



SENATE RESOLUTION 18-005

BY SENATOR(S) Lundberg, Grantham, Aguilar, Court, Crowder, Garcia, Gardner, Guzman, Kagan, Kefalas, Lambert, Marble, Merrifield, Neville T., Tate, Todd.

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

WHEREAS, The number of older adults in Colorado is increasing rapidly, and the population of adults in Colorado over the age of 60 will increase 88% between 2018 and 2050; and

WHEREAS, Some older adults are not able to live independently in their homes and must rely on assisted living residences for care; and

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

WHEREAS, The number of assisted living residences that are licensed in the state is increasing exponentially, and is currently at 660, with 60% serving 20 residents or fewer; and

WHEREAS, It is the duty of the state of Colorado to ensure that these facilities are able to safely care for older and vulnerable adults; and

WHEREAS, Assisted living residents in Colorado are older, frailer, and have more complex health care needs than 30 years ago, with 57% of

assisted living residents being over the age of 85 and 43% having Alzheimer's disease or some other form of dementia; and

WHEREAS, The Facility Guidelines Institute's guidelines discourage renovations and new construction of small assisted living residences; and

WHEREAS, The federal government provides funding to ensure that Colorado's 228 nursing homes, in which residents require around-the-clock care, are regularly surveyed for safety, and the CDPHE has 46 inspectors to do this job; and

WHEREAS, The CDPHE does not receive state general funds to ensure appropriate oversight of assisted living residences in our state; and

WHEREAS, Safety inspections for assisted living residences are paid for by the facilities themselves through licensure fees, resulting in only 12 state inspectors to ensure that our 660 assisted living residences are safe; and

WHEREAS, The CDPHE and industry stakeholders have, over the last 24 months, developed a proposed set of rules to regulate assisted living residences in Colorado; and

WHEREAS, Stakeholders had opportunities to provide input and modify these rules, which are going before the Colorado Board of Health (Board) for final approval on April 18, 2018; and

WHEREAS, The CDPHE modified rules in response to the concerns of smaller facilities during this process; and

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

WHEREAS, Assisted living residences will receive a 25% Medicaid rate increase in the 2018-19 state budget, resulting in a \$4,700 per year per resident increase; and

WHEREAS, The proposed rules are intended to ensure the health and safety of the older adults reliant on assisted living residences for care, and they regulate administrator competency, staff training, safety measures, and food preparation; now, therefore,

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

That we, the members of the Colorado Senate, request that:

(1) The CDPHE and the Colorado Board of Health (Board) delay implementation and enforcement of the rules for small assisted living residences with fewer than 20 beds for an additional six months;

(2) Beginning May 15, 2018, the CDPHE and the Board continue to work with stakeholders to ensure that the rules are modified as appropriate for small assisted living residences; and

(3) The Joint Budget Committee work with the CDPHE to ensure that adequate funding is provided to protect older Coloradans who rely on assisted living residences for care.

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

Kevin Grantham
PRESIDENT OF
THE SENATE

Effie Ameen
SECRETARY OF
THE SENATE