

HB1123_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public & Behavioral Health & Human Services.

HB21-1123 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 15-14-412, REGARDLESS OF
17 THE TIMING OF THE STATE DEPARTMENT'S NOTIFICATION OF THE CAPS
18 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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