

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0652.01 Brita Darling x2241

**HOUSE BILL 17-1284**

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**HOUSE SPONSORSHIP**

**Lontine,**

**SENATE SPONSORSHIP**

**Aguilar and Gardner,**

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**House Committees**

Health, Insurance, & Environment  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING PROTECTING AT-RISK ADULTS FROM MISTREATMENT BY**  
102                    **ESTABLISHING A CHECK OF THE COLORADO ADULT PROTECTIVE**  
103                    **SERVICES DATA SYSTEM FOR PERSONS EMPLOYED TO PROVIDE**  
104                    **DIRECT CARE TO AT-RISK ADULTS, AND, IN CONNECTION**  
105                    **THEREWITH, MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill establishes a state-level program (program) within the department of human services (department) for a check of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

department's Colorado adult protective services (CAPS) data system. The CAPS check verifies whether a person is substantiated in a case of mistreatment of an at-risk adult, as defined in the bill. A person must be substantiated in a case of mistreatment of an at-risk adult, and the administrative appeals process must be concluded before the person's name is included in a CAPS check for an employer.

On and after a date stated in the bill, the bill requires certain employers at facilities or programs that serve at-risk adults to request a CAPS check prior to hiring employees who will provide direct care, as defined in the bill, to at-risk adults.

The bill grants immunity from civil liability for employers who make an employment decision based upon the information obtained in the CAPS check, unless the employer knows that the information is false.

The bill requires the department to promulgate rules relating to the investigation of reports of mistreatment of at-risk adults and the notification of perpetrators of the finding and of the right to administrative appeal to the department. The department shall provide training to county departments of human or social services relating to investigations, the accurate entry of documentation into CAPS, and confidentiality of information.

Further, the department shall promulgate rules concerning the process and procedures for the CAPS check, including rules relating to submitting a CAPS check request, the timeline for completion of a CAPS check, the employer-paid fee for each check, department personnel granted access to CAPS, information provided to an employer as part of a CAPS check, and the consequences of the improper release of the information in CAPS.

A person who improperly releases or willfully permits the release of CAPS information to persons not entitled to access to the information pursuant to the program commits a class 1 misdemeanor.

The list of employers required to request a CAPS check includes:

- ! Health facilities licensed by the department of public health and environment;
- ! An adult day care facility;
- ! A community integrated health care service agency;
- ! A community-centered board or service agency;
- ! An area agency on aging;
- ! A facility operated by the department for persons with mental illness;
- ! A facility operated by the department for persons with intellectual and developmental disabilities; and
- ! A veterans community living center.

County departments of human or social services are required to conduct a CAPS check of adult protective services employees. The department is authorized to assess a fee for each CAPS check sufficient

to cover certain expenses, including those related to the CAPS check.

The bill includes conforming amendments concerning the CAPS check requirement in statutes relating to employers subject to the requirement.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-3.1-101, **amend**  
3 the introductory portion; and **add** (1.7), (1.8), and (3.5) as follows:

4 **26-3.1-101. Definitions.** As used in this ~~article~~ ARTICLE 3.1,  
5 unless the context otherwise requires:

6 (1.7) "CAPS" MEANS THE COLORADO ADULT PROTECTIVE  
7 SERVICES DATA SYSTEM THAT INCLUDES RECORDS OF REPORTS OF  
8 MISTREATMENT OF AT-RISK ADULTS.

9 (1.8) "CAPS CHECK" MEANS A CHECK OF THE COLORADO ADULT  
10 PROTECTIVE SERVICES DATA SYSTEM PURSUANT TO SECTION 26-3.1-111.

11 (3.5) "DIRECT CARE" MEANS SERVICES AND SUPPORTS, INCLUDING  
12 CASE MANAGEMENT SERVICES, PROTECTIVE SERVICES, PHYSICAL CARE,  
13 MENTAL HEALTH SERVICES, OR ANY OTHER SERVICE NECESSARY FOR THE  
14 AT-RISK ADULT'S HEALTH, SAFETY, OR WELFARE.

15 **SECTION 2.** In Colorado Revised Statutes, 26-3.1-102, **amend**  
16 (7)(b) as follows:

17 **26-3.1-102. Reporting requirements.** (7) (b) Disclosure of a  
18 report of the mistreatment or self-neglect of an at-risk adult and  
19 information relating to an investigation of such a report is permitted only  
20 when authorized by a court for good cause. **A COURT ORDER IS NOT**  
21 **REQUIRED, AND** such disclosure is not ~~be~~ prohibited when:

22 (I) A criminal complaint, information, or indictment based on the  
23 report is filed;

1 (II) There is a death of a suspected at-risk adult from mistreatment  
2 or self-neglect and a law enforcement agency files a formal charge or a  
3 grand jury issues an indictment in connection with the death;

4 (III) ~~Such~~ THE disclosure is necessary for the coordination of  
5 multiple agencies' investigation of a report or for the provision of  
6 protective services to an at-risk adult; ~~or~~

7 (IV) ~~Such~~ THE disclosure is necessary for purposes of an audit of  
8 a county department of human or social services pursuant to section  
9 26-1-114.5;

10 (V) THE DISCLOSURE IS MADE FOR PURPOSES OF THE APPEALS  
11 PROCESS RELATING TO A SUBSTANTIATED CASE OF MISTREATMENT OF AN  
12 AT-RISK ADULT PURSUANT TO SECTION 26-3.1-108 (2); OR

13 (VI) THE DISCLOSURE IS MADE BY THE STATE DEPARTMENT TO AN  
14 EMPLOYER AS PART OF A CAPS CHECK PURSUANT TO SECTION 26-3.1-111  
15 OR BY A COUNTY DEPARTMENT PURSUANT TO SECTION 26-3.1-107.

16 **SECTION 3.** In Colorado Revised Statutes, 26-3.1-103, **add** (1.5)  
17 as follows:

18 **26-3.1-103. Evaluations - investigations - training - rules.**

19 (1.5) THE STATE DEPARTMENT SHALL PROVIDE TRAINING TO ALL CURRENT  
20 COUNTY DEPARTMENT ADULT PROTECTIVE SERVICES CASEWORKERS AND  
21 SUPERVISORS NO LATER THAN JULY 1, 2018, AND TO NEW COUNTY  
22 DEPARTMENT ADULT PROTECTIVE SERVICES CASEWORKERS AND  
23 SUPERVISORS HIRED AFTER JULY 1, 2018, TO ACHIEVE CONSISTENCY IN  
24 THE PERFORMANCE OF THE FOLLOWING DUTIES:

25 (a) INVESTIGATING REPORTS OF SUSPECTED MISTREATMENT OR  
26 SELF-NEGLECT OF AT-RISK ADULTS AND MAKING FINDINGS CONCERNING  
27 CASES AND ALLEGED PERPETRATORS;

- 1 (b) NOTIFYING A PERSON WHO HAS BEEN SUBSTANTIATED IN A
- 2 CASE OF MISTREATMENT OF AN AT-RISK ADULT OF THE FINDING AND OF
- 3 THE PERSON'S RIGHT TO APPEAL THE FINDING TO THE STATE DEPARTMENT;
- 4 (c) ASSESSING THE CLIENT'S STRENGTHS AND NEEDS AND
- 5 DEVELOPING A PLAN FOR THE PROVISION OF PROTECTIVE SERVICES;
- 6 (d) DETERMINING THE APPROPRIATENESS OF CASE CLOSURE;
- 7 (e) ENTERING ACCURATE AND COMPLETE DOCUMENTATION OF THE
- 8 REPORT AND SUBSEQUENT CASEWORK INTO CAPS; AND
- 9 (f) MAINTAINING CONFIDENTIALITY IN ACCORDANCE WITH STATE
- 10 LAW.

11 **SECTION 4.** In Colorado Revised Statutes, **amend 26-3.1-107**  
12 as follows:

13 **26-3.1-107. Background check - adult protective services data**  
14 **system check.** (1) Each county department shall require each protective  
15 services employee hired on or after May 29, 2012, to complete a  
16 fingerprint-based criminal history records check utilizing the records of  
17 the Colorado bureau of investigation and the federal bureau of  
18 investigation. The employee shall pay the cost of the fingerprint-based  
19 criminal history records check unless the county department chooses to  
20 pay the cost. Upon completion of the criminal history records check, the  
21 Colorado bureau of investigation shall forward the results to the county  
22 department. The county department may require a name-based criminal  
23 history records check for an applicant or an employee who has twice  
24 submitted to a fingerprint-based criminal history records check and whose  
25 fingerprints are unclassifiable.

26 (2) FOR EACH ADULT PROTECTIVE SERVICES EMPLOYEE HIRED ON  
27 OR AFTER JANUARY 1, 2019, EACH COUNTY DEPARTMENT SHALL CONDUCT

1 A CAPS CHECK TO DETERMINE IF THE PERSON IS SUBSTANTIATED IN A  
2 CASE OF MISTREATMENT OF AN AT-RISK ADULT. THE COUNTY  
3 DEPARTMENT SHALL CONDUCT THE CAPS CHECK PURSUANT TO STATE  
4 DEPARTMENT RULES.

5 **SECTION 5.** In Colorado Revised Statutes, **amend 26-3.1-108**  
6 as follows:

7 **26-3.1-108. Notice of report - appeals - rules.** (1) The state  
8 department shall promulgate appropriate rules for the implementation of  
9 this ~~article~~ ARTICLE 3.1.

10 (2) IN ADDITION TO RULES PROMULGATED PURSUANT TO  
11 SUBSECTION (1) OF THIS SECTION, AT A MINIMUM, THE STATE DEPARTMENT  
12 SHALL PROMULGATE RULES CONCERNING:

13 (a) THE PROCESS BY WHICH A PERSON WHO IS SUBSTANTIATED IN  
14 A CASE OF MISTREATMENT OF AN AT-RISK ADULT RECEIVES ADEQUATE  
15 AND TIMELY NOTICE OF THAT FINDING AND OF HIS OR HER RIGHT TO  
16 APPEAL THE FINDING TO THE STATE DEPARTMENT;

17 (b) THE TIMELINE AND PROCESS FOR APPEALING THE FINDING OF  
18 A SUBSTANTIATED CASE OF MISTREATMENT OF AN AT-RISK ADULT;

19 (c) DESIGNATION OF THE ENTITY OTHER THAN THE COUNTY  
20 DEPARTMENT WITH THE AUTHORITY TO ACCEPT AND RESPOND TO AN  
21 APPEAL BY A PERSON SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN  
22 AT-RISK ADULT AT EACH STAGE OF THE APPELLATE PROCESS;

23 (d) THE LEGAL STANDARDS INVOLVED IN THE APPELLATE PROCESS  
24 AND A DESIGNATION OF THE PARTY WHO BEARS THE BURDEN OF  
25 ESTABLISHING THAT EACH STANDARD IS MET; AND

26 (e) THE CONFIDENTIALITY REQUIREMENTS OF THE APPEALS  
27 PROCESS.

1           (3) A COUNTY DEPARTMENT IS NOT REQUIRED TO PROVIDE NOTICE  
2 TO A PERSON OF A FINDING OF A SUBSTANTIATED CASE OF MISTREATMENT  
3 OF AN AT-RISK ADULT UNTIL CAPS IS CAPABLE OF AUTOMATICALLY  
4 GENERATING THE NOTICE REQUIRED PURSUANT TO STATE DEPARTMENT  
5 RULES. A CAPS CHECK MUST NOT INCLUDE INFORMATION RELATING TO A  
6 PERSON WHO WAS NOT PROVIDED NOTICE PURSUANT TO STATE  
7 DEPARTMENT RULES.

8           **SECTION 6.** In Colorado Revised Statutes, **add** 26-3.1-111 as  
9 follows:

10           **26-3.1-111. Access to CAPS - employment checks -**  
11 **confidentiality - fees - rules - legislative declaration - definitions.**

12 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT INDIVIDUALS  
13 RECEIVING CARE AND SERVICES FROM PERSONS EMPLOYED IN PROGRAMS  
14 OR FACILITIES DESCRIBED IN SUBSECTION (7) OF THIS SECTION ARE  
15 VULNERABLE TO MISTREATMENT, INCLUDING ABUSE, NEGLECT, AND  
16 EXPLOITATION. IT IS THE INTENT OF THE GENERAL ASSEMBLY TO MINIMIZE  
17 THE POTENTIAL FOR EMPLOYMENT OF PERSONS WITH A HISTORY OF  
18 MISTREATMENT OF AT-RISK ADULTS IN POSITIONS THAT WOULD ALLOW  
19 THOSE PERSONS UNSUPERVISED ACCESS TO THESE ADULTS. AS A RESULT,  
20 THE GENERAL ASSEMBLY FINDS IT NECESSARY TO STRENGTHEN  
21 PROTECTIONS FOR VULNERABLE ADULTS BY REQUIRING CERTAIN  
22 EMPLOYERS TO REQUEST A CAPS CHECK BY THE STATE DEPARTMENT TO  
23 DETERMINE IF A PERSON WHO WILL PROVIDE DIRECT CARE TO AN AT-RISK  
24 ADULT HAS BEEN SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN  
25 AT-RISK ADULT.

26           (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
27 REQUIRES:

1 (a) "EMPLOYEE" MEANS A PERSON, OTHER THAN A VOLUNTEER,  
2 WHO IS EMPLOYED BY OR CONTRACTED WITH AN EMPLOYER, AND  
3 INCLUDES A PROSPECTIVE EMPLOYEE.

4 (b) "EMPLOYER" MEANS A PERSON, FACILITY, ENTITY, OR AGENCY  
5 DESCRIBED IN SUBSECTION (7) OF THIS SECTION AND INCLUDES A  
6 PROSPECTIVE EMPLOYER. "EMPLOYER" ALSO INCLUDES A PERSON HIRING  
7 SOMEONE TO PROVIDE CONSUMER-DIRECTED ATTENDANT SUPPORT  
8 SERVICES PURSUANT TO ARTICLE 10 OF TITLE 25.5, IF THE PERSON  
9 REQUESTS A CAPS CHECK.

10 (3) THE STATE DEPARTMENT SHALL ESTABLISH AND IMPLEMENT A  
11 STATE-LEVEL PROGRAM FOR EMPLOYERS TO OBTAIN A CAPS CHECK TO  
12 DETERMINE IF A PERSON WHO WILL PROVIDE DIRECT CARE TO AN AT-RISK  
13 ADULT IS SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN AT-RISK  
14 ADULT. THE STATE DEPARTMENT'S PROGRAM SHALL BE OPERATIONAL FOR  
15 AN EMPLOYER CAPS CHECK ON AND AFTER JANUARY 1, 2019.

16 (4) THE STATE DEPARTMENT SHALL NOT RELEASE INFORMATION  
17 RELATING TO ANY PERSON DURING A CAPS CHECK UNLESS THE PERSON IS  
18 SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN AT-RISK ADULT, THE  
19 STATE DEPARTMENT HAS PROVIDED NOTICE OF THE FINDING TO THE  
20 PERSON PURSUANT TO STATE DEPARTMENT RULES, AND ANY PENDING  
21 APPEAL PROCESS HAS CONCLUDED.

22 (5) THE STATE DEPARTMENT SHALL PROMULGATE RULES FOR THE  
23 IMPLEMENTATION OF THIS SECTION, WHICH RULES MUST INCLUDE THE  
24 FOLLOWING:

25 (a) THE EMPLOYER PROCESS FOR REQUESTING A CAPS CHECK FOR  
26 AN EMPLOYEE WHO HAS AN ACTIVE APPLICATION FOR EMPLOYMENT  
27 FOR A POSITION IN WHICH THE PERSON WILL PROVIDE DIRECT CARE TO AN



1 AT-RISK ADULT;

2 (b) THE STATE DEPARTMENT OR COUNTY DEPARTMENT EMPLOYEES  
3 OR EMPLOYEE POSITIONS GRANTED ACCESS TO CAPS;

4 (c) THE PROCESS FOR COMPLETING A CAPS CHECK AND THE FEE  
5 CHARGED TO AN EMPLOYER FOR EACH CAPS CHECK;

6 (d) THE INFORMATION IN CAPS THAT WILL BE MADE AVAILABLE  
7 TO AN EMPLOYER REQUESTING A CAPS CHECK;

8 (e) THE PURPOSES FOR WHICH THE INFORMATION IN CAPS MAY BE  
9 MADE AVAILABLE; AND

10 (f) THE CONSEQUENCES OF THE IMPROPER RELEASE OF THE  
11 INFORMATION IN CAPS.

12 (6) (a) ON AND AFTER JANUARY 1, 2019, PRIOR TO HIRING OR  
13 CONTRACTING WITH AN EMPLOYEE WHO WILL PROVIDE DIRECT CARE TO AN  
14 AT-RISK ADULT, AN EMPLOYER DESCRIBED IN SUBSECTION (7) OF THIS  
15 SECTION SHALL REQUEST A CAPS CHECK BY THE STATE DEPARTMENT  
16 PURSUANT TO THIS SECTION TO DETERMINE IF THE PERSON IS  
17 SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN AT-RISK ADULT.  
18 WITHIN TEN DAYS AFTER THE DATE OF THE EMPLOYER'S REQUEST, IF THE  
19 EMPLOYEE WAS SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN  
20 AT-RISK ADULT, THE STATE DEPARTMENT SHALL PROVIDE THE EMPLOYER  
21 WITH INFORMATION CONCERNING THE MISTREATMENT THROUGH  
22 ELECTRONIC MEANS, OR OTHER MEANS IF REQUESTED BY THE EMPLOYER,  
23 INCLUDING THE DATE THE MISTREATMENT WAS REPORTED, THE TYPE OF  
24 MISTREATMENT REPORTED, AND THE COUNTY THAT INVESTIGATED THE  
25 REPORT OF MISTREATMENT.

26 (b) AS A CONDITION OF EMPLOYMENT OR CONTRACTING, A PERSON  
27 SEEKING EMPLOYMENT OR TO CONTRACT WITH THE EMPLOYER IN A

1 POSITION IN WHICH THE PERSON WILL PROVIDE DIRECT CARE TO AN  
2 AT-RISK ADULT SHALL PROVIDE TO THE EMPLOYER WRITTEN  
3 AUTHORIZATION AND ANY REQUIRED IDENTIFYING INFORMATION  
4 NECESSARY TO CONDUCT A CAPS CHECK PURSUANT TO THIS SECTION. THE  
5 EMPLOYER SHALL PAY A FEE ESTABLISHED BY THE STATE DEPARTMENT  
6 FOR EACH CAPS CHECK, OR MAY REQUIRE THE PERSON SEEKING  
7 EMPLOYMENT OR TO CONTRACT WITH THE EMPLOYER TO PAY THE  
8 REQUIRED FEE FOR THE CAPS CHECK.

9 (c) (I) AN EMPLOYER THAT RELIES UPON INFORMATION OBTAINED  
10 THROUGH A CAPS CHECK IN MAKING AN EMPLOYMENT DECISION OR  
11 CONCLUDES THAT THE NATURE OF ANY INFORMATION DISQUALIFIES A  
12 PROSPECTIVE EMPLOYEE FROM EMPLOYMENT IS IMMUNE FROM CIVIL  
13 LIABILITY IN AN ACTION BROUGHT BY THE PROSPECTIVE EMPLOYEE FOR  
14 THAT CONCLUSION OR DECISION UNLESS THE CAPS INFORMATION RELIED  
15 UPON IS FALSE AND THE EMPLOYER KNOWS THE INFORMATION IS FALSE.

16 (II) NOTHING IN THIS SUBSECTION (6)(c) AMENDS, SUPERCEDES, OR  
17 OTHERWISE LIMITS THE CIVIL LIABILITY OF THE EMPLOYER WITH RESPECT  
18 TO ANY CLAIM OR ACTION RELATED TO THE EMPLOYMENT DECISION OTHER  
19 THAN A CLAIM OR ACTION RELATING TO THE INFORMATION RECEIVED BY  
20 THE EMPLOYER PURSUANT TO A CAPS CHECK.

21 (d) (I) EXCEPT AS PROVIDED IN SUBSECTION (6)(d)(II) OF THIS  
22 SECTION, AN EMPLOYER IS DEEMED TO HAVE VIOLATED SUBSECTION (6)(e)  
23 OF THIS SECTION IF THE EMPLOYER:

24 (A) REQUESTS A CAPS CHECK PURSUANT TO THIS SECTION FOR A  
25 PERSON WHO IS NOT AN EXISTING EMPLOYEE OR WHO DOES NOT HAVE AN  
26 ACTIVE APPLICATION FOR OR IS NOT CONTRACTING WITH THE EMPLOYER  
27 FOR A POSITION PROVIDING DIRECT CARE TO AN AT-RISK ADULT; OR

1 (B) RELEASES INFORMATION OBTAINED PURSUANT TO THE CAPS  
2 CHECK TO ANY PERSON OTHER THAN A PERSON DIRECTLY INVOLVED IN THE  
3 EMPLOYER'S HIRING PROCESS.

4 (II) AN EMPLOYER HAS NOT VIOLATED SUBSECTION (6)(e) OF THIS  
5 SECTION IF THE EMPLOYER RELEASES INFORMATION RECEIVED THROUGH  
6 A CAPS CHECK:

7 (A) TO A STATE AGENCY OR ITS CONTRACTOR UPON THE REQUEST  
8 OF THE AGENCY OR CONTRACTOR FOR PURPOSES OF AN EMPLOYER  
9 INSPECTION OR SURVEY; OR

10 (B) AT THE REQUEST OF A CURRENT OR PROSPECTIVE EMPLOYER  
11 OF A HEALTH CARE WORKER OR CAREGIVER IN ACCORDANCE WITH  
12 SECTION 8-2-111.6 OR SECTION 8-2-111.7.

13 (e) ANY PERSON WHO IMPROPERLY RELEASES OR WHO WILLFULLY  
14 PERMITS OR ENCOURAGES THE RELEASE OF DATA OR INFORMATION  
15 OBTAINED THROUGH A CAPS CHECK TO PERSONS NOT PERMITTED ACCESS  
16 TO THE INFORMATION PURSUANT TO THIS ARTICLE 3.1, COMMITS A CLASS  
17 1 MISDEMEANOR AND IS PUNISHED AS PROVIDED IN SECTION 18-1.3-501.

18 (7) THE FOLLOWING EMPLOYERS SHALL REQUEST A CAPS CHECK  
19 PURSUANT TO THIS SECTION:

20 (a) A HEALTH FACILITY LICENSED PURSUANT TO SECTION  
21 25-1.5-103, INCLUDING THOSE WHOLLY OWNED AND OPERATED BY ANY  
22 GOVERNMENTAL UNIT;

23 (b) AN ADULT DAY CARE FACILITY, AS DEFINED IN SECTION  
24 25.5-6-303 (1);

25 (c) A COMMUNITY INTEGRATED HEALTH CARE SERVICE AGENCY,  
26 AS DEFINED IN SECTION 25-3.5-1301 (1);

27 (d) A COMMUNITY-CENTERED BOARD OR A PROGRAM-APPROVED

1 SERVICE AGENCY PROVIDING OR CONTRACTING FOR SERVICES AND  
2 SUPPORTS PURSUANT TO ARTICLE 10 OF TITLE 25.5;

3 (e) A SINGLE ENTRY POINT AGENCY, AS DESCRIBED IN SECTION  
4 25.5-6-106;

5 (f) AN AREA AGENCY ON AGING, AS DEFINED IN SECTION 26-11-201  
6 (2), AND ANY AGENCY OR PROVIDER THE AREA AGENCY ON AGING  
7 CONTRACTS WITH TO PROVIDE SERVICES;

8 (g) A FACILITY OPERATED BY THE STATE DEPARTMENT FOR THE  
9 CARE AND TREATMENT OF PERSONS WITH MENTAL ILLNESS PURSUANT TO  
10 ARTICLE 65 OF TITLE 27;

11 (h) A FACILITY OPERATED BY THE STATE DEPARTMENT FOR THE  
12 CARE AND TREATMENT OF PERSONS WITH INTELLECTUAL AND  
13 DEVELOPMENTAL DISABILITIES PURSUANT TO ARTICLE 10.5 OF TITLE 27;  
14 AND

15 (i) VETERANS COMMUNITY LIVING CENTERS OPERATED PURSUANT  
16 TO ARTICLE 12 OF THIS TITLE 26.

17 (8) A PERSON HIRING SOMEONE TO PROVIDE CONSUMER-DIRECTED  
18 ATTENDANT SUPPORT SERVICES PURSUANT TO ARTICLE 10 OF TITLE 25.5  
19 MAY REQUEST A CAPS CHECK PURSUANT TO THIS SECTION AT THE  
20 PERSON'S EXPENSE. THE PERSON REQUESTING THE CAPS CHECK MUST  
21 COMPLY WITH STATE DEPARTMENT RULES AND THE PROVISIONS OF  
22 SUBSECTION (6) OF THIS SECTION RELATING TO THE RELEASE OF  
23 INFORMATION OBTAINED THROUGH A CAPS CHECK.

24 (9) EXCEPT FOR THE COSTS INCURRED FOR THE DEVELOPMENT AND  
25 INITIAL IMPLEMENTATION OF THE PROGRAM, DIRECT AND INDIRECT COSTS  
26 INCURRED FOR THE ADMINISTRATIVE APPEALS PROCESS FOR PERSONS  
27 APPEALING CLAIMS OF MISTREATMENT OF AT-RISK ADULTS AND THE

1 DIRECT AND INDIRECT COSTS OF CONDUCTING EMPLOYER-REQUESTED  
2 CAPS CHECKS PURSUANT TO THIS SECTION ARE FUNDED THROUGH A FEE  
3 ASSESSED ON AN EMPLOYER FOR EACH CAPS CHECK. THE STATE  
4 DEPARTMENT SHALL ESTABLISH AND COLLECT THE FEE PURSUANT TO  
5 PARAMETERS SET FORTH IN RULE ESTABLISHED BY THE STATE BOARD. AT  
6 A MINIMUM, THE STATE BOARD'S RULES MUST INCLUDE A PROVISION  
7 REQUIRING THE STATE DEPARTMENT TO PROVIDE NOTICE OF THE FEE TO  
8 INTERESTED PERSONS AND THE MAXIMUM FEE AMOUNT THAT THE STATE  
9 DEPARTMENT SHALL NOT EXCEED WITHOUT THE EXPRESS APPROVAL OF  
10 THE STATE BOARD. THE FEE ESTABLISHED MUST NOT EXCEED DIRECT AND  
11 INDIRECT COSTS INCURRED FOR THE ADMINISTRATIVE APPEALS PROCESS  
12 FOR PERSONS APPEALING CLAIMS OF MISTREATMENT OF AT-RISK ADULTS  
13 AND THE DIRECT AND INDIRECT COSTS OF CONDUCTING  
14 EMPLOYER-REQUESTED CAPS CHECKS PURSUANT TO THIS SECTION. FEES  
15 COLLECTED FOR CAPS CHECKS SHALL BE TRANSFERRED TO THE STATE  
16 TREASURER AND CREDITED TO THE RECORDS AND REPORTS FUND CREATED  
17 IN SECTION 19-1-307 (2.5).

18 (10) THE STATE DEPARTMENT SHALL REVIEW THE FEASIBILITY AND  
19 COST OF INCLUDING A FEATURE IN CAPS THAT WOULD PROVIDE  
20 NOTIFICATION TO AN EMPLOYER IF A SUBSTANTIATED FINDING OF  
21 MISTREATMENT BY AN EMPLOYEE IS SUBSEQUENTLY ENTERED INTO CAPS.  
22 IF IT IS FEASIBLE TO INCLUDE A NOTIFICATION FEATURE, SUBJECT TO  
23 AVAILABLE MONEY TO IMPLEMENT ANY NECESSARY SYSTEM CHANGES  
24 AND COMPLETION OF THOSE SYSTEM CHANGES, THE STATE DEPARTMENT  
25 SHALL IMPLEMENT THE NOTIFICATION FEATURE AS PART OF A CAPS  
26 CHECK.

27 **SECTION 7.** In Colorado Revised Statutes, 19-1-307, **amend**

1 (2.5) as follows:

2 **19-1-307. Dependency and neglect records and information -**  
3 **access - fee - rules - records and reports fund - misuse of information**  
4 **- penalty - adult protective services data system check. (2.5) (a) Fee**  
5 **- rules - records and reports fund.** Any person or agency provided  
6 information from the state department of human services pursuant to  
7 ~~paragraph (i), paragraphs (k) to (o), and paragraph (t) of subsection (2)~~  
8 ~~SUBSECTIONS (2)(i), (2)(k) TO (2)(o), AND (2)(t) of this section and any~~  
9 ~~child placement agency shall be assessed a fee that shall be established~~  
10 ~~and collected by the state department of human services pursuant to~~  
11 ~~parameters set forth in rule established by the state board of human~~  
12 ~~services. At a minimum, the rules shall include a provision requiring the~~  
13 ~~state department of human services to provide notice of the fee to~~  
14 ~~interested persons and the maximum fee amount that the department shall~~  
15 ~~not exceed without the express approval of the state board of human~~  
16 ~~services. The fee established shall not exceed the direct and indirect costs~~  
17 ~~of administering paragraph (i), paragraphs (k) to (o), and paragraph (t) of~~  
18 ~~subsection (2) SUBSECTIONS (2)(i), (2)(k) TO (2)(o), AND (2)(t) of this~~  
19 ~~section and the direct and indirect costs of administering section~~  
20 ~~19-3-313.5 (3) and (4).~~

21 (b) All fees collected in accordance with ~~this subsection (2.5)~~  
22 ~~SUBSECTION (2.5)(a) OF THIS SECTION shall be transmitted to the state~~  
23 ~~treasurer who shall credit the same to the records and reports fund, which~~  
24 ~~fund is hereby created. THE FUND ALSO CONSISTS OF FEES CREDITED TO~~  
25 ~~THE FUND PURSUANT TO SECTION 26-3.1-111. The moneys MONEY in the~~  
26 ~~records and reports fund shall be subject to annual appropriation by the~~  
27 ~~general assembly for the direct and indirect costs of administering~~

1 ~~paragraph (i), paragraphs (k) to (o), and paragraph (t) of subsection (2)~~  
2 ~~SUBSECTIONS (2)(i), (2)(k) TO (2)(o), AND (2)(t) of this section, and for~~  
3 ~~the direct and indirect costs of administering section 19-3-313.5 (3) and~~  
4 ~~(4), AND FOR THE DIRECT AND INDIRECT COSTS DESCRIBED IN SECTION~~  
5 ~~26-3.1-111.~~

6 **SECTION 8.** In Colorado Revised Statutes, 25-1-124.5, **add** (3)  
7 as follows:

8 **25-1-124.5. Nursing care facilities - employees - criminal**  
9 **history check - adult protective services data system check.** (3) IN  
10 ADDITION TO THE CRIMINAL HISTORY BACKGROUND CHECK REQUIRED  
11 PURSUANT TO THIS SECTION, ON AND AFTER JANUARY 1, 2019, PRIOR TO  
12 EMPLOYMENT, A NURSING CARE FACILITY SHALL SUBMIT THE NAME OF A  
13 PERSON WHO WILL BE PROVIDING DIRECT CARE, AS DEFINED IN SECTION  
14 26-3.1-101 (3.5), TO AN AT-RISK ADULT, AS DEFINED IN SECTION  
15 26-3.1-101 (1.5), AS WELL AS ANY OTHER REQUIRED IDENTIFYING  
16 INFORMATION, TO THE DEPARTMENT OF HUMAN SERVICES FOR A CHECK OF  
17 THE COLORADO ADULT PROTECTIVE SERVICES DATA SYSTEM PURSUANT TO  
18 SECTION 26-3.1-111, TO DETERMINE IF THE PERSON IS SUBSTANTIATED IN  
19 A CASE OF MISTREATMENT OF AN AT-RISK ADULT.

20 **SECTION 9.** In Colorado Revised Statutes, **add** 25-1-124.7 as  
21 follows:

22 **25-1-124.7. Health facilities - employees - adult protective**  
23 **services data system check.** ON AND AFTER JANUARY 1, 2019, PRIOR TO  
24 EMPLOYMENT, A HEALTH FACILITY LICENSED PURSUANT TO SECTION  
25 25-1.5-103 (1)(a)(I)(A), INCLUDING HEALTH FACILITIES WHOLLY OWNED  
26 AND OPERATED BY ANY GOVERNMENTAL UNIT OR AGENCY, SHALL SUBMIT  
27 THE NAME OF A PERSON WHO WILL BE PROVIDING DIRECT CARE, AS

1 DEFINED IN SECTION 26-3.1-101 (3.5), TO AN AT-RISK ADULT, AS DEFINED  
2 IN SECTION 26-3.1-101 (1.5), AS WELL AS ANY OTHER REQUIRED  
3 IDENTIFYING INFORMATION, TO THE DEPARTMENT OF HUMAN SERVICES  
4 FOR A CHECK OF THE COLORADO ADULT PROTECTIVE SERVICES DATA  
5 SYSTEM PURSUANT TO SECTION 26-3.1-111, TO DETERMINE IF THE PERSON  
6 IS SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN AT-RISK ADULT.

7 **SECTION 10.** In Colorado Revised Statutes, 25-3.5-1303, **add**  
8 (2) as follows:

9 **25-3.5-1303. Minimum standards for community integrated**  
10 **health care service agencies - adult protective services data system**  
11 **check - rules.** (2) ON AND AFTER JANUARY 1, 2019, PRIOR TO  
12 EMPLOYMENT, A COMMUNITY INTEGRATED HEALTH CARE SERVICE AGENCY  
13 SHALL SUBMIT THE NAME OF A PERSON WHO WILL BE PROVIDING DIRECT  
14 CARE, AS DEFINED IN SECTION 26-3.1-101 (3.5), TO AN AT-RISK ADULT, AS  
15 DEFINED IN SECTION 26-3.1-101 (1.5), AS WELL AS ANY OTHER REQUIRED  
16 IDENTIFYING INFORMATION, TO THE DEPARTMENT OF HUMAN SERVICES  
17 FOR A CHECK OF THE COLORADO ADULT PROTECTIVE SERVICES DATA  
18 SYSTEM, PURSUANT TO SECTION 26-3.1-111, TO DETERMINE IF THE PERSON  
19 IS SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN AT-RISK ADULT.

20 **SECTION 11.** In Colorado Revised Statutes, 25.5-6-106, **add**  
21 (3)(e) as follows:

22 **25.5-6-106. Single entry point system - authorization - phases**  
23 **for implementation - services provided.** (3) **State certification of a**  
24 **single entry point agency - quality assurance standards.** (e) STATE  
25 BOARD RULES ADOPTED PURSUANT TO THIS SECTION MUST INCLUDE THE  
26 REQUIREMENT THAT, ON AND AFTER JANUARY 1, 2019, PRIOR TO  
27 EMPLOYMENT, A SINGLE ENTRY POINT AGENCY SHALL SUBMIT THE NAME



1 OF A PERSON WHO WILL BE PROVIDING DIRECT CARE, AS DEFINED IN  
2 SECTION 26-3.1-101 (3.5), TO AN AT-RISK ADULT, AS DEFINED IN SECTION  
3 26-3.1-101 (1.5), AS WELL AS ANY OTHER REQUIRED IDENTIFYING  
4 INFORMATION, TO THE DEPARTMENT OF HUMAN SERVICES FOR A CHECK OF  
5 THE COLORADO ADULT PROTECTIVE SERVICES DATA SYSTEM PURSUANT TO  
6 SECTION 26-3.1-101, TO DETERMINE IF THE PERSON IS SUBSTANTIATED IN  
7 A CASE OF MISTREATMENT OF AN AT-RISK ADULT.

8 **SECTION 12.** In Colorado Revised Statutes, 25.5-10-206,  
9 **amend** (4)(b) as follows:

10 **25.5-10-206. Authorized services and supports - conditions of**  
11 **funding - purchase of services and supports - adult protective services**  
12 **data system check - boards of county commissioners - appropriation.**

13 (4) (b) (I) The state department shall only purchase services and supports  
14 directly from those community-centered boards or service agencies that  
15 meet established standards.

16 (II) THE STANDARDS REFERENCED IN SUBSECTION (4)(b)(I) OF THIS  
17 SECTION MUST INCLUDE A REQUIREMENT THAT, ON AND AFTER JANUARY  
18 1, 2019, PRIOR TO EMPLOYMENT, THE NAME OF A PERSON WHO WILL BE  
19 PROVIDING DIRECT CARE, AS DEFINED IN SECTION 26-3.1-101 (3.5), TO AN  
20 AT-RISK ADULT, AS DEFINED IN SECTION 26-3.1-101 (1.5), AS WELL AS ANY  
21 OTHER REQUIRED IDENTIFYING INFORMATION, IS SUBMITTED TO THE  
22 DEPARTMENT OF HUMAN SERVICES FOR A CHECK OF THE COLORADO  
23 ADULT PROTECTIVE SERVICES DATA SYSTEM PURSUANT TO SECTION  
24 26-3.1-111, TO DETERMINE IF THE PERSON IS SUBSTANTIATED IN A CASE OF  
25 MISTREATMENT OF AN AT-RISK ADULT.

26 **SECTION 13.** In Colorado Revised Statutes, 26-12-107, **add** (4)  
27 as follows:

1           **26-12-107. Standards - management - employees - adult**  
2 **protective services data system check.** (4) ON AND AFTER JANUARY 1,  
3 2019, PRIOR TO EMPLOYMENT, A VETERANS CENTER SHALL SUBMIT THE  
4 NAME OF A PERSON WHO WILL BE PROVIDING DIRECT CARE, AS DEFINED IN  
5 SECTION 26-3.1-101 (3.5), TO AN AT-RISK ADULT, AS DEFINED IN SECTION  
6 26-3.1-101 (1.5), AS WELL AS ANY OTHER REQUIRED IDENTIFYING  
7 INFORMATION, TO THE STATE DEPARTMENT FOR A CHECK OF THE  
8 COLORADO ADULT PROTECTIVE SERVICES DATA SYSTEM PURSUANT TO  
9 SECTION 26-3.1-111, TO DETERMINE IF THE PERSON IS SUBSTANTIATED IN  
10 A CASE OF MISTREATMENT OF AN AT-RISK ADULT.

11           **SECTION 14.** In Colorado Revised Statutes, **add 27-10.5-313** as  
12 follows:

13           **27-10.5-313. Regional center - employees - adult protective**  
14 **services data system check.** ON AND AFTER JANUARY 1, 2019, PRIOR TO  
15 EMPLOYMENT, A REGIONAL CENTER SHALL SUBMIT THE NAME OF A PERSON  
16 WHO WILL BE PROVIDING DIRECT CARE, AS DEFINED IN SECTION 26-3.1-101  
17 (3.5), TO AN AT-RISK ADULT, AS DEFINED IN SECTION 26-3.1-101 (1.5), AS  
18 WELL AS ANY OTHER REQUIRED IDENTIFYING INFORMATION, TO THE  
19 DEPARTMENT OF HUMAN SERVICES FOR A CHECK OF THE COLORADO  
20 ADULT PROTECTIVE SERVICES DATA SYSTEM PURSUANT TO SECTION  
21 26-3.1-111, TO DETERMINE IF THE PERSON IS SUBSTANTIATED IN A CASE OF  
22 MISTREATMENT OF AN AT-RISK ADULT.

23           **SECTION 15.** In Colorado Revised Statutes, 27-93-103, **add**  
24 (1.5) as follows:

25           **27-93-103. Employees - adult protective services data system**  
26 **check - publications.** (1.5) ON AND AFTER JANUARY 1, 2019, THE HEAD  
27 OF THE ADMINISTRATIVE DIVISION OVERSEEING THE COLORADO MENTAL

1 HEALTH INSTITUTE AT PUEBLO SHALL, PRIOR TO EMPLOYMENT, SUBMIT  
2 THE NAME OF A PERSON WHO WILL BE PROVIDING DIRECT CARE, AS  
3 DEFINED IN SECTION 26-3.1-101 (3.5), TO AN AT-RISK ADULT, AS DEFINED  
4 IN SECTION 26-3.1-101 (1.5), AS WELL AS ANY OTHER REQUIRED  
5 IDENTIFYING INFORMATION, TO THE DEPARTMENT OF HUMAN SERVICES  
6 FOR A CHECK OF THE COLORADO ADULT PROTECTIVE SERVICES DATA  
7 SYSTEM PURSUANT TO SECTION 26-3.1-111, TO DETERMINE IF THE PERSON  
8 IS SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN AT-RISK ADULT.

9 **SECTION 16.** In Colorado Revised Statutes, 27-94-103, **add**  
10 (1.5) as follows:

11 **27-94-103. Employees - adult protective services data system**  
12 **check - publications.** (1.5) ON AND AFTER JANUARY 1, 2019, THE HEAD  
13 OF THE ADMINISTRATIVE DIVISION OVERSEEING THE CENTER SHALL PRIOR  
14 TO EMPLOYMENT, SUBMIT THE NAME OF A PERSON WHO WILL BE  
15 PROVIDING DIRECT CARE, AS DEFINED IN SECTION 26-3.1-101 (3.5), TO AN  
16 AT-RISK ADULT, AS DEFINED IN SECTION 26-3.1-101 (1.5), AS WELL AS ANY  
17 OTHER REQUIRED IDENTIFYING INFORMATION, TO THE DEPARTMENT OF  
18 HUMAN SERVICES FOR A CHECK OF THE COLORADO ADULT PROTECTIVE  
19 SERVICES DATA SYSTEM PURSUANT TO SECTION 26-3.1-111, TO DETERMINE  
20 IF THE PERSON IS SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN  
21 AT-RISK ADULT.

22 **SECTION 17. Appropriation.** (1) For the 2017-18 state fiscal  
23 year, \$428,779 is appropriated to the department of human services. This  
24 appropriation is from the general fund. To implement this act, the  
25 department may use this appropriation as follows:

26 (a) \$180,706 for the state administration of adult protective  
27 services, which amount is based on an assumption that the department

1 will require an additional 0.4 FTE;  
2 (b) \$205,300 for the adult protective services data system; and  
3 (c) \$42,773 for the purchase of legal services.  
4 (2) For the 2017-18 state fiscal year, \$42,773 is appropriated to  
5 the department of law. This appropriation is from reappropriated funds  
6 received from the department of human services under subsection (1)(c)  
7 of this section and is based on an assumption that the department of law  
8 will require an additional 0.3 FTE. To implement this act, the department  
9 of law may use this appropriation to provide legal services for the  
10 department of human services.

11 **SECTION 18. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.