



## **SB23-040 Background Check Process for People Working with At-Risk Adults** Sen. Fields and Rep. Young

### **Background**

The Colorado Department of Human Services, in partnership with counties, investigates allegations of mistreatment of at-risk adults, such as abuse, neglect, exploitation, and other harmful acts. Investigative findings are documented in the Colorado Adult Protective Services data system (CAPS). Certain employers are statutorily required to request pre-employment checks of CAPS (“CAPS checks”) for individuals providing direct care to at-risk adults.

### **Issue**

It is common for employers that are statutorily required to request a CAPS check to enlist the assistance of staffing agencies to support their operations. Unfortunately, current laws lack clarity related to these operational relationships, increasing potential duplication and impacting employers’ ability to receive pertinent information related to their workforce and the safety of at-risk adults. Specifically:

- Statute is unclear on who holds responsibility for CAPS checks in these relationships.
- Statute prohibits sufficient information sharing between staffing agencies and employers who are required to request CAPS Checks.

### **Proposed Solution**

The Colorado Department of Human Services seeks statutory changes to:

- Include staffing agencies in the list of employers required to complete CAPS checks when providing employees to other listed employers.
- Assign staffing agencies with primary responsibility for completing CAPS checks for employees who will be placed in direct care roles with employers.
- Require staffing agencies to share information from CAPS checks with employers, including subsequent notifications of substantiations (flagged checks), within five days.
- Exempt employers from requesting duplicate CAPS checks if they receive the required information from staffing agencies.

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