

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0738.01 Yelana Love x2295

SENATE BILL 22-111

SENATE SPONSORSHIP

Smallwood, Lundeen, Rankin

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF A NURSING FACILITY TO BE AWARDED A**
102 **GRANT FROM THE NURSING HOME PENALTY CASH FUND FOR**
103 **PROJECTS RELATED TO INFECTION PREVENTION AND CONTROL.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law directs the departments of public health and environment and health care policy and financing to consider allocating money in the nursing home penalty cash fund for grants to be approved for measures that will benefit residents of nursing facilities by fostering innovation and improving the quality of life and care at the facilities. 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.

bill adds to the list of possible measures eligible for grant funding projects aimed at infection prevention and control.

Awards for infection prevention and control are limited to education support, workforce support, and physical enhancements for infection control.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) As of January 9, 2022, there have been 1,849 deaths in nursing
5 facilities attributable to COVID-19, the disease caused by the novel
6 SARS-CoV-2 virus;

7 (b) Between January and November of 2020, Colorado had the
8 worst rate of death per occupied nursing facility bed in the United States.
9 During that time, Colorado nursing facilities reported 1,118 deaths from
10 COVID-19, twice the rate of death as the national average.

11 (c) Nursing facilities are subject to a variety of legal and
12 regulatory requirements at the state, federal, and local levels. During the
13 COVID-19 pandemic, these requirements were subject to frequent
14 changes, some of which were not necessarily beneficial to patient safety
15 and quality.

16 (d) This uncertain regulatory climate, coupled with the inability
17 of the state to effectively operate a system for testing and contact tracing,
18 presented nursing facilities with considerable operational challenges;

19 (e) The nursing home penalty cash fund holds the state's share of
20 civil money penalty funds. Pursuant to federal law, these funds may be
21 reinvested to support activities that benefit nursing facility residents and
22 that protect or improve their quality of care or quality of life, such as
23 efforts to enhance infection control and prevention programs.

1 (f) The COVID-19 pandemic has underscored the importance of
2 high-quality infection control and prevention programs in nursing homes
3 in order to effectively manage the spread of an especially transmissible
4 and virulent virus such as SARS-CoV-2.

5 (2) The general assembly therefore determines that grants awarded
6 from the nursing home penalty cash fund should include initiatives in the
7 nursing home industry that will enable facilities across the state to
8 enhance their infection control and prevention programs and support
9 compliance with various laws and regulations in the interest of keeping
10 residents safe from COVID-19 and any other future public health
11 emergency.

12 **SECTION 2.** In Colorado Revised Statutes, 25-1-107.5, **amend**
13 (4)(c)(II)(D) and (4)(c)(II)(E); and **add** (4)(c)(II)(F) and (4)(c.5) as
14 follows:

15 **25-1-107.5. Additional authority of department - rules -**
16 **remedies against nursing facilities - criteria for recommending**
17 **assessments for civil penalties - cooperation with department of**
18 **health care policy and financing - nursing home penalty cash fund -**
19 **nursing home innovations grant board - reports - transfer of**
20 **contracts to the department.** (4) (c) The departments shall consider, as
21 a basis for distribution from the nursing home penalty cash fund, the
22 following:

23 (II) Grants to be approved for measures that will benefit residents
24 of nursing facilities by fostering innovation and improving the quality of
25 life and care at the facilities, including, but not limited to:

26 (D) Education and consultation for purposes of identifying and
27 implementing resident-centered care initiatives in nursing facilities; ~~and~~

1 (E) Projects that support or compliment statewide quality and
2 safety goals of the departments; AND

3 (F) PROJECTS AIMED AT INFECTION PREVENTION AND CONTROL,
4 LIMITED TO EDUCATION SUPPORT, WORKFORCE SUPPORT, AND PHYSICAL
5 ENHANCEMENTS FOR INFECTION CONTROL.

6 (c.5) (I) THE DEPARTMENTS SHALL CREATE AN ABBREVIATED
7 APPLICATION PROCESS, APPROVAL TIMELINE, AND REPORTING MECHANISM
8 FOR PROJECTS FUNDED PURSUANT TO SUBSECTION (4)(c)(II)(F) OF THIS
9 SECTION.

10 (II) DISTRIBUTIONS MADE PURSUANT TO SUBSECTION (4)(c)(II)(F)
11 OF THIS SECTION ARE LIMITED TO DISTRIBUTIONS TO PROVIDE A NURSING
12 FACILITY WITH THE FOLLOWING:

13 (A) EDUCATIONAL SUPPORT, INCLUDING THE PROVISION OF
14 ADVANCED INFECTION PREVENTIONIST TRAINING OR CERTIFICATION TO
15 NURSING FACILITY STAFF; TRAINING OF RESIDENTS AND FAMILY MEMBERS
16 OF RESIDENTS IN INFECTION CONTROL PROCEDURES, INCLUDING THE
17 APPROPRIATE PARTICIPATION IN CORRECTING DEFICIENT PRACTICES; THE
18 DEPLOYMENT OF INFECTION CONTROL SPECIALISTS WHO CONDUCT
19 NURSING FACILITY VISITS TO PROVIDE ON-SITE TRAINING AND
20 CORRECTION;

21 (B) WORKFORCE SUPPORT, INCLUDING SUPPLEMENTAL STAFFING
22 DURING ENHANCED EDUCATION EFFORTS AND PROVIDING STAFFING
23 COVERAGE FOR MANAGERIAL AND FRONTLINE STAFF ATTENDING
24 SPECIALIZED TRAINING; AND

25 (C) PHYSICAL ENHANCEMENTS FOR INFECTION CONTROL,
26 INCLUDING THE PURCHASE OF AIR HANDLING SYSTEMS SHOWN TO REDUCE
27 AIRBORNE DISEASE TRANSMISSION FOR NURSING FACILITIES WITH

1 APPROPRIATE HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS;
2 IMPROVEMENT OF OUTDOOR SPACE ACCESS, INCLUDING DOOR OPENERS,
3 CONCRETE, OR RAMP MODIFICATIONS; AND SIGN-IN AND TEMPERATURE
4 SCREENING KIOSKS AND TOOLS AT NURSING FACILITY ENTRANCES TO HELP
5 EASE THE BURDEN ON FACILITIES AND REDUCE THE BURDEN ON STAFF.

6 **SECTION 3. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly; except
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V
10 of the state constitution against this act or an item, section, or part of this
11 act within such period, then the act, item, section, or part will not take
12 effect unless approved by the people at the general election to be held in
13 November 2022 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.