

CHAPTER 169

HEALTH CARE POLICY AND FINANCING

SENATE BILL 25-166

BY SENATOR(S) Mullica, Amabile, Ball, Bright, Carson, Cutter, Daugherty, Exum, Frizell, Jodeh, Kipp, Kirkmeyer, Kolker, Liston, Marchman, Michaelson Jenet, Pelton R., Rich, Roberts, Snyder, Wallace, Weissman, Winter F., Coleman; also REPRESENTATIVE(S) Feret, Bird, Boesenecker, Brown, Carter, Clifford, Duran, Gilchrist, Hamrick, Keltie, Lieder, Lindsay, Lukens, McCormick, Phillips, Rodin, Smith, Stewart K., Story, Valdez, Woodrow, McCluskie.

AN ACT**CONCERNING QUALITY INCENTIVE PAYMENTS BASED ON INCIDENTS OF WORKPLACE VIOLENCE IN A HOSPITAL SETTING.**

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

SECTION 1. In Colorado Revised Statutes, 25.5-4-402, **amend** (3) as follows:

25.5-4-402. Providers - hospital reimbursement - hospital review program - rules. (3) (a) In addition to the reimbursement rate process described in subsection (1) of this section and subject to adequate funding being made available pursuant to section 25.5-4-402.4, the Colorado healthcare affordability and sustainability enterprise created in section 25.5-4-402.4 (3) shall pay an additional amount based upon performance to those hospitals that provide services that improve health-care outcomes for their patients, INCLUDING A PERFORMANCE METRIC RELATED TO WORKPLACE VIOLENCE. The state department shall determine this amount based upon nationally recognized performance measures established in rules adopted by the state board. The state quality standards must be consistent with federal quality standards published by an organization with expertise in health-care quality, including, but not limited to, the federal centers for medicare and medicaid services, the agency for healthcare research and quality, or the national quality forum.

(b) The amount of the payments made pursuant to ~~this subsection (3) shall~~ SUBSECTION (3)(a) OF THIS SECTION MUST be computed annually. ~~For the first two fiscal years that payments are made pursuant to this subsection (3), the total amount of the payments shall be up to five percent of the total reimbursements made to hospitals in the previous year. For each STATE fiscal year, after the first two fiscal~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~years, the total amount of the payments shall be up to~~ MUST BE NO MORE THAN seven percent of the total reimbursements made to hospitals in the previous STATE FISCAL year.

(c) (I) NO LATER THAN SEPTEMBER 1, 2025, THE STATE DEPARTMENT AND THE QUALITY INCENTIVES PAYMENTS SUBCOMMITTEE OF THE COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE BOARD CREATED IN SECTION 25.5-4-402.4 (7) SHALL CONSULT WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AN ASSOCIATION REPRESENTING NURSES WORKING IN COLORADO HOSPITALS, A REPRESENTATIVE OF THE HEALTH-CARE INDUSTRY WHO PARTICIPATES IN THE COLORADO MEDICAID PROGRAM AND DOES NOT REPRESENT A HOSPITAL, A REPRESENTATIVE FROM A STATEWIDE ASSOCIATION OF HOSPITALS, A REPRESENTATIVE FROM AN ASSOCIATION REPRESENTING RURAL HOSPITALS, A REPRESENTATIVE FROM A HOSPITAL, THE CHAIR OF THE HOUSE OF REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, AND ANY OTHER RELEVANT STATE AGENCIES TO:

(A) DEVELOP RECOMMENDED WORKPLACE VIOLENCE METRICS AFTER EVALUATING AVAILABLE NATIONAL STANDARDS, CONSIDERING INNOVATIVE APPROACHES, AND ACCOUNTING FOR VARIATIONS ACROSS HOSPITALS;

(B) DETERMINE WHETHER ANY FEDERAL OR PRIVATE FUNDS ARE AVAILABLE TO ASSIST HOSPITALS IN LOWERING THE NUMBER OF INCIDENTS OF WORKPLACE VIOLENCE; AND

(C) DEVELOP LEGISLATIVE RECOMMENDATIONS.

(II) DURING THE STATE DEPARTMENT'S 2026 "SMART ACT" HEARING, THE STATE DEPARTMENT SHALL INCLUDE A PROGRESS REPORT ON DEVELOPING RECOMMENDED WORKPLACE VIOLENCE METRICS, DETERMINING WHETHER ANY FEDERAL OR PRIVATE FUNDS ARE AVAILABLE TO ASSIST HOSPITALS IN LOWERING THE NUMBER OF INCIDENTS OF WORKPLACE VIOLENCE, AND DEVELOPING LEGISLATIVE RECOMMENDATIONS PURSUANT TO SUBSECTION (3)(c)(I) OF THIS SECTION.

(III) THE COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE BOARD SHALL INCLUDE THE LEGISLATIVE RECOMMENDATIONS DEVELOPED PURSUANT TO SUBSECTION (3)(c)(I)(C) OF THIS SECTION AS PART OF ITS JANUARY 2027 REPORT SUBMITTED PURSUANT TO SECTION 25.5-4-402.4 (7)(e).

SECTION 2. In Colorado Revised Statutes, add 25.5-4-434 as follows:

25.5-4-434. Workplace violence in hospital settings - policy - verification of reporting requirements. (1) (a) BEGINNING JULY 1, 2026, AND EACH JULY THEREAFTER, THE STATE DEPARTMENT SHALL ASSESS WHETHER EACH HOSPITAL HAS ADOPTED A FORMAL POLICY TO ADDRESS WORKPLACE VIOLENCE AND SUBMITTED THE REPORTING REQUIREMENTS TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-3-703 (3)(f) FOR THE NEXT FEDERAL FISCAL YEAR.

(b) IN ACCORDANCE WITH SECTION 25-3-703 (4), HOSPITALS WITH FEWER THAN ONE HUNDRED BEDS ARE EXEMPT FROM THE REPORTING REQUIREMENTS.

(2) IF A HOSPITAL HAS COMPLIED WITH THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE STATE DEPARTMENT SHALL AFFIRM THE HOSPITAL'S SATISFACTORY COMPLETION OF THE WORKPLACE VIOLENCE PREVENTION COMPONENT OF THE QUALITY INCENTIVE PAYMENTS DESCRIBED IN SECTION 25.5-4-402 (3).

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 5, 2025