HB1123_L.001
HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on <u>Public & Behavioral Health & Human Services</u>.
<u>HB21-1123</u> be amended as follows:

1   Amend printed bill, page 9, strike line 17 through 20 and substitute
2   "MISTREATMENT.
3   (c) THE STATE DEPARTMENT SHALL DISCLOSE TO THE COURT THAT
4   THE PERSON SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN AT-RISK
5   ADULT HAS THE RIGHT TO INITIATE AN APPEAL OF THE SUBSTANTIATED
6   FINDING WITHIN THE TIME FRAME SET FORTH IN STATE DEPARTMENT RULES
7   AND THE DATE BY WHICH AN APPEAL MAY BE INITIATED. THE STATE
8   DEPARTMENT SHALL NOT PROVIDE THE COURT THE INFORMATION
9   SPECIFIED IN SUBSECTION (8.5)(b) OF THIS SECTION IF THE FINDING ABOUT
10   THE PERSON WAS EXPUNGED THROUGH A SUCCESSFUL APPEAL.
11   (d) THE COURT SHALL HAVE THE DISCRETION TO CONSIDER THE
12   RESULTS OF THE CAPS CHECK AND DETERMINE THE WEIGHT OF THE
13   INFORMATION AND ITS PROBATIVE VALUE.
14   (e) NOTHING IN THIS SUBSECTION (8.5) DELAYS OR PRECLUDES THE
15   COURT'S APPOINTMENT OF AN EMERGENCY GUARDIAN OR CONSERVATOR
16   OF AN AT-RISK ADULT PURSUANT TO SECTION 15-14-312 OR 15-14-412,
17   REGARDLESS OF THE TIMING OF THE STATE DEPARTMENT'S NOTIFICATION
18   OF THE CAPS CHECK RESULTS.".

19   Page 10, line 20, after "CAPS." add "THE STATE DEPARTMENT SHALL
20   PROVIDE THE COURT WITH INFORMATION CONCERNING THE
21   MISTREATMENT, WHICH INFORMATION MUST INCLUDE, AT A MINIMUM, THE
22   DATE OF THE SUBSTANTIATED FINDING, THE TYPE AND SEVERITY OF THE
23   MISTREATMENT, AND THE COUNTY THAT INVESTIGATED THE REPORT OF
24   MISTREATMENT.".

25   Page 11, line 8, after "MISTREATMENT." add "THE STATE DEPARTMENT
26   SHALL DISCLOSE TO THE DEPARTMENT OF REGULATORY AGENCIES OR A
27   REGULATOR THE DATE BY WHICH AN APPEAL MAY BE INITIATED BY THE
28   PERSON SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN AT-RISK
29   ADULT.".

30   Page 11, line 17, after "ADULT." add "THE DEPARTMENT OF REGULATORY
31   AGENCIES OR A REGULATOR SHALL HAVE THE DISCRETION TO CONSIDER
32   THE RESULTS OF THE CAPS CHECK AND DETERMINE THE WEIGHT OF THE
33   INFORMATION AND ITS PROBATIVE VALUE.".

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