

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 12-0251.01 Richard Sweetman x4333

SENATE BILL 12-078

SENATE SPONSORSHIP

Hudak, Aguilar, Jahn, Newell, Roberts, Tochtrop, White, Williams S.

HOUSE SPONSORSHIP

Schafer S., Fischer, Kerr A., Kerr J., Ramirez

Senate Committees

Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS FOR AT-RISK ADULTS.**

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://www.leg.state.co.us/billsummaries>.)

The bill amends statutory provisions concerning the mistreatment, self-neglect, and exploitation of at-risk adults. Each county department shall require each prospective employee who, during the course of his or her employment, will have direct contact with any actual or potential at-risk adult, to complete a fingerprint-based criminal history records check utilizing the records of the Colorado bureau of investigation.

The at-risk adults protection services task force (task force) is

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.

created to study:

! The reporting of mistreatment, self-neglect, and exploitation of an at-risk adults to law enforcement agencies and county departments; and

! The provision of protective services to at-risk adults by county departments.

All appointments to the task force shall be made on or before June 15, 2012. The task force shall submit a written report of its findings and recommendations to the health and human services committee of the senate and to the health and environment committee of the house of representatives on or before December 1, 2012. The task force is repealed, effective December 2, 2012.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** part 1 of
3 article 3.1 of title 26 as follows:

4 **PART 1**

5 **PROTECTIVE SERVICES FOR AT-RISK ADULTS**

6 **26-3.1-101. Definitions.** As used in this article, unless the context
7 otherwise requires:

8 (1) "At-risk adult" means an individual eighteen years of age or
9 older who is susceptible to mistreatment, ~~as such term is defined in~~
10 ~~subsection (4) of this section or self-neglect as such term is defined in~~
11 ~~subsection (7) of this section~~ SELF-NEGLECT, OR EXPLOITATION because
12 the individual is unable to perform or obtain services necessary for ~~the~~
13 ~~individual's~~ HIS OR HER health, safety, or welfare or lacks sufficient
14 understanding or capacity to make or communicate responsible decisions
15 concerning ~~the individual's~~ HIS OR HER person or affairs.

16 (2) "Caretaker" means a person as such term is defined in
17 subsection (5) of this section, who:

18 (a) Is responsible for the care of an at-risk adult as such term is
19 defined in subsection (1) of this section, as a result of a family or legal

1 relationship;

2 (b) or who Has assumed responsibility for the care of an at-risk
3 adult; OR

4 (c) IS PAID TO PROVIDE CARE OR SERVICES TO AN AT-RISK ADULT.

5 ==

6 (3) "COUNTY DEPARTMENT" MEANS A COUNTY OR DISTRICT
7 DEPARTMENT OF SOCIAL SERVICES.

8 (4) "EXPLOITATION" MEANS AN ACT OR OMISSION COMMITTED BY
9 A PERSON THAT:

10 (a) USES DECEPTION, HARASSMENT, INTIMIDATION, OR UNDUE
11 INFLUENCE TO PERMANENTLY OR TEMPORARILY DEPRIVE AN AT-RISK
12 ADULT OF THE USE, BENEFIT, OR POSSESSION OF HIS OR HER MONEY,
13 ASSETS, OR PROPERTY;

14 (b) IN THE ABSENCE OF LEGAL AUTHORITY:

15 (I) EMPLOYS THE SERVICES OF A THIRD PARTY FOR THE PROFIT OR
16 ADVANTAGE OF THE PERSON OR ANOTHER PERSON TO THE DETRIMENT OF
17 THE AT-RISK ADULT; OR

18 (II) FORCES, COMPELS, COERCES, OR ENTICES AN AT-RISK ADULT
19 TO PERFORM SERVICES FOR THE PROFIT OR ADVANTAGE OF THE PERSON OR
20 ANOTHER PERSON AGAINST THE WILL OF THE AT-RISK ADULT;

21 (c) MISUSES THE PROPERTY OF AN AT-RISK ADULT IN A MANNER
22 THAT ADVERSELY AFFECTS THE AT-RISK ADULT'S ABILITY TO RECEIVE
23 HEALTH CARE OR HEALTH CARE BENEFITS OR TO PAY BILLS FOR BASIC
24 NEEDS OR OBLIGATIONS; OR

25 (d) BREACHES A FIDUCIARY DUTY EXISTING UNDER A POWER OF
26 ATTORNEY, CONSERVATORSHIP, OR GUARDIANSHIP.

27 (5) "FINANCIAL INSTITUTION" MEANS AN ORGANIZATION

1 AUTHORIZED TO DO BUSINESS UNDER STATE OR FEDERAL LAWS
2 PERTAINING TO FINANCIAL INSTITUTIONS. "FINANCIAL INSTITUTION"
3 INCLUDES, BUT IS NOT LIMITED TO, A BANK, TRUST COMPANY, BUILDING
4 AND LOAN ASSOCIATION, SAVINGS AND LOAN COMPANY OR ASSOCIATION,
5 AND CREDIT UNION.

6 ~~(3)~~ (6) "Least restrictive intervention" means acquiring or
7 providing services, including protective services, for the shortest duration
8 and to the minimum extent necessary to remedy or prevent situations of
9 actual mistreatment, ~~or self-neglect, OR EXPLOITATION.~~

10 ~~(4)~~ (7) "Mistreatment" means an act or omission ~~which~~ THAT
11 threatens the health, safety, or welfare of an at-risk adult ~~as such term is~~
12 ~~defined in subsection (1) of this section, or which~~ THAT exposes the AN
13 AT-RISK adult to a situation or condition that poses an imminent risk of
14 death, serious bodily injury, or bodily injury to the AT-RISK adult.
15 "Mistreatment" includes, but is not limited to:

16 (a) Abuse ~~which~~ THAT occurs:

17 (I) Where there is infliction of physical pain or injury, as
18 demonstrated by, but not limited to, substantial or multiple skin bruising,
19 bleeding, malnutrition, dehydration, burns, bone fractures, poisoning,
20 subdural hematoma, soft tissue swelling, or suffocation;

21 (II) Where unreasonable confinement or restraint is imposed; or

22 (III) Where there is subjection to nonconsensual sexual conduct
23 or contact classified as a crime under the "Colorado Criminal Code", title
24 18, C.R.S.;

25 (b) Caretaker neglect ~~which~~ THAT occurs when adequate food,
26 clothing, shelter, psychological care, physical care, medical care, or
27 supervision is not secured for the at-risk adult or is not provided by a

1 caretaker in a timely manner and with the degree of care that a reasonable
2 person in the same situation would exercise; except that the withholding
3 of artificial nourishment in accordance with the "Colorado Medical
4 Treatment Decision Act", article 18 of title 15, C.R.S., shall not be
5 considered as abuse;

6 (c) ~~Exploitation which is the illegal or improper use of an at-risk~~
7 ~~adult for another person's advantage.~~

8 (5) (8) "Person" means one or more individuals, limited liability
9 companies, partnerships, associations, corporations, legal representatives,
10 trustees, receivers, or the state of Colorado, and all political subdivisions
11 and agencies thereof.

12 (6) (9) "Protective services" means services provided by the state
13 or political subdivisions or agencies thereof in order to prevent the
14 mistreatment, ~~or~~ self-neglect, OR EXPLOITATION of an at-risk adult. Such
15 services include, but are not limited to: Receiving and investigating
16 reports of mistreatment, ~~or~~ self-neglect, ~~the provision of~~ OR
17 EXPLOITATION, PROVIDING casework and counseling services, AND
18 arranging for, coordinating, delivering where appropriate, and monitoring
19 services, including medical care for physical or mental health needs,
20 protection from mistreatment, ~~and~~ assistance with application for public
21 benefits, referral to community service providers, and initiation of probate
22 proceedings.

23 (7) (10) "Self-neglect" means an act or failure to act whereby an
24 at-risk adult substantially endangers ~~the adult's~~ HIS OR HER health, safety,
25 welfare, or life by not seeking or obtaining services necessary to meet ~~the~~
26 ~~adult's~~ HIS OR HER essential human needs. Choice of lifestyle or living
27 arrangements shall not, by itself, be evidence of self-neglect.

1 **26-3.1-102. Reporting requirements.** (1) (a) An immediate oral
2 report ~~of abuse~~ should be made or caused to be made within twenty-four
3 hours to ~~the~~ A county department or during non-business hours to a local
4 law enforcement agency responsible for investigating violations of state
5 criminal laws protecting at-risk adults by any person specified in
6 paragraph (b) of this subsection (1) who has observed the mistreatment,
7 ~~or~~ self-neglect, OR EXPLOITATION of an at-risk adult or who has
8 reasonable cause to believe that an at-risk adult has been mistreated, ~~or~~
9 is self-neglected, OR HAS BEEN EXPLOITED and is at imminent risk of
10 mistreatment, ~~or~~ self-neglect, OR EXPLOITATION.

11 (b) The following persons are urged to make ~~or initiate~~ an initial
12 oral report within twenty-four hours: ~~followed by a written report within~~
13 ~~forty-eight hours:~~

14 (I) Physicians, surgeons, physicians' assistants, or osteopaths,
15 including physicians in training, PODIATRISTS, AND OCCUPATIONAL
16 THERAPISTS;

17 (II) Medical examiners ~~or~~ AND coroners;

18 (III) Registered nurses, or licensed practical nurses, AND NURSE
19 PRACTITIONERS;

20 (IV) Hospital and ~~nursing home~~ LONG-TERM CARE FACILITY
21 personnel engaged in the admission, care, or treatment of patients;

22 (V) Psychologists and other mental health professionals;

23 (VI) Social work practitioners;

24 (VII) Dentists;

25 (VIII) Law enforcement officials and personnel;

26 (IX) Court-appointed guardians and conservators;

27 (X) Fire protection personnel;

- 1 (XI) Pharmacists;
- 2 (XII) Community-centered board staff;
- 3 (XIII) Personnel of banks, savings and loan associations, credit
- 4 unions, and other lending or financial institutions; ==
- 5 (XIV) State and local long-term care ombudsmen.
- 6 (XV) Any A caretaker, staff member, or employee of or volunteer
- 7 or consultant for any A licensed OR CERTIFIED care facility, agency, home,
- 8 or governing board, INCLUDING BUT NOT LIMITED TO HOME HEALTH
- 9 PROVIDERS; AND
- 10 (XVI) ATTORNEYS. ==

11 (c) In addition to those persons urged by this subsection (1) to

12 report known or suspected mistreatment, ~~or~~ self-neglect, OR

13 EXPLOITATION of an at-risk adult and circumstances or conditions ~~which~~

14 THAT might reasonably result in mistreatment, ~~or~~ self-neglect, OR

15 EXPLOITATION, any other person may report such known or suspected

16 mistreatment, ~~or~~ self-neglect, OR EXPLOITATION and circumstances or

17 conditions ~~which~~ THAT might reasonably result in mistreatment, ~~or~~

18 self-neglect, OR EXPLOITATION of an at-risk adult to the local law

19 enforcement agency or the county department. Upon receipt of such

20 report, the receiving agency shall prepare a written report within

21 forty-eight hours.

22 (2) Pursuant to subsection (1) of this section, the report shall

23 include:

- 24 (a) The name and address of the at-risk adult;
- 25 (b) The name and address of the at-risk adult's caretaker, if any;
- 26 (c) The age, if known, of ~~such~~ THE at-risk adult;
- 27 (d) The nature and extent of ~~such~~ THE at-risk adult's injury, if any;

1 (e) The nature and extent of the condition that will reasonably
2 result in mistreatment, ~~or~~ self-neglect, OR EXPLOITATION; and

3 (f) Any other pertinent information.

4 (3) A copy of the report prepared by the county department in
5 accordance with subsections (1) and (2) of this section shall be forwarded
6 within twenty-four hours to the district attorney's office and ~~the~~ A local
7 law enforcement agency. A report prepared by ~~the~~ A local law
8 enforcement agency shall be forwarded within twenty-four hours to the
9 county department and to the district attorney's office.

10 (4) No person, including a person specified in subsection (1) of
11 this section, shall knowingly make a false report of mistreatment, ~~or~~
12 self-neglect, OR EXPLOITATION to a county department or local law
13 enforcement agency. Any person who willfully violates the provisions of
14 this subsection (4) commits a class 3 misdemeanor and shall be punished
15 as provided in section 18-1.3-501, C.R.S., and SHALL BE liable for
16 damages proximately caused thereby.

17 (5) Any person, except a perpetrator, complicitor, or
18 coconspirator, who makes a report OR FAILS TO MAKE A REPORT pursuant
19 to this section shall be immune from any civil or criminal liability on
20 account of such report, testimony, or participation in making such report,
21 OR ON ACCOUNT OF SUCH FAILURE TO REPORT, so long as such action OR
22 INACTION was taken OR NOT TAKEN in good faith and not in reckless
23 disregard of the truth or in violation of subsection (4) of this section.

24 (6) No person shall take any discriminatory, disciplinary, or
25 retaliatory action against any person who, in good faith, makes a report
26 OR FAILS TO MAKE A REPORT of suspected mistreatment, or neglect
27 SELF-NEGLECT, OR EXPLOITATION of an at-risk adult.

1 (7) (a) Except as provided in paragraph (b) of this subsection (7),
2 reports of the mistreatment, ~~or~~ self-neglect, OR EXPLOITATION of an
3 at-risk adult, including the name and address of any at-risk adult, member
4 of said adult's family, or informant, or any other identifying information
5 contained in such reports, shall be confidential, and shall not be public
6 information.

7 (b) Disclosure of the name and address of an at-risk adult or
8 member of said adult's family and other identifying A REPORT OF THE
9 MISTREATMENT, SELF-NEGLECT, OR EXPLOITATION OF AN AT-RISK ADULT
10 AND information contained in RELATING TO AN INVESTIGATION OF SUCH
11 a report shall be permitted only when authorized by a court for good
12 cause. Such disclosure shall not be prohibited when:

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

15 (II) ~~when~~ There is a death of a suspected at-risk adult from
16 mistreatment, ~~or~~ self-neglect, OR EXPLOITATION and a law enforcement
17 agency files a formal charge or a grand jury issues an indictment in
18 connection with the death; OR

19 (III) SUCH DISCLOSURE IS NECESSARY FOR THE COORDINATION OF
20 MULTIPLE AGENCIES' INVESTIGATION OF A REPORT OR FOR THE PROVISION
21 OF PROTECTIVE SERVICES TO AN AT-RISK ADULT.

22 (c) Any person who violates any provision of this subsection (7)
23 is guilty of a class 2 petty offense and, upon conviction thereof, shall be
24 punished by a fine of not more than three hundred dollars.

25 **26-3.1-103. Evaluations - investigations - rules.** (1) The agency
26 receiving a report of mistreatment, ~~or~~ self-neglect, OR EXPLOITATION of
27 an at-risk adult shall IMMEDIATELY make a thorough investigation

1 ~~immediately upon receipt~~ EVALUATION of a ~~report~~ THE REPORTED LEVEL
2 OF RISK. The immediate concern of the ~~report~~ EVALUATION shall be the
3 protection of the at-risk adult. The ~~investigation shall~~ EVALUATION, at a
4 minimum, SHALL include a ~~face-to-face interview~~ DETERMINATION OF A
5 RESPONSE TIME FRAME AND WHETHER AN INVESTIGATION of the ~~at-risk~~
6 ~~adult alleged to be mistreated or self-neglected~~ ALLEGATIONS is required.
7 IF A COUNTY DEPARTMENT DETERMINES THAT AN INVESTIGATION IS
8 REQUIRED, the county department shall arrange for ~~its~~ AN investigation
9 AND SUBSEQUENT PROVISION OF PROTECTIVE SERVICES to be conducted
10 by persons trained to conduct such investigations AND PROVIDE
11 PROTECTIVE SERVICES.

12 (2) ~~It is the general assembly's intent that, in each county of the~~
13 ~~state,~~ EACH COUNTY DEPARTMENT, law enforcement ~~agencies~~ AGENCY,
14 ~~county departments of social services,~~ DISTRICT ATTORNEY'S OFFICE, and
15 ~~any other agencies~~ AGENCY responsible under federal law or the laws of
16 this state to investigate mistreatment, ~~or~~ self-neglect, OR EXPLOITATION
17 of at-risk adults SHALL develop and implement cooperative agreements
18 to coordinate the investigative duties of ~~the~~ SUCH agencies. ~~and that~~ The
19 focus of such agreements shall be to ensure the best protection for at-risk
20 adults. The agreements shall provide for special requests by one agency
21 for assistance from another agency and for joint investigations. THE
22 AGREEMENTS SHALL FURTHER PROVIDE THAT EACH AGENCY SHALL
23 MAINTAIN THE CONFIDENTIALITY OF THE INFORMATION EXCHANGED
24 PURSUANT TO SUCH JOINT INVESTIGATIONS.

25 (3) Each county or contiguous group of counties in the state in
26 which a minimum number of reports of mistreatment, ~~or~~ self-neglect, OR
27 EXPLOITATION of at-risk adults are annually filed shall establish an at-risk

1 adult protection team. The state board shall promulgate rules to specify
2 the minimum number of reports that will require the establishment of an
3 adult at-risk protection team. The at-risk adult protection team shall
4 review the processes used to report and investigate mistreatment, ~~or~~
5 self-neglect, OR EXPLOITATION of at-risk adults, review the provision of
6 protective services for such adults, facilitate interagency cooperation, and
7 provide community education on the mistreatment, ~~and~~ self-neglect, AND
8 EXPLOITATION of at-risk adults. The director of each county department
9 ~~is directed to~~ SHALL create or coordinate a protection team for the
10 respective county in accordance with rules adopted by the state board of
11 human services, which rules shall govern the establishment, composition,
12 and duties of the team and shall be consistent with this subsection (3).

13 (4) NOTWITHSTANDING ANY PROVISION OF SECTION 24-72-204,
14 C.R.S., OR SECTION 11-105-110, C.R.S., OR ANY OTHER APPLICABLE LAW
15 CONCERNING THE CONFIDENTIALITY OF FINANCIAL RECORDS TO THE
16 CONTRARY, AGENCIES INVESTIGATING THE EXPLOITATION OF AN AT-RISK
17 ADULT SHALL BE PERMITTED TO INSPECT ALL RECORDS OF THE AT-RISK
18 ADULT ON WHOSE BEHALF THE INVESTIGATION IS BEING CONDUCTED,
19 INCLUDING THE AT-RISK ADULT'S FINANCIAL RECORDS, UPON EXECUTION
20 OF A PRIOR WRITTEN CONSENT FORM BY THE AT-RISK ADULT, IN
21 ACCORDANCE WITH SECTION 6-21-103, C.R.S. _____

22 **26-3.1-104. Provision of protective services for at-risk adults**
23 **- consent - nonconsent - least restrictive intervention.** (1) If the A
24 county director or such director's designee determines that an at-risk adult
25 is being mistreated, ~~or~~ self-neglected, OR EXPLOITED, or is at risk thereof,
26 and the at-risk adult consents ~~in writing~~ to protective services, the county
27 director or designee shall immediately provide or arrange for the

1 provision of protective services, WHICH SERVICES SHALL BE PROVIDED IN
2 ACCORDANCE WITH THE PROVISIONS OF 28 CFR PART 35, SUBPART B.

3 (2) If ~~the~~ A county director or designee determines that an at-risk
4 adult is being or has been mistreated, ~~or~~ self-neglected, OR EXPLOITED, or
5 is at risk thereof, and if the at-risk adult APPEARS TO LACK CAPACITY TO
6 MAKE DECISIONS AND does not consent to the receipt of protective
7 services, the county director is urged, if no other appropriate person is
8 able or willing, to petition the court, pursuant to part 3 of article 14 of title
9 15, C.R.S., for an order authorizing the provision of specific protective
10 services and for the appointment of a guardian, for an order authorizing
11 the appointment of a conservator pursuant to part 4 of article 14 of title
12 15, C.R.S., or for a court order providing for any combination of these
13 actions.

14 (3) Any protective services provided pursuant to this section shall
15 include only those services constituting the least restrictive intervention.

16 **26-3.1-105. [Formerly 26-3.1-206.] Prior consent form.** A
17 financial institution shall offer eligible account holders, as defined in
18 section 6-21-102, C.R.S., the option of signing a prior consent form in
19 accordance with section 6-21-103, C.R.S.

20 **26-3.1-106. [Formerly 26-3.1-207] Training.** The general
21 assembly strongly encourages training that focuses on detecting ~~financial~~
22 CIRCUMSTANCES OR CONDITIONS THAT MIGHT REASONABLY RESULT IN
23 MISTREATMENT, SELF-NEGLECT, OR exploitation ~~consistent with the~~
24 ~~identifiers of financial exploitation stated in section 26-3.1-202,~~ OF AN
25 AT-RISK ADULT for those persons who are urged by ~~section 26-3.1-204~~
26 SECTION 26-3.1-102 (1) to report known or suspected ~~financial~~
27 MISTREATMENT, SELF-NEGLECT, OR exploitation of an at-risk adult. ~~and~~

1 ~~circumstances or conditions that might reasonably result in financial~~
2 ~~exploitation of an at-risk adult.~~

3 **26-3.1-107. Background check.** EACH COUNTY DEPARTMENT
4 SHALL REQUIRE EACH EMPLOYEE HIRED ON OR AFTER THE EFFECTIVE DATE
5 OF THIS SECTION TO COMPLETE A FINGERPRINT-BASED CRIMINAL HISTORY
6 RECORDS CHECK UTILIZING THE RECORDS OF THE COLORADO BUREAU OF
7 INVESTIGATION. THE _____ EMPLOYEE SHALL PAY THE COST OF THE
8 FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK.

9 **26-3.1-108. [Formerly 26-3.1-105] Rules.** The state department
10 shall promulgate appropriate rules ~~and regulations~~ for the implementation
11 of this article.

12 **26-3.1-109. [Formerly 26-3.1-106] Limitation.** Nothing in this
13 article shall be construed to mean that a person is ~~abused~~ MISTREATED,
14 neglected, exploited, or in need of emergency or protective services for
15 the sole reason that he or she is being furnished or relies upon treatment
16 by spiritual means through prayer alone in accordance with the tenets and
17 practices of that person's recognized church or religious denomination,
18 nor shall anything in this article be construed to authorize, permit, or
19 require any medical care or treatment in contravention of the stated or
20 implied objection of such a person.

21 **SECTION 2. Repeal of relocated and nonrelocated provisions**
22 **in this act.** In Colorado Revised Statutes, repeal part 2 of article 3.1 of
23 title 26; of which 26-3.1-201 through 26-3.1-205 and 26-3.1-208 are not
24 relocated.

25 **SECTION 3.** In Colorado Revised Statutes, **add** part 3 of article
26 3.1 of title 26 as follows:

27 **PART 3**

1 ELDER ABUSE TASK FORCE

2 26-3.1-301. Elder abuse task force - legislative declaration -
3 creation - duties - report - repeal. (1) THE GENERAL ASSEMBLY HEREBY
4 FINDS, DETERMINES, AND DECLARES THAT:

5 (a) IT IS WITHIN THE POWER OF THE GENERAL ASSEMBLY TO
6 ADDRESS ISSUES RELATED TO PROTECTIONS FOR ELDERLY AT-RISK
7 ADULTS;

8 (b) AT-RISK ELDERLY ADULTS MAY BE SUBJECTED TO
9 MISTREATMENT AND EXPLOITATION, AND THE STATE HAS A
10 RESPONSIBILITY TO PROTECT THESE PERSONS;

11 (c) ISSUES RELATED TO PROTECTIONS FOR AT-RISK ELDERLY
12 ADULTS ARE A MATTER OF STATEWIDE CONCERN AND SHOULD BE
13 ADDRESSED BY THE GENERAL ASSEMBLY; AND

14 (d) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
15 RECOMMENDATIONS OF THE TASK FORCE CREATED IN THIS SECTION WILL
16 LEAD TO THE IMPLEMENTATION OF A COMPLETE SYSTEM OF REPORTING OF
17 MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS BY
18 SEPTEMBER 1, 2013.

19 (2) THERE IS HEREBY CREATED THE ELDER ABUSE ___ TASK FORCE,
20 REFERRED TO IN THIS SECTION AS THE "TASK FORCE", WHICH SHALL MEET
21 DURING THE INTERIM AFTER THE SECOND REGULAR SESSION OF THE
22 SIXTY-EIGHTH GENERAL ASSEMBLY.

23 (3) THE TASK FORCE SHALL STUDY THE PROBLEM OF
24 MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS IN
25 COLORADO AND PREPARE RECOMMENDATIONS FOR THE CONSIDERATION
26 OF THE GENERAL ASSEMBLY, WHICH RECOMMENDATIONS, AT A MINIMUM,
27 SHALL INCLUDE:

1 (a) RECOMMENDATIONS CONCERNING HOW TO REQUIRE CERTAIN
2 PERSONS, ON AND AFTER SEPTEMBER 1, 2013, TO REPORT KNOWN OR
3 SUSPECTED MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY
4 ADULTS;

5 (b) RECOMMENDATIONS CONCERNING THE PROVISION OF
6 PROTECTIVE SERVICES BY COUNTY DEPARTMENTS TO AT-RISK ELDERLY
7 ADULTS WHO ARE MISTREATED OR EXPLOITED;

8 (c) RECOMMENDATIONS CONCERNING THE MINIMUM AGE FOR A
9 PERSON TO BE CONSIDERED AN "AT-RISK ELDERLY ADULT" FOR THE
10 PURPOSES OF THIS PART 3;

11 (d) AN ESTIMATE OF THE COSTS TO BE INCURRED BY THE STATE
12 DEPARTMENT, COUNTY DEPARTMENTS, AND LAW ENFORCEMENT AGENCIES
13 OF THE STATE AS A RESULT OF REQUIRING CERTAIN PERSONS, ON AND
14 AFTER SEPTEMBER 1, 2013, TO REPORT KNOWN OR SUSPECTED
15 MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS;

16 (e) IDENTIFICATION OF SUSTAINABLE SOURCES OF FUNDING,
17 INCLUDING BUT NOT LIMITED TO NEW REVENUES, THAT MAY BE USED TO
18 OFFSET THE COSTS TO BE INCURRED BY THE STATE DEPARTMENT, COUNTY
19 DEPARTMENTS, AND LAW ENFORCEMENT AGENCIES OF THE STATE AS A
20 RESULT OF REQUIRING CERTAIN PERSONS, ON AND AFTER SEPTEMBER 1,
21 2013, TO REPORT KNOWN OR SUSPECTED MISTREATMENT AND
22 EXPLOITATION OF AT-RISK ELDERLY ADULTS;

23 (f) RECOMMENDATIONS FOR TRAINING EMPLOYEES OF THE STATE
24 DEPARTMENT AND COUNTY DEPARTMENTS TO USE OUTCOME-BASED BEST
25 PRACTICES IN THE PROVISION OF PROTECTIVE SERVICES TO AT-RISK
26 ELDERLY ADULTS;

27 (g) RECOMMENDATIONS REGARDING THE ADEQUACY OR

1 INADEQUACY OF EXISTING CRIMINAL PENALTIES FOR OFFENSES AGAINST
2 AT-RISK ADULTS, AS DESCRIBED IN ARTICLE 6.5 OF TITLE 18, C.R.S.; AND

3 (h) RECOMMENDATIONS CONCERNING THE RECONCILIATION OF THE
4 DEFINITION OF "AT-RISK ADULT" IN SECTION 26-3.1-101 WITH THE
5 DEFINITION OF "AT-RISK ADULT" IN SECTION 18-6.5-102 (1), C.R.S.

6 (4) THE TASK FORCE SHALL CONSIST OF THE FOLLOWING MEMBERS:

7 (a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OR HIS
8 OR HER DESIGNEE; AND

9 (b) THE FOLLOWING MEMBERS, TO BE APPOINTED BY THE
10 EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT:

11 ==

12 (I) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF SOCIAL
13 WORKERS;

14 ==

15 (II) A REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY WHO
16 HAS EXPERIENCE PROSECUTING OFFENSES INVOLVING MISTREATMENT,
17 NEGLECT, OR EXPLOITATION OF AT-RISK ADULTS;

18 (III) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
19 LONG-TERM CARE PROVIDERS FOR AT-RISK ADULTS;

20 (IV) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
21 PERSONS WHO PROVIDE LEGAL ADVICE TO AT-RISK ADULTS;

22 (V) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF BANKS
23 AND OTHER FINANCIAL ENTITIES;

24 (VI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF LAW
25 ENFORCEMENT OFFICERS;

26 (VII) A REPRESENTATIVE OF A STATEWIDE SOCIETY OF HEALTH
27 CARE PROFESSIONALS;

- 1 (VIII) THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE;
- 2 (IX) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
- 3 ADVOCATES ON BEHALF OF ELDERLY PERSONS;
- 4 (X) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
- 5 ADVOCATES ON BEHALF OF CRIME VICTIMS;
- 6 (XI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
- 7 ADVOCATES ON BEHALF OF PERSONS WITH DISABILITIES;
- 8 (XII) A REPRESENTATIVE OF COUNTY DEPARTMENTS WHO HAS
- 9 EXPERIENCE IN THE PROVISION OF PROTECTIVE SERVICES TO AT-RISK
- 10 ADULTS; AND
- 11 (XIII) A REPRESENTATIVE OF STATE AND LOCAL LONG-TERM CARE
- 12 OMBUDSMEN.

13 (c) ALL APPOINTMENTS TO THE TASK FORCE SHALL BE MADE ON OR
14 BEFORE JUNE 15, 2012.

15 (5) THE TASK FORCE SHALL SUBMIT A WRITTEN REPORT OF ITS
16 FINDINGS AND RECOMMENDATIONS TO THE HEALTH AND HUMAN SERVICES
17 COMMITTEE OF THE SENATE AND TO THE HEALTH AND ENVIRONMENT
18 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
19 COMMITTEES, ON OR BEFORE DECEMBER 1, 2012. UPON REQUEST OF A
20 MEMBER OF THE TASK FORCE, SUMMARIES OF DISSENTING OPINIONS SHALL
21 BE PREPARED AND ATTACHED TO THE FINAL REPORT OF FINDINGS AND
22 RECOMMENDATIONS.

23 (6) (a) THE FIRST MEETING OF THE TASK FORCE SHALL OCCUR NO
24 LATER THAN JULY 18, 2012. THE TASK FORCE SHALL MEET AT LEAST FOUR
25 TIMES.

26 (b) MEETINGS OF THE TASK FORCE SHALL BE PUBLIC MEETINGS.

27 (7) THE TASK FORCE SHALL SOLICIT AND ACCEPT REPORTS AND

1 PUBLIC TESTIMONY AND MAY REQUEST OTHER SOURCES TO PROVIDE
2 TESTIMONY, WRITTEN COMMENTS, AND OTHER RELEVANT DATA TO THE
3 TASK FORCE.

4 (8) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
5 COMPENSATION AND SHALL NOT BE ENTITLED TO REIMBURSEMENT FOR
6 EXPENSES.

7 (9) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF
8 LEGISLATIVE LEGAL SERVICES SHALL NOT PROVIDE STAFF SUPPORT TO THE
9 TASK FORCE.

10 (10) THIS PART 3 IS REPEALED, EFFECTIVE NOVEMBER 2, 2013.

11 **SECTION 4. 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.