

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

March 9, 2021

Committee on Public & Behavioral Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB21-1123 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

1 MISTREATMENT."

2 Page 11, line 8, after "MISTREATMENT." add "THE STATE DEPARTMENT  
3 SHALL DISCLOSE TO THE DEPARTMENT OF REGULATORY AGENCIES OR A  
4 REGULATOR THE DATE BY WHICH AN APPEAL MAY BE INITIATED BY THE  
5 PERSON SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN AT-RISK  
6 ADULT."

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

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