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Aspen State Regulation Set: L 1.0 Licensed HCA General

ST - L0000 - Initial Comments Home Care Agency Licensing

Title Initial Comments Home Care Agency Licensing

Statute

Type Memo Tag

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ST - L0100 - Dept Oversight-Alternate Plan

Title Dept Oversight-Alternate Plan

Statute 26-5.1(B)(2)

Type Rule

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If an agency's governing body, after consultation with the advisory committee, administrator or agency manager, determines a home care regulation substantially impedes its ability to provide appropriate and effective services to the consumer or substantially impedes the appropriate and effective services of the total program, the department may approve an alternate plan as long as the health, safety, welfare and rights of the consumer are assured.

ST - L0101 - Dept Oversight-Residential Facilities

Title Dept Oversight-Residential Facilities

Statute 26-5.1(C)(1-2)

Type Requirement

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Regulation Definition

(1) Any residential facility that delivers skilled home health or personal care services that the facility is not licensed or certified to otherwise provide, shall either become licensed as a home care agency or require the skilled home health or personal care services to be delivered by a licensed home care agency.

(a) Consumer services shall be provided only upon individual service contracts. The resident or consumer requiring services not covered under the primary license shall be given the opportunity to contract with the home care agency of choice and shall not be restricted to the use of the residential facility home care agency.

(b) A residential facility may not contract for nor provide skilled home health or personal care services on a facility-wide basis under this license. Each residential facility providing facility-wide services shall be licensed according to the appropriate provider type.

(c) The home care records shall be easily identifiable and separated in the consumer record from the residential care records.

(2) The requirements contained in sections 6 through 8 of this chapter shall apply only to processes, policies and procedures that address those consumers receiving skilled home health or personal care services in their temporary or permanent place of residence.

(a) The requirements apply to all residential facilities providing skilled home health services not covered under the primary residential care license or certification.

(b) The requirements for governing body, professional advisory committee, complaints, occurrences and quality assurance activities may be met, in whole or in part, in conjunction with like activities of the primary license. However, there shall be documented oversight of the home care portion of the services provided distinct from that of the

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primary license.

ST - L0102 - Dept Oversight-Dev Disabled Services

Title Dept Oversight-Dev Disabled Services

Statute 26-5.1(D)(1-2)

Type Requirement

Regulation Definition

(1) Pursuant to Section 27-10.5-109(2), C.R.S., Independent Residential Support Services provided by the Colorado Department of Human Services (DHS) do not require licensure by the department.

(2) A service agency as defined in Section 27-10.5-102(28), C.R.S. that is currently certified by DHS shall be deemed to meet the requirements of this chapter if the only services it provides are pursuant to a contract or provider agreement with DHS.

Interpretive Guideline

A license is required if the agency certified by DHS also provides services to consumers that are not covered under the DHS contract.

Custom Help

ST - L0103 - Dept Oversight-Liability Insurance

Title Dept Oversight-Liability Insurance

Statute 26-5.2(B)

Type Requirement

Regulation Definition

When submitting an application for an initial or renewal license, the HCA shall include evidence of either liability insurance coverage or a surety bond in lieu of liability insurance coverage. Such coverage shall be maintained for the duration of the license period. The minimum amount of coverage is:

(1) Class A - \$500,000 per occurrence and \$3,000,000 aggregate.

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(2) Class B - \$100,000 per occurrence and \$300,000 aggregate.

ST - L0104 - Dept Oversight-Geographic Area

Title Dept Oversight-Geographic Area

Statute 26-5.2(C)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

The agency shall submit to the department a list of the contiguous counties that it plans to serve and assure adequate staffing, supervision, consumer care and services are provided within the declared geographical area.

ST - L0105 - Dept Oversight-Criminal Convictions

Title Dept Oversight-Criminal Convictions

Statute 26-5.2(D)(2)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

Each HCA owner, applicant or licensee is under an affirmative obligation to inform the department if he or she is convicted of a felony or of a misdemeanor that involves moral turpitude or conduct that the department determines could pose a risk to the health, safety or welfare of HCA consumers. Failure to advise the department of a conviction may result in non-renewal, or other appropriate sanctions, as set forth in sections 5.7, 5.8 and 5.9 of this chapter.

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ST - L0106 - Dept Oversight-Notice Change of Location

Title Dept Oversight-Notice Change of Location

Statute 26-5.2(F)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

No license shall be transferred from one location to another without prior notice to the department as provided in this subsection. If an agency is considering moving or changing the licensed physical address, the agency shall notify the department 30 days prior to the intended relocation in accordance with 6 CCR 1011-1, Chapter II, section 2.9.2.

ST - L0107 - Dept Oversight-Change of Ownership

Title Dept Oversight-Change of Ownership

Statute 26-5.4.7(A)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

Any agency meeting the criteria set forth in 6 CCR 1011-1, Chapter II, section 2.9.1 shall pay a change of ownership fee. The fee shall be determined according to the license classifications set forth in section 5.1 of this chapter and submitted with the change of ownership notice.

ST - L0108 - Dept Oversight-Consumer Record Production

Title Dept Oversight-Consumer Record Production

Statute 26-5.5(C)(1)

Type Element

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Regulation Definition

Interpretive Guideline

Custom Help

Consumer records kept in the home or individual consumer documents not included in the HCA's permanent record shall be made available to the department within two hours of request if the last visit occurred 14 or more days prior to the request. The time for production may be extended at the department's discretion.

ST - L0109 - Dept Oversight-Record Request Timeline

Title Dept Oversight-Record Request Timeline

Statute 26-5.5(C)(2)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

The consumer file and administrative records including, but not limited to, census and demographic information, complaint and incident reports, meeting minutes, quality assurance and annual program review documents shall be provided to the inspector commencing within 30 minutes of request. The time for production may be extended at the department's discretion.

ST - L0110 - Dept Oversight-Accurate and Truthful Info.

Title Dept Oversight-Accurate and Truthful Info.

Statute 26-5.5(E)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

The HCA shall provide accurate and truthful information to the department during inspections, investigations and licensing activities. Failure to provide information requested by the department and known to the agency shall be grounds for

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action against a license.

ST - L0111 - Dept Oversight-Plan of Correction

Title Dept Oversight-Plan of Correction

Statute 26-5.6(A)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

An HCA shall submit to the department a written plan of correction detailing measures that will be taken by the agency to correct deficiencies found as a result of inspections and shall be submitted in the form and manner required by the department.

ST - L0200 - Gen Req-Branch Notification

Title Gen Req-Branch Notification

Statute 26-6.2(A)

Type Condition

Regulation Definition

Interpretive Guideline

Custom Help

An HCA shall notify the department in advance of its plan to establish a branch office. Notification shall include:

- (1) A description of the services to be provided,
- (2) The geographic area to be served by the branch office, and
- (3) A description of how the parent agency will supervise the branch office.

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ST - L0201 - Gen Req-Branch Services

Title Gen Req-Branch Services

Statute 26-6.2(B)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

A branch office, as an extension of the parent HCA, may not offer services that are different than those offered by the parent HCA.

ST - L0202 - Gen Req-Branch Supervision

Title Gen Req-Branch Supervision

Statute 26-6.2(C)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

The parent agency administrator, manager or supervisor shall conduct an onsite visit of the branch office in accordance with agency policy.

ST - L0203 - Gen Req-Branch Oversight

Title Gen Req-Branch Oversight

Statute 26-6.2(D)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

One or more health professionals who possess the experience, education and qualifications to oversee all care and services provided by the branch shall be available during all operating

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hours.

(1) If only personal care services are provided, an employee that meets the qualifications of supervisor shall be available during all operating hours.

ST - L0204 - Gen Req-Branch Location

Title Gen Req-Branch Location

Statute 26-6.2(E)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

The location of the branch, in relation to the parent, shall be such that the parent is able to assure adequate supervision at all times.

ST - L0205 - Gen Req-Branch Policies

Title Gen Req-Branch Policies

Statute 26-6.2(F)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

The branch office shall have a copy of all agency policies available and readily accessible to staff.

ST - L0206 - Gen Req-Branch Consumer Record Availability

Title Gen Req-Branch Consumer Record Availability

Statute 26-6.2(G)

Type Requirement

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Regulation Definition

Interpretive Guideline

Custom Help

The agency shall ensure that consumer records are readily accessible to all staff providing care and services.

ST - L0207 - Gen Req-Criminal History Check

Title Gen Req-Criminal History Check

Statute 26-6.3(A-D)

Type Condition

Regulation Definition

Interpretive Guideline

Custom Help

(A) On or after June 1, 2009, the HCA shall require any individual seeking employment with the agency to submit to a criminal history record check.

(B) The criminal history record check shall be conducted not more than 90 days prior to employment of the individual.

(C) The cost of such inquiry shall be paid by either the home care agency or the individual seeking employment.

(D) The HCA shall develop and implement policies and procedures regarding the employment of any individual who is convicted of a felony or misdemeanor to ensure that the individual does not pose a risk to the health, safety and welfare of the consumer.

ST - L0208 - Gen Req-Rights-Policies&Inform Employees

Title Gen Req-Rights-Policies&Inform Employees

Statute 26-6.4(A)

Type Condition

Regulation Definition

Interpretive Guideline

Custom Help

(1) The HCA shall establish and implement written policies and procedures regarding the rights of consumers and the

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implementation of these rights. A complete statement of these rights, including the right to file a complaint with the department, shall be distributed to all employees and contracted personnel upon hire.

(2) At a minimum, the HCA's policies and procedures shall specify that:

(a) The consumer or authorized representative has the right to be informed of the consumer's rights through an effective means of communication.

(b) The consumer has the right to be assured that the HCA shall not condition the provision of care or otherwise discriminate against a consumer based upon personal, cultural or ethnic preference, disabilities or whether the consumer has an advance directive.

(C) The HCA shall protect and promote the exercise of these rights.

ST - L0209 - Gen Req-Rights-Notice

Title Gen Req-Rights-Notice

Statute 26-6.4(B)

Type Element

Regulation Definition

Within one (1) business day of the start of services, the HCA shall provide the consumer or authorized representative with a notice of the consumer's rights in a manner that the consumer understands. The notice shall include information about the consumer's options if rights are violated, including how to contact an individual employed with the HCA who is responsible for the complaint intake and problem resolution process.

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ST - L0210 - Gen Req-Rights-Retaliation or Retribution

Title Gen Req-Rights-Retaliation or Retribution

Statute 26-6.4(C)(1)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

The rights of the consumer may be exercised by the consumer or authorized representative without fear of retribution or retaliation.

ST - L0211 - Gen Req-Rights-Respect and Free from Neglect

Title Gen Req-Rights-Respect and Free from Neglect

Statute 26-6.4(C)(2)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

The consumer has the right to have his or her person and property treated with respect. The consumer has the right to be free from neglect, financial exploitation, verbal, physical and psychological abuse including humiliation, intimidation or punishment.

ST - L0212 - Gen Req-Rights-Staff Information

Title Gen Req-Rights-Staff Information

Statute 26-6.4(C)(3)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

The consumer or authorized representative, upon request to

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the HCA, has the right to be informed of the full name, licensure status, staff position and employer of all persons with whom the consumer has contact and who is supplying, staffing or supervising care or services.

ST - L0213 - Gen Req-Rights-Trained and Competent Staff

Title Gen Req-Rights-Trained and Competent Staff

Statute 26-6.4(C)(3)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

The consumer has the right to be served by agency staff that is properly trained and competent to perform their duties.

ST - L0214 - Gen Req-Rights-Confinement and Restraints

Title Gen Req-Rights-Confinement and Restraints

Statute 26-6.4(C)(4)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

The consumer has the right to live free from involuntary confinement, and to be free from physical or chemical restraints as defined in 6 CCR 1011-1, Chapter II, Part 8.

ST - L0215 - Gen Req-Rights-Express Complaints

Title Gen Req-Rights-Express Complaints

Statute 26-6.4(C)(5)

Type Requirement

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Regulation Definition

Interpretive Guideline

Custom Help

The consumer or authorized representative has the right to express complaints verbally or in writing about services or care that is or is not furnished, or about the lack of respect for the consumer's person or property by anyone who is furnishing services on behalf of the HCA.

ST - L0216 - Gen Req-Rights-Confidentiality

Title Gen Req-Rights-Confidentiality

Statute 26-6.4(C)(6)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

The consumer shall have the right to confidentiality of all records, communications, and personal information. The HCA shall advise the consumer of the agency's policies and procedures regarding disclosure of clinical information and records.

Disclosure of clinical records only deals with HIPAA requirements which does not apply to agencies providing only personal care services.

ST - L0217 - Gen Req-Rights-Informed of Care and Services

Title Gen Req-Rights-Informed of Care and Services

Statute 26-6.4(D)(1)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

The HCA shall inform the consumer or authorized representative in advance about the care and services to be furnished, and of any changes in the care and services to be furnished to enable the consumer to give informed consent.

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ST - L0218 - Gen Req-Rights-Refuse Treatment

Title Gen Req-Rights-Refuse Treatment

Statute 26-6.4(D)(1)(a)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

The consumer has the right to refuse treatment within the confines of the law, to be informed of the consequences of such action and to be involved in experimental research only upon the consumer's voluntary written consent.

ST - L0219 - Gen Req-Rights-Informed Who, What, & When

Title Gen Req-Rights-Informed Who, What, & When

Statute 26-6.4(D)(1)(B)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

The consumer has the right to be told in advance of receiving care about the services that will be provided, the disciplines that will be utilized to furnish care, the frequency of visits proposed to be furnished and the consequences of refusing care or services.

ST - L0220 - Gen Req-Rights-Participate in Care Plan

Title Gen Req-Rights-Participate in Care Plan

Statute 26-6.4(D)(2)

Type Element

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Custom Help

The HCA shall offer the consumer or authorized representative the right to participate in developing the plan of care and receive instruction and education regarding the plan.
(a) The HCA shall advise the consumer in advance of the right to participate in planning the care or treatment, and in planning changes in the care or treatment.

ST - L0221 - Gen Req-Rights-Advanced Directives

Title Gen Req-Rights-Advanced Directives

Statute 26-6.4(D)(2)(b)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

Within one (1) business day of the start of services, the HCA shall inform the consumer concerning the agency ' s policies on advance directives, including a description of applicable state law. The HCA may furnish advance directives information to a consumer at the time of the first home visit, as long as the information is furnished before care is provided.

ST - L0222 - Gen Req-Rights-Financial Obligations

Title Gen Req-Rights-Financial Obligations

Statute 26-6.4(E)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

The consumer or authorized representative has the right to be advised orally and in writing within one (1) business day of the start of services of the extent to which payment for the HCA services may be expected from insurance or other

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sources, and the extent to which payment may be required from the consumer.

ST - L0223 - Gen Req-Rights-Changes in Billing

Title Gen Req-Rights-Changes in Billing

Statute 26-6.4(F)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

The consumer or authorized representative has the right to be advised of any changes in billing or payment procedures before implementation.

(1) If an agency is implementing a scheduled rate increase to all clients, the agency shall provide a written notice to each affected consumer at least 30 days before implementation.

(2) The HCA shall advise the consumer of any individual changes orally and in writing as soon as possible, but no later than five (5) business days from the date that the HCA becomes aware of a change.

ST - L0224 - Gen Req-Rights-Financial Exploitation

Title Gen Req-Rights-Financial Exploitation

Statute 26-6.4(F)(3)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

An HCA shall not assume power of attorney or guardianship over a consumer utilizing the services of the HCA, require a consumer to endorse checks over to the HCA or require a consumer to execute or assign a loan, advance, financial interest, mortgage or other property in exchange for future services.

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ST - L0225 - Gen Req-Rights-Hotline

Title Gen Req-Rights-Hotline

Statute 26-6.4(G)

Type Requirement

Regulation Definition

The consumer or authorized representative has the right to be advised of the availability of the state's toll-free HCA hotline. When the agency accepts the consumer for treatment or care, the HCA shall advise the consumer in writing of the telephone number of the home health hotline established by the state, the hours of its operation and that the purpose of the hotline is to receive complaints or questions about local HCAs. The consumer also has the right to use this hotline to lodge complaints regarding care received or not received including implementation of the advance directives requirements.

Interpretive Guideline

Custom Help

ST - L0226 - Gen Req- Rights-List of Owners

Title Gen Req- Rights-List of Owners

Statute 26-6.4(H)

Type Element

Regulation Definition

The HCA shall make available to the consumer or authorized representative, upon request, a written notice listing all individuals or other legal entities having ownership or controlling interest in the agency.

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ST - L0227 - Gen Req-Rights-Documentation of Compliance

Title Gen Req-Rights-Documentation of Compliance

Statute 26-6.4(I)

Type Condition

Regulation Definition

The HCA shall maintain documentation showing that it has complied with the requirements of this section.

Interpretive Guideline

Refers to section 6.4 Consumer Rights

Custom Help

ST - L0228 - Gen Req-Admissions-Acceptance

Title Gen Req-Admissions-Acceptance

Statute 26-6.5(A)

Type Condition

Regulation Definition

Agencies shall only accept consumers for care or services on the basis of a reasonable assurance that the needs of the consumer can be met adequately by the agency in the individual's temporary or permanent home or place of residence.

Interpretive Guideline

Custom Help

ST - L0229 - Gen Req-Admissions-Schedule Agreed Upon

Title Gen Req-Admissions-Schedule Agreed Upon

Statute 26-6.5(A)(1)

Type Requirement

Regulation Definition

There shall be initial documentation of the agreed upon days and times of services to be provided based upon the

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consumer's needs that is updated at least annually.

ST - L0230 - Gen Req-Admissions-Availability of Services

Title Gen Req-Admissions-Availability of Services

Statute 26-6.5(B)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

If an agency receives a referral of a consumer who requires care or services that are not available at the time of referral, the agency shall advise the consumer's primary care provider, if applicable, and the consumer or authorized representative of that fact.

(1) The agency shall only admit the consumer if the primary care provider and the consumer or consumer's representative agree the ordered services can be delayed or discontinued.

ST - L0231 - Gen Req-Discharge-Planning

Title Gen Req-Discharge-Planning

Statute 26-6.6(A-B)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

(A) There shall be a specific plan for discharge in the consumer record and there shall be ongoing discharge planning with the consumer.

(B) If no improvement or no discharge is expected, the agency shall document in the consumer record this assessment.

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ST - L0232 - Gen Req-Discharge-Coordination

Title Gen Req-Discharge-Coordination

Statute 26-6.6(C)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

The HCA shall assist each consumer or authorized representative to find an appropriate placement with another agency if the consumer continues to require care and/or services upon discharge. The HCA shall document due diligence in ensuring continuity of care upon discharge as necessary to protect the consumer's safety and welfare.

ST - L0233 - Gen Req-Discharge-Refusal of Services

Title Gen Req-Discharge-Refusal of Services

Statute 26-6.6(D)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

Once admitted, an HCA shall not discontinue or refuse services to a consumer unless documented efforts have been made to resolve the situation that triggered such discontinuation or refusal to provide services.

(1) The consumer or authorized representative shall be notified verbally and in writing of the agency's intent to discharge and the reasons for the discharge.

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ST - L0234 - Gen Req-Disclosure Notice

Title Gen Req-Disclosure Notice

Statute 26-6.7

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

(A) The HCA shall provide a written disclosure notice to the consumer or authorized representative within one (1) business day of the start of services that specifies the service provided by the HCA and the consumer's obligation regarding the home care worker.

(B) The disclosure notice shall be signed by the consumer or authorized representative and shall include information as to who is responsible for the following items:

- (1) Employment of the home care worker,
- (2) Liability for the home care worker while in the consumer's home,
- (3) Payment of wages to the home care worker,
- (4) Payment of employment and social security taxes,
- (5) Payment of unemployment, worker's compensation, general liability insurance, and, if provided, bond insurance.
- (6) Supervision of the home care worker,
- (7) Scheduling of the home care worker,
- (8) Assignment of duties to the home care worker,
- (9) Hiring, firing and discipline of the home care worker,
- (10) Provision of materials or supplies for the home care worker's use in providing services to the consumer, and
- (11) Training and ensuring qualifications that meet the needs of the consumer.

(C) The HCA shall ensure that the consumer or authorized representative acknowledges the disclosure notice is within one (1) business day of the start of services.

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ST - L0235 - Gen Req-Non-Compete Agreements

Title Gen Req-Non-Compete Agreements

Statute 26-6.8

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

(A) An HCA shall not coerce, threaten, or use any means of intimidation to prevent an employee from terminating the employment relationship and commencing employment at another HCA.

(B) Non-compete clauses, agreements or contracts shall only be enforceable in accordance with Section 8-2-113, C.R.S.

ST - L0236 - Gen Req-Complaint-Investigation

Title Gen Req-Complaint-Investigation

Statute 26-6.9(A)(1)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

(A) The HCA shall develop and implement policies to include the following items:

(1) Investigation of complaints made by a consumer or others about services or care that is or is not furnished, or about the lack of respect for the consumer's person or property by anyone furnishing services on behalf of the HCA.

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ST - L0237 - Gen Req-Complaint-Documentation

Title Gen Req-Complaint-Documentation

Statute 26-6.9(A)(2)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

(A) The HCA shall develop and implement policies to include the following items:

(2) Documentation of the existence, the investigation and the resolution of the complaint. The agency shall notify the complainant of the results of the investigation and the agency's plan to resolve any issue identified.

ST - L0238 - Gen Req-Complaint-QA Incorporation

Title Gen Req-Complaint-QA Incorporation

Statute 26-6.9(A)(3)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

(A) The HCA shall develop and implement policies to include the following items:

(3) Incorporation of the substantiated findings into its quality assurance program in order to evaluate and implement systemic changes where needed.

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ST - L0240 - Gen Req-Complaint-Retaliation Statement

Title Gen Req-Complaint-Retaliation Statement

Statute 26-6.9(A)(4)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

(A) The HCA shall develop and implement policies to include the following items:

(4) Explicit statement that the HCA does not discriminate or retaliate against a consumer for expressing a complaint or multiple complaints.

ST - L0241 - Gen Req-Complaint-Separate Record&Retention

Title Gen Req-Complaint-Separate Record&Retention

Statute 26-6.9(A)(5)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

(A) The HCA shall develop and implement policies to include the following items:

(5) Maintenance of a separate record/log/file detailing all activity regarding complaints received, and their investigation and resolution thereof. The record shall be maintained for at least a two (2) year period of time and shall be available for audit and inspection purposes.

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ST - L0242 - Gen Req-Reporting-Occurrences

Title Gen Req-Reporting-Occurrences

Statute 26-6.10(A-B)

Type Condition

Regulation Definition

Interpretive Guideline

Custom Help

(A) Each HCA shall comply with the occurrence reporting requirements set forth in 6 CCR 1011, Chapter II, section 3.2.

(B) The agency shall investigate each reportable occurrence and institute appropriate measures to prevent similar future occurrences.

(1) Documentation regarding the investigation, including the appropriate measures to be instituted, shall be made available to the department, upon request.

(2) A report with the investigation findings shall be available for review by the department within five (5) working days of the occurrence.

ST - L0243 - Gen Req-Reporting-Discharge Needing Services

Title Gen Req-Reporting-Discharge Needing Services

Statute 26-6.10(D)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

An HCA shall notify the department before it initiates discharge of any consumer who requires and desires continuing paid care or services where there are no known transfer arrangements to protect the consumer's health, safety or welfare.

(1) Emergency discharges necessary to protect the safety and welfare of staff shall be reported to the department within 48

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hours of the occurrence.

ST - L0244 - Gen Req-Reporting-Abuse & Neglect

Title Gen Req-Reporting-Abuse & Neglect

Statute 26-6.10(E)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

The home care agency shall ensure that all staff have knowledge of Article 3.1 of Title 26, C.R.S. regarding protective services for at-risk adults, and that all incidents involving neglect, abuse or financial exploitation are reported immediately, through established procedures, to the agency administrator or manager.

(1) Any home care agency that provides care and/or services to pediatric consumers, shall ensure that all staff have knowledge of Part 3 of Article 3 of Title 19, C.R.S. regarding child abuse or neglect, and that all incidents involving child abuse or neglect are reported immediately, through established procedures, to the agency administrator or manager.

(2) The agency shall report the incident to the appropriate officials as specified in the statute and, if applicable, to the department as an occurrence. The agency shall make copies of all such reports available to the department upon request.

(3) The agency shall document that all alleged incidents involving neglect, abuse or health professional misconduct are thoroughly investigated in a timely manner. The agency shall develop and implement a policy that addresses what administrative procedures will be implemented to protect its consumers during the investigation process.

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ST - L0245 - Gen Req-Personnel-Policies

Title Gen Req-Personnel-Policies

Statute 26-6.11(A)

Type Condition

Regulation Definition

Interpretive Guideline

Custom Help

Agency policy shall direct any program or service offered by the HCA directly or under arrangement is provided in accordance with the plan of care and agency policy and procedure.

- (1) The HCA shall define the required competence, qualifications, and experience of staff in each program or service it provides.
- (2) Personnel policies shall be available to all full and part-time employees.

ST - L0246 - Gen Req-Personnel-Record Content

Title Gen Req-Personnel-Record Content

Statute 26-6.11(B)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

Personnel records for all employees shall include references, dates of employment and separation from the agency, and the reason for separation.

Personnel records for all employees shall also include:

- (1) Qualifications and licensure that are kept current.
 - (a) Qualifications include confirmation of type and depth of experience, advanced skills, training and education; and appropriate, detailed and observed competency evaluation and written testing overseen by a person with the same or higher

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- validated qualifications.
- (2) Orientation to the agency,
 - (3) Job descriptions for all positions assigned by the agency, and
 - (4) Annual performance evaluation for each employee.

ST - L0247 - Gen Req-Personnel-Credential Check

Title Gen Req-Personnel-Credential Check

Statute 26-6.11(C)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

Before employing any individual to provide direct consumer care or services, the agency shall contact the Colorado Department of Regulatory Agencies (DORA) to verify whether a license, registration or certification exists and is in good standing. A copy of the inquiry shall be placed in the individual's personnel file.

ST - L0248 - Gen Req-Emergency Preparedness-Plan

Title Gen Req-Emergency Preparedness-Plan

Statute 26-6.12(A-B)

Type Requirement

Regulation Definition

Interpretive Guideline

Custom Help

(A) The home care agency (HCA) shall have a written emergency preparedness plan that is designed to manage consumers' care and services in response to the consequences of natural disasters or other emergencies that disrupt the agency's ability to provide care and services or threatens the lives or safety of its consumers.

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(B) At a minimum, an agency ' s written emergency preparedness plan shall include the following:

(1) Provisions for the management of all staff who are designated to be involved in emergency measures, including the assignment of responsibilities and functions. All staff shall be informed of their duties and be responsible for implementing the emergency preparedness plan.

(2) Education for consumers, caregivers and families on how to handle care and treatment, safety and/or well-being during and following instances of natural (tornado, flood, blizzard, fire, etc.) and other disasters or other similar situations appropriate to the needs of the consumer.

(3) Adequate staff education on emergency preparedness so that staff safety is assured.

ST - L0249 - Gen Req-Emergency Preparedness- Plan Review

Title Gen Req-Emergency Preparedness- Plan Review

Statute 26-6.12(C)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

The agency shall review its emergency preparedness plan after any incident response and on an annual basis, and incorporate into policy any substantive changes.

ST - L0250 - Gen Req-External Coordination

Title Gen Req-External Coordination

Statute 26-6.13

Type Condition

Regulation Definition

Interpretive Guideline

Custom Help

(A) Each HCA shall be responsible for the coordination of

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consumer services with known external HCAs providing care and services to the same consumer.

(1) No HCA shall refuse to share consumer care information unless the consumer has chosen to refuse coordination with external HCAs.

(2) The consumer's refusal of such coordination shall be documented in the consumer's record.

ST - L0251 - Gen Req-Quality Management Program

Title Gen Req-Quality Management Program

Statute 26-6.14

Type Condition

Regulation Definition

Interpretive Guideline

Custom Help

Every HCA shall establish a quality management program appropriate to the size and type of agency that evaluates the quality of consumer services, care and safety, and that complies with the requirements set forth in 6 CCR 1011, Chapter II, section 3.1.

ST - L0252 - Gen Req-Infection Control-Annual Training

Title Gen Req-Infection Control-Annual Training

Statute 26-6.15(A)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

The HCA shall provide training for its employees regarding the agency's written infection control policies and procedures at the time of hire and annually.

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ST - L0253 - Gen Req-Infection Control-Policy Review

Title Gen Req-Infection Control-Policy Review

Statute 26-6.15(B)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

The HCA shall evaluate the adequacy of its infection control policies and procedures at least annually, make any necessary substantive changes, and document in writing.

ST - L0254 - Gen Req-Employee Health

Title Gen Req-Employee Health

Statute 26-6.16

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

It shall be the responsibility of the HCA to establish written policies concerning pre-employment physical evaluations and employee health. Those policies shall include, but not be limited, to:

(1) Work restrictions to be placed on direct care staff who are known to be affected with any illness in a communicable stage or to be a carrier of a communicable illness or disease; afflicted with boils, jaundice, infected wounds, vomiting, diarrhea or acute respiratory infections.

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ST - L0255 - Gen Req-Missed Visits-Schedule Mechanism

Title Gen Req-Missed Visits-Schedule Mechanism

Statute 26-6.17(A)

Type Element

Regulation Definition

There shall be a mechanism for informing the consumer about scheduled visits in accordance with agency policy. Documentation shall be maintained and alterations in the schedule shall be provided to the consumer as soon as practical.

Interpretive Guideline

Requirement may be cited under L234 Disclosure Notice or L219 Schedule

Custom Help

ST - L0256 - Gen Req-Missed Visits-Replacement Planning

Title Gen Req-Missed Visits-Replacement Planning

Statute 26-6.17(A)(1)

Type Element

Regulation Definition

The HCA's policy shall address processes for HCA planning for coverage of employee illness, vacation, holidays and unexpected voluntary or involuntary termination of employment.

Interpretive Guideline

Custom Help

ST - L0257 - Gen Req-Missed Visits-Consumer Response

Title Gen Req-Missed Visits-Consumer Response

Statute 26-6.17(A)(2)

Type Element

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Regulation Definition

Interpretive Guideline

Custom Help

If the consumer does not respond to let staff in the home for the scheduled visit, the HCA's attempts to ensure the safety of the consumer and the outcome of each attempt shall be documented.

ST - L0258 - Gen Req-Missed Visits-Reschedule

Title Gen Req-Missed Visits-Reschedule

Statute 26-6.17(A)(3)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

If there is a missed visit, services shall be provided as agreed upon by the consumer and the HCA.

ST - L0259 - Gen Req-Missed Visits-Spec Time Req

Title Gen Req-Missed Visits-Spec Time Req

Statute 26-6.17(A)(4)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

If the HCA admits consumers with needs that require care or services to be delivered at specific times or parts of day, the HCA shall ensure qualified staff in sufficient quantity are employed by the agency or have other effective back-up plans to ensure the needs of the consumer is met.

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ST - L0260 - Gen Req-Missed Visits-Ambulance Call

Title Gen Req-Missed Visits-Ambulance Call

Statute 26-6.17(A)(5)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

The back-up plan for scheduled visits shall not include calling for an ambulance or other emergency services unless the presence of the scheduled staff in the home would still have warranted the summons of emergency services.

ST - L0261 - Gen Req-Contracts

Title Gen Req-Contracts

Statute 26-6.18

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

(A) If personnel under hourly or per visit contracts are used by the HCA, there shall be a written employment contract between those personnel and the agency that specifies the following:

- (1) Home care consumers are accepted for care only by the primary HCA,
- (2) The specific services to be furnished,
- (3) The necessity to conform to all applicable agency policies, including personnel qualifications,
- (4) The responsibility for participating in developing plans of care or service,
- (5) The manner in which services will be controlled, coordinated, and evaluated by the primary HCA,
- (6) The procedures for submitting clinical/service notes,

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scheduling of visits, periodic consumer evaluation, and
(7) The procedures for payment for services furnished under
the contract.

ST - L0262 - Gen Req- Information Management-General

Title Gen Req- Information Management-General

Statute 26-6.19(A)

Type Condition

Regulation Definition

Each HCA shall implement a policy and procedure for an effective information management system either paper-based or electronic. Processes shall include effective management for capturing, reporting, processing, storing and retrieving clinical/service data and information in accordance with standards of practice.

The system shall provide for:

- (1) Privacy and confidentiality of protected health information from unauthorized use or manipulation;
- (2) Organization of the consumer record utilizing standardized formats for documenting all care, treatment and services provided to consumers according to agency policy.

Standardization shall not include pre-filled documentation of future care and services.

Interpretive Guideline

HIPAA does not apply to non-medical agencies

Custom Help

ST - L0263 - Gen Req-Information Management-Electronic

Title Gen Req-Information Management-Electronic

Statute 26-6.19(B)

Type Requirement

Regulation Definition

For electronic consumer healthcare records, policies and

Interpretive Guideline

Custom Help

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procedures shall be devised and implemented to ensure:

- (1) A method for validating data entry access and changes to previously entered data, and
- (2) Recovery of records including contingency plans for operational interruptions (hardware, software, or other systems failures), emergency service plan, a back-up system for retrieval of data from storage and information presently in the operating system.

ST - L0264 - Gen Req-Consumer Record Content-All

Title Gen Req-Consumer Record Content-All

Statute 26-6.20(A)(1)

Type Requirement

Regulation Definition

All HCAs shall have a complete and accurate record for each consumer assessed, cared for, treated or served. The record shall contain sufficient information to identify the consumer; support the diagnosis or condition; justify the care, treatment, and/or services delivered; and promote continuity of care internally and externally, where applicable.

- (1) Such records shall contain consumer-specific information as appropriate to the care, treatment or services provided including but not limited to:
 - (a) Records of communications with the consumer or authorized representative regarding care, treatment and services, including documentation of phone calls and e-mails, and
 - (b) Referrals to and names of known home care agencies, individuals and organizations involved in the consumer ' s care

Interpretive Guideline

Custom Help

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ST - L0265 - Gen Req-Consumer Record Content-Skilled

Title Gen Req-Consumer Record Content-Skilled

Statute 26-6.20(A)(2)

Type Element

Regulation Definition

Interpretive Guideline

Custom Help

Clinical records for HCAs providing skilled home health services shall contain, where applicable:

- (a) Hospital and emergency room records for known episodes or documentation of efforts to obtain the information,
- (b) Medical equipment provided by the HCA or related to the care, treatment and services provided including assessment of consumer and family comprehension of appropriate use and maintenance,
- (c) Consumer and family education, and training on services or treatments and the use of equipment at the time of delivery to the home,
- (d) Safety measures taken to protect the consumer from harm including fall risk assessments, and documentation why any identified or planned safety measures were not implemented or continued, and
- (e) Diagnostic and therapeutic procedures, treatments, tests and their results where known to have occurred.

ST - L5555 - FINAL OBSERVATIONS

Title FINAL OBSERVATIONS

Statute

Type Memo Tag

Regulation Definition

Interpretive Guideline

Custom Help

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ST - L9999 - Final Observations

Title Final Observations

Statute

Type Memo Tag

Regulation Definition

Interpretive Guideline

Custom Help