



To: Jill Hunsaker Ryan, Executive Director

From: D. Randy Kuykendall, Director, HFEMSD DRK

Date: April 10, 2020

Subject: Emergency Rulemaking Hearing concerning 6 CCR 1011-1, Chapter 2, General Licensure Standards

On March 25, 2020, pursuant to the authorities under 24-33.5-704(7), Governor Polis issued Executive Order D 2020-015 authorizing the Executive Director of the Colorado Department of Public Health and Environment to “promulgate and issue emergency rules...extending the expiration date of...licenses, endorsements, registrations, and certifications expiring in the next thirty (30) days” required by certain statutory provisions, including health care facilities as listed in C.R.S. § 25-3-101 and C.R.S. § 25-3-102.

As a result of COVID-19 mitigation efforts in Colorado, health facilities that need to renew licenses may be unable to complete the requirements for renewal, to the extent that those requirements include an action that must be taken in-person, such as completing a fingerprint-based background check or in-person training or skills assessment.

Pursuant to the Executive Order, the Division is requesting that the Executive Director revise this regulation in order to extend the expiration date for any of the licenses covered by Section II(H) of the Executive Order.

Findings Pursuant to § 24-4-103(6), C.R.S.

In response to COVID-19, Governor Polis verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020. A wide array of actions have been taken to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources. The risk of contamination posed by COVID-19 has necessitated closure of multiple businesses.

Certain licensed health facilities require in person activities for license renewal when there is a new owner, manager, and/or administrator. Therefore, the Executive Director finds that immediate adoption of these revisions is imperative to preserve the public health, safety and welfare, and that compliance with the normal rulemaking requirements of § 24-4-103 C.R.S., would be contrary to the public interest.

Any renewal of the license that may be completed online, and without any in person activities, shall not have an extended expiration date pursuant to this emergency rule and all requirements for renewal must be completed.

STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY AND FINDINGS IN SUPPORT OF
ADOPTION OF EMERGENCY REVISIONS to
6 CCR 1011-1, Chapter 2, General Licensure Standards, Effective April 10, 2020.

Basis and Purpose.

Pursuant to Executive Order D 2020-015, this rule was modified to extend health facility licenses that expire during the period covered by Executive Order D 2020-015 until the expiration of these emergency rules.

As part of its regulatory and oversight activities, the Health Facilities and Emergency Medical Services Division (Division) issues health facility licenses. The facility licenses are issued for a term of one year. Licenses are required in order for these organizations to legally operate in Colorado. The Division has established processes and requirements for renewal of these licenses. Depending on the circumstances of the individual license, these renewal processes may have a requirement that has an in-person component which cannot be completed online, such as a fingerprint-based background check or completion of training or testing that is not available online. As a result of COVID-19 mitigation efforts in Colorado and other states, organizations and individuals regulated by the Division may be unable to complete license renewal requirements, but it is critical that these resources remain available to assist with Colorado's COVID-19 response.

Any renewal of the license that may be completed online, and without any in person activities, shall not have an extended expiration date pursuant to this emergency rule and all requirements for renewal must be completed.

Specific Statutory Authority.

The following provisions provide the authority for this hearing:
Article IV, Section 2 of The Colorado Constitution
Section 24-33.5-704, C.R.S.
Section 24-4-103(6), C.R.S.
Section 25-3-101, C.R.S.
Section 25-3-102, C.R.S.

Does the proposed rule language create (or increase) a state mandate on local government?

No.

- The proposed rule does not require a local government to perform or increase a specific activity for which the local government will not be reimbursed;
- The proposed rule requires a local government to perform or increase a specific activity because the local government has opted to perform an activity, or;
- The proposed rule reduces or eliminates a state mandate on local government.

Yes.

This rule includes a new state mandate or increases the level of service required to comply with an existing state mandate, and local government will not be reimbursed for the costs associated with the new mandate or increase in service. The state mandate is categorized as:

- Necessitated by federal law, state law, or a court order
- Caused by the State's participation in an optional federal program
- Imposed by the sole discretion of a Department
- Other: _____
(i.e. requested by local governments and consensus was achieved)

Has an elected official or other representatives of local governments disagreed with this categorization of the mandate? Yes No. If "yes," please explain why there is disagreement in the categorization.

Please elaborate as to why a rule that contains a state mandate on local government is necessary.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

**STANDARDS FOR HOSPITALS AND HEALTH FACILITIES CHAPTER 2 – GENERAL
LICENSURE STANDARDS**

6 CCR 1011-1 Chapter 2

PART 2. LICENSURE PROCESS

2.5 Renewal License Application Procedure

2.5.5 ALL LICENSES THAT EXPIRE DURING THE PERIOD OF TIME COVERED BY EXECUTIVE ORDER D 2020-015, OR ANY LATER ISSUED ORDER THAT AMENDS OR EXTENDS EXECUTIVE ORDER D 2020-015, THAT ARE UNABLE TO MEET THE REQUIREMENTS FOR RENEWAL SHALL BE EXTENDED UNTIL THE EXPIRATION OF THIS EMERGENCY RULE, NOTWITHSTANDING ANY OTHER REGULATORY PROVISIONS IN THIS CHAPTER, OR ANY OTHER CHAPTERS OF 6 CCR 1011-1, TO THE CONTRARY.

2.5.6 IF A LICENSEE CAN MEET ALL REQUIREMENTS SET FORTH IN PART 2.5.5 THROUGH AN ONLINE PROCESS, THE LICENSEE SHALL COMPLETE A TIMELY APPLICATION FOR RENEWAL, AND THE LICENSE EXPIRATION DATE SHALL NOT BE EXTENDED.
