

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 25-1328

BY REPRESENTATIVE(S) Duran and Sirota, Bird, Boesenecker, Brown, Gilchrist, Joseph, Lieder, Lindsay, Lindstedt, Ricks, Stewart K., Story, McCluskie;
also SENATOR(S) Danielson and Bridges, Amabile, Ball, Cutter, Exum, Gonzales J., Jodeh, Kipp, Kolker, Marchman, Sullivan, Wallace, Weissman, Winter F.

CONCERNING THE IMPLEMENTATION OF THE RECOMMENDATIONS MADE BY
THE DIRECT CARE WORKFORCE STABILIZATION BOARD, AND, IN
CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Colorado's long-term care system is in crisis;

(b) Colorado's population of adults aged 65 and older is projected to grow by 36% by 2030, reaching 1.2 million people. Meanwhile, the state relies on just 59,000 direct care workers to meet this growing demand, which is far too few to ensure everyone who needs care can access it.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(c) Over 80% of Colorado's direct care workforce are women, and 44% are women of color;

(d) Not all direct care workers are paid a livable wage, many do not have basic benefits like personal time off and health insurance, and some experience wage theft and workplace discrimination, leading to a high turnover rate;

(e) In 2023, the general assembly established the direct care workforce stabilization board, bringing direct care workers, individuals receiving care, and direct care industry representatives to study the systemic issues driving high turnover and direct care worker shortages;

(f) By 2028, the federal Centers for Medicare and Medicaid Services will require states to report the percentage of Medicaid payments made for direct care worker compensation; and

(g) The state is encouraged to institute an hourly minimum wage rate of twenty-five dollars per hour by January 1, 2028, for individuals who provide direct care services.

(2) Therefore, the intent of the general assembly is to implement the direct care workforce stabilization board's recommendations to stabilize the state's direct care workforce and to ensure Coloradans have access to the high-quality, comprehensive, in-home care they need. The recommendations include compliance with federal laws and regulations concerning payment of direct care workers and the acceptance of federal money to support a communication platform.

SECTION 2. In Colorado Revised Statutes, 8-7.5-104, **add** (3.5) as follows:

8-7.5-104. Duties of the board - recommendations for minimum direct care employment standards - analysis of market conditions - public outreach - report. (3.5) THE BOARD SHALL INVESTIGATE HEALTH-CARE BENEFITS FOR THE DIRECT CARE WORKFORCE, INCLUDING THE OVERALL COSTS WITHIN THE INDUSTRY IN COMPARISON TO OTHER SIMILAR INDUSTRIES, THE IMPLICATIONS OF A FAMILY CAREGIVER MODEL FOR DIRECT CARE WORKERS ON HEALTH INSURANCE COSTS AND MEDICAID RATES,

INNOVATIVE SOLUTIONS FOR IMPROVING QUALITY OF CARE, AND REDUCING THE COST OF CARE AND HOW TO FUND THE HEALTH-CARE BENEFITS AND WHETHER MEDICAID REIMBURSEMENT CAN CONTRIBUTE TO THE COST OF THESE HEALTH-CARE BENEFITS.

SECTION 3. In Colorado Revised Statutes, **add** 8-7.5-108 and 8-7.5-109 as follows:

8-7.5-108. Direct care employers - direct care worker rights training - direct care worker communication platform - direct care worker website. (1) BY JANUARY 1, 2026, THE DEPARTMENT SHALL COLLABORATE WITH THE BOARD AND ANY OTHER ENTITIES DEEMED RELEVANT BY THE DEPARTMENT TO ESTABLISH A COMPREHENSIVE "KNOW YOUR RIGHTS" TRAINING FOR DIRECT CARE WORKERS THAT INCLUDES INFORMATION CONCERNING:

- (a) THE DIRECT CARE WORKER BASE WAGE;
- (b) WAGES AND HOURS FOR OVERTIME WORK;
- (c) THE "HEALTHY FAMILIES AND WORKPLACES ACT", PART 4 OF ARTICLE 13.3 OF THIS TITLE 8;
- (d) THE "FAMILY CARE ACT", PART 2 OF TITLE 13.3 OF THIS TITLE 8;
- (e) THE FEDERAL "PATIENT PROTECTION AND AFFORDABLE CARE ACT", PUB.L. 111-148, AS IT RELATES TO WORKER RIGHTS;
- (f) TRAVEL TIME RULES, AS THE RULES RELATE TO THE EMPLOYMENT OF DIRECT CARE WORKERS;
- (g) CIVIL RIGHTS PROTECTED BY COLORADO LAW THAT ARE RELEVANT TO THE EMPLOYMENT OF DIRECT CARE WORKERS;
- (h) WHERE A DIRECT CARE WORKER CAN LEARN MORE ABOUT THE TOPICS COVERED IN THE TRAINING;
- (i) WHERE AND HOW TO FILE A COMPLAINT, INCLUDING RIGHTS SECURED UNDER THE "PROTECTING OPPORTUNITIES AND WORKERS' RIGHTS ACT", SENATE BILL 23-172, ENACTED IN 2023; AND

(j) THE CONTENTS OF THE WEBSITE ESTABLISHED IN SECTION 25.5-1-208, HOW TO USE THE COMMUNICATION PLATFORM ESTABLISHED IN SECTION 25.5-1-208, THE BENEFITS TO THE DIRECT CARE WORKER OF PARTICIPATION IN THE COMMUNICATION PLATFORM, HOW DIRECT CARE WORKER CONTACT INFORMATION WILL BE USED, AND HOW TO OPT IN TO AND OPT OUT OF THE COMMUNICATION PLATFORM.

(2) THE DEPARTMENT SHALL:

(a) ENSURE THAT THE COMPREHENSIVE "KNOW YOUR RIGHTS" TRAINING REQUIRED TO BE ESTABLISHED BY SUBSECTION (1) OF THIS SECTION IS AVAILABLE TO DIRECT CARE WORKERS AND DIRECT CARE EMPLOYERS;

(b) ALLOW WORKER ORGANIZATIONS TO PARTICIPATE IN THE "KNOW YOUR RIGHTS" TRAINING;

(c) ALLOW REPRESENTATIVES OF THE BOARD TO PARTICIPATE IN THE "KNOW YOUR RIGHTS" TRAININGS;

(d) NOT CHARGE A FEE TO DIRECT CARE EMPLOYERS OR DIRECT CARE WORKERS FOR THE "KNOW YOUR RIGHTS" TRAINING;

(e) REPORT PERIODICALLY TO THE BOARD CONCERNING DIRECT CARE WORKER COMPLETION OF THE "KNOW YOUR RIGHTS" TRAINING; AND

(f) PROVIDE A CERTIFICATION OF COMPLETION OF THE "KNOW YOUR RIGHTS" TRAINING TO THE DIRECT CARE WORKER.

(3) A DIRECT CARE EMPLOYER SHALL:

(a) ON OR BEFORE OCTOBER 1, 2026, OR WITHIN NINETY DAYS AFTER THE DIRECT CARE WORKER WEBSITE AND THE COMMUNICATION PLATFORM ARE ESTABLISHED PURSUANT TO SECTION 25.5-1-208 (2), WHICHEVER IS EARLIER, REQUIRE EACH DIRECT CARE WORKER TO PROVIDE DOCUMENTATION OF A COMPLETED "KNOW YOUR RIGHTS" TRAINING ADMINISTERED BY THE DEPARTMENT;

(b) DISTRIBUTE A DIRECT CARE WORKER-SPECIFIC NOTICE OF RIGHTS DEVELOPED BY THE DEPARTMENT IN COORDINATION WITH THE BOARD AND

THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING PURSUANT TO SECTION 25.5-1-208 (3)(a) TO EACH DIRECT CARE WORKER EMPLOYED BY THE EMPLOYER AND TO EACH NEW DIRECT CARE WORKER AT THE TIME OF HIRE THAT INCLUDES:

(I) "KNOW YOUR RIGHTS" TRAINING INFORMATION;

(II) THE CONTENTS OF THE DIRECT CARE WORKER WEBSITE AND COMMUNICATION PLATFORM;

(III) HOW TO OPT IN TO THE COMMUNICATION PLATFORM AND THE POTENTIAL BENEFITS OF OPTING INTO THE COMMUNICATION PLATFORM;

(IV) HOW TO USE THE COMMUNICATION PLATFORM;

(V) HOW AND WHAT DIRECT CARE WORKER CONTACT INFORMATION MAY BE SHARED; AND

(VI) HOW TO OPT OUT OF THE COMMUNICATION PLATFORM AND COMMUNICATIONS FROM THE COMMUNICATION PLATFORM; AND

(c) INFORM ALL EMPLOYEES ABOUT THE DIRECT CARE WORKER WEBSITE AND COMMUNICATION PLATFORM ESTABLISHED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING PURSUANT TO SECTION 25.5-1-208.

8-7.5-109. Compliance assistance - violations - enforcement.

(1) THE DIRECTOR OF THE DIVISION OF LABOR STANDARDS AND STATISTICS SHALL PROVIDE COMPLIANCE ASSISTANCE TO DIRECT CARE EMPLOYERS AS WARRANTED AND SHALL INVESTIGATE LEADS CONCERNING POSSIBLE VIOLATIONS OF THE TRAINING AND NOTICE REQUIREMENTS SET FORTH IN THIS ARTICLE 7.5 AND OTHER ALLEGED LABOR VIOLATIONS AGAINST DIRECT CARE WORKERS THAT, IN THE DIRECTOR'S GOOD FAITH DISCRETION AND JUDGMENT, WARRANT INVESTIGATION.

(2) THE DIRECTOR OF THE DIVISION OF LABOR STANDARDS AND STATISTICS SHALL ENFORCE COMPLIANCE AND SHALL IMPOSE A FINE ON A DIRECT CARE EMPLOYER THAT VIOLATES THIS ARTICLE 7.5 OF ONE HUNDRED DOLLARS FOR EACH DIRECT CARE WORKER AFFECTED BY EACH VIOLATION. A DIRECT CARE EMPLOYER THAT DEMONSTRATES A GOOD FAITH EFFORT TO

COMPLY WITH THIS ARTICLE 7.5 IS NOT SUBJECT TO A FINE FOR THE EMPLOYER'S FIRST VIOLATION FOR A WORKER COVERED BY THE VIOLATION. THE DIRECTOR SHALL DOUBLE THE AMOUNT OF THE FINE FOR EACH VIOLATION AFTER A PRIOR VIOLATION OF THE SAME OR SIMILAR TYPE WITHIN FIVE YEARS. THE DIVISION SHALL TRANSMIT THE MONEY COLLECTED FROM FINES IMPOSED PURSUANT TO THIS SUBSECTION (2) TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE WAGE THEFT ENFORCEMENT FUND CREATED IN SECTION 8-4-113 (3).

SECTION 4. In Colorado Revised Statutes, **add 25.5-1-208** as follows:

25.5-1-208. Direct care worker website and communication platform - enrollment of direct care workers - training, worker rights, employment matching - department of labor and employment access - gifts, grants, or donations - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BOARD" MEANS THE DIRECT CARE WORKFORCE STABILIZATION BOARD CREATED IN SECTION 8-7.5-103.

(b) "DIRECT CARE CONSUMER" HAS THE MEANING SET FORTH IN SECTION 8-7.5-102.

(c) "DIRECT CARE EMPLOYER" HAS THE MEANING SET FORTH IN SECTION 8-7.5-102.

(d) "DIRECT CARE SERVICES" HAS THE MEANING SET FORTH IN SECTION 8-7.5-102.

(e) "DIRECT CARE WORKER" HAS THE MEANING SET FORTH IN SECTION 8-7.5-102.

(f) "MEDICAL ASSISTANCE PROGRAM" MEANS THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF THIS TITLE 25.5.

(g) "PLATFORM" OR "COMMUNICATION PLATFORM" MEANS THE DIRECT CARE WORKER COMMUNICATION PLATFORM CREATED IN THIS SECTION.

(h) "WEBSITE" MEANS THE DIRECT CARE WORKER WEBSITE CREATED IN THIS SECTION.

(i) "WORKER ORGANIZATION" HAS THE MEANING SET FORTH IN SECTION 8-7.5-102.

(2) ON OR BEFORE JULY 1, 2026, THE STATE DEPARTMENT SHALL COLLABORATE WITH THE BOARD AND ESTABLISH A DIRECT CARE WORKER WEBSITE AND COMMUNICATION PLATFORM FOR DIRECT CARE WORKERS. THE STATE DEPARTMENT SHALL ENSURE THAT THE PLATFORM:

(a) SUPPORTS DIRECT CARE CONSUMERS IN IDENTIFYING AND EMPLOYING QUALIFIED DIRECT CARE WORKERS;

(b) FACILITATES RECRUITMENT AND RETENTION OF DIRECT CARE WORKERS PAID THROUGH REIMBURSEMENT BY THE MEDICAL ASSISTANCE PROGRAM;

(c) ENSURES ACCESS TO CARE FOR ALL MEMBERS;

(d) SUPPORTS THE STATE DEPARTMENT IN MONITORING ACCESS TO AND QUALITY OF CARE FOR DIRECT CARE CONSUMERS WHO RECEIVE DIRECT CARE SERVICES;

(e) PROVIDES A REGULAR CADENCE OF COMMUNICATION BY THE STATE DEPARTMENT, TO BE DETERMINED IN CONSULTATION WITH THE BOARD, TO WORKERS WHO HAVE OPTED IN TO THE COMMUNICATION PLATFORM, INCLUDING UPDATES FROM THE BOARD, RELEVANT STATE DEPARTMENT INITIATIVES, AND POTENTIAL CHANGES TO WORKER RIGHTS AND BENEFITS;

(f) MAINTAINS AN ELECTRONIC EMPLOYMENT MATCHING SYSTEM TO HELP DIRECT CARE CONSUMERS IDENTIFY DIRECT CARE WORKERS WITH THE RIGHT AVAILABILITY AND SKILL SET, EXPERIENCE WITH DEMENTIA, LANGUAGE PROFICIENCY, AND SPECIFIC CERTIFICATIONS; AND

(g) PROVIDES EACH DIRECT CARE WORKER WITH THE OPPORTUNITY TO OPT IN TO AND OPT OUT OF THE COMMUNICATION PLATFORM.

(3) THE STATE DEPARTMENT SHALL:

(a) IN COORDINATION WITH THE BOARD, DEVELOP A DIRECT CARE WORKER-SPECIFIC NOTICE OF RIGHTS FOR DIRECT CARE EMPLOYERS TO DISTRIBUTE TO THEIR EMPLOYEES PURSUANT TO SECTION 8-7.5-108 (3)(b); AND

(b) COLLABORATE WITH DIRECT CARE EMPLOYERS TO INFORM DIRECT CARE WORKERS OF THE BENEFITS OF THE PLATFORM.

(4) (a) THE WEBSITE MUST INCLUDE:

(I) TRAINING ON DIRECT CARE WORKER BASIC JOB DUTIES, HEALTH AND SAFETY IN THE WORKPLACE, AND HOW TO PROVIDE CULTURALLY COMPETENT CARE;

(II) INFORMATION REGARDING DIRECT CARE WORKER RIGHTS, INCLUDING INCREASES TO THE DIRECT CARE WORKER BASE WAGE; THE "HEALTHY FAMILIES AND WORKPLACES ACT", PART 4 OF ARTICLE 13.3 OF TITLE 8; NEW LABOR LAWS, RULES, REGULATIONS, AND PRACTICES; OR OTHER LAWS, RULES, REGULATIONS, AND PROCESSES DESIGNED TO STABILIZE THE DIRECT CARE WORKFORCE;

(III) A CALENDAR OF THE TRAINING EVENTS THAT ARE PROVIDED BY THE STATE DEPARTMENT AND ARE FREE OF CHARGE TO DIRECT CARE WORKERS CONCERNING THE RIGHTS OF DIRECT CARE WORKERS AND THE INFORMATION THAT CAN BE LEARNED IN EACH TRAINING;

(IV) THE ABILITY FOR COMMUNICATION PLATFORM USERS TO OPT IN TO AND OPT OUT OF PLATFORM COMMUNICATIONS;

(V) COMMUNICATION ON HOW DIRECT CARE WORKERS CAN ACCESS MEDICAL ASSISTANCE PROGRAM BENEFITS, INCLUDING:

(A) MEDICAL ASSISTANCE PROGRAM BUY-IN FOR WORKING ADULTS WITH DISABILITIES;

(B) MEDICAL ASSISTANCE FOR A FAMILY MEMBER IN THE DIRECT CARE WORKER'S HOUSEHOLD WITH A DISABILITY OR WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER; AND

(C) OTHER BENEFITS THE DEPARTMENT DEEMS APPLICABLE;

(VI) ACCESS TO THE STATE DEPARTMENT'S CORE CURRICULUM TRAINING; AND

(VII) A LINK TO THE STATE DEPARTMENT'S DIRECT CARE WORKER SURVEY.

(b) THE STATE DEPARTMENT SHALL REVIEW AND APPROVE ALL WEBSITE AND COMMUNICATION PLATFORM CONTENT FOR ACCURACY BEFORE IT IS POSTED PUBLICLY.

(5) (a) WITHIN THREE MONTHS AFTER THE ESTABLISHMENT OF THE COMMUNICATION PLATFORM AND EVERY THREE MONTHS THEREAFTER, THE STATE DEPARTMENT SHALL ALLOW THE DEPARTMENT OF LABOR AND EMPLOYMENT, WORKER ORGANIZATIONS, ORGANIZATIONS REPRESENTING DIRECT CARE EMPLOYERS, AND ORGANIZATIONS REPRESENTING DIRECT CARE CONSUMERS TO HAVE ACCESS TO THE FULL NAME, TELEPHONE NUMBER, AND EMAIL ADDRESS FOR EACH DIRECT CARE WORKER WHO HAS OPTED INTO THE COMMUNICATION PLATFORM TO INFORM THE WORKER OF THEIR RIGHTS, TO SUPPORT THE WORKER IN ENGAGING WITH THE BOARD, AND TO ACCOMPLISH THE COMMUNICATION PLATFORM'S DIRECT CARE CONSUMER-MATCHING FUNCTIONS.

(b) IN FULFILLING THE OBLIGATIONS OF THIS SECTION, THE STATE DEPARTMENT, WORKER ORGANIZATIONS, ORGANIZATIONS REPRESENTING DIRECT CARE EMPLOYERS, AND ORGANIZATIONS REPRESENTING DIRECT CARE CONSUMERS MUST COMPLY WITH APPLICABLE LAWS AND RULES PROTECTING PERSONAL IDENTIFYING INFORMATION, INCLUDING PART 1 OF ARTICLE 74 OF TITLE 24 AND PART 13 OF ARTICLE 1 OF TITLE 6. WORKER ORGANIZATIONS AND ORGANIZATIONS REPRESENTING DIRECT CARE CONSUMERS SHALL NOT HAVE ACCESS TO THE NAME OR PRIVATE DATA OF ANY DIRECT CARE CONSUMER OR DIRECT CARE CONSUMER'S REPRESENTATIVE OR INDICATE THAT AN INDIVIDUAL DIRECT CARE WORKER IS A DIRECT CARE CONSUMER'S RELATIVE OR HAS THE SAME ADDRESS AS A DIRECT CARE CONSUMER. AN ORGANIZATION OR INDIVIDUAL WHO RECEIVES DIRECT CARE WORKER CONTACT INFORMATION SHALL NOT SHARE, SELL, OR OTHERWISE DISTRIBUTE THE INFORMATION EXCEPT FOR THE PURPOSES IN SUBSECTION (5)(a) OF THIS SECTION.

SECTION 5. In Colorado Revised Statutes, 25.5-6-1603, **amend** (2) as follows:

25.5-6-1603. Minimum wage - wage pass-through requirement for certain home care agencies - applicability - reports - recovery.

(2) (a) On and after ~~July 1, 2020~~ JULY 1, 2025, the hourly minimum wage RATE for ~~persons~~ INDIVIDUALS who provide DIRECT CARE SERVICES, INCLUDING personal care services, homemaker services, or in-home support services for which a home care agency may receive reimbursement pursuant to the "Colorado Medical Assistance Act", is ~~twelve dollars and forty-one cents~~ SEVENTEEN DOLLARS per hour.

(b) THE STATE DEPARTMENT SHALL ENFORCE THE MINIMUM DIRECT CARE WORKER BASE WAGE THAT IS REQUIRED BY THIS SUBSECTION (2).

SECTION 6. Appropriation. (1) For the 2025-26 state fiscal year, \$120,105 is appropriated to the department of health care policy and financing for use by the executive director's office. This appropriation is from the general fund. To implement this act, the office may use this appropriation as follows:

(a) \$95,960 for personal services, which amount is based on an assumption that the office will require an additional 2.5 FTE;

(b) \$11,605 for operating expenses; and

(c) \$12,540 for general professional services and special projects.

(2) For the 2025-26 state fiscal year, the general assembly anticipates that the department of health care policy and financing will receive \$220,424 in federal funds to implement this act, which amount is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year. The appropriation in subsection (1) of this section is based on the assumption that the department will receive this amount of federal funds to be used as follows:

(a) \$95,959 for personal services;

(b) \$11,605 for operating expenses; and

(c) \$112,860 for general professional services and special projects.

(3) For the 2025-26 state fiscal year, \$168,459 is appropriated to the

department of labor and employment for use by the division of labor standards and statistics. This appropriation is from the general fund and is based on an assumption that the division will require an additional 1.6 FTE. To implement this act, the division may use this appropriation for program costs related to labor standards.

SECTION 7. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO