

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R18-1194.01 Rebecca Hausmann x2172

SR18-005

SENATE SPONSORSHIP

Lundberg, Grantham

Senate Committees

SENATE RESOLUTION 18-005

101 **CONCERNING THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND**
102 **ENVIRONMENT'S PROPOSED RULES REGULATING THE ASSISTED**
103 **LIVING INDUSTRY IN COLORADO.**

1 WHEREAS, Assisted living residences are regulated solely by
2 states; and

3 WHEREAS, The Colorado Department of Public Health and
4 Environment (CDPHE) is the regulatory agency charged with the
5 regulation of assisted living residences in Colorado; and

6 WHEREAS, There are 671 assisted living residences licensed by
7 the CDPHE throughout the state of Colorado; and

8 WHEREAS, The CDPHE and industry stakeholders have, over the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 last 24 months, developed a proposed set of rules to regulate assisted
2 living residences in Colorado; and

3 WHEREAS, These proposed rules are going before the Colorado
4 Board of Health (Board) for final approval on April 18, 2018; and

5 WHEREAS, The majority of the assisted living residences in
6 Colorado have 20 beds or fewer, and the proposed rules place an
7 increased cost and regulatory burden on these assisted living residences;
8 and

9 WHEREAS, The majority of these assisted living residences serve
10 the Medicaid population of the state; and

11 WHEREAS, Assisted living residences cannot recover costs due
12 to the Medicaid rules that place restrictions on expense recovery; and

13 WHEREAS, The enhanced Board rules may cause assisted living
14 residences to discontinue serving residents who are enrolled in Medicaid
15 altogether; and

16 WHEREAS, If assisted living residences stop serving Medicaid
17 residents throughout the state, this could cause a severe shortage of beds
18 available to Medicaid recipients in Colorado; and

19 WHEREAS, The proposed rules discourage renovation of existing
20 assisted living residences and construction of new facilities; and

21 WHEREAS, The proposed rules addressing administrator
22 certification, staff training, and food preparation will substantially
23 increase the operating costs for each assisted living residence; now,
24 therefore,

25 *Be It Resolved by the Senate of the Seventy-first General Assembly*
26 *of the State of Colorado:*

27 That we, the members of the Colorado Senate, stand united to
28 enthusiastically request that:

29 (1) The CDPHE and the Board not move forward in pursuing
30 promulgation of the proposed rules regulating assisted living residences
31 on April 18, 2018;

1 (2) The CDPHE and the Board extend its rule-making process for
2 an additional eight months, taking into consideration the concerns of
3 small assisted living residences;

4 (3) The CDPHE and the Board recognize that one set of rules does
5 not fairly apply to all assisted living residences;

6 (4) The CDPHE and the Board consider making rules that
7 differentiate between the type, size, and population of assisted living
8 residences;

9 (5) The CDPHE and the Board recognize the adverse effect the
10 rules will have on Medicaid providers and the Medicaid inventory of beds
11 at assisted living residences that are available for residents on Medicaid
12 in the state;

13 (6) The CDPHE and the Board recognize the personal investments
14 made by assisted living residence professionals and the adverse effects
15 overregulation can have on the industry and the population it serves; and

16 (7) The CDPHE and the Board recognize the adverse effects
17 overregulation will have on free enterprise and the economic vitality of
18 the industry and the state.

19 *Be It Further Resolved*, That a copy of this Resolution be
20 transmitted to Colorado Governor John Hickenlooper and Dr. Larry
21 Wolk, Executive Director of the Colorado Department of Public Health
22 and Environment, the Colorado Board of Health, and Randy Kuykendall,
23 Director of the Health Facilities and Emergency Medical Services
24 Division of the Colorado Department of Public Health and Environment.