

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 12-078

BY SENATOR(S) Hudak, Aguilar, Jahn, Newell, Roberts, Tochtrop, White, Williams S., Boyd, Foster, Giron, Guzman, Heath, Hodge, Morse, Nicholson, Schwartz;  
also REPRESENTATIVE(S) Schafer S., Fischer, Kerr A., Kerr J., Ramirez, Acree, Brown, Casso, Court, Fields, Hamner, Hullinghorst, Jones, Kefalas, Labuda, Lee, Levy, Looper, McCann, Miklosi, Pabon, Peniston, Ryden, Singer, Solano, Soper, Stephens, Summers, Todd, Tyler, Vigil, Wilson, Young.

CONCERNING PROTECTIONS FOR AT-RISK ADULTS.

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

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

## PART 1 PROTECTIVE SERVICES FOR AT-RISK ADULTS

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

(1) "At-risk adult" means an individual eighteen years of age or older

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

who is susceptible to mistreatment, ~~as such term is defined in subsection (4) of this section or self-neglect as such term is defined in subsection (7) of this section~~ SELF-NEGLECT, OR EXPLOITATION because the individual is unable to perform or obtain services necessary for ~~the individual's~~ HIS OR HER health, safety, or welfare or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning ~~the individual's~~ HIS OR HER person or affairs.

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

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

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

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

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

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

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

(b) IN THE ABSENCE OF LEGAL AUTHORITY:

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

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

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

(5) "FINANCIAL INSTITUTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 6-21-102 (6), C.R.S.

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

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

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

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

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

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

(b) Caretaker neglect ~~which~~ THAT occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision is not secured for the at-risk adult or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise; except that the withholding, ~~of~~ artificial nourishment in accordance with the "Colorado Medical Treatment Decision Act", article 18 of title 15, C.R.S., shall not be considered as abuse

WITHDRAWING, OR REFUSING OF ANY TREATMENT, INCLUDING BUT NOT LIMITED TO RESUSCITATION, CARDIAC PACING, MECHANICAL VENTILATION, DIALYSIS, ARTIFICIAL NUTRITION AND HYDRATION, ANY MEDICATION OR MEDICAL PROCEDURE OR DEVICE, IN ACCORDANCE WITH ANY VALID MEDICAL DIRECTIVE OR ORDER, OR AS DESCRIBED IN A PALLIATIVE PLAN OF CARE, SHALL NOT BE DEEMED CARETAKER NEGLECT. AS USED IN THIS PARAGRAPH (b), "MEDICAL DIRECTIVE OR ORDER" INCLUDES, BUT IS NOT LIMITED TO, A MEDICAL DURABLE POWER OF ATTORNEY, A DECLARATION AS TO MEDICAL TREATMENT EXECUTED PURSUANT TO SECTION 15-18-104, C.R.S., A MEDICAL ORDERS FOR SCOPE OF TREATMENT FORM EXECUTED PURSUANT TO ARTICLE 18.7 OF TITLE 15, C.R.S., AND A CPR DIRECTIVE EXECUTED PURSUANT TO ARTICLE 18.6 OF TITLE 15, C.R.S.

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

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

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

~~(7)~~ (10) "Self-neglect" means an act or failure to act whereby an at-risk adult substantially endangers ~~the adult's~~ HIS OR HER health, safety, welfare, or life by not seeking or obtaining services necessary to meet ~~the adult's~~ HIS OR HER essential human needs. Choice of lifestyle or living arrangements shall not, by itself, be evidence of self-neglect. REFUSAL OF MEDICAL TREATMENT, MEDICATIONS, DEVICES, OR PROCEDURES BY AN ADULT OR ON BEHALF OF AN ADULT BY A DULY AUTHORIZED SURROGATE MEDICAL DECISION MAKER OR IN ACCORDANCE WITH A VALID MEDICAL

DIRECTIVE OR ORDER, OR AS DESCRIBED IN A PALLIATIVE PLAN OF CARE, SHALL NOT BE DEEMED SELF-NEGLECT. REFUSAL OF FOOD AND WATER IN THE CONTEXT OF A LIFE-LIMITING ILLNESS SHALL NOT, BY ITSELF, BE EVIDENCE OF SELF-NEGLECT. AS USED IN THIS SUBSECTION (10), "MEDICAL DIRECTIVE OR ORDER" INCLUDES, BUT IS NOT LIMITED TO, A MEDICAL DURABLE POWER OF ATTORNEY, A DECLARATION AS TO MEDICAL TREATMENT EXECUTED PURSUANT TO SECTION 15-18-104, C.R.S., A MEDICAL ORDERS FOR SCOPE OF TREATMENT FORM EXECUTED PURSUANT TO ARTICLE 18.7 OF TITLE 15, C.R.S., AND A CPR DIRECTIVE EXECUTED PURSUANT TO ARTICLE 18.6 OF TITLE 15, C.R.S.

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

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

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

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

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

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

(V) Psychologists and other mental health professionals;

(VI) Social work practitioners;

(VII) Dentists;

(VIII) Law enforcement officials and personnel;

(IX) Court-appointed guardians and conservators;

(X) Fire protection personnel;

(XI) Pharmacists;

(XII) Community-centered board staff;

(XIII) Personnel of banks, savings and loan associations, credit unions, and other lending or financial institutions; AND

(XIV) ~~State and local long-term care ombudsmen.~~

(XV) ~~Any~~ A caretaker, staff member, or employee of or volunteer or consultant for ~~any~~ A licensed OR CERTIFIED care facility, agency, home, or governing board, INCLUDING BUT NOT LIMITED TO HOME HEALTH PROVIDERS.

(c) In addition to those persons urged by this subsection (1) to report known or suspected mistreatment, ~~or~~ self-neglect, OR EXPLOITATION of an at-risk adult and circumstances or conditions ~~which~~ THAT might reasonably result in mistreatment, ~~or~~ self-neglect, OR EXPLOITATION, any other person may report such known or suspected mistreatment, ~~or~~ self-neglect, OR EXPLOITATION and circumstances or conditions ~~which~~ THAT might reasonably result in mistreatment, ~~or~~ self-neglect, OR EXPLOITATION of an at-risk adult to the local law enforcement agency or the county department. Upon receipt of such report, the receiving agency shall prepare a written report within forty-eight hours.

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

(a) The name and address of the at-risk adult;

- (b) The name and address of the at-risk adult's caretaker, if any;
- (c) The age, if known, of ~~such~~ THE at-risk adult;
- (d) The nature and extent of ~~such~~ THE at-risk adult's injury, if any;
- (e) The nature and extent of the condition that will reasonably result in mistreatment, ~~or~~ self-neglect, OR EXPLOITATION; and
- (f) Any other pertinent information.

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

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

(5) Any person, except a perpetrator, complicitor, or coconspirator, who makes a report pursuant to this section shall be immune from any civil or criminal liability on account of such report, testimony, or participation in making such report, so long as such action was taken in good faith and not in reckless disregard of the truth or in violation of subsection (4) of this section.

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

(7) (a) Except as provided in paragraph (b) of this subsection (7), reports of the mistreatment, ~~or~~ self-neglect, OR EXPLOITATION of an at-risk

adult, including the name and address of any at-risk adult, member of said adult's family, or informant, or any other identifying information contained in such reports, shall be confidential, and shall not be public information.

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

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

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

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

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

**26-3.1-103. Evaluations - investigations - rules.** (1) The agency receiving a report of mistreatment, ~~or~~ self-neglect, OR EXPLOITATION of an at-risk adult shall IMMEDIATELY make a thorough ~~investigation immediately upon receipt~~ EVALUATION of a ~~report~~ THE REPORTED LEVEL OF RISK. The immediate concern of the ~~report~~ EVALUATION shall be the protection of the at-risk adult. The ~~investigation shall~~ EVALUATION, at a minimum, SHALL include a ~~face-to-face interview~~ DETERMINATION OF A RESPONSE TIME FRAME AND WHETHER AN INVESTIGATION of the ~~at-risk adult alleged to be mistreated or self-neglected~~ ALLEGATIONS is required. IF A COUNTY DEPARTMENT DETERMINES THAT AN INVESTIGATION IS REQUIRED, the county department shall arrange for ~~its~~ AN investigation AND SUBSEQUENT PROVISION OF PROTECTIVE SERVICES to be conducted by persons trained to conduct such investigations AND PROVIDE PROTECTIVE SERVICES.



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

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

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

**26-3.1-104. Provision of protective services for at-risk adults - consent - nonconsent - least restrictive intervention.** (1) If the A county director or such director's designee determines that an at-risk adult is being mistreated, ~~or~~ self-neglected, OR EXPLOITED, or is at risk thereof, and the at-risk adult consents ~~in writing~~ to protective services, the county director or designee shall immediately provide or arrange for the provision of protective services, WHICH SERVICES SHALL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF 28 CFR PART 35, SUBPART B.

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

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

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

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

**26-3.1-107. Background check.** EACH COUNTY DEPARTMENT SHALL

REQUIRE EACH PROTECTIVE SERVICES EMPLOYEE HIRED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION TO COMPLETE A FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK UTILIZING THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. THE EMPLOYEE SHALL PAY THE COST OF THE FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK UNLESS THE COUNTY DEPARTMENT CHOOSES TO PAY THE COST. UPON COMPLETION OF THE CRIMINAL HISTORY RECORDS CHECK, THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE RESULTS TO THE COUNTY DEPARTMENT. THE COUNTY DEPARTMENT MAY REQUIRE A NAME-BASED CRIMINAL HISTORY RECORDS CHECK FOR AN APPLICANT OR AN EMPLOYEE WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE.

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

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

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

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

PART 3  
ELDER ABUSE TASK FORCE

**26-3.1-301. Elder abuse task force - legislative declaration -**

**creation - duties - report - repeal.** (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

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

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

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

(d) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE RECOMMENDATIONS OF THE TASK FORCE CREATED IN THIS SECTION WILL LEAD TO THE IMPLEMENTATION OF A COMPLETE SYSTEM OF REPORTING OF MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS BY SEPTEMBER 1, 2013, SUBJECT TO THE AVAILABILITY OF SUFFICIENT FUNDING FOR SUCH IMPLEMENTATION AT THE STATE AND COUNTY LEVELS, AND THE ENACTMENT OF SUCH STATUTORY CHANGES AS MAY BE NECESSARY FOR SUCH IMPLEMENTATION.

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

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

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

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

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

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

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

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

(g) RECOMMENDATIONS REGARDING THE ADEQUACY OR INADEQUACY OF EXISTING CRIMINAL PENALTIES FOR OFFENSES AGAINST AT-RISK ADULTS, AS DESCRIBED IN ARTICLE 6.5 OF TITLE 18, C.R.S.; AND

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

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

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

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

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

(II) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF DISTRICT ATTORNEYS;

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

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

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

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

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

(VIII) THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE;

(IX) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT ADVOCATES ON BEHALF OF ELDERLY PERSONS;

(X) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT ADVOCATES ON BEHALF OF CRIME VICTIMS;

(XI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT ADVOCATES ON BEHALF OF PERSONS WITH DISABILITIES;

(XII) A REPRESENTATIVE OF COUNTY DEPARTMENTS WHO HAS EXPERIENCE IN THE PROVISION OF PROTECTIVE SERVICES TO AT-RISK ADULTS;

(XIII) A REPRESENTATIVE OF STATE AND LOCAL LONG-TERM CARE OMBUDSMEN;

(XIV) A REPRESENTATIVE OF A HOSPICE CARE ORGANIZATION;

(XV) A REPRESENTATIVE OF ONE OR MORE AGENCIES THAT PROVIDE NON-MEDICAL HOME CARE TO AT-RISK ADULTS; AND

(XVI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT REPRESENTS COUNTIES.

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

(5) 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, OR ANY SUCCESSOR COMMITTEES, ON OR BEFORE DECEMBER 1, 2012. UPON REQUEST OF A MEMBER OF THE TASK FORCE, SUMMARIES OF DISSENTING OPINIONS SHALL BE PREPARED AND ATTACHED TO THE FINAL REPORT OF FINDINGS AND RECOMMENDATIONS.

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

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

(7) THE TASK FORCE SHALL SOLICIT AND ACCEPT REPORTS AND PUBLIC TESTIMONY AND MAY REQUEST OTHER SOURCES TO PROVIDE TESTIMONY, WRITTEN COMMENTS, AND OTHER RELEVANT DATA TO THE TASK FORCE.

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

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

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

**SECTION 4. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO