OF PARAPROFESSIONALS WORKING IN THE
25 LONG-TERM CARE FIELD.

26 (3) THE STATE BOARD OF NURSING SHALL ESTABLISH AND SEEK
27 INPUT FROM A DIRECT CARE ADVISORY COMMITTEE OF NOT MORE THAN

1 TWELVE MEMBERS, WHICH SHALL INCLUDE INTERESTED STAKEHOLDER
2 REPRESENTATIVES FROM COLORADO, CONCERNING THE DEVELOPMENT
3 AND IMPLEMENTATION OF THE DIRECT CARE PROVIDER CAREER PATH
4 PROGRAM.

5 (4) (a) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
6 AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL SEEK
7 THE NECESSARY WAIVERS, IF ANY, TO ALLOW THE STATE BOARD OF
8 NURSING TO IMPLEMENT THE PROGRAM.

9 (b) THE IMPLEMENTATION OF THIS PART 2 IS CONDITIONED UPON
10 THE APPROVAL OF NECESSARY WAIVERS BY THE FEDERAL GOVERNMENT.
11 THIS PART 2 SHALL BE IMPLEMENTED ON JANUARY 1 OF THE YEAR
12 FOLLOWING THE RECEIPT OF ALL REQUIRED FEDERAL WAIVERS.

13 **12-38.1-203. Rule-making - training - education.**

14 (1) CONDITIONED UPON THE NECESSARY FEDERAL WAIVERS BEING
15 APPROVED, THE STATE BOARD OF NURSING SHALL PROMULGATE RULES TO
16 IMPLEMENT THE DIRECT CARE PROVIDER CAREER PATH PROGRAM,
17 CONSISTENT WITH WAIVERS RECEIVED FROM THE FEDERAL GOVERNMENT,
18 WHICH RULES SHALL PROVIDE FOR A THREE-TIERED CERTIFICATION FOR
19 INDIVIDUALS PERFORMING THE TASKS OF A NURSE AIDE
20 PARAPROFESSIONAL, WHICH SHALL BE DEFINED BY THE TASKS TO BE
21 PERFORMED BY THE INDIVIDUAL AND THE TRAINING OR EDUCATION OF THE
22 INDIVIDUAL. PRIOR TO PROMULGATING RULES TO IMPLEMENT THE
23 PROGRAM, THE STATE BOARD OF NURSING SHALL FIRST CONSULT WITH THE
24 PARTIES IDENTIFIED IN SECTION 12-38.1-202 (2) AND (3). THE THREE
25 TIERS OF PARAPROFESSIONAL CERTIFICATION SHALL BE FOR:

26 (a) A CERTIFIED PERSONAL CARE PROVIDER, WHO POSSESSES SOME
27 OF THE TRAINING AND PERFORMS A LIMITED NUMBER OF THE TASKS OF A

1 NURSE AIDE CERTIFIED PURSUANT TO PART 1 OF THIS ARTICLE, AS
2 DETERMINED BY THE STATE BOARD OF NURSING;

3 (b) A CERTIFIED NURSE AIDE - LEVEL I, WHO IS FULLY TRAINED AND
4 IN COMPLIANCE WITH PART 1 OF THIS ARTICLE AND ALL APPLICABLE
5 RULES; AND

6 (c) A CERTIFIED NURSE AIDE WITH A SPECIALTY OR ADVANCED
7 TRAINING - LEVEL II, WHO IS FULLY TRAINED AND IN COMPLIANCE WITH
8 PART 1 OF THIS ARTICLE AND ALL APPLICABLE RULES AND, IN ADDITION,
9 MEETS MENTOR OR PRECEPTOR STANDARDS OR ANY OTHER SPECIALTY OR
10 ADVANCED TRAINING REQUIREMENTS SPECIFIED BY THE STATE BOARD OF
11 NURSING.

12 (2) THE STATE BOARD OF NURSING SHALL CONDUCT THE DIRECT
13 CARE PROVIDER CAREER PATH PROGRAM IN COLORADO. THE STATE
14 BOARD OF NURSING IS AUTHORIZED TO DETERMINE, BY RULE, THE
15 GEOGRAPHIC PARAMETERS OF THE PROGRAM WITHIN COLORADO.

16 (3) THE RULES PROMULGATED BY THE BOARD TO IMPLEMENT THE
17 PROGRAM SHALL SPECIFY THE PROGRAM'S REQUIREMENTS AND
18 RESTRICTIONS, WHICH SHALL INCLUDE BUT SHALL NOT BE LIMITED TO:

19 (a) DEFINING THE TASKS TO BE PERFORMED BY EACH
20 PARAPROFESSIONAL CERTIFICATION LEVEL;

21 (b) DEFINING THE TRAINING AND EDUCATIONAL REQUIREMENTS
22 FOR EACH PARAPROFESSIONAL CERTIFICATION LEVEL;

23 (c) PROVIDING FOR APPROPRIATE OVERSIGHT OF AND
24 ACCOUNTABILITY FROM INDIVIDUALS PERFORMING NURSING ASSISTANT
25 TASKS UNDER THE PROGRAM;

26 (d) REQUIRING A CRIMINAL HISTORY RECORD CHECK TO BE
27 CONDUCTED AND SUBMITTED WITH THE INDIVIDUAL'S APPLICATION FOR

1 CERTIFICATION;

2 (e) RESTRICTING RECERTIFICATION, CONSISTENT WITH PART 1 OF
3 THIS ARTICLE, OF AN INDIVIDUAL WHOSE CERTIFICATION HAS BEEN
4 REVOKED OR SURRENDERED;

5 (f) PROVIDING FOR A TIERED APPLICATION FEE STRUCTURE FOR
6 PROGRAM APPLICANTS THAT IS CONSISTENT WITH THE PARAPROFESSIONAL
7 CERTIFICATION TIERS;

8 (g) PROVIDING FOR A DISCIPLINARY STRUCTURE FOR PROGRAM
9 PARTICIPANTS THAT IS CONSISTENT WITH THE DISCIPLINARY PROVISIONS
10 OF PART 1 OF THIS ARTICLE; AND

11 (h) ANY OTHER REQUIREMENT OR RESTRICTION, CONSISTENT WITH
12 PART 1 OF THIS ARTICLE, THAT IS NECESSARY TO IMPLEMENT THE
13 PROGRAM.

14 (4) THE STATE BOARD OF NURSING SHALL APPROVE EDUCATION
15 PROGRAMS IN COLORADO FOR THE EDUCATION AND TRAINING OF
16 INDIVIDUALS PARTICIPATING IN THE PROGRAM. THE STATE BOARD OF
17 NURSING SHALL COORDINATE THESE EDUCATION AND TRAINING EFFORTS
18 WITH THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL
19 EDUCATION ESTABLISHED PURSUANT TO SECTION 23-60-104, C.R.S., AND
20 THE LOCAL WORK FORCE INVESTMENT BOARDS ESTABLISHED PURSUANT
21 TO PART 2 OF ARTICLE 71 OF TITLE 8, C.R.S.

22 **12-38.1-204. Applicability.** NOTHING IN THIS PART 2 SHALL BE
23 CONSTRUED TO CHANGE OR AFFECT THE REGULATION OR CERTIFICATION
24 OF NURSE AIDES AS PROVIDED IN PART 1 OF THIS ARTICLE.

25 **12-38.1-205. Report.** (1) THE STATE BOARD OF NURSING AND
26 THE DIRECT CARE ADVISORY COMMITTEE, ESTABLISHED PURSUANT TO
27 SECTION 12-38.1-202 (3), SHALL REPORT TO THE MEMBERS OF THE HEALTH

1 AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF
2 REPRESENTATIVES OF THE GENERAL ASSEMBLY OR THEIR SUCCESSOR
3 COMMITTEES, AS WELL AS TO THE GOVERNOR, WITHIN TWO YEARS AFTER
4 THE IMPLEMENTATION OF THE PROGRAM, CONCERNING THE
5 EFFECTIVENESS OF THE PROGRAM IN RECRUITING NEW ENTRY-LEVEL
6 WORKERS INTO THE LONG-TERM CARE PROFESSION AND IN RETAINING
7 CURRENT AND NEW LONG-TERM CARE WORKERS THROUGH ENHANCED
8 EMPLOYMENT SATISFACTION. THE REPORT SHALL INCLUDE, BUT NEED NOT
9 BE LIMITED TO:

- 10 (a) THE NUMBER OF PERSONS PARTICIPATING IN THE PROGRAM;
- 11 (b) THE NUMBER OF ENTRY-LEVEL WORKERS ENTERING THE
12 DIRECT CARE PROFESSION DURING THE COURSE OF THE PROGRAM AND
13 WHETHER SUCH PERSONS ARE OR WERE COLORADO WORKS PARTICIPANTS
14 OR WORK FORCE INVESTMENT PROGRAM PARTICIPANTS, OR WHETHER THEY
15 LEARNED ABOUT THE PROGRAM THROUGH AN INSTITUTION OF HIGHER
16 EDUCATION;
- 17 (c) CHANGES THAT WERE INSTITUTED IN THE EDUCATION AND
18 TRAINING OF NURSE AIDE PARAPROFESSIONALS; AND
- 19 (d) ANY OTHER ADDITIONAL INFORMATION THAT THE BOARD AND
20 THE DIRECT CARE ADVISORY COMMITTEE DEEM APPROPRIATE AND
21 INFORMATIVE.

22 **12-38.1-206. Funding.** FUNDING FOR CERTIFICATION UNDER THIS
23 PROGRAM SHALL BE PROVIDED BY FEDERAL MEDICAID AND MEDICARE
24 PROGRAMS IN THE SAME MANNER AS ESTABLISHED IN SECTION 12-38.1-103
25 (6).

26 **SECTION 2.** 12-38.1-102 (1) (a), Colorado Revised Statutes, is
27 amended, and the said 12-38.1-102 (1) is further amended BY THE

1 ADDITION OF A NEW PARAGRAPH, to read:

2 **12-38.1-102. Definitions.** As used in this article, unless the
3 context otherwise requires:

4 (1) "Approved education program" means:

5 (a) A course of training conducted by an educational or health
6 care institution ~~which~~ THAT implements the basic nurse aide curriculum
7 prescribed and approved by the board; OR

8 (a.5) A COURSE OF TRAINING CONDUCTED BY AN EDUCATIONAL OR
9 HEALTH CARE INSTITUTION THAT IS APPROVED BY THE BOARD FOR THE
10 PURPOSES OF THE DIRECT CARE PROVIDER CAREER PATH PROGRAM
11 ESTABLISHED IN PART 2 OF THIS ARTICLE.

12 **SECTION 3.** 23-60-108, Colorado Revised Statutes, is
13 RECREATED AND REENACTED, WITH AMENDMENTS, to read:

14 **23-60-108. Board responsibilities - direct care provider career**
15 **path program.** THE STATE BOARD FOR COMMUNITY COLLEGES AND
16 OCCUPATIONAL EDUCATION, IN COORDINATION WITH THE DIRECT CARE
17 PROVIDER CAREER PATH PROGRAM ESTABLISHED IN PART 2 OF ARTICLE
18 38.1 OF TITLE 12, C.R.S., SHALL COORDINATE COMMUNICATION AND
19 COLLABORATION AMONG INTERESTED STAKEHOLDERS IN THE PROGRAM,
20 INCLUDING BUT NOT LIMITED TO THE COMMUNITY COLLEGES, VOCATIONAL
21 EDUCATION INSTITUTIONS, LOCAL WORK FORCE INVESTMENT BOARDS,
22 COUNTY DEPARTMENTS OF SOCIAL SERVICES' COLORADO WORKS
23 PROGRAMS, INDIVIDUALS SEEKING ENTRY-LEVEL EMPLOYMENT,
24 COLORADO WORKS PARTICIPANTS, AND POTENTIAL EMPLOYERS IN THE
25 HEALTH CARE INDUSTRY TO ACHIEVE THE COMMON GOAL OF IMPROVED
26 RECRUITMENT AND RETENTION OF PARAPROFESSIONALS WORKING IN THE
27 DIRECT CARE FIELD.

1 **SECTION 4. Act subject to petition - effective date.** This act
2 shall take effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part shall not take effect
8 unless approved by the people at the general election to be held in
9 November 2010 and shall take effect on the date of the official
10 declaration of the vote thereon by the governor.