

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 1, 2012
Date

Committee on Economic and Business Development.

After consideration on the merits, the Committee recommends the following:

HB12-1294 be amended as follows, and as so amended, be referred to the Committee on Health and Environment with favorable recommendation:

- 1 Amend printed bill, page 5, line 27, after "(III)" insert "and (2) (b.5)".
- 2 Page 6, line 23, after "SHALL" insert "EXTEND THE SURVEY CYCLE OR" and
3 strike "ONLY".
- 4 Page 7, line 3, after "ESTABLISH" insert "A SCHEDULE FOR EXTENDED
5 SURVEY CYCLES OR".
- 6 Page 9, after line 9 insert:

7 "(b.5) "ENFORCEMENT ACTIVITY" MEANS THE IMPOSITION OF
8 REMEDIES SUCH AS CIVIL MONEY PENALTIES; APPOINTMENT OF A RECEIVER
9 OR TEMPORARY MANAGER; CONDITIONAL LICENSURE; SUSPENSION OR
10 REVOCATION OF A LICENSE; A DIRECTED PLAN OF CORRECTION;
11 INTERMEDIATE RESTRICTIONS OR CONDITIONS, INCLUDING RETAINING A
12 CONSULTANT, DEPARTMENT MONITORING, OR PROVIDING ADDITIONAL
13 TRAINING TO EMPLOYEES, OWNERS, OR OPERATORS; OR ANY OTHER
14 REMEDY PROVIDED BY STATE OR FEDERAL LAW OR AS AUTHORIZED BY
15 FEDERAL SURVEY, CERTIFICATION, AND ENFORCEMENT REGULATIONS AND
16 AGREEMENTS FOR VIOLATIONS OF FEDERAL OR STATE LAW."
- 17 Page 13, line 12, strike "A CERTIFICATION, ACCREDITATION, OR" and
18 substitute "AN ACCREDITATION".

- 1 Page 13, line 13, strike "REGULATION".
- 2 Page 13, strike lines 15 and 16 and substitute "EVIDENCE THAT THE
3 HEALTH FACILITY IS ACCREDITED BY THE JOINT".
- 4 Page 13, line 18, strike "RECOGNIZED ACCREDITING" and substitute
5 "ACCREDITED".
- 6 Page 13, line 19, after "BODY" insert "RECOGNIZED BY THE CENTERS FOR
7 MEDICARE AND MEDICAID SERVICES" and strike "FACILITY;" and substitute
8 "FACILITY.".
- 9 Page 13, strike lines 20 through 25.
- 10 Page 13, line 27, strike "RECOGNIZED ACCREDITING" and substitute
11 "ACCREDITED" and after "BODY" insert "RECOGNIZED BY THE CENTERS FOR
12 MEDICARE AND MEDICAID SERVICES".
- 13 Page 14, strike lines 1 through 3.
- 14 Page 14, line 4, strike "FINANCING" and substitute "HEALTH FACILITY".
- 15 Page 14, line 5, strike "FACILITY OR PROVIDER," and substitute
16 "FACILITY,".
- 17 Page 14, line 8, strike "OR PROVIDER".
- 18 Page 14, line 9, strike "ACCREDITATION OR REGULATION PURSUANT" and
19 substitute "ACCREDITATION.".
- 20 Page 14, strike lines 10 through 19.
- 21 Page 14, before line 20 insert:
- 22 "(III) IF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
23 TAKES AN ENFORCEMENT ACTIVITY, AS DEFINED IN SECTION 25-1.5-103 (2)
24 (b.5), AGAINST A HEALTH FACILITY TO WHICH IT HAS GRANTED DEEMED
25 STATUS PURSUANT TO THIS PARAGRAPH (b), THE DEPARTMENT MAY
26 REVOKE THE HEALTH FACILITY'S DEEMED STATUS.".
- 27 Page 16, line 15, strike "~~and indirect~~" and substitute "and indirect".

- 1 Page 17, line 7, strike "SHALL NOT" and substitute "MAY".
- 2 Page 17, strike line 10 and substitute "SUBPARAGRAPH (I) THAT IS IN".
- 3 Page 17, line 11, strike "(B)." and substitute "(B), UPON THE
4 RECOMMENDATION OF THE HEALTH CARE INDUSTRY FACILITY ADVISORY
5 COUNCIL CREATED IN SECTION 25-3-112, BY AN AMOUNT NOT TO EXCEED
6 THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT
7 OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR
8 DENVER-BOULDER-GREELEY FOR ALL URBAN CONSUMERS, ALL GOODS, OR
9 ITS SUCCESSOR INDEX."
- 10 Page 17, line 19, strike "TEN PERCENT".
- 11 Page 18, line 23, after "(a)" insert "(I)".
- 12 Page 19, after line 4 insert:
- 13 "(II) IN ADDITION TO THE MEMBERS APPOINTED PURSUANT TO
14 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE GOVERNOR SHALL
15 APPOINT ONE ADDITIONAL MEMBER TO THE ADVISORY COUNCIL WHO IS A
16 HEALTH CARE CONSUMER."
- 17 Page 21, after line 12 insert:
- 18 "(5) FOR PURPOSES OF SECTION 24-4-103 (2), C.R.S., AS AMENDED
19 BY HOUSE BILL 12-1008, ENACTED IN 2012, THE ADVISORY COUNCIL
20 ESTABLISHED PURSUANT TO THIS SECTION SHALL SERVE AS THE
21 REPRESENTATIVE GROUP FOR THE DEPARTMENT OF PUBLIC HEALTH AND
22 ENVIRONMENT."
- 23 Renumber succeeding subsection accordingly.
- 24 Page 23, line 5, strike "NOT REQUIRE" and substitute "ONLY REGULATE".
- 25 Page 23, line 6, strike "TO PROVIDE".
- 26 Page 23, strike line 7 and substitute "CONSISTENT WITH THE FEDERAL".
- 27 Page 23, line 11, strike "FINANCING." and substitute "FINANCING; EXCEPT
28 THAT THE DEPARTMENT MAY REQUIRE ADDITIONAL INFORMATION FROM

- 1 THE PROVIDER WITH REGARD TO REPORTING INSTANCES OF ABUSE."
- 2 Page 23, line 14, strike "portion" and substitute "portion; and **add** (7)".
- 3 Page 23, line 21, after "(b)" insert "(I)".
- 4 Page 23, line 24, strike "RECOGNIZED ACCREDITING" and substitute
5 "ACCREDITED".
- 6 Page 23, line 25, after "BODY" insert "RECOGNIZED BY THE CENTERS FOR
7 MEDICARE AND MEDICAID SERVICES".
- 8 Page 24, after line 7 insert:
- 9 "(II) IF THE DEPARTMENT TAKES AN ENFORCEMENT ACTIVITY
10 AGAINST A COMMUNITY RESIDENTIAL HOME TO WHICH IT HAS GRANTED
11 DEEMED STATUS PURSUANT TO THIS PARAGRAPH (b), THE DEPARTMENT
12 MAY REVOKE THE HEALTH FACILITY'S DEEMED STATUS."
- 13 Page 25, line 8, after "SHALL" insert "EXTEND THE SURVEY CYCLE OR" and
14 strike "ONLY".
- 15 Page 25, line 17, after "ESTABLISH" insert "A SCHEDULE FOR AN
16 EXTENDED SURVEY CYCLE OR".
- 17 Page 26, after line 5 insert:
- 18 "(IV) NOTHING IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (c)
19 LIMITS THE ABILITY OF THE DEPARTMENT OF HUMAN SERVICES TO
20 CONDUCT A PERIODIC INSPECTION OR SURVEY THAT IS REQUIRED TO MEET
21 ITS OBLIGATIONS AS A STATE SURVEY AGENCY ON BEHALF OF THE CENTERS
22 FOR MEDICARE AND MEDICAID SERVICES OR THE DEPARTMENT OF HEALTH
23 CARE POLICY AND FINANCING TO ASSURE THAT THE COMMUNITY
24 RESIDENTIAL HOME MEETS THE REQUIREMENTS FOR PARTICIPATION IN THE
25 MEDICARE AND MEDICAID PROGRAMS."
- 26 Page 26, line 8, strike "TEN".
- 27 Page 26, line 9, strike "PERCENT".
- 28 Page 27, after line 16 insert:

1 "(7) AS USED IN THIS SECTION, "ENFORCEMENT ACTIVITY" MEANS
2 THE IMPOSITION OF REMEDIES SUCH AS CIVIL MONEY PENALTIES;
3 APPOINTMENT OF A RECEIVER OR TEMPORARY MANAGER; CONDITIONAL
4 LICENSURE; SUSPENSION OR REVOCATION OF A LICENSE; A DIRECTED PLAN
5 OF CORRECTION; INTERMEDIATE RESTRICTIONS OR CONDITIONS, INCLUDING
6 RETAINING A CONSULTANT, DEPARTMENT MONITORING, OR PROVIDING
7 ADDITIONAL TRAINING TO EMPLOYEES, OWNERS, OR OPERATORS; OR ANY
8 OTHER REMEDY PROVIDED BY STATE OR FEDERAL LAW OR AS AUTHORIZED
9 BY FEDERAL SURVEY, CERTIFICATION, AND ENFORCEMENT REGULATIONS
10 AND AGREEMENTS FOR VIOLATIONS OF FEDERAL OR STATE LAW."

11 Page 27, after line 20 insert:

12 "**SECTION 14. Effective date.** This act takes effect upon
13 passage; except that section 25-3-112 (5), Colorado Revised Statutes, as
14 enacted in section 8 of this act, takes effect only if House Bill 12-1008
15 becomes law and takes effect on the effective date of this act or of House
16 Bill 12-1008, whichever is later."

17 Renumber succeeding section accordingly.

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