

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

**ENGROSSED**

LLS NO. R18-1194.01 Rebecca Hausmann x2172

**SR18-005**

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**SENATE SPONSORSHIP**

**Lundberg, Grantham**

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**Senate Committees**

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**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.**

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

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

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

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.

SENATE  
Amended Final  
Reading

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

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

6           WHEREAS, Assisted living residents in Colorado are older,  
7           frailer, and have more complex health care needs than 30 years ago, with  
8           57% of assisted living residents being over the age of 85 and 43% having  
9           Alzheimer's disease or some other form of dementia; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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