

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0269.02 Jane Ritter x4342

SENATE BILL 21-118

SENATE SPONSORSHIP

Ginal and Gardner, Bridges, Buckner, Cooke, Garcia, Hisey, Holbert, Kirkmeyer, Lee, Liston, Lundeen, Moreno, Pettersen, Priola, Rankin, Scott, Simpson, Smallwood, Story, Winter, Zenzinger

HOUSE SPONSORSHIP

Pelton and Snyder,

Senate Committees

Health & Human Services
Appropriations

House Committees

Public & Behavioral Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN ALTERNATIVE RESPONSE PILOT**
102 **PROGRAM FOR COUNTY DEPARTMENTS OF HUMAN OR SOCIAL**
103 **SERVICES TO ADDRESS A REPORT OF MISTREATMENT OF AN**
104 **AT-RISK ADULT, AND, IN CONNECTION THEREWITH, MAKING AN**
105 **APPROPRIATION.**

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>.)

Current law allows for only one type of response for a county department of human or social services (county department) to follow

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

HOUSE
2nd Reading Unamended
May 24, 2021

SENATE
3rd Reading Unamended
May 3, 2021

SENATE
Amended 2nd Reading
April 30, 2021

after a report of mistreatment or self-neglect of an at-risk adult, regardless of the level of risk reported. That type of response requires a full investigation, including unannounced initial in-person interviews, and a finding by the county department.

The bill creates, on or after January 1, 2022, an alternative response pilot program (pilot) that a participating county department can utilize when it receives a report, related to an at-risk adult, of mistreatment or self-neglect, (report) and the report has identified the risk as lower risk, as defined by rules promulgated by the state department of human services (state department).

The state department shall select a maximum of 15 rural and urban county departments to participate in the pilot. Upon receipt of a report, a participating county department will not make a finding nor will it be required to complete unannounced initial in-person interviews, so long as the report has identified the risk as lower risk, as defined by rule of the state department. If, upon further review, the participating county department determines the situation is more severe, it shall revert to the process that is currently set forth in law for investigating a report.

The state department shall provide initial training on the pilot to participating county departments, as well as ongoing technical assistance.

The state department shall promulgate rules for the implementation and administration of the pilot. The rules must include, at a minimum, a description of the risk levels and the parameters around unannounced initial in-person interviews.

The state department shall contract with a third-party evaluator to evaluate the pilot's success or failure, including a consideration of the pilot's effectiveness in achieving outcomes over a 2-year period.

Each participating county department shall submit a report to the state department, as necessary, regarding the county department's use of the pilot and any data required by the state department to effectively evaluate the pilot.

The state department shall submit a summary report to the health and human services committee of the senate and the public and behavioral health and human services committee of the house of representatives as part of its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" presentations in January 2025 and January 2026.

The pilot is repealed, effective July 1, 2027.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-3.1-103, **amend**

3 (1) as follows:

1 **26-3.1-103. Evaluations - investigations - training - exception**
2 **for counties participating in alternative response program - rules.**

3 (1) The ~~agency~~ COUNTY DEPARTMENT receiving a report of mistreatment
4 or self-neglect of an at-risk adult shall immediately ~~make a thorough~~
5 ~~evaluation of~~ ASSESS the reported level of risk. The immediate concern
6 of the evaluation is the protection of the at-risk adult. ~~The evaluation, at~~
7 ~~a minimum, must~~ THE DECISION REGARDING THE LEVEL OF RISK MUST, AT
8 A MINIMUM, include a determination of a response time frame and
9 whether the report meets the criteria for an investigation of the
10 allegations, ~~pursuant to~~ AS SET FORTH IN state department rule. If a county
11 department determines that an investigation is required, the county
12 department is responsible for ensuring an investigation is conducted and
13 arranging for the subsequent provision of protective services to be
14 conducted by persons trained to conduct ~~such~~ investigations and provide
15 protective services.

16 **SECTION 2.** In Colorado Revised Statutes, **add** 26-3.1-103.3 as
17 follows:

18 **26-3.1-103.3. Alternative response pilot program for the**
19 **provision of protective services for at-risk adults - creation - report**
20 **- rules - repeal.** (1) ON OR AFTER JANUARY 1, 2022, THE ALTERNATIVE
21 RESPONSE PILOT PROGRAM FOR THE PROVISION OF PROTECTIVE SERVICES
22 FOR AT-RISK ADULTS, REFERRED TO IN THIS SECTION AS THE "PILOT", IS
23 CREATED IN THE STATE DEPARTMENT. THE PILOT ALLOWS A COUNTY
24 DEPARTMENT THAT IS PARTICIPATING IN THE PILOT, PURSUANT TO THIS
25 SECTION AND RULES PROMULGATED BY THE STATE DEPARTMENT, TO
26 ADDRESS, THROUGH A SEPARATE PROCESS FROM THAT SET FORTH IN
27 SECTION 26-3.1-103, ANY REPORT, RELATED TO AN AT-RISK ADULT, OF

1 MISTREATMENT OR SELF-NEGLECT THAT WAS INITIALLY ASSESSED BY THE
2 COUNTY DEPARTMENT TO BE LOW RISK, AS DEFINED BY RULE.

3 (2) THE STATE DEPARTMENT SHALL SELECT A MAXIMUM OF
4 FIFTEEN COUNTY DEPARTMENTS TO PARTICIPATE IN THE PILOT. THE STATE
5 DEPARTMENT IS STRONGLY ENCOURAGED TO INCLUDE COUNTY
6 DEPARTMENTS FROM THROUGHOUT THE STATE, INCLUDING A DIVERSE MIX
7 OF URBAN, SUBURBAN, FRONTIER, AND RURAL.

8 (3) (a) IF A PARTICIPATING COUNTY DEPARTMENT RECEIVES A
9 REPORT, RELATED TO AN AT-RISK ADULT, OF MISTREATMENT OR
10 SELF-NEGLECT, THAT WAS INITIALLY ASSESSED BY THE COUNTY
11 DEPARTMENT TO BE LOW RISK, AS DEFINED BY RULE OF THE STATE
12 DEPARTMENT, THE PARTICIPATING COUNTY WILL NOT MAKE A FINDING
13 CONCERNING THE ALLEGED MISTREATMENT OR SELF-NEGLECT OF THE
14 AT-RISK ADULT, NOR IS IT REQUIRED TO COMPLETE UNANNOUNCED INITIAL
15 IN-PERSON INTERVIEWS.

16 (b) IF, UPON FURTHER INVESTIGATION, THE PARTICIPATING
17 COUNTY DEPARTMENT DETERMINES THAT THE RISK LEVEL TO THE AT-RISK
18 ADULT IS, IN FACT, MORE THAN LOW RISK, OR WHEN THE PARTICIPATING
19 COUNTY DEPARTMENT CANNOT FULLY ASSESS, THROUGH THE PILOT
20 PROCESS, THE HEALTH, SAFETY, AND WELFARE OF THE AT-RISK ADULT OR
21 OTHER AT-RISK ADULTS, THE PARTICIPATING COUNTY DEPARTMENT SHALL
22 FOLLOW THE PROCEDURES SET FORTH IN SECTION 26-3.1-103.

23 (4) THE STATE DEPARTMENT SHALL PROVIDE INITIAL TRAINING
24 AND ONGOING TECHNICAL ASSISTANCE TO THE PARTICIPATING COUNTY
25 DEPARTMENTS UPON IMPLEMENTATION OF THE PILOT. THE STATE
26 DEPARTMENT SHALL ADMINISTER THE PILOT IN ACCORDANCE WITH THE
27 REQUIREMENTS OF THIS SECTION AND ANY RULES PROMULGATED

1 PURSUANT TO THIS SECTION.

2 (5) THE STATE DEPARTMENT SHALL PROMULGATE RULES FOR THE
3 IMPLEMENTATION OF THIS SECTION. THE RULES MUST INCLUDE, AT A
4 MINIMUM, A DESCRIPTION OF THE RISK LEVELS AND THE PARAMETERS
5 AROUND UNANNOUNCED IN-PERSON INTERVIEWS.

6 (6) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT,
7 AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC
8 SOURCES FOR THE PURPOSES OF THIS SECTION.

9 (7) (a) THE STATE DEPARTMENT SHALL CONTRACT WITH A
10 THIRD-PARTY EVALUATOR TO EVALUATE THE PILOT'S SUCCESS OR FAILURE,
11 INCLUDING A CONSIDERATION OF THE PILOT'S EFFECTIVENESS IN
12 ACHIEVING OUTCOMES OVER A TWO-YEAR PERIOD.

13 (b) AS NECESSARY TO CONDUCT THE EVALUATION AND COMPLETE
14 THE REPORTS REQUIRED PURSUANT TO THIS SUBSECTION (7), EACH
15 PARTICIPATING COUNTY DEPARTMENT SHALL SUBMIT TO THE STATE
16 DEPARTMENT A REPORT CONCERNING THE PARTICIPATING COUNTY
17 DEPARTMENT'S ADMINISTRATION AND UTILIZATION OF THE PILOT. THE
18 REPORT MUST INCLUDE RELEVANT DATA FROM THE PARTICIPATING
19 COUNTY AS REQUIRED BY THE STATE DEPARTMENT TO EVALUATE THE
20 PILOT AND TO PREPARE ITS REPORT TO THE GENERAL ASSEMBLY PURSUANT
21 TO SUBSECTION (7)(c) OF THIS SECTION.

22 (c) IN JANUARY 2025 AND JANUARY 2026, THE STATE
23 DEPARTMENT SHALL REPORT ON THE IMPLEMENTATION AND EFFECT OF
24 THE PILOT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
25 SENATE AND THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES
26 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
27 COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE,

1 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT"
2 PRESENTATION REQUIRED BY SECTION 2-7-203. THE REPORT MUST
3 INCLUDE, AT A MINIMUM:

4 (I) A DESCRIPTION OF ANY SPECIFIC PROBLEMS THAT THE STATE
5 DEPARTMENT OR ANY PARTICIPATING COUNTY DEPARTMENT
6 ENCOUNTERED DURING THE ADMINISTRATION OF THE PILOT, ALONG WITH
7 RECOMMENDATIONS THAT THE STATE DEPARTMENT HAS FOR LEGISLATION
8 TO ADDRESS SUCH PROBLEMS; AND

9 (II) A RECOMMENDATION BY THE STATE DEPARTMENT REGARDING
10 WHETHER THE GENERAL ASSEMBLY SHOULD REPEAL THE PILOT, CONTINUE
11 THE PILOT FOR A SPECIFIED TIME PERIOD, OR ESTABLISH THE PILOT
12 STATEWIDE ON A PERMANENT BASIS.

13 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

14 **SECTION 3. Appropriation.** For the 2021-22 state fiscal year,
15 \$173,351 is appropriated to the department of human services for use by
16 adult protective services. This appropriation is from the general fund and
17 is based on an assumption that adult protective services will require an
18 additional 0.9 FTE. To implement this act, adult protective services may
19 use this appropriation for state administration.

20 **SECTION 4. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.