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Legislative Committee Recap 2021-2022

CCA Advocacy Committee Meeting
Monday, June 28, 2021 – 9:30AM – 11:30AM

The 2021-2022 legislative session was a busy one; there were 628 bills introduced this session, of those 502 had been sent to the Governor for his signature and enactment at the time of this report. Colorado Senior Lobby (now Colorado Center for Aging) flagged and followed 48 bills – well over the target of 20 we said we would, but we managed the extra load well, thanks to a terrific effort by our small but powerful advocacy team.

One quarter of all the bills introduced this session focused on the Colorado Recovery Plan, which provided much needed funding in the areas of housing; training displaced workers; and health and medical care, including behavioral health. Of the 48 bills CSL followed, six were killed (postponed indefinitely); 19 have already been signed by the Governor and the remaining are awaiting the Governor's signature.

CSL/CCA focused primarily on the areas of Health Care, Workforce development and training, housing and eviction control, broadband access, supportive services, and protection for at-risk adults. Following are the bills CSL/CCA actively worked.

Health Care

Colorado legislators passed several health care and behavioral health bills that CSL/CCA supported. Each of the following bills passed.

HB21-1068 – Insurance Coverage Mental Health Wellness Exam, requires all insurance coverage to include a mental health visit each year.

HB21-1097 – Establish Behavioral Health Administration, establishes the Behavioral Health Administration, which will consolidate all the behavior health programs currently in various agencies into one new department.

SB21-137 – Behavioral Health Recovery Act, extends, modifies, and finances behavioral health programs throughout state government. It also creates the Behavioral and Mental Health Cash Fund and makes a one-time transfer of $550 million from the ARPA Cash Fund to the BMH Fund.

Colorado continues to see problems with opiate abuse and substance use disorders and with individuals overdosing on narcotics. To help resolve the problems, the following bills were passed.

HB21-1276 – Prevention Of Substance Use Disorders, focuses on the prevention of substance use disorders, by increasing non-traditional therapies such as chiropractic, acupuncture, occupational and physical therapy, and providing some safeguards for those with chronic pain, cancer and in hospice care.

SB21-011 – Pharmacist Prescribe Dispense Opiate Antagonist, allows pharmacists to provide an opiate antagonist – (Narcan) and education about the effects of opioid medication to the individual.

Another important area CSL worked on was **HB21-1307 – Prescription Insulin Pricing And Access**, which created the insulin affordability program, to set up a process to cap pricing , develop the eligibility and the application,

and to verify that cost for an individual's total insulin prescriptions is set at no more than $100 a month and they are eligible for a one-time emergency supply for $35.

CSL/CCA initiated **SB21-158 – Increase Medical Providers For Senior Citizens,** along with support from The Multidisciplinary Center on Aging, University of Colorado to begin to address the shortage of geriatrics trained health care providers. **With thanks to** Sens. Danielson and Pettersen and Reps Titone and Duran, this bill, once signed into law by the Governor, will provide $400,000 in tuition loan reimbursement to Advanced Practice Providers (APP's – Nurse Practitioners and Physician Assistants) who take a geriatric medicine track in their training/education and agree to serve in an underserved area of Colorado upon graduation for a period of three years. The original bill requested a five-year funding commitment from the General Fund, but the bill that passed provided for one year of funding at $400,000. So, we still have work to do as the number of geriatrics trained medical service providers is far from being enough to meet demand now and in the next 10-15 years.

SB21-187 – Dialysis Treatment Transportation Funding, was another CSL/CCA initiated bill. It would levy a small per treatment fee on the providers of dialysis services to provide a transportation fund to be administered by the state for reimbursement to private and public transportation providers for rides to and from dialysis treatment centers the required three times per week, 52 weeks per year, for an indeterminate number of years, specifically for Medicare patients for whom there is no transportation allowance provided. RTD, other public transportation agencies, and the Area Agencies on Aging foot the bill for this transportation. Additionally, for those patients on dialysis, which is truly a life-preserving medical treatment, must secure and pay for, or have donated, transportation for treatments. Adding stress to an already stressful treatment that has no end, is absolutely required to sustain life, and must be done 156 times each year, without fail, for a minimum of three hours per treatment—or a total annual commitment to just the treatment alone of 468 hours—equivalent to nearly THREE weeks of each patient's life, each year. This bill died in the Senate but will be resuscitated in 2022.

Security for at-risk adults

CSL/CCA supported two bills intended to improve protections for at-risk adults.

HB21-1123 – CAPS Checks For Substantiated Mistreatment Of Adult, requires the courts to check the Colorado Adult Protective Services (CAPS) database to verify no current issues before appointing anyone to be the guardian/conservator of an at-risk adult.

SB21-118 – Alternative Response Mistreatment At-risk Adults, will allow county departments of human or social services to pilot a program allowing for different responses to address a report of mistreatment of an at-risk adult, realizing that not all responses need to be in-person and unannounced.

Workforce

The legislature passed and the governor has signed **HB21-1264 – Funds Workforce Development Increase Worker Skills,** a bill from the pandemic recovery package. It allocates money for workforce development activities to increase the skills of Colorado workers through career counseling; tuition; employer-provided training; needs-based services; transportation; equipment; retention services; and job placement.

SB21-176 – Protecting Opportunities And Workers' Rights Act, included a focus on making age discrimination equal to all categories of workplace discrimination. This bill passed the Senate but failed in the House committee.

SB21-232 – Displaced Workers Grant, provided $15 million to the Dept of Education for scholarship for displaced workers. It includes scholarships, advising services, and connection and transition to the workforce, including programs, services, or other assistance for populations disproportionately impacted by the COVID-19 public health emergency

Funding for Older Adult Services

As part of the General assembly's efforts to invest in recovery from the COVID pandemic, while building for the future, **SB 21-290 – Security For Colorado Seniors, was passed in the last week of the session.** Sponsored by Senators Danielson and Buckner and Representatives Young and Bradfield, this bill transfers $15 million from the General Fund to the newly created Area Agency on Aging Cash Fund. The bill provides for the State Unit on Aging and the Area Agencies on Aging (AAA) to collaboratively establish the Area Agency on Aging Grant Program. The purpose of the grant program is for AAAs to make capital and infrastructure investments to enhance their ability to provide additional services to older Coloradans. This may include community services for older Coloradans; infrastructure improvements; health promotion, congregate meals, and socialization activities; transportation services; home modification programs; and implementation of evidence-based fall prevention and chronic disease management programs.

Housing

There were several bills passed to promote affordable housing and improve rental stability. CSL/CCA has long supported such efforts as older Coloradans prefer to age in their communities. We supported the following bills, all of which passed.

HB21-1117 – Local Government Authority Promote Affordable Housing Units. Clarifies that the existing authority of cities and counties to plan for and regulate the use of land includes the authority to regulate development or redevelopment in order to promote the construction of new affordable housing units. The provisions of the state's rent control statute do not apply to any land use regulation that restricts rents on newly constructed or redeveloped housing units as long as the regulation provides a choice of options to the property owner or land developer and creates one or more alternatives to the construction of new affordable housing units on the building site.

HB21-1121 – Residential Tenancy Procedures. Makes various changes to procedures residential landlords and tenants must follow. Under existing law, a court summons must contain a statement to the defendant that explains the consequences of failing to answer and requirements related to certain defenses. The bill includes updated language explaining consequences for failing to answer, the content of a defendant's answer, & fees and deposits related to filing an answer. Under the new law, if a landlord wins a judgment in an eviction action, the court cannot issue a writ of restitution directing the county sheriff to assist the landlord to remove the tenant, until 10 days after judgment (formerly 48 hours). It also prohibits residential landlords from increasing rent more than once in a 12-month period. Previously, for a tenancy of one to 6 months without a written agreement, a landlord must give 21 days' written notice prior to increasing the rent. The new law extends the notice period to 60 days and applies to a tenancy of any duration. Finally, the new law prohibits a landlord from terminating a residential tenancy in which there is no written agreement with the primary purpose of increasing a tenant's rent without providing 60 days' notice.

HB21-1229 - Home Owners' Associations Governance Funding Record Keeping. Proposed many significant changes in the ways that Homeowners Associations are managed and operated. Unfortunately, many of the key provisions of this bill were removed prior to its ultimate passage, essentially denuding the bill of nearly all meaningful provisions. Opposition primarily came from entrenched service providers: law firms, management companies. Much opposition also came from a group of HOA unit owners the bill was actually designed to help; their primary objection being that there were no firm enforcement of laws provisions in the bill to actually force HOA Boards to comply with existing law. CSL/CCA's approach was to make incremental improvements; the opposition allowed for zero meaningful improvements and therefore there are no changes that will help older unit owners who frequently face the hard decisions of moving out of their HOA homes as a result of poor HOA board decisions. So, yet another stalemate on the important issue of HOA governance and accountability.

SB21-173 – Rights In Residential Lease Agreements. Addresses several items related to landlord and tenant rights in residential rental agreements, particularly related to legal and court processes, including removal or exclusion from a dwelling, filing of complaints, answering complaints, judgement appeals, restitution, warranty of habitability, liquidated damage clauses, one-way fee-shifting clauses, right to a trial by jury. The bill also amends or prohibits certain late fees, charges and penalties a landlord of a mobile home park or a residential premises may impose on a tenant or mobile home owner. The bill also addresses penalties on landlords who commit violations.

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