

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 01-0447.01 Beth Braby

HOUSE BILL 01-1144

HOUSE SPONSORSHIP

Young, and Stengel

SENATE SPONSORSHIP

Hagedorn,

House Committees

Health, Environment, Welfare, & Institutions
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF LONG-TERM CARE COMMUNITY**
102 **COUNCILS, AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

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

On and after September 1, 2001, authorizes each county or city and county to create a long-term care community council ("community council") for each long-term care facility in the county or city and county that receives at least 35% of its operating revenues from federal, state, or local public funds. Requires each county or city and county to create a long-term care community council upon receipt of a petition signed by at least 50% of the residents or representatives of the residents of a long-term care facility that receives at least 35% of its operating revenues

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.*

from federal, state, or local public funds. Requires the governing body of each county or city and county to appoint a minimum of 5 members to a community council. Imposes certain standards for appointment of members to the community council. Makes each local ombudsman an ex officio member of the community council. Establishes that each member of the community council shall serve without compensation and shall not be entitled to reimbursement of expenses incurred in the performance of his or her duties.

Requires each community council to:

- Hold a public meeting at least once each calendar month to hear and address the long-term care concerns of residents, relatives of residents, and the local community, unless the community council has modified the minimum number of meetings by rule or resolution;
- Report to the state long-term care ombudsman office each complaint made by or on behalf of a resident of a local long-term care facility;
- Assist in the resolution of any complaint made by or on behalf of a resident of a local long-term care facility; and
- Perform any other function necessary to further the interests of citizens in the community with regard to long-term care.

Requires each long-term care facility that receives at least 35% of its operating revenues from federal, state, or local public funds to post in a conspicuous place a notice of the authority of the county or city and county to create a community council. Requires the notice to be provided by the state long-term care ombudsman, and to state the purposes of the community council.

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

2 **SECTION 1.** Title 26, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 11.2**

5 **Colorado Long-term Care Community Councils**

6 **26-11.2-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND
7 MAY BE CITED AS THE "COLORADO LONG-TERM CARE COMMUNITY
8 COUNCILS ACT".

9 **26-11.2-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

1 (1) "ADVISORY COUNCIL" MEANS A REPRESENTATIVE BODY OF
2 LAYPERSONS AND SERVICE PROVIDERS WHICH REPRESENTS THE INTERESTS
3 OF OLDER PERSONS WITHIN THE BOUNDARIES OF A PLANNING AND SERVICE
4 AREA AND THAT IS DESIGNATED BY THE AREA AGENCY ON AGING PURSUANT
5 TO SECTION 26-11-205.

6 (2) "AREA AGENCY ON AGING" MEANS AN IDENTIFIABLE PRIVATE
7 NONPROFIT OR PUBLIC AGENCY DESIGNATED BY THE STATE OFFICE ON
8 AGING THAT WORKS FOR THE INTERESTS OF OLDER COLORADANS WITHIN
9 A PLANNING AND SERVICE AREA, THAT ENGAGES IN COMMUNITY PLANNING,
10 COORDINATION, AND PROGRAM DEVELOPMENT, AND THAT PROVIDES A
11 BROAD ARRAY OF SOCIAL AND NUTRITIONAL SERVICES.

12 (3) "LOCAL OMBUDSMAN" MEANS AN INDIVIDUAL TRAINED AND
13 DESIGNATED AS QUALIFIED BY THE STATE LONG-TERM CARE OMBUDSMAN
14 TO ACT AS A REPRESENTATIVE OF THE OFFICE OF THE STATE LONG-TERM
15 CARE OMBUDSMAN.

16 (4) "LONG-TERM CARE COMMUNITY COUNCIL" OR "COMMUNITY
17 COUNCIL" MEANS A GROUP OF CITIZENS APPOINTED TO SERVE A LOCAL
18 LONG-TERM CARE FACILITY PURSUANT TO SECTION 26-11.2-103.

19 (5) "LONG-TERM CARE FACILITY" OR "FACILITY" MEANS A NURSING
20 CARE FACILITY AS DEFINED IN SECTION 26-4-103 (11).

21 (6) "MEMBER" MEANS A MEMBER OF A LONG-TERM CARE
22 COMMUNITY COUNCIL APPOINTED PURSUANT TO SECTION 26-11.2-103.

23 (7) "RESIDENT" MEANS ANY INDIVIDUAL WHO IS A CURRENT OR
24 PROSPECTIVE OR FORMER PATIENT OR CLIENT OF ANY LONG-TERM CARE
25 FACILITY.

26 (8) "STATE DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN
27 SERVICES CREATED PURSUANT TO SECTION 24-1-120.

1 (9) "STATE LONG-TERM CARE OMBUDSMAN OFFICE" MEANS THE
2 OFFICE CREATED PURSUANT TO SECTION 26-11.5-104.

3 **26-11.2-103. Creation of Colorado long-term care community**
4 **councils.** (1) ON AND AFTER OCTOBER 1, 2001, EACH AREA AGENCY ON
5 AGING SHALL HAVE THE AUTHORITY TO CREATE ONE OR MORE LONG-TERM
6 CARE COMMUNITY COUNCILS FOR LONG-TERM CARE FACILITIES IN THE
7 REGION SERVED BY THE AREA AGENCY ON AGING.

8 (2) UPON RECEIPT OF A PETITION SIGNED BY AT LEAST TWENTY-FIVE
9 PERCENT OF THE RESIDENTS OR RELATIVES OF THE RESIDENTS OF A
10 LONG-TERM CARE FACILITY, EACH AREA AGENCY ON AGING IS REQUIRED TO
11 CREATE A LONG-TERM CARE COMMUNITY COUNCIL FOR A LONG-TERM CARE
12 FACILITY OR A GROUP OF LONG-TERM CARE FACILITIES IN THE REGION
13 SERVED BY THE AREA AGENCY ON AGING.

14 (3) THE COMMUNITY COUNCIL SHALL BE APPOINTED BY THE
15 GOVERNING BODY OF THE AREA AGENCY ON AGING WITH THE ADVICE AND
16 RECOMMENDATIONS OF THE ADVISORY COUNCIL OF EACH AREA AGENCY ON
17 AGING AND WITHOUT INFLUENCE FROM THE STATE DEPARTMENT OR THE
18 STATE LONG-TERM CARE OMBUDSMAN OFFICE. THE COMMUNITY COUNCIL
19 SHALL CONSIST OF, AT A MINIMUM, FIVE MEMBERS. UPON THE ADVICE AND
20 RECOMMENDATION OF THE ADVISORY COUNCIL OF THE AREA AGENCY ON
21 AGING, THE GOVERNING BODY OF THE AREA AGENCY SHALL HAVE THE
22 AUTHORITY TO DESIGNATE AN EXISTING BODY THAT MEETS THE
23 REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION AS A COMMUNITY
24 COUNCIL.

25 (4) EACH MEMBER APPOINTED TO SERVE ON THE COMMUNITY
26 COUNCIL SHALL BE A RESIDENT OF THE COMMUNITY OR MAY BE A RESIDENT
27 OF THE FACILITY, HAVE PERSONAL OR PROFESSIONAL KNOWLEDGE AND
28 EXPERIENCE WITH ISSUES THAT AFFECT RESIDENTS OF LONG-TERM CARE

1 FACILITIES, AND MAY NOT BE AN EMPLOYEE OR AGENT OF THE STATE
2 DEPARTMENT, AN AREA AGENCY ON AGING, OR A LONG-TERM CARE
3 FACILITY. AT LEAST ONE MEMBER SHALL BE RELATED TO A RESIDENT OF A
4 LONG-TERM CARE FACILITY AT THE TIME OF HIS OR HER APPOINTMENT TO
5 SERVE ON THE COMMUNITY COUNCIL.

6 (5) A LOCAL OMBUDSMAN SHALL SERVE AS AN EX OFFICIO MEMBER
7 OF THE COMMUNITY COUNCIL.

8 (6) EACH MEMBER SHALL SERVE WITHOUT COMPENSATION, BUT AN
9 AREA AGENCY ON AGING MAY REIMBURSE A MEMBER FOR EXPENSES
10 NECESSARILY INCURRED IN THE PERFORMANCE OF HIS OR HER DUTIES
11 PURSUANT TO SECTION 26-11.2-104.

12 (7) UPON A VOTE OF THE MAJORITY OF ALL OF THE MEMBERS OF A
13 COMMUNITY COUNCIL, THE COMMUNITY COUNCIL SHALL BE DISSOLVED.

14 **26-11.2-104. Duties of Colorado long-term care community**
15 **councils.** (1) EVERY COMMUNITY COUNCIL SHALL, AT A MINIMUM:

16 (a) ASSIST IN MAINTAINING THE RELATIONSHIP BETWEEN RESIDENTS
17 AND THE COMMUNITY BY INVOLVING RESIDENTS IN COMMUNITY ACTIVITIES
18 AND EVENTS AND RECRUITING COMMUNITY VOLUNTEERS TO VISIT WITH
19 RESIDENTS.

20 (b) REPORT TO THE LOCAL OMBUDSMAN OR TO THE STATE
21 LONG-TERM CARE OMBUDSMAN OFFICE EACH COMPLAINT MADE TO A
22 COMMUNITY COUNCIL BY OR ON BEHALF OF A RESIDENT OF A LOCAL
23 FACILITY AND, IF APPROPRIATE, FACILITATE IN THE RESOLUTION OF SUCH
24 COMPLAINT;

25 (c) HOLD A PUBLIC MEETING AT LEAST FOUR TIMES EACH YEAR TO
26 HEAR AND ADDRESS THE LONG-TERM CARE CONCERNS OF RESIDENTS,
27 RELATIVES OF RESIDENTS, AND THE LOCAL COMMUNITY; EXCEPT THAT THE
28 COMMUNITY COUNCIL MAY MODIFY, BY RULE OR RESOLUTION OF THE

1 COMMUNITY COUNCIL, THE MINIMUM NUMBER OF MEETINGS REQUIRED;
2 AND

3 (d) PERFORM ANY OTHER FUNCTION NECESSARY TO FURTHER THE
4 INTERESTS OF CITIZENS IN THE COMMUNITY WITH REGARD TO LONG-TERM
5 CARE.

6 (2) (a) EACH LONG-TERM CARE FACILITY IS REQUIRED TO POST IN
7 A CONSPICUOUS PLACE AT THE FACILITY A NOTICE CONCERNING THE
8 AUTHORITY OF THE AREA AGENCY ON AGING TO CREATE A COMMUNITY
9 COUNCIL. SUCH NOTICE SHALL STATE THE DUTIES OF THE COMMUNITY
10 COUNCIL AS PROVIDED IN SUBSECTION (1) OF THIS SECTION.

11 (b) THE NOTICE REQUIRED PURSUANT TO THIS SUBSECTION (2)
12 SHALL BE PROVIDED BY THE STATE LONG-TERM CARE OMBUDSMAN.

13 **SECTION 2. Appropriation.** In addition to any other
14 appropriation, there is hereby appropriated, out of any moneys in the
15 general fund not otherwise appropriated, to the department of human
16 services, for allocation to the state office on aging, for the fiscal year
17 beginning July 1, 2001, the sum of _____ dollars (\$), or so much
18 thereof as may be necessary, for the implementation of this act.

19 **SECTION 3. Effective date.** This act shall take effect October
20 1, 2001, unless a referendum petition is filed during the ninety-day period
21 after final adjournment of the general assembly that is allowed for
22 submitting a referendum petition pursuant to article V, section 1 (3) of the
23 state constitution. If such a referendum petition is filed against this act or
24 an item, section, or part of this act within such period, then the act, item,
25 section, or part, if approved by the people, shall take effect on the date of
26 the official declaration of the vote thereon by proclamation of the
27 governor.