

Title of Proposed Rule:	<u>Adult Protective Services Program Revisions</u>	
CDHS Tracking #:	<u>15-5-8-1</u>	
Revising official Rule #s:	<u>12 CCR 2518-1, Volume 30</u>	
Office, Division, & Program:	Rule Author: Peggy Rogers	Phone: 303-866-2829
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STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

(State what the rule says or does, explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. How do these rule changes align with the outcomes that we are trying to achieve, such as those measured in C-Stat?)

The rules at 12 CCR 2518-1 are the program rules for the Adult Protective Services (APS) program, as authorized by Title 26, Article 3.1, C.R.S. The APS program provides protective services for at-risk adults who are experiencing mistreatment or are self-neglecting. The purpose of this proposed rule change is to update all Adult Protective Services (APS) rules to:

- Align the rules with changes made to statute as a result of SB15-109 and HB16-1394,
- Remove redundant rules and requirements,
- Better align rules with current practice and the Colorado APS data system (CAPS),
- Better align rules with child protective services rules, as deemed appropriate,
- Improve APS practices that impact services for at-risk adults, and
- Make technical corrections.

Several legislative changes have occurred over the past few years that make updates to the rules necessary. In July 2014, significant changes were made to the Adult Protective Services (APS) program. SB13-111 created mandatory reporting for at-risk elders and established a new Colorado APS data system (CAPS). Mandatory reporting for at-risk elders and the CAPS data system were implemented starting on July 1, 2014. SB15-109 expanded mandatory reporting to include adults with intellectual and developmental disabilities effective July 1, 2016. HB16-1394 made changes to definitions and other areas of the APS statute, in conjunction with SB15-109. In addition, in September 2015, Colorado APS was awarded a Federal Grant through the Administration for Community Living (ACL) that changed the APS intake and assessment processes, which must be incorporated into rule.

The last update to the APS Rules was in the Fall of 2014. Since that time, there have been a number of issues that have surfaced that were unanticipated when the last rule changes were implemented. Many of these issues have been identified during data analysis for C-Stat, through formal quality assurance case and program reviews, through conversations and training sessions with county departments, and in conversations with collaborating agencies that work with at-risk adults. SB15-109 and HB16-1394 are also driving additional changes. The APS Task Group, formed by the PAC and the Economic Security Sub-PAC, met monthly from November 2015 to April 2016 to develop the recommended rule changes. Six webinars were held for county department directors and APS staff during the weeks of May 2, 2016 and May 9, 2016 to review the recommendations and solicit feedback and comments. The Task Group met in June 2016 to review the feedback from the webinars and received via email to make these final recommendations.

New rules and/or key changes to current rule include the following:

- HB16-1394 made minor changes to the definitions of various forms of mistreatment in the Adult Protective Services (APS) statute and are therefore being updated in rule. (30.100)
- The rule that requires the county departments to notify the state department of a change in APS staffing is being updated. The current rule allows county departments three working days from the staffing change to notify the state department. The rule is being updated so that notification must be made within

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three working days but no later than the employee’s last day of employment. This change is being made to ensure that access to the APS data system, CAPS, can be removed as soon as an APS staff person is no longer going to be working for the county department or in the APS program. CAPS documentation contains personal identifying information (PII) and HIPAA protected personal health information (PHI), which must be secured timely. (30.210,C)

- Proposed revisions to rules include expanding the types of college majors and degrees that would qualify a person for an APS caseworker position at the Professional Entry and Journey levels. (30.310)
- A proposed change is being made to rules related to the requirement for a “flagged” background check from “strongly urged” to “shall”. A flagged background check ensures that the county department would be notified if an APS staff member with direct access to at-risk adults, were to be arrested after their original background check was completed. This may be critical information to client safety. However, several county departments indicated that they do not include a flagged check in their contract with the outside company that completes background checks for the county, therefore, they would be unable to meet this rule requirement without renegotiating the contract. The Department is therefore, withdrawing the requirement at this time. (30.320,C)
- Changes to rules related to training requirements for county APS staff are being proposed. (30.330) Training is a key component to ensuring that reports of mistreatment and self-neglect of at-risk adults are being investigated correctly and appropriate protective services identified and implemented. APS serves a varied population, including frail elderly, persons with traumatic brain injury or neurological impairments, persons with an intellectual or developmental disability, and persons with complex cognitive, medical, physical, or behavioral health limitations. Current training requirements are not very timely for new APS staff and are not very comprehensive related to continuing education requirements. The goal for the rule changes are to make gradual improvements to training requirements that can be readily met by county departments while ensuring that staff working with at-risk adults are better trained to provide those protective services. The changes are as follows:
 - Training requirements for new APS staff are being changed. (30.330,A) Currently, new APS staff have up to one year to complete some aspects of new worker training. The Task Group believes that this time needs to be shortened and recommends the following changes:
 - Time allowed to complete the Pre-Academy Workbook (PAW), which is the first basic introduction to the APS program requirements, is being shortened from the current three (3) months for full time APS staff or six (6) months for part time APS staff to one (1) month for all new APS staff. APS caseworkers will not be allowed to be assigned cases until the PAW has been completed.
 - Time allowed to attend APS Training Academy for APS staff who are less than 25% FTE in the APS program and are the only APS staff person for the county department, is being shortened from the current twelve (12) months to nine (9) months. All other APS staff would be required to attend the four-day training within six (6) months of employment in the APS program, rather than the current nine (9) months.
 - Continuing Education requirements for APS staff on the job longer than one year are being increased. (30.330,B) Currently the requirements are less than those required of Child Protective Services (CPS) staff. Increasing the requirements will begin to move training requirements to be more in line with CPS training requirements, and are as follows:

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- Full time caseworkers would increase to 40 hours per year from the current 30 hours. This would align with continuing education requirements for full time CPS caseworkers.
 - Full time APS supervisor’s requirement would increase from the current 20 hours per year to 30 hours. This requirement is still 10 hours short of aligning with the CPS supervisor requirement.
 - Full time APS case aides would increase from 15 hours per year to 20 hours per year. There is not a similar requirement for CPS case aides.
 - Prorated hours for part-time staff would increase accordingly.
- Changes are being proposed related to the APS supervisor’s responsibility for conducting reviews of the casework conducted by their caseworkers. Current rules require supervisors to formally review 15% of all cases each month using the case review scorecard in CAPS. The proposed rule change would allow supervisors to continue this method of review OR choose the new method developed for these rules that would mirror the supervisor requirements for case review in CPS, i.e., that the supervisor review and approve every case at certain key points in the case. For APS this would be at two or three key times in the case: 1) when the initial investigation, assessment, and case plan has been completed; 2) at the six month time in the case, if the case is still open (only about 2% of APS cases are open six months or longer); and 3) at case closure. These points of review mirror similar processes in CPS that require supervisory approval. (30.340,A)
- Rules are being added to the Intake rules that address the issue of which county has jurisdiction to respond to a new report of mistreatment. Currently, APS has rules related to this in the County Assignment section (30.710). The Task Group felt that these rules were better moved to the section of rules where those decisions are being made. So, for initial jurisdictional questions, the rules are being moved to the Intake section of rules (30.410). Additionally, there continues to be concerns voiced by the Task Group that even with the current rules, there are disputes of jurisdiction among the counties that sometimes slows down the response to the report. Task Group members who work in both APS and CPS recommended mirroring language recently implemented in the CPS rules that have helped to lessen these same types of disputes related to CPS reports; the Group agreed to that recommendation.
- A new rule is being added to require the county department to make a decision about a new intake within three working days following the date of the report. This is the time frame for responding to a new report and so the decision about the type of response should be made by this time. This fills a gap in rules. (30.420,F)
- Rules were changed to allow a law enforcement welfare check to substitute for one attempt at contact during non-business hours for emergency and non-emergency reports. Current rule does not allow the welfare check to substitute but with the changes to law enforcement’s responsibilities related to mandatory reporting and responding to reports of mistreatment, this change provides additional flexibility for county departments. Rules were added to address follow up requirements when the initial response was a phone call to ascertain the client’s safety rather than a face-to-face visit. These rules are filling a gap in the current rules. The rules reflect similar requirements as follow up visits for other types of responses. (30.430,B and 30.430,C)
- Rules are being added to the Investigation rules that address the issue of which county has jurisdiction to investigate a report of mistreatment. Currently, APS has rules related to this in the County Assignment

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section (30.710). The Task Group felt that these rules were better moved to the section of rules where those decisions are being made. So, for jurisdictional questions that arise during the investigation, the rules are being moved to the Investigation section of rules (30.510, D) and section 30.710 is being repealed. Additionally, there continues to be concerns voiced by the Task Group that there even with current rules, there are disputes related to jurisdiction among the counties that sometimes slows down the investigation and subsequent provision of services. Task Group members who work in both APS and CPS recommended mirroring language recently implemented in the CPS rules that have helped to lessen these same types of disputes related to CPS; the Group agreed to that recommendation.

- Rules are being added to the Investigation section to ensure that thorough investigations are conducted in coordination with other agencies, when appropriate. Rules related to joint investigations are currently at section 30.820, Collaboration. These rules are being moved to the Investigation section where this collaboration process occurs and Section 30.820 is being repealed. The rules are being updated to reflect current processes related to joint investigations. The rules in this section are also being updated to reflect the requirements to thoroughly investigate the allegations and the client’s strengths and needs, by interviewing persons with potential knowledge of the allegations or of the client’s needs and gathering and documenting evidence to support or refute the allegations and client needs. When these steps are not completed when investigating a report, the problems and needs of that at-risk adult are not accurately identified so that they can be addressed through the provision of protective services, thus leaving the at-risk adult in continuing danger. (30.520)
- Rules related to the client’s functional Assessment, specifically related to “assessment status areas” are being repealed; however, an assessment will still be required. The assessment is a required element in CAPS and therefore, the details of the individual assessment factors are not needed in rule. (30.530)
- Rules related to the Provision of Services, i.e., implementing the case plan developed as a result of the investigation and assessment findings, are being updated. Currently, rules related to the provision of services are found at Sections 30.620 (Provision of Services), 30.650 (also titled Provision of Services), and 30.720 (Courtesy Visits). Rules from sections 30.650 and 30.720 are being moved to section 30.620 and are being updated. Sections 30.650 and 30.720 are being repealed. The updates to the rules include the following:
 - Language is being cleaned up to be clearer and more concise. (30.620)
 - Rules are being added to reflect documentation necessary to determine that a client may not have the capacity to refuse protective services. (30.620,C)
 - Rules are being added to reflect the options for involuntary intervention when a client is at immediate risk of harm and likely does not have the capacity to understand the risks of refusing protective services. (30.620, D)
 - The requirement for ongoing client contact as long as the case remains open is being changed from the current requirement of a face-to-face contact with the client every 30 days to a requirement for a contact once a month, with no more than 35 days between contacts. For clients who live in a facility providing 24/7 supervision, there is a current allowance for a phone call to facility staff to check on the client every other month in lieu of the face-to-face visit. This rule is being modified to ensure that if the client has been alleged to have been mistreated at the facility, the phone call is not appropriate until the facility has put appropriate safety measures in place. Rules are being updated to better outline the requirements of the monthly contact visits. These rules ensure that the worker is continuing to assess any changes to the client’s needs, are

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monitoring services for appropriateness, are documenting any significant incidents experienced by the client, and are documenting their work towards implementing protective services. (30.620,F)

- The rules related to courtesy visits are being updated to reflect current processes. (30.620,G)
 - The rules related to cases in which the client moves to a new county or to another state are being updated to reflect current processes. (30.620, H-K)
 - The rules related to the re-assessment process, required every six months as long as the case is opened, have been streamlined to reduce redundancy and reflect current processes. (30.620,L)
- Rules are being changed in the Case Closure section to reflect a more streamlined process for closing the case that reduces redundant documentation that was not beneficial to the outcome of the case. Rules are also being updated to reflect other current practices. (currently at 30.660; new section number will be 30.650)

Clarifying changes to current rule include the following:

- APS has always had a statutory mandate to investigate mistreatment in the community and in facilities; county department APS staff have asked that a definition of “Facility” be added to rule. (30.100)
- Rules related to the storage of documentation of APS reports and cases are being updated to provide additional clarification due to CAPS being a “paperless” system. (30.250)
- Rule is expanding those eligible for access to CAPS from only direct APS staff to APS staff and other county department staff with a business need, e.g., county director, unit/department administrator, or APS data analyst. (30.250)
- A rule is being proposed to add the current practice of annually signing the CAPS Security and Confidentiality agreement. This rule and the current practice will help to ensure that access to CAPS is limited to active CAPS users, another process to protect client PII and PHI. (30.250)
- A rule is being proposed to allow the State Department to remove access to CAPS if user is accessing information inappropriately. (30.250)
- Rules related to Documentation are being updated to provide clarity related to report and case documentation requirements. (30.260)
- Rules are being updated to “urge”, though not require, counties to utilize the RED team process for evaluating reports to determine if the report should be screened in for investigation or screened out because it does not meet eligibility requirements for APS intervention. The current rule is “may use”. Language is being added to ensure that either the RED team or a supervisor is reviewing and determining whether the report should be screened in or out and the type of response needed (emergency vs non-emergency) and urging, though not requiring, use of the RED team evaluation process. (30.340 and 30.420)
- Language is being added to ensure that reports are taken related to mistreatment of at-risk adults, whether the adult lives in the community or in a facility. (30.410)

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- Language was updated to better reflect the requirements for follow up attempts at contact when the initial response to a report was not a face-to-face visit with the client. (30.430,C)
- Rules were clarified around those cases that are screened in for investigation but may not need a face-to-face response by APS. These rules do not change the requirement but make the requirement more easily understood. (30.430,E).
- Rules were clarified related to investigation and assessment, particularly related to the APS mandate to investigate reports or mistreatment or self-neglect of an at-risk adult no matter where the mistreatment occurred. (30.510, A-B)
- Rules related to Case Plan Development are being updated to reflect the current process in CAPS, which were implemented to reduce redundant documentation that did not improve the outcome of the case and was time consuming for the caseworkers. (30.610)
- Rules related to usage of the Client Services funds for purchasing needed goods and services for APS clients are being updated to provide additional clarification on the acceptable use of these funds. (30.610,F)
- Language in the rules related to Court Intervention (30.630) are being updated to be clearer.

Technical corrections to current rule include the following:

- The term “data system” is being replaced throughout with the name of the data system, CAPS, for simplicity and clarity. A new definition of CAPS is added and the definition of “Data System” is repealed. (30.100)
- The term “referral” is being replaced with the current terminology “report”. Most of these changes were completed with the rule changes approved in 2014, but a few instances of the old term were missed and are being corrected in this rule making.
- The phrase “mistreatment, exploitation, and self-neglect” is being replaced by “mistreatment and self-neglect” to reflect the change in statutory definitions as a result of HB16-1394.
- The term “imminent” is being replaced by “immediate” throughout. Task Group members indicated that this term was more easily understood and applied by APS staff and aligns with the terminology used by CPS.
- A rule is being repealed in the Eligibility section (30.230,B) as it is redundant to rules in the Report Categorization section (30.420)
- The term “hours” is being replaced by “days” in determining the response to an emergency report. This does not change the response time frame but Task Group members felt that “non-business days” was clearer than “non-business hours”. (30.430, B)

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- The long-term care ombudsman is being removed from rule as a contact for ascertaining a client’s immediate safety. The ombudsman cannot share information with APS unless they have explicit consent from the client and are not emergency responders, therefore, this option for ascertaining a client’s safety is not a predictable no appropriate option. (30.430, B)
- A redundant rule was repealed at 30.430,B.
- Rule language was changed to be more concise and was brought into alignment with current practice of ensuring an initial response. (30.430,C)
- A rule was repealed related to a client who is competent and able to arrange their own services. Clients who are able to do this are not at-risk adults, by definition, and so would not continue to have an open case. (30.430,E)

Authority for Rule:

State Board Authority: 26-1-107, C.R.S. (2015) - State Board to promulgate rules; 26-1-109, C.R.S. (2015) - state department rules to coordinate with federal programs; 26-1-111, C.R.S. (2015) - state department to promulgate rules for public assistance and welfare activities.

Program Authority: 26-3.1-108, C.R.S. (2015) Rules. The state department shall promulgate appropriate rules for the implementation of this article.

Does the rule incorporate material by reference?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Does this rule repeat language found in statute?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No

If yes, please explain.

Some definitions are repeated in rule from statute. Ensuring that the definitions are in rule provides APS staff the ability to easily understand their program requirements within one document.

The program has sent this proposed rule-making package to which stakeholders?

Policy Advisory Committee (PAC); Economic Security Sub-PAC; Child Welfare Sub-PAC; County Departments of Human/Social Services; Colorado Human Services Directors Association (CHSDA); Colorado Counties, Inc. (CCI); Colorado Commission on Aging (CCOA); Colorado Legal Services; Colorado Senior Lobby; Community Centered Boards; Colorado Department of Public Health and Environment, Health Facilities Division; Colorado Department of Health Care Policy and Financing, Division for Intellectual and Developmental Disabilities; Disability Law Colorado; Area Agencies on Aging; ARC of Colorado.

Attachments:

- Regulatory Analysis
- Overview of Proposed Rule
- Stakeholder Comment Summary

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REGULATORY ANALYSIS

(complete each question; answers may take more than the space provided)

1. List of groups impacted by this rule:

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Groups that will benefit from these rules are at-risk adults and APS staff. County department APS staff will be responsible for implementing the program requirements for all at-risk adults. The State Department APS staff will be responsible for providing oversight of the counties through training and quality assurance activities.

The rules will lead to improved APS casework practice in many areas and the result will be to improve protective services provided to at-risk adults as the rules are fully implemented by county department APS staff.

2. Describe the qualitative and quantitative impact:

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

The APS program has experienced significant change in the past several years as a result of a number of legislative changes to the APS program requirements. With the implementation of mandatory reporting of mistreatment of at-risk elders in SFY 2014-15, APS is now receiving nearly 17,000 reports a year, a 41% increase from the prior year. Additional funding for APS staff and training has been received by county APS programs to be used to improve services for at-risk adults who are experiencing mistreatment or self-neglect. Additionally, with the implementation of the new APS data system (CAPS), it is possible to see the gaps in understanding of what a thorough investigation and appropriate implementation of protective services entails, due in large part to the deficit in training and quality assurance resources available for the APS program since the law was enacted in 1983. These rule changes are recommended in an effort to continue to improve services and outcomes for the vulnerable populations that the APS program serves. For example, the RED team process for reviewing, evaluating, and deciding (RED) how to respond to a report of suspected mistreatment has been proven over time to be a more precise process for making decisions about reports. These rule changes would further encourage the use of RED by every county, with the Task Group's agreement that ultimately in the years to come, this process would become a required process for every APS program.

3. Fiscal Impact:

For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources.

Answer should NEVER be just "no impact" answer should include "no impact because...."

State Fiscal Impact: There is no fiscal impact to the State because any required changes to the CAPS data system as a result of these new rules are currently funded through a contract with the vendor and/or through a Federal grant.

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County Fiscal Impact: There is no fiscal impact to the County Departments as the removal of the flagged background check requirement removes any fiscal impact.

Federal Fiscal Impact: There are no new fiscal impacts. APS receives approximately \$2 million dollars in federal Title XX funds that is provided to the county departments as part of the APS Administration Allocation. The State Department received a federal grant to make improvements to the APS data system (CAPS) in September 2015 and these funds are being used to make updates to the intake and assessment areas of the system, which will address the changes in these proposed rules.

Other Fiscal Impact (such as providers, local governments, etc.): There is no other fiscal impact identified as the APS is a county department administered, State Department supervised program.

4. Data Description:

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

Research conducted by Hermann Ebbinghaus (1885), which has been subsequently verified by other research studies, identifies the “forgetting curve” for remembering details of a training or event over time. These studies were used to guide the decision to begin shortening the allowed time frame for documenting casework events from 14 days to 10 days. Based on stakeholder feedback the Department has decided to leave the time frame at 14 days at this time.

Quality assurance activities that include formal and informal case reviews, data integrity activities, and C-Stat activities that have included hundreds of informal case reviews provided insight into the need to add and clarify rules for county APS staff to ensure that quality investigation, client needs assessments, and appropriate and adequate case planning and service implementation was being conducted. In formal case reviews, only 19% of caseworkers met the compliance goal for quality casework of 90% or higher and 31% received scores of 75 to 89%. The remaining 50% of workers scored below 75%, with 15% of the total caseworkers reviewed scoring less than 50%. Informal reviews conducted through c-stat activities and other quality assurance and data integrity reviews also show that their investigations are not complete leading to incorrect findings and case planning, documentation in the case does not detail the client’s strengths and needs or the caseworker’s actions in the case, and services needed to improve safety and reduce risk are not accurately identified or implemented.

5. Alternatives to this Rule-making:

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative.

There is no alternative to these proposed changes:

- Updates due to changes in the statute for the APS program
- Those changes made to better reflect current processes in the APS data system (CAPS)
- Changes made to make some technical corrections, repeal duplicative rules, clarify language, and to move current rules to more appropriate sections of the APS rules

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New rules are being added to address improved casework practices that are necessary for improved outcomes of intervention for at-risk adults served by the APS program. These practices might be addressed through training but those attempts have not been as successful as needed to ensure good outcomes for all vulnerable adults served by the APS program. Since the Fall of 2014, the State Department has provided training and technical assistance on these areas of improvement through regional training, quarterly training meetings, weekly email updates and reminders, webinar training, and through one-on-one technical assistance for supervisors and caseworkers on monthly basis. But, with half of all caseworkers still scoring below average on case reviews conducted in the past nine months, it is now necessary to ensure that minimum requirements are outlined clearly in rule.

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OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

<u>Section Numbers</u>	<u>Current Regulation</u>	<u>Proposed Change</u>	<u>Stakeholder Comment</u>	
			Yes	No
30.100 (Definitions) 30.430,B,4,e (Response Priority) 30.520,B,1 (Investigation) 30.830,A (Adult Protection Teams)	Definitions of "client" and "RED Team" and other rules cited have the outdated term "referral".	Update definitions and rules with current term of "report" in place of "referral".		X
30.100 30.210, F. 30.220, B, 1 30.220, B, 2 30.250, I, 2 30.250, I, 3 30.250, K 30.260, A 30.260, B 30.310, D 30.330, C 30.340, A, 4d 30.340, D, 1 30.410, C 30.410, D 30.420, C 30.420, C, 2 30.430, B, 4f 30.430, B, 5e 30.430, D, 2 30.530, C, 1 30.610, D 30.640, B, 4 30.830, F	Use of the term "the data system."	Update all rules to use "CAPS" in place of "the data system."		X
30.100	Definition of "Abuse"	Update definition to reflect statutory change, per HB16-1394.		X
30.100	Definition of "At-risk Adult"	Update definition to reflect statutory change, per HB16-1394.		X
30.100	None	Add definition of CAPS, Colorado Adult Protective Services data system		X
30.100	Definition of "Caretaker"	Update definition to reflect statutory change, per HB16-1394.		X
30.100	Definition of "Caretaker Neglect"	Update definition to reflect statutory change, per HB16-1394.		X

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Section Numbers	Current Regulation	Proposed Change	Stakeholder Comment	
			Yes	No
30.100	Definition of "case planning" does not include "improving safety" as a purpose.	Update definition of "case planning" to include the term "and improve safety."		X
30.100	Definition of "Collateral Contact"	Update definition to add "facility staff" to the list of examples.		X
30.100	Definition of "data system".	Repeal definition. New CAPS definition replaces this definition.		X
30.100	Definition of "Exploitation"	Update definition to reflect statutory change, per HB16-1394.		X
30.100	None	Add definition of "Facility" to provide clarification of what constitutes a facility.		X
30.100	Definition of "Mistreatment"	Update definition to reflect statutory change, per HB16-1394.		X
30.100 30.230,B,1 30.240,A 30.250,K 30.330,A,5 30.340,A,1 30.340,B,1 30.410,A 30.410,D,3 30.420,A,2 30.420,F 30.420,G 30.430,B 30.520,A 30.620,D,1 30.620,D,2 30.640,A,1 30.660,D,3 30.810,C,2 30.810,D,1 30.810,E,1 30.810,F,1	Phrase "mistreatment, exploitation, and self-neglect"	Replaces with new terminology of "mistreatment and self-neglect".		X
30.100	None	Add definition of "Undue Influence" to reflect statutory change, per HB16-1394.		X
30.210, B	Grammatical error regarding placement of the phrase "make reasonable efforts to."	Move the phrase "make reasonable effort to" from after "The county department shall" to make the sentence flow better and read "The county department shall utilize funding appropriated by the State Legislature to make reasonable efforts to..."		X

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			Yes	No
30.210, C.	Current rule states that county departments shall report changes of staffing to the state department within 3 working days of change.	Rule is rewritten to reflect need to protect PII and PHI in CAPS by notifying the State Department when a CAPS user leaves the APS program. Rule reflects how notification must be made. Changes the time frame for reporting changes from three working days to "...three working days...but no later than the CAPS user's last day of employment."	X	
30.230,B	Currently states under number one that protective services are provided to at-risk adults who need assessment for health, welfare, protection, and/or safety.	Remove "who need assessment..." to reduce redundancy. All screened in reports need assessment for health, safety, welfare, and protection.		X
30.250, I, 3	Currently states that only APS staff has access to CAPS.	Change to allow access for persons with a business need.		X
30.250, I, 6	None	Adds a rule regarding the need for CAPS users to sign the security confidentiality agreement.	X	
30.250, J	Rule regarding violating confidentiality.	Adds a rule that CAPS users shall not access information in CAPS that is not necessary to serve the client. Allows the State Department to remove access to CAPS for violations.		X
30.250, K	None	Adds clarifying language to include APS case information not in CAPS as confidential.		X
30.260, A	Rule regarding required documentation of reports and cases.	Add language that clarifies what elements are required to be thoroughly documented in CAPS.		X
30.260,B,1	Rule requiring a release of information signed by the client be attached to the case in CAPS.	Clarifies that a release is not mandatory, but should be completed when appropriate.		X
30.260,C	None	Adds a rule to require all documentation, notes, and evidence for the case be entered into CAPS and then destroyed. Provides exception for original legal documents, such as guardianship orders or birth certificates.		X
30.310, A	Rule regarding education and experience requirements for hire.	Add "criminal justice" to the list of fields that qualify for the education requirement. Changes the term "obtained" to "completed" to clarify experience requirement. Allows a Master's degree substitution for Journey Level to be in any field allowed in the list of degrees.		X

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Section Numbers	Current Regulation	Proposed Change	Stakeholder Comment	
			Yes	No
30.320, C, 3	Rule regarding background checks for prospective employees.	Change “strongly urged to require” to “shall” to require counties to flag background checks for future arrests and convictions. No change is being made per stakeholder feedback.	X	
30.320,C,5,a	Lists criminal offenses that disqualify an applicant from employment as an APS worker.	Technical correction to remove Title 18, Article 18.5 (drug taskforce) from the list.		X
30.330, A, 1	Rule regarding completion of the Pre-Academy Workbook for new hires and transfers.	Change from full-time caseworkers having 3 months and part-time caseworkers having 6 months to complete it to all new caseworkers shall complete it within 1 month of hire and not being assigned cases until it is complete.		X
30.330, A, 2	Rule regarding completion of the APS training academy.	Counties with only 1 caseworker that is less than 25%FTE shall complete the training academy in 9 months, instead of the current 12 months. All other counties with at least 1 caseworker 25% or higher FTE shall complete it in 6 months instead of the current 9 months.		X
30.330, A, 4	Rule regarding completion of the Pre- Academy Workbook by case aides.	Change to requiring new case aides to complete the workbook within 1 month of hire instead of the current 3 months.		X
30.330, B, 1	Rule regarding ongoing training hours requirements for caseworkers.	Increases requirement to 40 hours per fiscal year instead of the current 30 hour requirement. Remove reading reports and professional journals from the non-state provided training options.		X
30.330, B, 2	Rule regarding ongoing training hours requirements for supervisors.	Increases requirement to 30 hours per fiscal year instead of the current 20 hours. Change the number of state provided hours from 10 to 15 hours.		X
30.330, B, 3	Rule regarding ongoing training hours requirements for case aides.	Increases requirement to 20 hours per fiscal year instead of the current 15.		X
30.330, B, 4	Rule regarding ongoing training hours requirements for part time APS staff.	The required number of hours required is prorated for part-time APS staff. Those requirements are increased for each quartile of FTE, in relation to the increased requirements for full time staff.	X	
30.340, A	Rule regarding supervisor duties.	Add “or lead worker” to the rule to allow for lead workers to complete these duties in lieu of the supervisor.		X
30.340,A,1	Cites another section of rule.	Updates the citation.		X
30.340, A, 2	Rule regarding RED Team process.	Changes the language from “may” to “are urged to” for use of the RED team process. Updates rule citation.		X

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Section Numbers	Current Regulation	Proposed Change	Stakeholder Comment	
			Yes	No
30.340, A, 4	Rule regarding the case review requirement for supervisors.	Update rule A,4 to a phrase to "review cases to ensure". Clarifies language related to documentation. Moves 15% review requirement to A,5.		
30.340, A, 5	None	Moves 30.340,A,4 to this rule. Allows supervisor to continue to review 15% of all cases using the formal case review tool or choose a new option of reviewing and approving every case at three key points in the case.	X	
30.340,B,1	Cites another section of rule.	Updates the citation.		X
30.340, D	Rule regarding the role of screeners.	Change the term "call" to "intake" screeners to more accurately name the role. Change the location of the documentation of intake reports to include CAPS and the Web2Case form.		X
30.410, A	Rule regarding intake of reports.	Add clarifying language "occurring in the community or in a facility" to provide better guidance on APS jurisdiction to investigate.		X
30.410, C	Rule regarding intake of reports.	Change the language to include documenting the report in the Web2Case form or CAPS.		X
30.410, E and F	Rules regarding county assignment are currently found at 30.710.	Repeal 30.710. Adds rules relating to county assignment or jurisdiction for reports that have not yet been screened in/out to 30.410,E as this location better relates to the rules about Intake. New rules provide simpler method of determining jurisdiction.		X
30.410, G	Rule regarding the transfer of an intake that was reported to the wrong county within eight (8) hours.	Change the term "forward" to "transfer" to more accurately match the process in CAPS. Change the timeframe for transferring a report made to the wrong county to one (1) hour after determining the report was made to the wrong county.	X	
30.420, A and D	Rule regarding evaluating new reports.	Add the language "utilizing the RED team framework or supervisory review" for determining if a report meets APS criteria to clarify the two approved options for this process.		X
30.420,C	Technical correction	Changes "shall" to "will" for the CAPS system generation of a screen in/out recommendation.		X
30.420,E	None	Adds rule to provide guidance on the RED team framework should counties choose to utilize the RED team process.	X	
30.420, F	Rule regarding process for reports that do not meet criteria for APS response.	Add a 3 day timeframe to screen out reports when they do not meet APS criteria.		X

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			Yes	No
30.420, F, 2	Rule regarding providing information to reporting parties when the report is screened out.	Change the term "shall" to "may" provide information to reporting parties.		X
30.430, B	Rule regarding emergency response timeframes.	Change the term "imminent" to "immediate."	X	
30.430, B, 3	Rule regarding emergency response timeframes.	Change the term "hours" to "days" for clarity. Remove "long term care ombudsman" from other professionals to reach to ascertain immediate safety.	X	
30.430, B, 4	Technical correction.	Change "or" to "and"; change "hours" to "days" in rules on follow up contact attempts for emergency response reports.		X
30.430, B, 4,a	Rule regarding follow up on emergency response timeframes.	Change the current rule that allows for law enforcement to substitute for one attempt at contact to allow law enforcement to substitute for attempts at contact during non-business days. Add rule that counties shall follow up the next working day.		X
30.430, B, 4,b	Rule regarding follow up on emergency response timeframes.	Add "such as in the intensive care unit" for clarification.		X
30.430, B, 4,d	Rule regarding follow up on emergency response timeframes.	Technical correction - add "day of" and change "attempt" to "attempts" to provide clarity.		X
30.430, B, 4,e	Rule regarding closing case if contact is unsuccessful.	Change "referral" to "case" to update to current terminology. Change timeframe for closing the case to 35 calendar days from current 20 calendar days from last contact attempt.		X
30.430, B, 4,f	Rule regarding follow up on emergency response timeframes.	Remove "in the data system" to make it more concise.		X
30.430, B, 5	Rule regarding follow up on emergency response timeframes.	Add the language "If the initial response was not face-to-face contact with the client, but..." to provide clarity.		X
30.430, B, 5,a	Rule regarding follow up on emergency response timeframes.	Add "such as in the intensive care unit" for clarification.		X
30.430, B, 5,c	Rule regarding follow up on emergency response timeframes.	Technical correction - Add "day of" and change "attempt" to "attempts" to provide clarity.		X
30.430, B, 5,d	Rule regarding follow up on emergency response timeframes.	Change timeframe for closing the case to 35 calendar days from current 20 calendar days from last contact attempt.		
30.430, C	Rule regarding non-emergency response.	Updates language to provide clarity and approved supervisory or RED Team decision-making process.		X

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Section Numbers	Current Regulation	Proposed Change	Stakeholder Comment	
			Yes	No
30.430, C, 2	Rule regarding non-emergency response.	Change "a face-to-face contact" to "an initial response" to update to current terminology. Add rule to define an initial response, based on current process.		X
30.430, C, 3	Rule regarding non-emergency response.	Change the language to reflect the process for follow up when the initial response was not a face-to-face contact and the worker was unable to ascertain safety by phone to reflect the options for initial responses. Clarify the language that the county shall attempt face-to-face contact every other working day.		X
30.430, C, 3,a	Rule regarding non-emergency response.	Adds a rule that states a law enforcement welfare check can be substituted for one attempt at contact to allow for flexibility for the caseworker.		X
30.430, C, 3,e	Rule regarding non-emergency response.	Change timeframe for closing the case to 35 calendar days from current 20 calendar days from last contact attempt.		X
30.430, C, 4	None	Adds rules that define the follow up required when a worker is able to ascertain safety for the initial response, but has not yet had a face-to-face contact with the client.		X
30.430, E	Rule regarding re-evaluation of whether a face-to-face response is needed for a non-emergency response case.	Change "provide telephone response and assistance" to clarify what is an appropriate phone contact to make for phone collaboration. Change the term "telephone response and assistance" to "phone collaboration" in the second sentence to update to current terminology.		X
30.430, E,5	Rules regarding cases appropriate for "phone collaboration to resolve concerns.	Repeal #5 as clients that fit that description do not usually meet the criteria for "at-risk adult" and APS should not be involved.		X
30.510, A and B	Rule regarding conducting investigations and client assessments.	Update language related to the investigation. Adds clarifying language that the investigation must be completed regardless of the client's consent, as it is required by statute. Adds provision that if assessment confirms the client is not an at-risk adult, therefore not meeting criteria for APS intervention, the investigation does not need to be completed. Moves rules related to client assessment to new section "30.510,B".		X

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			Yes	No
30.510, D	Rules regarding county assignment are currently found at 30.710.	Repeal 30.710. Adds rules relating to county jurisdiction after reports have been screened in for investigation to 30.510, D as this location better relates to the rules about Investigation. New rules allow transfer of the case and require receiving county to investigate, unless they have new information that would allow them to close the case.		X
30.520, A, 1	Rule regarding the investigation process and requirements.	Change the term "imminent" to "immediate."		X
30.520, A, 2	Rules regarding collaboration with other investigative agencies are currently found at 30.820.	Repeal 30.820. Move rules related to entities to consider as part of a collaborative investigation to 30.520, as they better align with the Investigation, and update language.	X	
30.520, A, 3	Rule regarding client interview being unannounced and in private.	Add clarifying language that states if not unannounced or in private, worker will document the reason.		X
30.520, A, 5	Rule regarding the requirement to interview the alleged perpetrator, when appropriate and safe.	Add requirement to document why an alleged perp was not interviewed.		X
30.520, A, 6	Rule regarding collecting evidence.	Adds suggestions for evidence that can and should be collected, as appropriate.	X	
30.520, A, 8	Rule requiring identification of the perpetrator.	Repeal the term "self-neglect, as there is no perpetrator in self-neglect cases.		X
30.520, A, 9	Rule requiring investigation of mistreatment identified during investigation.	Adding the clarifying language that states new/additional allegations that are identified must be documented in CAPS.		X
30.520, B, 1	Rule regarding the time frame for completing the investigation.	Adds requirement to document in CAPS throughout the investigative process. Establishes a time frame to document interviews within ten (10) days of the interview. Moves rule related to being unable to complete an investigation in the timeframe to B,4. Repeals the rules at the current "B2" and moves them to the new "B 1-3" and updates language related to the elements of the investigation that must be documented. The change to 14 days to 10 days is no longer being made per stakeholder feedback. The time frame will remain at 14 days at this time.	X	
30.520, B, 2	Rule regarding documenting investigative information.	Repeal current rule. Added to 30.520, B, 1 through 3, above.		X
30.530 A	Rule regarding the assessment process and requirements.	Change "assess" to "complete a baseline assessment of" to reflect current practice. Change "imminent" to "immediate."		X

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Section Numbers	Current Regulation	Proposed Change	Stakeholder Comment	
			Yes	No
30.530, B	Rule regarding the assessment tool in CAPS.	Update language to make is clear that risk and safety need to be assessed, per current practice. Removes the five status areas that need to be assessed (B1-5, and C). The assessment tool is established in CAPS so naming areas of the assessment is not necessary.		X
30.530, C	Currently 30.530,D, 1 and 2. Rules regarding documentation of the assessment.	Updates the language to indicate what is required for the assessment to be completed timely. Moves rule related to being unable to complete an assessment in the timeframe to C,2. Repeal current rule C,2, as it is included in the new C,1.		X
30.610, C	Rule regarding the case plan process and requirements.	Rules in this section are being rewritten to reflect current practice, which was changed to reduce redundancy and put into place a more efficient and effective case plan requirement.		X
30.610, F	Rule regarding the use of client services funds.	Rules in this section are being rewritten to more clearly reflect when APS Client Services funds may and may not be utilized.		X
30.620, A	Rule regarding providing services in least restrictive manner.	Repeal section 30.650. Move current 30.650,B to 30.620 as the content is related to what takes place after the investigation and assessment. This move makes the rules easier to find and more cohesive.	X	
30.620, B	Rule regarding provision of services for adults with capacity to make decisions.	Removes redundant language and clarifies what steps are needed if it appears the client has capacity to make decisions and either refuses or consents to services.		X
30.620, C	Rules related to provision of services when the client appears to lack capacity.	Add clarification on what must be documented related to the client's suspected incapacity; adds possible interventions for ensuring the immediate safety and health of a client who is suspected to lack capacity. Repeal current rule 30.620,B,3 as it is redundant to rule 30.620,C,4.		X

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Section Numbers	Current Regulation	Proposed Change	Stakeholder Comment	
			Yes	No
30.620, E	Currently at 30.650 -Provision of services. Rules regarding ongoing contact with clients throughout the provision of services.	Repeal Section 30.650. Move rules from 30.650 to this section. Change the requirement for monthly contact with clients in the community from every 30 days to once a month, not to exceed 35 days since the previous monthly contact. For clients living in a facility, adds a requirement the contact every other month that can be by phone, cannot be a phone contact if there is concern with the facility providing adequate care. Reduces time frame to document monthly contact from 14 days to 10 days. Clarifies what is required in implementing a case plan. Adds requirement to update case information, as changes occur month to month. The change from 14 days to 10 days is no longer being made, per stakeholder feedback. The timeframe will remain at 14 days at this time.	X	
30.620, F	Currently 30.720 – Courtesy Visits. Rules regarding courtesy visits with a client for another county.	Repeal Section 30.720. Move those rules to this section to make rules more cohesive. Updates rules to reflect current practice. Changes time frame to document the courtesy visit from 14 days to 10 days. The change from 14 days to 10 days is no longer being made, per stakeholder feedback. The timeframe will remain at 14 days at this time.	X	
30.620, G through J	Currently at 30.710, rules related to a client relocating to another county while the case remains open.	Repeal Section 30.710. Move rules to this section to make rules more cohesive. Update rules to reflect current practice related to case transfers in CAPS. Shortens the length of time a case may remain with the former county department once a client has moved.		X
30.620, K	Currently at 30.650,D. Rules related to the six month reassessment requirement.	Repeal Section 30.650. Move reassessment rules to this section and update to reflect current practice, which is a simpler and more efficient process than current rule.		X
30.630, A	Rule regarding emergency court intervention.	Updates the rule to be specific to emergency situations in which the county may need to intervene through the courts.		X
30.630, A,1	Rule regarding steps to take prior to seeking court intervention.	Adds language to specify that the county ensures all factors are met and documented prior to petitioning the court. Adds a rule at (b) that the county should ensure that court intervention will resolve the safety concern. Moves current section “C” to “A,1,c”.	X	

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Section Numbers	Current Regulation	Proposed Change	Stakeholder Comment	
			Yes	No
30.630, B, 4	Rule regarding documentation requirements when the county department has been named the guardian or conservator.	Adds language that the client's case record must be updated with the fiduciary information.		X
30.630,E	Technical correction.	Change "provide" to "providing" to be grammatically correct.		X
30.640,A,1	Rule regarding appointment of the county as representative payee.	Technical correction to remove "the potential for" before "significant harm."		X
30.650	Section on the Provision of Protective Services.	Repeal Section. Rules have been recodified under 30.520 and 30.620.		X
30.660, A	Timeframe for closing a case.	Updates rule to require case closure within 35 days of last client contact, rather than current 30 days. Adds rule allowing the case to remain open longer if county is actively looking for the client.		X
30.660,B	Timeframe for closing a case for a client placed in a facility.	Updates rule to shorten the time from the current three (3) months to 35 days, unless there is good cause.		X
30.660,D	Case closure reasons.	Updates the rule to close the case when allegations are unsubstantiated and there are no other identified needs, per the client assessment. Updates the rule to allow closure of the case if the client refuses contact or refuses services. Adds additional closure reasons, including services unavailable, client incarcerated, and client moved out of state.		X
30.660,E	Case closure procedures	Updates rules to reflect current case closure practices, which were changed to reduce redundancy and create a more efficient closure process.		X
30.700 30.710 30.720	Rules section County Assignment and Courtesy Visits	Repeal. Rules have been recodified in Sections 30.410, 30.510, and 30.620		X
30.820	Rule regarding collaboration with other agencies.	Repeal to reduce redundancy. Rules have been recodified in Sections 30.500 and nearly the same rules were found in Section 30.810.		X
30.830	Rule related to which counties are required to have an AP Team.	Technical correction from "referrals" to the current term "screened in reports". Addition of the phrase "and improve safety."		X

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STAKEHOLDER COMMENT SUMMARY

DEVELOPMENT

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

APS Task Group created by the Economic Security Sub-PAC. This task group was moved under the Child Welfare Sub-PAC in May 2016. The APS task group consisted of representatives from the State Department APS unit and from sixteen (16) counties who were nominated by their county director and approved by the Colorado Human Services Directors Association. The county departments represented on the task group were: Adams, Arapahoe, Archuleta, Boulder, Denver, Douglas, Eagle, El Paso, Jefferson, Larimer, Mesa, Montrose, Morgan, Park, Pueblo, and Weld.

THIS RULE-MAKING PACKAGE

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

Policy Advisory Committee (PAC); Economic Security Sub-PAC; Child Welfare Sub-PAC; County Departments of Human/Social Services; Colorado Human Services Directors Association (CHSDA); Colorado Counties, Inc. (CCI); Colorado Commission on Aging (CCOA); Colorado Legal Services; Colorado Senior Lobby; Community Centered Boards; Colorado Department of Public Health and Environment, Health Facilities Division; Colorado Department of Health Care Policy and Financing, Division for Intellectual and Developmental Disabilities; Disability Law Colorado; Area Agencies on Aging; ARC of Colorado.

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Date presented ___June 2, 2016_____.

What issues were raised? Concerns related to shortening the time frame for documenting case actions from 14 to 10 calendar days. The rules have been revised to keep the 14 day time frame. Concerns for requiring a flagged background check. That proposed change has been removed.

If not presented, explain why.

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Comments were received from stakeholders on the proposed rules:

Yes No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

The rules were emailed to county department directors and APS staff for review and feedback in late April 2016. The State held six webinar sessions between May 2 and May 12, 2016 for county directors, Adult Protective Services (APS) managers and supervisors, and APS caseworkers to go over the proposed rule changes in detail. Over eighty (80) APS staff and county directors representing more than 30 counties attended these webinars and provided feedback and suggestions for improvements and changes to the rules. In May 2016, the APS Task Group was provided the feedback from the webinars and the proposed changes as a result of the feedback. Per the APS Task Group request, the comments for the rules were initially reviewed and discussed via email among task group members. The State Department also met with the County Human Services Directors Association Steering Committee members on June 2, 2016 to discuss the rule process. A final meeting of the APS task group was held June 10, 2016 during which the task group members discussed and made final decisions related to the rules that had been commented upon by county departments. The APS task group supports the final rule recommendations, as drafted in this Initial Circulation.

Below is a summary of comments received via the rules webinar sessions and subsequent emails and the actions to address the comments.

30.330 Training Requirements; 30.530 Investigation; 30.620 Provision of Services; and 30.830 Adult Protection Teams: One proposed rule revision that received stakeholder feedback had to do with the timeframe for casework and other documentation to be entered into the CAPS data system that can be found in multiple sections of the rules, as listed. The proposed rule change was to decrease the amount of time caseworkers have to enter documentation to 10 calendar days from 14 calendar days. This change was proposed to improve the quality and accuracy of the documentation based on available scientific research on memory. However, representatives from counties identified this as a concern during the webinars and in meetings with Department staff, explaining that they felt this was an unnecessary change. They requested to keep the 14 day documentation requirement. The APS Task Group considered the request and developed a compromise to reduce the time allowed for documenting key casework related information to 10 days, including interviews of clients and alleged perpetrators and monthly contact visit notes. The Task Group determined that the time allowed for documentation of non-casework related information, such as continuing education hours completed, would remain at 14 days. Roughly 75% of task group members supported this compromise. However, after further discussion with the Child Welfare Sub-PAC, the sub-PAC members were strongly opposed to shortening the time frame to 10 days for casework practice, indicating that with an expected 30% increase in reports due to implementation of SB15-109, shortening the time frame at this time would impair the Department's ability to manage their workload. The Department has determined that it will leave the 14 day documentation time frame in place at this time.

30.210 APS Program Administration: A change to the rules to require counties to notify the State of change in staffing "immediately" as opposed to within "three working days" was proposed to ensure that persons no longer working in the APS program would have their access to the APS data system, CAPS, removed. CAPS contains a

great deal of personal identifying information (PII) and HIPAA protected personal health information (PHI) that must be protected and kept secure. Two counties felt that the change to require county departments to notify the state immediately upon learning of a change in staffing was an unnecessary time constraint to give to counties. These two counties felt that “one business day” to make the notification was more reasonable. Two other counties felt that the reduction of time to notify the State enhanced best practices and would result in a better outcome for protecting confidential information. One county noted a concern related to their IT department’s inability to access CAPS to submit the change in staffing. A compromise was drafted, with unanimous support of the task group, to require notification “within three (3) working days upon learning of a change in APS staffing but no later than the CAPS user’s last day of employment.”

30.260 Documentation: Several counties voiced concern over including the language “preferably in the county attorney’s office” regarding the secure housing of hard copy documents relating to case files due to the lack of a county attorney’s office at their department. Compromise language was drafted during the email review by the task group to secure those documents “in a secured location.”

30.320 Background Check Requirements. A proposed change related to the requirement for a “flagged” background check from “strongly urged” to “shall”. A flagged background check ensures that the county department would be notified if an APS staff member with direct access to at-risk adults, were to be arrested after their original background check was completed. This may be critical information to client safety. However, a county department indicated that due to its current contract with a company performing the background checks for the county department, it and other counties with similar contracts, would be unable to conform to rule under their current contracts. The Department, therefore, decided to delay this rule change at this time.

30.330 Training Requirements: Initial rule recommendations for counties with only one caseworker who is less than 25% FTE in APS was to require all ten (10) hours of continuing education be state-provided training. One small county recommended that small counties be able to attend local training for a portion of their required training hours. Two counties were in support of the training being all state provided. Upon review by the APS task group, it was unanimously recommended that part of the training requirement could be met through local training opportunities.

30.340 Staff Duties and Responsibilities: During the initial task group meetings, there was discussion about the 15% case review requirement. At that time, the consensus of the APS Task Group was to continue with the 15% requirement, but also offer the option of utilizing the enhanced supervision profile for caseworkers which would allow for supervisors/lead workers to review cases at key junctures, reducing the amount that would be reviewed at each time, thus creating a more efficient process. Counties would have the option to choose their specific method of reviewing casework. During the webinars, one county suggested lowering the 15% supervisory case review requirement to 10%. The State Department has identified a need for increased quality assurance reviews of casework and therefore supports then initial recommendation of the task group to provide the county the option of reviewing 15% of all cases or reviewing each case at key casework process points. There were no further objections from the task group.

30.410 Intake: One county asked that the timeframe requirement for transferring reports to the correct county when they are received in the wrong county remain at eight (8) hours, or one business day, instead of reducing to one (1) hour, as was initially recommended by the Task Group. Another county was in support of this recommendation, while one county felt that one (1) hour was sufficient and addressed the concern of timeliness of initial response when reports are transferred. Upon further consideration by the Task Group, just over 60% support keeping the one hour requirement as the recommendation.

30.420 Report Categorization: Two counties recommended that the elements of the RED Team framework be removed from rule due to the possibility of these elements changing in the future and the thought that this was better defined in training, rather than rule. Because the RED Team framework is being added to CAPS, the task group unanimously determined it was not necessary to include in the rules.

30.430 Response Priority: During the webinars, three counties asked for the State to add a five (5) day response time frame to rule to mirror child protection practices. One of these counties wanted the increased time to allow for counties to do more research on the client if the report was going to be screened out for not meeting criteria of an at-risk adult or no mistreatment. One county noted support in keeping the APS response time frames as is. Counties statewide are meeting the initial response time frame 98% of the time. There does not appear to be a business need to add a five (5) working day response time for reports and it does not seem to be in the best interest of the population served by the APS program. Many APS clients are isolated with no contact with other people. A five working day response could mean that clients were not seen for nearly two weeks following receipt of the report. In addition, the child welfare time frame is to be used when there are no safety concerns identified in the report. In APS, if there is no identified mistreatment, the report is screened out. The State Department supports continuing the APS response time frames as is. There were no further objections from the task group.

30.430 Response Priority: The APS Task Group proposed to add to rule that attempts at client contact should be made at different times of the day, which was perceived by several caseworkers to mean there had to be multiple attempts in the same day, which was not the task group's intent. During email review of the comments, some task group members suggested removing the new rule from the recommendations while others thought it could remain if the language were clarified and moved to a different section of the rules. During the final meeting and discussion, the task group was split equally on this and so the rule was removed from the rule recommendations.

30.430 Response Priority: One county asked for clarification on why the Long Term Care Ombudsman (LTCO) was removed from the list of suggested professionals to reach out to and ascertain a client's immediate safety for an initial response. Two counties support the removal of the LTCO from this list. During email discussions, it was explained that the long-term care ombudsmen are unable to respond immediately to a situation, as law enforcement or hospital staff can, where determination of the client's immediate safety is necessary. Additionally, the ombudsman cannot share information with APS without expressed consent of the client. The removal remains the recommendation.

30.520 Investigation: APS Task Group recommended repealing rules at Section 30.820 related to collaborative/joint investigations, including a list of agencies that could work with APS on an investigation, and move them to the Investigation section of the rule as that's when a joint investigation determination would be made. The rule in the new location was updated to be more concise and lists the five key agencies that could partner with APS in investigating mistreatment. Two counties opposed including the list, citing that it is best practice and should be addressed in training rather than included in rule. Two counties supported the addition of this element and the suggested agencies, as it provides more clarity and guidance for caseworkers. Upon further discussion, the task group was unanimous in its recommendation to keep the list in rule.

30.520 Investigations: Rules were added to the current rules related to interviewing collaterals, to add guidance as to who a collateral might be. Other guidance was added to the rules related to the collection and documentation of evidence. One county suggested that all lists that help to define the expectation of the rule be removed and addressed through training. Two counties supported the additional guidance and clarification to assist caseworkers in ensuring their investigations are thorough and complete and they are meeting all required elements. Upon further discussion, it was determined that the definition of "collateral" already contained all of the new elements in the proposed rule with the exception of "facility staff". A unanimous decision was made to update the definition to add "facility staff" and remove the new list of collaterals from the rule in this section. The task group also discussed the additional lists related to the collection and documentation of evidence and agreed unanimously to include both lists in the rule recommendations.

30.620 Provision of Services: Rules from 30.650 were moved to this section related to the monthly client contact requirement for all open APS cases. Rules were proposed to change the current contact requirement of every 30 days to "once a month, but no more than 35 days from the last client contact." Counties were strongly in favor of this rule recommendation.

30.620 Provision of Services: Rules from 30.650 were moved to this section related to the monthly client contact requirement for all open APS cases. These rules detail the purpose of the monthly contact. The rules that were moved were updated related to the ongoing investigation and assessment of client needs to provide better clarity of that purpose and two new purposes was added related to monitoring of services in place and the continued pursuit of safety improvement and risk reduction. One county asked that all requirements for evaluation during monthly contacts and their documentation be removed from rule, describing them as “overly prescriptive.” One county noted support in keeping the criteria. Upon further discussion and review, the task group unanimously agreed to keep the rule recommendations in place.

30.620 Provision of Services: Rules were added that detail appropriate options for involuntary case planning. These options apply to at-risk adults who are have immediate safety and health concerns but who are refusing services, but likely lack the capacity to refuse services. Two counties asked to remove the list of suggested interventions for coordinating for a client’s immediate safety and provide training around these options, instead. One county noted support in keeping these suggested interventions in rule as additional guidance for caseworkers. Upon further consideration the more than 90% of the task group members agreed to leave the options in the rule recommendations.

30.620 Provision of Services: Rules from 30.710 were moved to this section related to case jurisdiction when a client moves to a new county during provision of services. One of these rules provides guidance for those clients who are wards of the county department. One county expressed concern that the rule would allow a county to go to the court and have the guardianship transferred to a new county without consent of the new county. The State clarified for this county that this is not a new rule and that, as the rule states, counties cannot transfer guardianships without the receiving county’s acceptance and collaboration on petitioning the court. No other counties provided feedback on this item. The rule was left as is.

30.630 Court Intervention: The task group recommended the addition of a rule that guardianship or conservatorship would only be sought for APS clients who have a facility placement. One county felt that it was unnecessary to include that the county should secure placement for the client prior to pursuing court intervention. They expressed that they often will pursue court intervention to appoint a conservator for a client so that they may continue to live independently in the community as a least restrictive option. Another county thought that a home placement for a ward who could afford to pay for 24/7 care and supervision was appropriate. As the rule change was written, this would not be an option for counties moving forward. The State does not recommend that counties take on guardianship for clients living in the community due to the liability and increased difficulty in being able to ensure their safety. However, upon further discussion by the task group, nearly 70% agreed the rule should not be recommended going forward and so is not included in this Initial Circulation.

30.650 Case Closure: The closure reason related to the allegations being unsubstantiated was updated in the initial rule recommendations to add “...and there are no other identified needs.” Two counties felt that the language of “no other identified needs” was too vague. One county was in support of leaving the language as is. Upon further input and suggestion from task group members, the rule was amended to read, “...there are no other identified needs as determined by the assessment.”

(12 CCR 2518-1)

30.000 ADULT PROTECTIVE SERVICES

30.100 DEFINITIONS [Rev. eff. 9/1/14]

The following definitions shall apply to these rules.

~~“Abuse”, pursuant to Section 26-3.1-101(7)(a)(1), C.R.S., means mistreatment that occurs 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; or, where unreasonable confinement or restraint is imposed; or where there is subjection to nonconsensual sexual conduct or contact classified as a crime under the “Colorado Criminal Code”, Title 18, Article 3, Part 4, C.R.S.~~ ANY OF THE FOLLOWING ACTS OR OMISSIONS COMMITTED AGAINST AN AT-RISK ADULT:

- A. THE NONACCIDENTAL 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;
- B. CONFINEMENT OR RESTRAINT THAT IS UNREASONABLE UNDER GENERALLY ACCEPTED CARETAKING STANDARDS; OR
- C. SUBJECTION TO SEXUAL CONDUCT OR CONTACT CLASSIFIED AS A CRIME UNDER THE “COLORADO CRIMINAL CODE”, TITLE 18, C.R.S.

“Adult Protective Services (APS) Program” means the State Department supervised, county department administered program that has the authority to investigate and/or assess allegations of mistreatment and self-neglect of at-risk adults. The APS Program offers protective services to prevent, reduce, or eliminate the current or potential risk of mistreatment or self-neglect to the at-risk adult using community based services and resources, health care services, family and friends when appropriate, and other support systems. The APS Program focuses on the at-risk adult and those services that may prevent, reduce, or eliminate further mistreatment or self-neglect. The APS Program refers possible criminal activities to law enforcement and/or the district attorney for criminal investigation and possible prosecution.

“Allegation” means a statement asserting an act or suspicion of mistreatment or self-neglect involving an at-risk adult.

“Assessment” means the process of evaluating a client’s functional abilities to determine the client’s level of risk and, in cooperation with the client whenever possible, to identify service needs for the case plan.

“Assumed responsibility”, as used in the definition of caretaker, means a person who is providing or has provided recurring assistance to help meet the basic needs of an at-risk adult. The assumption of responsibility can attach by entering into a formal or informal agreement, whether paid or unpaid; by identifying oneself as a caretaker to others; or based on the nature of the situation or relationship between the caretaker and the at-risk adult.

"At-risk adult", pursuant to Section 26-3.1-101(1.5), C.R.S., means an individual eighteen years of age or older: WHO IS SUSCEPTIBLE TO MISTREATMENT OR SELF-NEGLECT BECAUSE THE INDIVIDUAL IS UNABLE TO PERFORM OR OBTAIN SERVICES NECESSARY FOR HIS OR HER HEALTH, SAFETY, OR WELFARE, OR LACKS SUFFICIENT UNDERSTANDING OR CAPACITY TO MAKE OR COMMUNICATE RESPONSIBLE DECISIONS CONCERNING HIS OR HER PERSON OR AFFAIRS.

- A. ~~Who is susceptible to mistreatment because he/she is unable to perform or obtain services necessary for his/her health, safety, or welfare; or,~~
- B. ~~Who lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his/her person or affairs.~~
- C. ~~Persons are not considered "at-risk" solely because of age and/or disability.~~

"CAPS" MEANS THE COLORADO ADULT PROTECTIVE SERVICES (APS) STATE DEPARTMENT PRESCRIBED DATA SYSTEM THAT THE COUNTY DEPARTMENT SHALL USE TO DOCUMENT APS PROGRAM ACTIVITIES, INCLUDING ALL REPORTS AND CASEWORK, ADULT PROTECTION TEAM ACTIVITIES, APS STAFF QUALIFICATIONS, FTE, ONGOING TRAINING, COOPERATIVE AGREEMENTS, AND OTHER ACTIVITIES REQUIRED BY RULE.

"Caretaker", pursuant to Section 26-3.1-101(2), C.R.S., means a person who is responsible for the care of an at-risk adult as a result of a family or legal relationship or a person who has assumed responsibility for the care of an at-risk adult or is paid to provide care or services to an at-risk adult.

- A. IS RESPONSIBLE FOR THE CARE OF AN AT-RISK ADULT AS A RESULT OF A FAMILY OR LEGAL RELATIONSHIP;
- B. HAS ASSUMED RESPONSIBILITY FOR THE CARE OF AN AT-RISK ADULT; OR,
- C. IS PAID TO PROVIDE CARE, SERVICES, OR OVERSIGHT OF SERVICES TO AN AT-RISK ADULT.

"Caretaker neglect", pursuant to Section 26-3.1-101(2.3)(a), C.R.S., means neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, HABILITATION, or supervision, OR OTHER TREATMENT NECESSARY FOR THE HEALTH, SAFETY, OR WELFARE OF THE AT-RISK ADULT is not secured for an 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, 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 subsection (2.3), "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 Order 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.~~ OR A CARETAKER KNOWINGLY USES HARASSMENT, UNDUE INFLUENCE, OR INTIMIDATION TO CREATE A HOSTILE OR FEARFUL ENVIRONMENT FOR AN AT-RISK ADULT.

- (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2.3), THE WITHHOLDING, WITHDRAWING, OR REFUSING OF ANY MEDICATION, ANY MEDICAL PROCEDURE OR DEVICE, OR 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, IS NOT DEEMED CARETAKER NEGLECT.

- (c) AS USED IN THIS SUBSECTION (2.3), "MEDICAL DIRECTIVE OR ORDER" INCLUDES A MEDICAL DURABLE POWER OF ATTORNEY, A DECLARATION AS TO MEDICAL TREATMENT EXECUTED PURSUANT TO SECTION 15-18-104, C.R.S., A MEDICAL ORDER 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.

"Case" means a report that contains information indicating that there is an at-risk adult and a mistreatment category, and the report is screened in for investigation and/or further assessment.

"Caseload average" means the fiscal year monthly average sum of new reports plus ongoing cases per caseworker. The fiscal year caseload average is calculated as: $[(\text{fiscal year total of new reports}/12) + (\text{beginning cases on July 1} + \text{ongoing cases on June 30}/2)]/\text{FTE on June 30} = \text{caseload average}$.

"Case Planning" means using the information obtained from the investigation and/or assessment to identify, arrange, and coordinate protective services in order to reduce the client's level of risk for mistreatment AND IMPROVE SAFETY.

"Clergy member", pursuant to Section 26-3.1-101(2.5), C.R.S., means a priest; rabbi; duly ordained, commissioned, or licensed minister of a church; member of a religious order; or recognized leader of any religious body.

"Client" means an actual or possible at-risk adult for whom a ~~referral~~REPORT has been received and the county department has made a response, via telephone resolution or open case.

"Collateral contact" means a person who has knowledge about the client's situation that supports, refutes, or corroborates information provided by a client, reporter, or other person involved in the case. Examples of contacts include, but are not limited to, family members, law enforcement, health care professionals, service providers, FACILITY STAFF, neighbors, and friends.

"County Department" means a county department of human/social services.

~~"Data system" means the State Department prescribed data system that the county department shall use to document APS Program activities, including all reports and casework, Adult Protection Team activities, APS staff qualifications, FTE, ongoing training, cooperative agreements, and other activities required by rule.~~

"Enhanced supervision" means ~~the data system~~ CAPS security access that prevents a caseworker from finalizing an investigation, assessment, case plan, or case closure without supervisory approval.

"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~~ ANYTHING OF VALUE;
- B. ~~In the absence of legal authority:~~
- 4B. 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,~~

- 2C. 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,
- GD. 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.

"FACILITY" MEANS MEDICAL AND LONG-TERM CARE FACILITIES THAT PROVIDE 24 HOUR CARE AND OVERSIGHT FOR RESIDENTS, AND INCLUDES GROUP AND HOST HOMES, ALTERNATIVE CARE FACILITIES, STATE REGIONAL CENTERS, AND STATE MENTAL HEALTH FACILITIES.

"Financial institution" means a state or federal bank, savings bank, savings and loan association or company, building and loan association, trust company, or credit union.

"Fiscal Year" means the State Department fiscal year, which begins July 1 and ends June 30.

"FTE" means Full Time Equivalent. The actual percentage of time a person works on the APS program shall be considered that person's FTE.

"Inconclusive finding" means that indicators of mistreatment, exploitation, or self-neglect may be present but the investigation could not confirm the evidence to a level necessary to substantiate the allegation.

"Investigation" means the process of determining if an allegation(s) of mistreatment involving an at-risk adult can be substantiated by a preponderance of evidence.

"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 mistreatment.

"Minor impact" means the client may experience some difficulty with the assessment risk indicator, but there is very little impact on the client's overall health, safety, and/or welfare and no intervention is necessary to improve overall safety.

"Mistreatment", pursuant to Section 26-3.1-101(7), C.R.S., means ~~an act or omission that threatens the health, safety, or welfare of an at-risk adult or that exposes an at-risk adult to a situation or condition that poses imminent risk of death, serious bodily injury, or bodily injury to the at-risk adult. Mistreatment includes, but is not limited to:~~

- A. Abuse; ~~that occurs:~~
 - 1. ~~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;~~
 - 2. ~~Where unreasonable confinement or restraint is imposed; or,~~
 - 3. ~~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;
- C. EXPLOITATION;
- D. AN ACT OR OMISSION THAT THREATENS THE HEALTH, SAFETY, OR WELFARE OF AN AT-RISK ADULT; OR,

- E. AN ACT OR OMISSION THAT EXPOSES AN AT-RISK ADULT TO A SITUATION OR CONDITION THAT POSES AN IMMINENT RISK OF BODILY INJURY TO THE AT-RISK ADULT.

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

"Protective Services" means services to prevent the mistreatment and self-neglect of an at-risk adult initiated and provided by the county department authorized to administer the Adult Protective Services Program. Such services include, but are not limited to:

- A. Receipt and investigation of reports of mistreatment, ~~exploitation,~~ and self-neglect;
- B. Assessment of the at-risk adult's physical, environmental, resources and financial, medical, mental and behavioral, and support system needs;
- C. Protection from mistreatment;
- D. Coordination, implementation, delivery, and monitoring of services necessary to address the at-risk adult's safety, health, and welfare needs;
- E. Assistance with applications for public benefits and other services; and,
- F. Initiation of protective and probate proceedings under Colorado Revised Statutes.

"Reassessment" means the process of updating the assessment status areas and the case plan, including the status of any services implemented and any new services and/or goals identified since the last assessment.

"RED Team" is an acronym that stands for Review, Evaluate, and Direct. The RED Team is a decision making process that utilizes a structured framework to determine the county department's response to referrals. ~~REPORTS.~~

"Report" means an oral or written report of suspected mistreatment or self-neglect of a suspected at-risk adult, received by the county department.

"Risk" means conditions and/or behaviors that create increased difficulty or impairment to the client's ability to ensure health, safety, and welfare.

"Safety" means the extent to which a client is free from harm or danger, or to which harm or danger is lessened.

"Self-Determination" means the right to decide for one's self; the ability or right to make one's own decisions without interference from others.

"Self-Neglect", pursuant to Section 26-3.1-101(10), C.R.S., means an act or failure to act whereby an at-risk adult substantially endangers his/her health, safety, welfare, or life by not seeking or obtaining services necessary to meet the adult's essential human needs. Refusal of medical treatment, medications, devices, or procedures by an adult 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. "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.

"Significant impact" means that the client's impairment diminishes the client's health, safety, and/or welfare and intervention is necessary to improve overall safety.

"Staffing a case" means the review of an APS case between the supervisor and caseworker to ensure the appropriateness of the investigation findings, client assessment, case plan, service provision, need for ongoing services, plans to terminate services, documentation, and overall intervention as it relates to APS rules and best practices. Staffing a case may include the county department APS unit, the State Department APS unit, and/or the APS Team in addition to the supervisor and caseworker.

"State Department" means the Colorado Department of Human Services.

"Substantiated finding" means that the investigation established by a preponderance of evidence that mistreatment, exploitation, or self-neglect has occurred.

"UNDUE INFLUENCE" MEANS THE USE OF INFLUENCE TO TAKE ADVANTAGE OF AN AT-RISK ADULT'S VULNERABLE STATE OF MIND, NEEDINESS, PAIN, OR EMOTIONAL DISTRESS.

"Unsubstantiated finding" means the investigation did not establish any evidence that mistreatment or self-neglect has occurred.

30.200 ADULT PROTECTIVE SERVICES PROGRAM ADMINISTRATION AND OVERVIEW

30.210 APS PROGRAM ADMINISTRATION [Rev. eff. 9/1/14]

- A. The Adult Protective Services (APS) Program is mandated by Title 26, Article 3.1, of the Colorado Revised Statutes. The county department shall administer the APS Program in accordance with the statutes and rules governing the APS Program and in general State Department fiscal and program regulations.
- B. The county department shall ~~make reasonable efforts to~~ utilize funding appropriated by the State Legislature to MAKE REASONABLE EFFORTS TO maintain a fiscal year caseload average of twenty-five to one (25:1), as intended by S.B. 13-111.
- C. ~~The county department shall report to the State Department the active caseworker, case aide, and supervisory staff, including FTE, beginning July 1, 2014, and within three (3) working days whenever APS staff changes occur.~~ IN ORDER TO ENSURE THE SECURITY OF CAPS AND THE PERSONAL IDENTIFYING INFORMATION (PII) AND PERSONAL HEALTH INFORMATION (PHI) CONTAINED WITHIN, THE COUNTY DEPARTMENT SHALL NOTIFY THE STATE DEPARTMENT THROUGH A CAPS SUPPORT REQUEST WITHIN THREE (3) WORKING DAYS UPON LEARNING OF A CHANGE IN APS STAFFING, BUT NO LATER THAN THE CAPS USER'S LAST DAY OF EMPLOYMENT. AN EMAIL TO THE STATE DEPARTMENT MAY SUBSTITUTE FOR A CAPS SUPPORT TICKET IN THE EVENT A CAPS SUPPORT TICKET CAN NOT BE SUBMITTED.
- D. The county department shall make reasonable efforts to advise county residents of services available through the APS Program by such methods as Adult Protection Team mandated community education, as defined at Section 30.830, B, 4, press releases, presentations, pamphlets, and other mass media.
- E. The county department shall handle responses to requests for services from other agencies, including the State Department, other county departments, or another state's APS Program, in the same manner and time frames as requests received from within the county.

- F. The county department shall report to the State Department at such times and in such manner and form as the State Department requires, including through ~~the data system~~CAPS, manually generated reports, quality improvement and assurance processes, and other forms of reporting.

30.220 APS PROGRAM REVIEW AND OVERSIGHT [Rev. eff. 9/1/14]

- A. The county department shall be subject to the provisions outlined in Section 26-1-111, C.R.S., requiring the State Department to ensure that the county department complies with requirements provided by statute, State Board of Human Services and Executive Director rules, federal laws and regulations, and contract and grant terms.
- B. The county department shall be subject to routine quality control and program monitoring, to minimally include:
 - 1. Targeted review of ~~the data system~~CAPS documentation;
 - 2. Review and analysis of data reports generated from ~~the data system~~CAPS;
 - 3. Case review;
 - 4. Targeted program review conducted via phone, email, or survey; and,
 - 5. Onsite program review.
- C. The focus of the monitoring shall be to identify:
 - 1. Compliance with program statute and rules;
 - 2. Best practices that can be shared with other county departments; and,
 - 3. Training needs.
- D. The county department shall be subject to a performance improvement plan to correct areas of identified non-compliance.
- E. The county department shall be subject to corrective action and sanction, as outlined in 9 CCR 2501-1 if the county fails to make improvements required under the performance improvement plan.

30.230 ELIGIBILITY [Rev. eff. 9/1/14]

- A. Protective services are provided to persons that meet the definition of “at-risk adult” as defined in Section 30.100. Persons shall not be considered “at-risk” solely because of age and/or disability.
- B. Protective services are provided to at-risk adults:
 - 1. ~~Who need assessment for health, welfare, protection, and/or safety; and/or,~~
 - 21. Who need short term services due to a report of actual or ~~potential~~SUSPECTED mistreatment, ~~exploitation,~~ or self-neglect; and/or,
 - 32. Who need ongoing protection as the result of substantiation of mistreatment or self-neglect; and/or,

- 43. For whom the county department has been appointed guardian and/or conservator, or has been designated as representative payee; and/or,
- 54. Who are residents of long term care facilities, such as nursing homes and assisted living residences, who must relocate due to the closure of the facility and:
 - a. The county department has been appointed guardian and/or conservator; or,
 - b. They are in need of protective services due to a lack of case management and/or assistance from any other reliable source.
- 65. Without regard to income, resources, or lawful presence.

30.240 APS PRINCIPLES – CONSENT, SELF DETERMINATION, AND LEAST RESTRICTIVE INTERVENTION [Rev. eff. 9/1/14]

- A. The client’s consent is not required for the county department to investigate or assess allegations of mistreatment, ~~exploitation~~, or self-neglect.
- B. The final decision as to acceptance of protective services shall rest with the client unless the client has been adjudicated incapacitated by the court or as outlined in Section 30.600.
- C. Protective services provided to and other services arranged for the client shall constitute the least restrictive intervention and be those services provided for the shortest duration and to the minimum extent necessary to meet the needs of the client.
- D. It shall not be construed that a person is being mistreated when he or she is being furnished or is relying upon treatment or practices that:
 - 1. Rely on the tenets and practices of that person’s recognized church or religious denomination; or,
 - 2. Do not violate local, state, or federal laws.
- E. Choice of lifestyle or living arrangements shall not, by itself, be evidence of self-neglect.

30.250 CONFIDENTIALITY [Rev. eff. 9/1/14]

- A. Information received as a result of a report to APS and subsequent investigation and casework services shall be confidential and shall not be released without a court order for good cause except in limited circumstances, as defined in Section 30.250, E.
- B. The county department shall treat all information related to the report and the case, whether in written or electronic form, as confidential according to applicable statutes, including, but not limited to, the following:
 - 1. Identifying information, such as the name, address, relationship to the at-risk adult, date of birth, or Social Security Number of the:
 - a. At-risk adult;
 - b. At-risk adult’s family members;
 - c. Reporting party;

- d. Alleged perpetrator; and,
 - e. Other persons involved in the case.
2. Allegations, assessment, and investigative findings, including, but not limited to:
- a. Initial report of allegations and concerns;
 - b. The client's physical, environmental, resources and financial, medical, mental and behavioral, and social systems status;
 - c. Medical and behavioral diagnoses, past medical conditions, and disabilities;
 - d. Services provided to or arranged for the adult;
 - e. Information learned as a result of a criminal investigation;
 - f. Information obtained during the APS investigation and the substantiation or non-substantiation of the allegations; AND,
 - g. Legal protections in place including, but not limited to, wills, advance directives, powers of attorney, guardianship, conservatorship, representative payeeship, and protective orders.
- C. Individuals or groups requesting information regarding APS reports and/or investigations shall be informed of the confidential nature of the information and shall be advised that a court order is required to release information held by the county department, except as provided at Section 30.250, E. These persons or groups include, but are not limited to:
- 1. Federal and state legislators;
 - 2. Members of other governmental authorities or agencies, including county commissioners, city councils, school boards, and other city and county department boards, councils, officials, and employees;
 - 3. Courts and law enforcement agencies;
 - 4. Attorneys, guardians, conservators, agents under powers of attorney, representative payees, and other fiduciaries;
 - 5. Family members, reporting parties, or other interested parties;
 - 6. Any alleged perpetrator; and,
 - 7. Media representatives.
- D. In a criminal or civil proceeding or in any other circumstance in which the APS report and/or case record is subpoenaed or any request for disclosure has been made, or any county department or State Department representative is ordered to testify concerning an APS report or case, the court shall be advised, through proper channels, of the statutory provisions, rules, and policies concerning disclosure of information.
- 1. Confidential information shall not be released unless so ordered by the court for good cause.

2. Courts with competent jurisdiction may determine good cause. Although it is not an exhaustive list, the following are examples of court proceedings in which a court may determine that good cause exists for the release of confidential information:
 - a. Guardianship or conservatorship proceeding in which either the county is the petitioner or has been ordered to testify;
 - b. Review of Power of Attorney under the Uniform Power of Attorney Act, as outlined at Title 15, Article 14, Part 7, Colorado Revised Statutes (C.R.S.);
 - c. Review of a fiduciary under Title 15, Article 10. Part 5, C.R.S.; and/or,
 - d. Criminal trial.
- E. Information held by the State Department or county department may be released without a court order only when:
 1. Coordination with professionals and collateral contacts is necessary to investigate mistreatment, exploitation, or self-neglect and/or to resolve health and/or safety concerns.
 2. It is essential for the provision of protective services, including establishing eligibility for, arrangement and implementation of services and benefits, and appointment of a guardian and/or conservator.
 3. A review of a Power of Attorney is requested under the Uniform Power of Attorney Act, as outlined at C.R.S. Title 15, Article 14, Part 7 or review of a fiduciary under C.R.S. Title 15, Article 10, Part 5.
 4. A case is reviewed with the adult protection team, in accordance with the adult protection teams by-laws, and when in executive session with members who have signed a confidentiality agreement.
 5. A criminal complaint or indictment is filed based on the APS report and investigation.
 6. There is a death of a suspected at-risk adult and formal charges or a grand jury indictment have been brought.
 7. The coroner is investigating a death suspected to be a result of mistreatment or self-neglect.
 8. The client requests his/her file and provides a written release of information, in accordance with the county department's policy. The county department shall review the request to determine whether the client has the ability to provide informed consent related to the release of the file.
- F. Whenever there is a question about the legality of releasing information or the ability of the client to provide informed consent, the requestor, whether the client or another person, shall be advised to submit a written request to the appropriate court to order the county department to produce the desired records or information within the custody or control of the county department.
- G. Information released under Section 30.250, D and E, shall be the minimum information necessary to secure the services, conduct the investigation, or otherwise respond to the court order or request for information. The county department shall:

1. Provide the information only to persons deemed essential to the court order, criminal investigation, Adult Protection team activities, the provision of services, or client request;
 2. Edit the information prior to its release to physically remove or redact sensitive information not essential to the court order, criminal investigation, Adult Protection Team activities, provision of services and benefits, or client request;
 3. Always redact the reporting party information and other documentation that could identify the reporting party unless specifically ordered by a court or the reporter has given written consent to release his/her information;
 4. Always redact all HIPAA protected information and any other confidential information which is protected by law unless specifically ordered by a court; and,
 5. Redact all other report and case information not directly related to the request.
- H. When a court order or other written request for the release of information related to an APS report or case is received, as outlined in Sections 30.250, D and E, the county department shall:
1. Comply within the time frame ordered by the court, or in accordance with county department policy; and,
 2. Provide a written notice with the information to be released regarding the legality of sharing confidential information.
- I. All confidential APS information and data shall be processed, filed and stored using safeguards that prevent unauthorized personnel from acquiring, accessing, or retrieving the information.
1. Client files shall be kept in a secured area when not in use.
 2. Passwords ~~to the APS data system~~ TO CAPS shall be kept secured.
 3. The State Department shall ensure that only APS STATE AND COUNTY staff persons WITH A BUSINESS NEED TO DO SO SHALL have access to ~~the APS data system~~ CAPS.
 4. Laptops and other mobile devices used to document in the field shall be protected and encrypted in compliance with HIPAA security requirements.
 5. Email correspondence that contains APS confidential information shall be sent through secure encryption programs.
 6. ALL CAPS USERS MUST ELECTRONICALLY SIGN THE CAPS SECURITY AND CONFIDENTIALITY AGREEMENT ANNUALLY.
- J. COUNTY DEPARTMENTS SHALL NOT ACCESS INFORMATION IN CAPS THAT IS NOT NECESSARY TO SERVE THE CLIENT. VIOLATIONS MAY RESULT IN LOSS OF ACCESS TO CAPS, AT THE DISCRETION OF THE STATE DEPARTMENT.
- J.K. Any person who willfully violates confidentiality or who encourages the release of information related to the mistreatment, ~~exploitation~~, and self-neglect of an at-risk adult from ~~the data system~~ CAPS or THE APS case file, to persons not permitted access to such information, commits a Class 2 petty offense and shall be punished as provided in Section 26-3.1-102(7)(c), C.R.S.

- KL. Clients shall be referred to the Colorado Address Confidentiality Program (ACP) as appropriate to determine their eligibility for services including the legal substitute mailing address and mail forwarding services. The State Department and county department shall comply with any applicable provisions for APS clients enrolled in the ACP.

30.260 DOCUMENTATION [Rev. eff. 9/1/14]

- A. The county department shall THOROUGHLY document all Adult Protective Services (APS) reports and case information in ~~the data system~~ CAPS. There shall be no parallel paper or electronic system used to enter APS documentation. DOCUMENTATION SHALL INCLUDE ALL ASPECTS OF THE APS CASE, INCLUDING:

1. INITIAL REPORT;
2. INVESTIGATION;
3. ASSESSMENT;
4. CASE PLAN;
5. CONTACT RECORDS FOR THE CLIENT, ALLEGED PERPETRATOR, REPORTER, AND ALL COLLATERALS AND SUPPORTS;
6. ONGOING CASE NOTES;
7. CASE CLOSURE; AND,
8. ANY OTHER PROCESSES RELATED TO THE CASE.

- B. All documents and evidence critical to the APS case record shall be scanned into ~~the data system~~ CAPS, to include:

1. ~~The~~A release of information form(s) signed by the client; WHEN APPROPRIATE;
2. All of the client's Powers of Attorney(s), living will declaration, and/or other advance directives, as applicable;
3. All documents, reports, and correspondence related to guardianship, conservatorship, and representative payeeship, whether county department held or private, as applicable; and,
4. Other documentation, such as medical reports, results of psychiatric evaluations, photographic documentation, and other evidence collected during the investigation and assessment.

- C. ALL DOCUMENTATION PERTAINING TO APS REPORTS AND CASES, INCLUDING INTERVIEW AND CASE NOTES, EVIDENCE GATHERED, SUCH AS PHOTOS, MEDICAL RECORDS, AND BANK STATEMENTS SHALL BE KEPT IN A SECURE LOCATION UNTIL DOCUMENTED IN CAPS AND THEN SHALL BE DESTROYED.

- a. HARDCOPY AND ELECTRONIC APS FILES CREATED PRIOR TO JULY 1, 2014 SHALL BE KEPT IN A SECURED LOCATION.
- b. ALL APS FILES CREATED JULY 1, 2014 OR LATER SHALL BE DOCUMENTED IN CAPS AND THE FILE/NOTES DESTROYED.

- c. ORIGINAL LEGAL DOCUMENTS SUCH AS GUARDIANSHIP, REPRESENTATIVE PAYEESHIP, BIRTH CERTIFICATES, OR TAX DOCUMENTS MAY BE RETAINED IN A HARDCOPY FILE, IN ADDITION TO CAPS, THAT IS IN A SECURED LOCATION.

G.D. Case records shall be retained for a minimum of three (3) years, plus the current year, after the date of case closure.

30.300 STAFF QUALIFICATIONS, TRAINING, AND DUTIES

30.310 EDUCATION AND EXPERIENCE QUALIFICATIONS [Rev. eff. 9/1/14]

- A. The county department shall ensure that all personnel who supervise or provide professional services in the APS program possess the following minimum qualifications for education and experience:
 - 1. The Professional Entry (Training) Level position shall require a Bachelor's degree with an equivalent of thirty (30) semester or forty-five (45) quarter hours in human behavioral sciences or health care related courses, such as, social work, sociology, psychology, psychiatry, gerontology, nursing, special education, family intervention techniques, diagnostic measures, therapeutic techniques, guidance and counseling, CRIMINAL JUSTICE, or other human behavioral sciences, or A medical field relevant to the APS program and/or at-risk adults.
 - 2. Professional Journey Level position shall meet the requirements for the Professional Entry (Training) Level position and shall have obtained the skills, knowledge, and abilities to perform duties at the fully independent working level, as follows:
 - a. ~~The required degree plus~~ One (1) year of professional casework in a public or private social services agency obtained COMPLETED after the degree is obtained; or,
 - b. A Master's degree in ~~social work~~. A FIELD AS LISTED IN 30.310, A, 1.
 - 3. The Casework Supervisor position shall meet the requirements for the Professional Journey Level position plus have at least three years professional casework experience at the journey level obtained after the Bachelor's or Master's degree. County department managers, administrators, and directors with direct supervision shall meet this requirement.
 - 4. The Case Aide and Intake Screener positions, if available in the county department, shall have obtained a high school diploma or a General Equivalency Diploma (GED) plus have at least six (6) months full time public contact in human services or a related field. Substitution for public contact is successful completion of a certificate program in gerontology and/or at least six, college level credit hours in a human behavioral sciences or health care field.
- B. If proven recruitment difficulty exists or the APS staff person was hired to perform APS duties prior to November 1, 1998, the county department may request a waiver of these requirements by submitting a request to the State Department Adult Protective Services unit. The request shall include:
 - 1. The position for which the county department is requesting a waiver, including the percentage of time the position will be performing the duties of the APS program (% FTE).

2. Justification of the need for a waiver, to include:
 - a. Documentation of the recruiting effort;
 - b. Educational background of the proposed candidate, including degrees and post degree training, such as completion of a gerontology certificate, post graduate coursework, or other relevant training courses;
 - c. Years of direct experience working with at-risk adults or other vulnerable populations applicable to the APS Program and clients; and,
 - d. Other relevant qualities and information that demonstrate the candidate would be acceptable as a training level caseworker.
 3. A plan on how and when the candidate will meet the coursework requirement or will otherwise meet the educational requirements of the position.
 4. If the waiver request is not approved and the county department disagrees with the decision, the county department may request review of the decision by the Executive Director of the State Department.
- D. All APS staff education and experience shall be documented in ~~the data system~~ CAPS.

30.320 BACKGROUND CHECK REQUIREMENTS [Eff. 8/1/12]

- A. The county department shall complete a criminal background check on all prospective APS employees who, while in their employment, have direct, unsupervised contact with any actual or potential at-risk adult.
- B. If the county department has not previously requested and received a criminal background check on a current employee hired on or after June 1, 2010, the county department shall immediately request a fingerprint criminal background check. The county department shall pay the fee.
- C. The county department shall require a fingerprint background check for all prospective employees.
 1. The county department shall submit to the Colorado Bureau of Investigation (CBI) a complete set of fingerprints taken by a qualified law enforcement agency to obtain any criminal record held by the CBI.
 2. The background check shall include a check of the records at the Colorado Bureau of Investigation and the Federal Bureau of Investigation.
 3. The county department is strongly urged to require the background check be flagged for future notification of arrest and/or conviction.
 4. The prospective employee shall pay the fee for the criminal record check unless the county department chooses to pay the fee.
 5. The prospective employee's employment shall be conditional upon a satisfactory criminal background check.
 - a. The current employee or applicant shall be disqualified from employment, regardless of the length of time that may have passed since the discharge of the sentence imposed, for any felony criminal offenses as defined in Title 18, Articles

2-10, 12-13, 15-18.5, 20, 23 of the Colorado Revised Statutes, or any felony offense in any other state the elements of which are substantially similar to the elements of any of the offenses included herein.

b. At the county department's discretion, a person shall be disqualified from employment either as an employee or as a contracting employee if less than ten years have passed since the person was discharged from a sentence imposed for conviction of any of the following criminal offenses:

- 1) Third degree assault, as described in Section 18-3-204, C.R.S.;
- 2) Any misdemeanor, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in Section 18-6-800.3, C.R.S.;
- 3) Violation of a protection order, as described in Section 18-6-803.5, C.R.S.;
- 4) Any misdemeanor offense of child abuse, as defined in Section 18-6-401, C.R.S.;
- 5) Any misdemeanor offense of sexual assault on a client by a psychotherapist, as defined in Section 18-3-405.5, C.R.S.;
- 6) Any misdemeanor offense of arson, burglary and related offenses, robbery, or theft, as defined in Title 18, Articles 1-4, C.R.S.;
- 7) A pattern of misdemeanor convictions within the ten years immediately preceding the date of submission of the application, or;
- 8) Any misdemeanor offense in any other state, the elements of which are substantially similar to the elements of any of the offenses described above.

4. Prospective employees who are transferring from one county department to another are not required to be re-fingerprinted if they complete the following process:

- a. New employees must obtain their CBI clearance letter or a photocopy of their processed fingerprint card from their former employer. They must attach it to a new fingerprint card, with the top portion completed.
- b. The new fingerprint card must include the new employer's address. "Transfer – County Department" must be inserted in the "Reason Fingerprinted" block.
- c. The CBI clearance letter (or photocopy of the old fingerprint card) and the new fingerprint card shall be sent with payment by the county department to the CBI.
- d. County departments that have accounts with CBI are not required to send payment, but the county department shall enter its CBI account number in the OCA block of the new fingerprint card.

30.330 TRAINING REQUIREMENTS [Rev. eff. 9/1/14]

A. The county department shall ensure that all new APS staff completes required APS training, as follows:

1. New entry and journey level caseworkers shall successfully complete the Pre-Academy Workbook (PAW) WITHIN ONE (1) MONTH OF HIRE OR TRANSFER TO THE APS PROGRAM AND SHALL NOT BE ASSIGNED CASES UNTIL THE PAW HAS BEEN COMPLETED. THE CASEWORKER SHALL DOCUMENT COMPLETION OF THE PAW IN CAPS.
 - a. ~~Full time APS caseworkers shall complete the PAW within three (3) months of hire or transfer to the APS Program.~~
 - b. ~~Part time APS caseworkers shall complete the PAW within six (6) months of hire or transfer to the APS Program.~~
 2. New entry and journey level caseworkers shall complete the APS training academy. ~~within nine months of hire or transfer to the APS Program.~~
 - a. ~~Small counties~~-COUNTY DEPARTMENTS with only one (1) caseworker who is less than a twenty-five percent (25%) FTE in APS shall complete the training academy within ~~twelve (12)~~NINE (9) months of hire or transfer to the APS Program. Caseworkers are strongly urged to request support from the State Department on any cases opened prior to attending training academy.
 - b. ALL OTHER COUNTY DEPARTMENTS WITH AT LEAST ONE (1) CASEWORKER~~Counties~~ with a twenty-five percent (25%) or higher FTE in APS shall complete the training academy within ~~nine (9)~~ SIX (6) months of hire or transfer to the APS Program.
 3. New supervisors, managers, administrators, and/or county department directors with direct casework supervision duties shall successfully complete the web-based APS supervisor training within six (6) months of hire, transfer to the APS Program, or promotion from a caseworker position. The web-based training requirements shall be waived if the supervisor, manager, administrator, or director attends the APS training academy.
 4. New case aides shall complete the Pre-Academy Workbook (PAW) within ~~three (3)~~ ONE (1) months of hire or transfer to the APS Program. Case aides may attend APS training academy, space permitting.
 5. APS intake screeners or other county department staff designated to receive reports of alleged mistreatment, ~~exploitation,~~ and self-neglect of at-risk adults ~~shall complete the web-based enhanced screening training within sixty (60) days of hire or transfer to their position.~~ Intake screeners may complete the Pre-Academy Workbook (PAW).
- B. The county department shall ensure that any APS staff member on the job longer than twelve (12) months completes ongoing training relevant to the APS Program and client populations. Attendance at any specific training event is at the supervisor's discretion.
1. Caseworkers shall successfully complete at least ~~thirty (30)~~ FORTY (40) hours of ongoing training per fiscal year related to the APS Program, target populations, and the provision of casework services, as follows:
 - a. At least fifteen (15) hours shall be State Department provided training specifically related to the APS Program, which may include:
 - 1) Statewide or regional training;

- 2) Quarterly training meetings;
 - 3) County department onsite training; and/or,
 - 4) Live webinar or self-directed web-based training.
- b. Additional training options relevant to the APS Program, target populations, and/or the provision of casework services shall include, but are not limited to:
- 1) National APS organizations' webinar training;
 - 2) Child Welfare Training Academy coursework that has cross-over relevance and has been approved by the State Department APS unit;
 - 3) Other state or national APS conferences; AND/OR,
 - 4) Regional training or conference conducted by agencies or professionals that work with older adults or people with disabilities including, but not limited to, a community centered board, Alzheimer's association, Colorado legal assistance developer, Colorado Coalition for Elder Rights and Abuse Prevention (CCERAP), Colorado Long-Term Care Ombudsman, local law enforcement, AP team, APS supervisor or county department attorney.; and/or,.
 - ~~5) Reading reports or professional journals provided or approved by the State Department APS unit about current APS best practices, research, and interventions.~~
2. Supervisors, managers, administrators, and/or county department directors with direct casework supervision duties shall successfully complete at least ~~twenty (20)~~ THIRTY (30) hours of ongoing training per fiscal year related to the APS Program, target populations, the provision of casework services, or general supervision of employees, as follows:
 - a. At least ~~ten (10)~~ FIFTEEN (15) hours shall be State Department provided training specifically related to the APS Program, as outlined for caseworkers.
 - b. Additional training options include those outlined for caseworkers plus training options related to general employee supervision.
 3. Case aides shall successfully complete at least ~~fifteen (15)~~ TWENTY (20) hours of ongoing training per fiscal year, as outlined for caseworkers. At least seven (7) hours shall be State Department provided training.
 4. Required training hours as outlined in Section 30.330, B, 1-3, shall be prorated for part time APS staff.
 - a. Persons working less than twenty-five percent (25%) in APS shall complete a minimum of:
 - 1) ~~Six (6)~~ TEN (10) hours for caseworkers, SIX (6) OF WHICH SHALL BE STATE PROVIDED; AND,
 - 2) ~~Four (4)~~ FIVE (5) hours for supervisors, managers, administrators, and/or county directors with direct casework supervision duties, THREE (3) OF WHICH SHALL BE STATE PROVIDED; and,

- 3) ~~Three (3)~~ FOUR (4) hours for case aides, TWO (2) OF WHICH SHALL BE STATE PROVIDED.
- b. Persons working twenty-five through forty nine percent (25-49%) in APS shall complete a minimum of:
 - 1) ~~Fifteen (15)~~ TWENTY (20) hours for caseworkers, AT LEAST TEN (10) SHALL BE STATE PROVIDED;
 - 2) ~~Eight (8)~~ TEN (10) hours for supervisors, managers, administrators, and/or county directors with direct casework supervision duties, AT LEAST SIX (6) SHALL BE STATE PROVIDED; and,
 - 3) ~~Eight (8)~~ TEN (10) hours for case aides, AT LEAST FIVE (5) SHALL BE STATE PROVIDED.
- c. Persons working fifty through seventy-four percent (50-74%) in APS shall complete a minimum of:
 - 1) ~~Twenty-two (22)~~ THIRTY (30) hours for caseworkers, AT LEAST FIFTEEN (15) SHALL BE STATE PROVIDED;
 - 2) ~~Fifteen (15)~~ TWENTY (20) hours for supervisors, managers, administrators, and/or county directors with direct casework supervision duties, AT LEAST FIFTEEN (15) SHALL BE STATE PROVIDED; and,
 - 3) ~~Eleven (11)~~ TWELVE (12) hours for case aides, AT LEAST SIX (6) SHALL BE STATE PROVIDED.
- d. Persons working seventy-five through one hundred percent (75-100%) in APS shall complete the full training requirement outlined in 30.330, B, 1-3.

C. All training hours shall be documented in the data system CAPS within fourteen (14) calendar days of completion of the training.

30.340 STAFF DUTIES AND RESPONSIBILITIES [Rev. eff. 9/1/14]

- A. The direct supervisor OR LEAD WORKER shall, at a minimum:
 - 1. Receive reports of mistreatment, ~~exploitation,~~ and self-neglect as outlined in Sections 30.40040 through 30.430.
 - 2. Evaluate the report, and determine the response, and develop a plan for caseworker safety, as outlined in Sections 30.40040 through 30.430. Counties ~~may~~ ARE URGED TO use the RED Team process.
 - 3. Staff open cases of each caseworker monthly to ensure cases meet program requirements related to the provision of protective services.
 - 4. REVIEW CASES TO ENSURE: ~~Use the APS case review tool in the data system CAPS each month to review a minimum of fifteen percent (15%) TWENTY-FIVE (25%) of each caseworker's cases that were open and/or closed that month to ensure:~~
 - a. Timely casework;

- b. Investigation, assessment, and case planning were thorough and complete;
 - c. Case closure, if applicable, was appropriate; and,
 - d. Documentation in ~~the data system~~ CAPS is ~~thorough~~ COMPLETE and ~~complete~~ ACCURATE.
5. REVIEW OF CASES SHALL BE COMPLETED USING ONE OF TWO APPROVED METHODS:
- a. USING THE CASE REVIEW SCORE CARD IN CAPS, EACH MONTH REVIEW FIFTEEN PERCENT (15%) OF EACH CASEWORKER'S CASES THAT WERE OPEN AND/OR CLOSED DURING THE MONTH; OR,
 - b. APPROVE EVERY COUNTY APS CASE AT THREE KEY JUNCTURES OF THE APS CASEWORK PROCESS UTILIZING THE AUTOMATED APPROVAL PROCESS IN CAPS, AS FOLLOWS:
 - i. UPON COMPLETION OF THE INITIAL INVESTIGATION, ASSESSMENT, AND CASE PLAN;
 - ii. UPON COMPLETION OF A SIX MONTH REASSESSMENT FOR CASES OPEN LONGER THAN SIX MONTHS; AND,
 - iii. AT CASE CLOSURE.
56. Assess APS caseworkers' professional development needs and provide opportunities for training.
67. Respond to APS reports or have a contingency plan to respond within assigned time frames, including emergencies, and to provide protective services when no caseworker is available.
- B. APS caseworkers shall, at a minimum:
- 1. Receive reports of mistreatment, ~~exploitation~~, and self-neglect as outlined in Sections 30.40010 through 30.430;
 - 2. Investigate allegations and assess the client's safety and needs as outlined in Section 30.500;
 - 3. Develop, implement, and monitor case plans, conduct required client visits, and provide protective services as outlined in Section 30.600;
 - 4. Document case findings as outlined throughout 12 CCR 2518-1; AND,
 - 5. Assume responsibility for own learning and required training hours.
- C. APS case aides may assist caseworkers in completing non-professional level tasks that do not require casework expertise, but shall not perform the duties of the caseworker or supervisor, such as completing:
- 1. The investigation and/or assessment;
 - 2. The case plan;

3. The required monthly client contact visits; or,
 4. Required reports to the court, for cases in which the county department is the guardian or conservator.
- D. APS ~~call~~ INTAKE screeners or administrative support staff may:
1. Receive and document intake reports ~~in the data system~~ CAPS OR THROUGH THE CAPS WEB2CASE FORM;
 2. Assign all reports to the supervisors for determination of appropriate response; and,
 3. Direct urgent calls to the appropriate internal and external authorities.

30.400 REPORT RECEIPT AND RESPONSE

30.410 INTAKE [Rev. eff. 9/1/14]

- A. The county department shall receive oral or written reports of at-risk adult mistreatment, ~~exploitation,~~ and self-neglect, OCCURRING IN THE COMMUNITY OR IN A FACILITY.
- B. The county department shall have an established process during business and non-business hours for receiving such reports.
- C. The county department shall input oral reports directly ~~in the data system~~ CAPS OR THE CAPS WEB2CASE FORM. Written reports received via email, fax, or mail shall be documented ~~in the data system~~ CAPS within one (1) business day of receipt. If unable to enter the report in the system within one business day, the county department shall document the reason.
- D. ~~The data system~~ CAPS shall guide the information gathered for the report to include:
 1. The client's demographic information, such as name, gender, date of birth or approximate age, address, current location if different from permanent address, and phone number;
 2. The reporter's demographic information, unless the reporter requests anonymity, such as name, phone number, address, relationship to client and, if applicable, the reporter's agency or place of business;
 3. Allegations of mistreatment, ~~exploitation,~~ or self-neglect;
 4. Safety concerns for the client;
 5. Safety concerns for the caseworker; and,
 6. The alleged perpetrator's information, such as name, gender, address, phone number, and relationship to the client, when mistreatment is alleged.
- E. THE COUNTY DEPARTMENT SHALL DETERMINE JURISDICTION FOR RESPONDING TO THE REPORT.
 1. THE COUNTY DEPARTMENT WITH JURISDICTION FOR RESPONDING TO A REPORT IS THE COUNTY IN WHICH THE ADULT RESIDES.

2. WHEN THE ADULT IS HOMELESS, AS DEFINED IN 42 U.S.C. SECTION 11302, THE COUNTY DEPARTMENT WITH JURISDICTION IS THE COUNTY IN WHICH THE ADULT'S PRIMARY NIGHTTIME RESIDENCE IS LOCATED.
 3. IF JURISDICTION IS UNABLE TO BE DETERMINED BY 1 OR 2, ABOVE, THE COUNTY DEPARTMENT WITH JURISDICTION IS THE COUNTY IN WHICH THE ADULT IS CURRENTLY PRESENT.
 4. IF AN EMERGENCY RESPONSE IS NECESSARY, THE COUNTY DEPARTMENT WHERE THE ADULT IS LOCATED AT THE TIME OF THE REPORT IS THE RESPONSIBLE COUNTY DEPARTMENT UNTIL JURISDICTION IS DETERMINED.
- F. COUNTY DEPARTMENTS SHALL UTILIZE ALL AVAILABLE RESOURCES TO DETERMINE JURISDICTION, SUCH AS:
1. HISTORY WITHIN CAPS;
 2. COLORADO BENEFITS MANAGEMENT SYSTEM (CBMS);
 3. COLORADO COURTS;
 4. WHERE SERVICES ARE BEING PROVIDED; AND/OR,
 5. THE ADULT'S SCHOOL.
- EG. If a county department receives a report and determines that the report was made to the wrong county, the receiving county department shall ~~forward~~ TRANSFER the report to the responsible county department as soon as possible, but no later than ~~eight (8)~~ ONE (1) hour~~S~~ after determining the correct county.

30.420 REPORT CATEGORIZATION [Rev. eff. 9/1/14]

- A. The county department shall review and evaluate the report UTILIZING THE RED TEAM FRAMEWORK OR SUPERVISORY REVIEW to determine whether THE:
1. ~~The c~~Client meets the definition of an at-risk adult; and,
 2. ~~The a~~Allegations involve mistreatment, ~~exploitation,~~ or self-neglect.
- B. The county department shall not investigate reports of verbal and/or emotional abuse when no other mistreatment indicators exist because verbal and/or emotional abuse are not included as mistreatment in C.R.S. Title 26, Article 3.1.
- BC. ~~The data system~~CAPS shall WILL generate a response recommendation.
1. The APS supervisor shall have the final decision to screen in or out the report.
 2. The APS supervisor shall document in ~~the data system~~CAPS why the ~~data system~~ CAPS recommendation was reversed.
- CD. The county shall document and screen all reports received from law enforcement, as a result of Section 18-6.5-108(2)(b), C.R.S., UTILIZING THE RED TEAM FRAMEWORK OR SUPERVISORY REVIEW, to determine if the victim and the allegations meet AP eligibility criteria outlined in Sections 30.230 and 30.420, A.

- E. COUNTY DEPARTMENTS ARE URGED TO DEVELOP AND IMPLEMENT A PROCESS UTILIZING THE RED TEAM FRAMEWORK IN CAPS TO REVIEW REPORTS TO DETERMINE REPORT CATEGORIZATION AND RESPONSE TIME FRAMES. THE SUPERVISOR OR LEAD WORKER HAS THE DISCRETION TO OVERRULE THE RED TEAM DECISION.
- DF. Reports that do not involve an at-risk adult and mistreatment, ~~exploitation~~, or self-neglect, as outlined in Section 30.420, A, shall be screened out NO LATER THAN THE THIRD WORKING DAY AFTER THE RECEIPT OF THE REPORT. The county department shall not conduct an investigation.
 - 1. The county department ~~shall~~MAY provide information and/or referral(s) to the reporting party, as appropriate.
 - 2. The county department may inform the reporting party of the decision not to investigate.
 - 3. The county department shall document the reason the report was screened out.
- EG. Reports that involve an at-risk adult and mistreatment, ~~exploitation~~, or self-neglect, as outlined in Section 30.420, A, shall be screened in and are determined to be a case.

30.430 RESPONSE PRIORITY [Rev eff. 9/1/14]

- A. The county department shall determine a time frame response to the case based upon the reported level of risk.
- B. When factors present indicate the client is in clear and ~~imminent~~IMMEDIATE danger or urgent and significant risk of harm due to the severity of the mistreatment, ~~exploitation~~, or self-neglect, or due to the vulnerability or physical frailty of the client, the county department shall:
 - 1. Determine the case to be an emergency;
 - 2. Call 911, if appropriate based on the circumstances of the report; and,
 - 3. Make an initial response as soon as possible, but no later than twenty-four (24) hours including non-business ~~hours~~ DAYS, after the receipt of the report. An initial response shall be:
 - a. A face-to-face visit with the client; or,
 - b. An attempted face-to-face visit with the client; or,
 - c. An outreach to another professional, such as law enforcement, ~~Long Term Care Ombudsman~~, or hospital staff, to ascertain the client's immediate safety.
 - 4. If the initial response was not a face-to-face contact with the client ~~or~~ AND the county department was unable to ascertain the client's safety, the county department shall attempt a face-to-face client contact each day following the initial attempt at contact, including non-business days.
 - a. A law enforcement welfare check may be substituted for ~~one attempt~~S at contact DURING NON-BUSINESS DAYS. ~~but does not qualify as the face-to-face contact.~~ THE COUNTY DEPARTMENT SHALL FOLLOW UP ON THE NEXT WORKING DAY.

- b. If the county department has confirmed the client to be unavailable or safe, SUCH AS IN THE INTENSIVE CARE UNIT (ICU), the reason for delayed response shall be documented.
 - c. Initial and subsequent attempts at contact shall begin immediately when the client becomes or is expected to become available.
 - d. Following the third DAY OF unsuccessful attemptS at contact, the county department may choose to send a letter requesting an appointment with the client.
 - e. If attempts at contact remain unsuccessful, the county department shall close the ~~referral~~CASE no later than ~~twenty (20)~~THIRTY-FIVE (35) calendar days after the last attempt at contact.
 - f. The county department shall document ~~in the data system~~ all attempts to contact the client.
5. IF THE INITIAL RESPONSE WAS NOT A FACE-TO-FACE CONTACT WITH THE CLIENT # BUT the county department was able to ascertain safety, it shall make a face-to-face client contact on the first working day following the report. ~~If the client is unavailable, such as in ICU, the county shall document why the face-to-face could not be completed.~~
- a. If the county department has confirmed the client to be unavailable, SUCH AS IN THE INTENSIVE CARE UNIT (ICU), the reason shall be documented.
 - b. Initial and subsequent attempts at contact shall begin immediately when the client becomes or is expected to become available.
 - c. Following the third DAY OF unsuccessful attemptS at contact, the county department may choose to send a letter requesting an appointment with the client.
 - d. If attempts at contact remain unsuccessful, the county department shall close the case no later ~~twenty (20)~~ THIRTY-FIVE (35) calendar days after the last attempt at contact.
 - e. The county department shall document ~~in the data system~~ all attempts to contact the client.
- C. ~~When factors present~~ THE REPORT AND SUBSEQUENT SUPERVISORY REVIEW AND/OR RED TEAM PROCESS indicate the client is not in ~~imminent~~ IMMEDIATE danger or urgent risk of harm but mistreatment, exploitation, or self-neglect is present or LIKELY PRESENT, ~~conditions exist that might reasonably result in mistreatment, exploitation, or self-neglect,~~ the county department shall:
- 1. Determine the case to be a non-emergency.
 - 2. Make AN INITIAL RESPONSE ~~A face-to-face contact with the client~~ no later than three (3) working days beginning the day after the county department's receipt of the report. AN INITIAL RESPONSE SHALL BE:
 - a. A FACE-TO FACE VISIT WITH THE CLIENT; OR

- b. AN ATTEMPTED FACE-TO-FACE WITH THE CLIENT;
 - c. AN OUTREACH TO ANOTHER PROFESSIONAL SUCH AS LAW ENFORCEMENT OR HOSPITAL STAFF, TO ASCERTAIN THE CLIENT'S IMMEDIATE SAFETY.
- a3. When the initial ~~attempt~~ RESPONSE WAS NOT A~~at~~ face-to-face contact with the client OR THE COUNTY DEPARTMENT WAS UNABLE TO ASCERTAIN THE CLIENT'S SAFETY, ~~is unsuccessful, an attempt at face-to-face~~ THE COUNTY DEPARTMENT SHALL ATTEMPT A FACE-TO-FACE CLIENT contact ~~shall be made~~ every other WORKING day for a minimum of three attempts.
- a. A LAW ENFORCEMENT WELFARE CHECK MAY BE SUBSTITUTED FOR ONE ATTEMPT AT CONTACT, AND QUALIFIES AS ONE OF THE THREE REQUIRED ATTEMPTS AT CONTACT.
 - ~~1~~b. If the county department has confirmed the client to be unavailable or safe, the reason for delayed response shall be documented.
 - ~~2~~c. Initial and subsequent attempts at contact shall begin immediately when the client becomes or is expected to become available.
 - ~~b~~d. Following the third unsuccessful attempt at contact, the county department may choose to send a letter requesting an appointment with the client.
 - ~~e~~e. If attempts at contact remain unsuccessful, the county department shall close the case no later than ~~twenty (20)~~ THIRTY-FIVE (35) calendar days after the last attempted contact.
 - ~~d~~f. The county department shall document all attempts to contact the client.
4. IF THE COUNTY DEPARTMENT WAS ABLE TO ASCERTAIN SAFETY,
- a. THE COUNTY DEPARTMENT SHALL ATTEMPT A FACE-TO-FACE CLIENT CONTACT WITHIN THE RESPONSE TIME FRAME OR BEGINNING ON THE FIRST WORKING DAY AFTER ASCERTAINING SAFETY IF SAFETY WERE ASCERTAINED ON THE LAST DAY OF THE RESPONSE TIME FRAME. ATTEMPTS AT CONTACT SHALL CONTINUE EVERY OTHER WORKING DAY FOR A MINIMUM OF THREE ATTEMPTS.
 - b. IF THE COUNTY DEPARTMENT HAS CONFIRMED THE CLIENT TO BE UNAVAILABLE, THE REASON SHALL BE DOCUMENTED.
 - c. INITIAL AND SUBSEQUENT ATTEMPTS AT CONTACT SHALL BEGIN IMMEDIATELY WHEN THE CLIENT BECOMES OR IS EXPECTED TO BECOME AVAILABLE.
 - d. FOLLOWING THE THIRD UNSUCCESSFUL ATTEMPT AT CONTACT, THE COUNTY DEPARTMENT MAY CHOOSE TO SEND A LETTER REQUESTING AN APPOINTMENT WITH THE CLIENT.
 - e. IF ATTEMPTS AT CONTACT REMAIN UNSUCCESSFUL, THE COUNTY DEPARTMENT SHALL CLOSE THE CASE NO LATER THAN THIRTY-FIVE (35) CALENDAR DAYS AFTER THE LAST ATTEMPT AT CONTACT.

f. THE COUNTY DEPARTMENT SHALL DOCUMENT ALL ATTEMPTS TO CONTACT THE CLIENT.

D. Prior to the initial face-to-face client contact visit, the county department shall determine whether:

1. The visit and investigation should be made in conjunction with law enforcement and/or personnel from other agencies in accordance with the county department's cooperative agreements;
2. The client is in ~~the data system~~ CAPS and/or is otherwise known to the county department;
3. Safety concerns exist, based on historical data and information provided in the report, requiring the caseworker to be accompanied by:
 - a. Law enforcement;
 - b. The supervisor;
 - c. Another case worker; or,
 - d. Emergency, medical, and/or mental health personnel, if known or suspected medical or psychiatric conditions exist.

E. If the case originally appears to indicate a need for a face-to-face investigation but further assessment determines that a face-to-face contact is not required to resolve potential safety and risk concerns, the county department may ~~provide telephone response and assistance~~ COLLABORATE WITH OTHER PROFESSIONALS OR RESPONSIBLE FAMILY OR SUPPORTS TO RESOLVE THE SAFETY CONCERNS. Cases appropriate for ~~telephone response and assistance~~ PHONE COLLABORATION include those:

1. That present heightened worker safety concerns and upon consultation, law enforcement directs APS not to respond.
2. That present heightened worker safety concerns due to environmental or infectious disease concerns and upon consultation, first responders, public health officials, and/or code enforcement directs APS not to respond.
3. In which it is determined that responsible family is aware of the concerns and is working appropriately to address the concerns.
4. Regarding a chronic situation in which APS has had a visit with the competent client in the past thirty (30) calendar days and determined APS intervention is unwanted or could not resolve the concern.
- ~~5. In which the client is competent and able, with assistance from APS or other support systems, to arrange services.~~
65. Regarding clients that have a case manager in place, such as a Single Entry Point (SEP) case manager, and calls between APS and the case manager can resolve the reporter's concerns.
76. In which the client is hospitalized or institutionalized prior to the initial visit, and the county has determined that ongoing protective services is not required.

30.500 INVESTIGATION AND ASSESSMENT

30.510 INVESTIGATION AND ASSESSMENT OVERVIEW [Rev. eff. 9/1/14]

- A. The county department shall ~~begin~~ CONDUCT an A THOROUGH AND COMPLETE investigation into the allegations UNLESS THE INITIAL VISIT AND ASSESSMENT CONFIRMS THAT THE CLIENT IS NOT AN AT-RISK ADULT. ~~and an assessment of the client's risk, safety, and strengths during the initial face-to-face visit to further clarify the level of risk of mistreatment, exploitation, or self-neglect to the client and the client's immediate needs.~~ INVESTIGATION IS REQUIRED BY STATUTE AND THE CLIENT CANNOT REFUSE AN INVESTIGATION.
- B. THE COUNTY DEPARTMENT SHALL CONDUCT AN ASSESSMENT OF THE CLIENT'S RISK, SAFETY, AND STRENGTHS DURING THE INITIAL FACE-TO-FACE VISIT TO FURTHER CLARIFY THE LEVEL OF RISK OF MISTREATMENT OR SELF-NEGLECT TO THE CLIENT AND THE CLIENT'S IMMEDIATE NEEDS, WHENEVER POSSIBLE.
- BC. The investigation and assessment may be conducted independent of one another or simultaneously, depending on the nature of the allegations.
- D. IF UPON INITIAL INVESTIGATION, THE COUNTY DEPARTMENT DETERMINES A DIFFERENT COUNTY HAS JURISDICTION, THE ORIGINATING COUNTY DEPARTMENT SHALL TRANSFER THE CASE IN CAPS. THE COUNTY DEPARTMENT DETERMINED TO HAVE JURISDICTION SHALL UPHOLD THE SCREENING DECISION AND CONDUCT THE INVESTIGATION AND ASSESSMENT, UNLESS:
 - 1. ADDITIONAL OR NEW INFORMATION RELATED TO THE SAFETY OF THE ADULT OR ALLEGED MISTREATMENT OR SELF-NEGLECT INDICATING THE CASE MAY BE CLOSED IS GATHERED BY THE COUNTY DEPARTMENT DETERMINED TO HAVE JURISDICTION.
 - 2. THE BASIS FOR THE DECISION TO CLOSE THE CASE SHALL BE DOCUMENTED IN CAPS.

30.520 INVESTIGATION [Rev. eff. 9/1/14]

- A. The county department shall conduct an investigation to determine findings related to allegations of mistreatment, ~~exploitation~~ or self-neglect. The investigation shall include, but may not be limited to:
 - 1. Determining the need for protective services. If the client is in clear and ~~imminent~~ IMMEDIATE danger, the county shall intervene immediately by notifying the proper emergency responders;.
 - 2. DETERMINING IF THE INVESTIGATION SHOULD BE CONDUCTED JOINTLY WITH ANOTHER ENTITY, SUCH AS:
 - a. LAW ENFORCEMENT AND/OR THE DISTRICT ATTORNEY;
 - b. COMMUNITY CENTERED BOARD;
 - c. HEALTH FACILITIES DIVISION;
 - d. ATTORNEY GENERAL'S MEDICAID FRAUD UNIT; AND/OR,
 - e. THE LONG-TERM CARE OMBUDSMAN.

23. Conducting a face-to-face interview with the client, unannounced and in private, whenever possible, AND IF NOT UNANNOUNCED AND/OR IN PRIVATE, THE REASON SHALL BE DOCUMENTED IN CAPS;
34. Conducting interviews with collateral contacts.
45. Interviewing the alleged perpetrator(s), with or without law enforcement, when appropriate and safe, AND IF THE PERPETRATOR IS NOT INTERVIEWED, THE REASON SHALL BE DOCUMENTED IN CAPS.
56. Collecting evidence and documenting with photographs or other means, when appropriate, SUCH AS:
 - a. POLICE REPORTS;
 - b. ANY AVAILABLE INVESTIGATION REPORT FROM A CURRENTLY OR PREVIOUSLY INVOLVED FACILITY AND THE OCCURRENCE REPORT FROM THE HEALTH FACILITIES DIVISION;
 - c. MEDICAL AND MENTAL HEALTH RECORDS;
 - d. BANK RECORDS;
 - e. CARE PLANS FOR ANY PERSON IN A FACILITY OR RECEIVING OTHER SERVICES THAT REQUIRE A CARE PLAN AND ANY DAILY LOGS OR CHARTS; AND/OR,
 - f. STAFFING RECORDS AND EMPLOYEE WORK SCHEDULES WHEN INVESTIGATING IN A FACILITY.
67. Making a finding regarding the substantiation or unsubstantiation of the allegations;
78. Determining the identity of, and making a finding related to, the perpetrator(s) of the mistreatment ~~OR exploitation or self-neglect~~;
89. Determining whether there are additional mistreatment concerns not reported in the initial allegations and investigating AND DOCUMENTING any NEWLY identified concerns; ~~and,~~
910. Notifying law enforcement when criminal activity is suspected.

~~B. The county department shall~~

- 4.B. THE COUNTY DEPARTMENT SHALL ~~Gcomplete and document~~ the investigation in the data system within forty-five (45) calendar days of the receipt of the referral REPORT, ENSURING THAT DOCUMENTATION OF THE INVESTIGATION IS OCCURRING IN CAPS THROUGHOUT THE INVESTIGATION PROCESS, AS FOLLOWS: ~~-If the investigation cannot be completed within this time frame, the county department shall document the reason why in the data system.~~
 1. ALL INTERVIEWS, CONTACTS, OR ATTEMPTED CONTACTS WITH THE CLIENT, COLLATERALS, ALLEGED PERPETRATORS, AND OTHER CONTACTS DURING THE INVESTIGATION SHALL BE DOCUMENTED WITHIN FOURTEEN (14) CALENDAR DAYS OF RECEIPT OF THE INFORMATION.

2. ~~Document the investigation in the data system to minimally include window fields and narrative of the:~~
 - a. ~~Allegations;~~
 - b. ~~Mistreatment category(ies) identified by the reporter and any additional mistreatment, exploitation, or self-neglect identified during the investigation, including a finding for each category;~~
 - b. ~~Worker safety issues, if different from the information in the initial report;~~
 - d. ~~Client interview information;~~
 - e. ~~Alleged perpetrator(s) information, including a finding for each perpetrator, if applicable;~~
 - f. ~~Collateral interview information;~~
 - g. ~~Evidence collected;~~
 - h. ~~Determination of whether the allegation(s) and any additional mistreatment, exploitation or self-neglect identified during the investigation are substantiated, unsubstantiated, or are inconclusive; and,~~
 - i. ~~Date referred to law enforcement or the District Attorney, and a description of law enforcement or District Attorney (DA) involvement, if any.~~
2. ALL EVIDENCE COLLECTED DURING THE INVESTIGATION SHALL BE SCANNED AND ATTACHED TO THE CASE BY THE CONCLUSION OF THE INVESTIGATION.
3. FINDINGS FOR THE ALLEGATIONS AND ALLEGED PERPETRATOR SHALL BE DOCUMENTED NO LATER THAN FORTY-FIVE (45) CALENDAR DAYS FROM RECEIPT OF THE REPORT.
4. IF THE INVESTIGATION CANNOT BE COMPLETED WITHIN THIS TIME FRAME, THE COUNTY DEPARTMENT SHALL DOCUMENT THE REASON WHY.

30.530 ASSESSMENT [Rev. eff. 9/1/14]

- A. The county department shall COMPLETE A BASELINE ASSESSMENT OF ~~assess~~ the client to determine if there is a need for protective services. If the client is in clear and ~~imminent~~ IMMEDIATE danger, the county shall intervene immediately by notifying the proper authorities or arranging for appropriate emergency responders.
- B. The county department shall determine ~~for each indicator a level of impact to the client's RISK AND safety, health, and well-being by assessing the client's strengths and needs USING THE ASSESSMENT TOOL IN CAPS. in the following five (5) assessment status areas, as applicable:~~
 1. ~~Physical status, including the client's ability to perform various activities of daily living;~~
 2. ~~Environmental status, including the conditions within the client's residence, the availability of food and drinking water, and the functionality of heating, plumbing, and electrical systems;~~

3. ~~Resources and financial status, including the client's income, ability to access income, changes in financial circumstances, unpaid bills, and signs of exploitation;~~
 4. ~~Medical status, including the client's current and previous medical conditions, hospitalizations, prescribed medications, insurance, and hearing, vision or dental needs; and,~~
 5. ~~Mental and behavioral status, including the client's capacity to make decisions; ability to manage money or medication, ability to receive or communicate information; ability to plan and sequence; behaviors that threaten the safety of the client or others; a history of mental health conditions; and, any recent loss.~~
- C. ~~The county department shall assess the client's support system status, including family members, friends, involvement with organizations, and any other natural support.~~
- D. ~~The county department shall:~~
- 4C. THE COUNTY DEPARTMENT SHALL ~~complete and document the assessment in the data system~~CAPS within forty-five (45) calendar days of the receipt of the report, AS FOLLOWS: ~~if the assessment cannot be completed within this time frame, the county department shall document the reason why in the data system.~~
1. ALL IMPACTS AND MITIGATING SERVICES, AND THE NARRATIVE SUMMARY SHALL BE DOCUMENTED AND THE ASSESSMENT MARKED COMPLETE NO LATER THAN FORTY-FIVE (45) CALENDAR DAYS FROM RECEIPT OF THE REPORT.
 2. ~~Document the assessment in the data system to minimally include window fields and narrative of:~~
 - a. ~~The observations in each of the six assessment status areas, as applicable; and,~~
 - b. ~~The level of impact for all status area risk factor(s); and,~~
 - c. ~~If a mitigating service is in place to improve safety.~~
 2. IF THE ASSESSMENT CANNOT BE COMPLETED WITHIN THIS TIME FRAME, THE COUNTY DEPARTMENT SHALL DOCUMENT THE REASON WHY.

30.600. CASE PLANNING AND IMPLEMENTATION

30.610. CASE PLAN DEVELOPMENT [Rev. eff. 9/1/14]

- A. The county department shall develop a case plan for protective services based upon the findings of the investigation and assessment and in accordance with APS principles.
- B. A case plan shall not be developed when the allegations are unsubstantiated and there is no other identified need.
- C. The case plan shall ~~be documented in the data system and shall include:~~
 1. ~~Client strengths, including services in place, support systems, resources, and the client's personal abilities;~~

- ~~2. Client needs, including the nature of the protective issue and/or needs of the client and why the client is unable to meet his/her own needs without APS intervention;~~
31. THE service goals NEEDS NECESSARY TO SUCCESSFULLY ACHIEVE SAFETY IMPROVEMENT FOR ANY IDENTIFIED RISK FACTORS, CHARACTERIZED WITH A SIGNIFICANT IMPACT, FOR WHICH THERE IS NO ADEQUATE MITIGATING SERVICE IN PLACE AT THE TIME OF APS INITIAL RESPONSE; ~~at a minimum to include a goal for all unmitigated factors with an SIGNIFICANT impact to the client's safety, including why the goal was identified, why it is the least restrictive intervention, how it will meet the client's needs and desires and reduce risk, the person responsible for implementing the goal, and the implementation date; and,~~
2. THE PERSON RESPONSIBLE FOR ARRANGING EACH IDENTIFIED SERVICE NEED, AND IF OTHER THAN THE COUNTY DEPARTMENT, DOCUMENT THE INDIVIDUAL'S AGREEMENT TO ARRANGE THE SERVICE NEED; AND,
43. ~~Client's and/or client's fiduciary's input into the development of the case plan, including the client's and/or the fiduciary's consent to the overall plan and the specific goals as outlined in Section 30.620.~~ THE STATUS OF ALL IDENTIFIED SERVICE NEEDS.

~~D. The county department shall:~~

- 4D. THE COUNTY DEPARTMENT SHALL ~~G~~complete and document the case plan ~~in the data system~~ within forty-five (45) calendar days of the receipt of the report. If the case plan cannot be completed within this time frame, the county department shall document the reason why in CAPS. ~~the data system.~~
- ~~2. Document the case plan in the data system to minimally include window fields and narrative of the required elements outlined in Section 30.610, C.~~

E. The county department shall implement services, upon consent of the client, that are available in the community and that the client is eligible to receive at no or reduced cost or is able to pay for privately.

1. The county department shall not be required to provide and/or pay for services that are not available in the community or those that the client is not eligible to receive at no or reduced cost or is able to pay for privately; but,
2. The county department is urged to explore all available options, including private companies, to secure needed services.

F. If services are unavailable through other government programs or local service providers and the APS client is unable to pay for the services, the county shall utilize APS client services funds, within available appropriations, to purchase GOODS AND services for the APS client. ~~APS county services funds shall be utilized:~~

1. THE COUNTY DEPARTMENT SHALL NOT OPEN AN APS CASE ONLY TO PURCHASE A SERVICE FOR A COMMUNITY MEMBER AND SHALL NOT USE APS CLIENT SERVICES FUNDS FOR ANY SERVICE THAT DOES NOT BENEFIT THE APS CLIENT.
- 1.2. ~~APS client services funds shall be utilized in emergency situations, to include, but not limited to, emergency shelter, food, or utilities; and/or,~~ CLIENT SERVICES FUNDS MAY BE USED IN THE FOLLOWING SITUATIONS:

- a. EMERGENCY SITUATIONS, SUCH AS EMERGENCY SHELTER, FOOD, MEDICINE, OR UTILITIES;
- b. WHEN THE PURCHASE(S) RESOLVES THE IMMEDIATE NEED; OR,
- 2c. For one-time, temporary, or short-term needs while the APS client is waiting for other service providers or funding sources to be approved and services begun; and/or,
- 3. GOODS AND SERVICES ACCEPTABLE FOR PURCHASE WITH CLIENT SERVICES FUNDS SHALL BE THE MINIMUM NECESSARY TO RESOLVE THE SAFETY CONCERN.
- 34. ~~To~~ CLIENT SERVICES FUNDS MAY BE USED TO develop a county or regional contract with an agency or professional to provide a specific service for multiple APS clients throughout the contract duration, such as a specialist to conduct in-home capacity evaluations, a registered nurse to do in-home medical evaluations, or a long-term care facility to provide emergency shelter beds.

30.620 PROVISION OF SERVICES [Rev. eff. 9/1/14]

- A. THE COUNTY DEPARTMENT SHALL PROVIDE PROTECTIVE SERVICES FOR THE SHORTEST DURATION NECESSARY TO ENSURE THE CLIENT'S SAFETY BY IMPLEMENTING CASE PLAN GOALS AS QUICKLY AS POSSIBLE IN ORDER TO STABILIZE THE CLIENT'S SITUATION AND PREVENT FURTHER MISTREATMENT OR SELF-NEGLECT.
- AB. If the client appears to have capacity to make decisions: ~~the client's consent or refusal to the provision of protective services shall be obtained and documented in the data system.~~
 - 1. ~~Consent or refusal shall be obtained within forty-five (45) calendar days of receipt of the report and documented in the data system.~~
 - 21. A THE COUNTY DEPARTMENT SHALL ENCOURAGE THE CONSENTING client ~~who consents shall be encouraged~~ to sign a release of information that covers general, medical, and/or money management, as appropriate to the client's needs.
 - 32. ~~If a~~ THE client MAY refuses protective services, but THE COUNTY DEPARTMENT IS ENCOURAGED TO ATTEMPT TO OBTAIN THE CLIENT'S consents to additional visits or phone calls from the caseworker IF THE SITUATION APPEARS TO REQUIRE FURTHER SERVICES. ~~‡The caseworker shall document the consent OR REFUSAL TO ADDITIONAL VISITS OR PHONE CALLS to visits or calls in the data system and continue to conduct home visits to assess the client's need for protective services.~~
 - 43. Clients with capacity may refuse any or all services and may revoke consent at any time.**
 - 53. Caseworkers shall provide clients who refuse services with the county department contact information for future reference.
- BC. If a client is suspected to lack capacity to make decisions, is at risk for harm, and refuses to consent to services, the county department shall document the client's inability to provide consent. ~~in the data system. The county department shall ensure immediate safety and:~~
 - 1. ~~Make its best effort to obtain an evaluation of the client's decision making capacity from a qualified professional; and,~~

- ~~2. Intervene as necessary to provide for the immediate safety and health of the client.~~
- ~~3. These situations shall be staffed with the supervisor and/or county attorney to:
 - ~~a. Determine the client's risk and safety;~~
 - ~~b. Assess the client's ability to consent;~~
 - ~~c. Determine urgency of safety concerns if intervention is not taken;~~
 - ~~d. Review previous interventions; and,~~
 - ~~e. Ensure the intervention is done ethically and is the least restrictive intervention to ensure the client's safety.~~~~
1. DOCUMENTATION SHALL INCLUDE:
 - a. OBSERVATIONS OF CLIENT BEHAVIORS AND ACTIONS;
 - b. MEDICAL DOCUMENTATION OF CLIENT'S SUSPECTED INCAPACITY AND SAFETY CONCERNS TO SUPPORT INVOLUNTARY CASE PLANNING; AND/OR,
 - c. INVESTIGATIVE EVIDENCE.
2. THE COUNTY DEPARTMENT SHALL ENSURE IMMEDIATE SAFETY AND MAKE ITS BEST EFFORT TO OBTAIN AN EVALUATION OF THE CLIENT'S DECISION MAKING CAPACITY FROM A QUALIFIED PROFESSIONAL.
3. THESE SITUATIONS SHALL BE STAFFED WITH THE SUPERVISOR AND/OR COUNTY ATTORNEY TO:
 - a. DETERMINE THE CLIENT'S RISK AND SAFETY;
 - b. ASSESS THE CLIENT'S ABILITY TO CONSENT;
 - c. DETERMINE URGENCY OF SAFETY CONCERNS IF INTERVENTION IS NOT TAKEN;
 - d. REVIEW PREVIOUS INTERVENTIONS; AND,
 - e. ENSURE THE INTERVENTION IS DONE ETHICALLY AND IS THE LEAST RESTRICTIVE INTERVENTION TO ENSURE THE CLIENT'S SAFETY.
4. INTERVENE IF APPROPRIATE AND AVAILABLE TO COORDINATE WITH THE RESPONSIBLE AGENCY FOR THE IMMEDIATE SAFETY AND HEALTH OF THE CLIENT, SUCH AS:
 - a. GAINING ACCESS TO THE CLIENT BY GETTING ASSISTANCE FROM LAW ENFORCEMENT, FAMILY, OR ANOTHER PERSON THE CLIENT TRUSTS;
 - b. EMERGENCY HOSPITALIZATION;
 - c. HOME CLEAN UP, WHEN THERE IS A CLEAR BIOHAZARD;

- d. MENTAL HEALTH HOLD, PER TITLE 27, ARTICLE 65, C.R.S.;
- e. FREEZING BANK ACCOUNTS TO PREVENT FURTHER LOSS OF ASSETS;
- f. EMERGENCY PROTECTION ORDER, PER TITLE 13, ARTICLE 14, C.R.S.;
- g. AUTHORIZATION OF A MEDICAL PROXY DECISION MAKER, PER TITLE 15, ARTICLE 18.5, C.R.S.;
- h. REQUESTING A JUDICIAL REVIEW OF A FIDUCIARY, PER TITLE 15, ARTICLE 10, PART 5, C.R.S., AND TITLE 15, ARTICLE 14, PART 7, C.R.S.;
- i. CONTACTING THE SOCIAL SECURITY ADMINISTRATION OR OTHER PENSION ADMINISTRATOR TO SECURE A REPRESENTATIVE PAYEE;
- j. PETITIONING THE COURT FOR EMERGENCY GUARDIANSHIP AND/OR SPECIAL CONSERVATORSHIP, PER TITLE 15 ARTICLE 14, PARTS 3 AND 4, C.R.S., OR,
- k. ALCOHOL AND DRUG INVOLUNTARY COMMITMENT, PER TITLE 27, ARTICLE 81, PART 112 AND TITLE 27, ARTICLE 82, PART 108.

GD. If a client lacks capacity and has a fiduciary to make decisions on behalf of the client, the county department shall consult with supervisors, the county director, the county attorney, law enforcement, and/or the district attorney to determine whether the county department should petition the court for a review of the fiduciary's actions if:

- 1. The fiduciary refuses to allow the provision of protective services, which places the client at-risk for continued mistreatment, ~~exploitation~~ or self-neglect; or,
- 2. There are allegations and evidence of mistreatment ~~or exploitation~~ of the client by the client's fiduciary.
- 3. The county department shall petition the court under the appropriate statute:
 - a. Uniform Power of Attorney Act, as outlined in Title 15, Article 14, Part 7, C.R.S.;
 - b. Guardianship or conservatorship statutes as outlined in Title 15, Article 14, Parts 3 and 4, C.R.S.; and/or,
 - c. Fiduciary oversight statute, as outlined in Title 15, Article 10, Part 5, C.R.S.

DE. THE COUNTY DEPARTMENT SHALL MAINTAIN ONGOING CLIENT CONTACT AS LONG AS THE CASE IS OPEN.

- 1. FOR CLIENTS LIVING IN THE COMMUNITY, A FACE-TO-FACE CLIENT CONTACT SHALL OCCUR AT LEAST ONCE EVERY MONTH, NOT TO EXCEED THIRTY FIVE CALENDAR DAYS (35) FROM THE LAST FACE-TO-FACE CONTACT.
- 2. FOR CLIENTS LIVING IN A FACILITY, A FACE-TO-FACE CLIENT CONTACT SHALL OCCUR AT LEAST ONCE EVERY MONTH, NOT TO EXCEED THIRTY FIVE CALENDAR DAYS (35) FROM THE LAST FACE-TO-FACE CONTACT.
 - a. THE COUNTY DEPARTMENT HAS THE OPTION OF SUBSTITUTING A PHONE CALL TO THE DIRECT CARE PROVIDER TO ASCERTAIN THE

CLIENT'S CURRENT STATUS, IN LIEU OF A FACE-TO-FACE VISIT FOR EVERY OTHER REQUIRED MONTHLY FACE-TO-FACE CONTACT.

- b. IF IT HAS BEEN REPORTED THAT THE CLIENT HAS BEEN MISTREATED AT THE FACILITY, WHETHER CAUSED BY A STAFF PERSON, VISITOR, OR OTHER RESIDENT, AND THE FACILITY HAS NOT APPROPRIATELY RESOLVED THE CAUSE OF THE MISTREATMENT OR PUT ADEQUATE SAFETY MEASURES IN PLACE, THEN A PHONE CALL TO ASCERTAIN THE CLIENT'S CURRENT STATUS IS NOT APPROPRIATE AND THE REQUIRED MONTHLY CONTACT SHALL BE A FACE-TO-FACE VISIT.
3. DURING THE MONTHLY CONTACT, THE COUNTY DEPARTMENT SHALL:
 - a. CONTINUE THE INVESTIGATION OF ALLEGATIONS, IF APPLICABLE;
 - b. CONTINUE ASSESSMENT OF CLIENT'S STRENGTHS AND NEEDS, INCLUDING CHANGES TO THE CLIENT'S STATUS;
 - c. PURSUE THE CONTINUED SAFETY IMPROVEMENT AND REDUCTION AND/OR MITIGATION OF RISK;
 - d. MONITOR THE EFFECTIVENESS OF ARRANGED SERVICES TO DETERMINE WHETHER CONTINUED APS INTERVENTION IS NEEDED; AND,
 - e. DOCUMENT INFORMATION GATHERED DURING THE CONTACT PER THE ABOVE MONTHLY CONTACT REQUIREMENTS AND UPDATE ALL CONTACT RECORDS AS INFORMATION IS OBTAINED AND/OR CHANGES OCCUR FOR THE CLIENT, ALLEGED PERPETRATOR, REPORTING PARTY, AND SUPPORTS WITHIN FOURTEEN (14) CALENDAR DAYS OF THE VISIT.
- F. COUNTY DEPARTMENTS MAY COMPLETE MONTHLY VISITS FOR OTHER COUNTY DEPARTMENTS AS A COURTESY, AS FOLLOWS:
1. WHEN A CLIENT TEMPORARILY OR PERMANENTLY RELOCATES TO A LICENSED FACILITY MORE THAN SEVENTY-FIVE (75) MILES OUTSIDE THE COUNTY BOUNDARY AND THE COUNTY DEPARTMENT OF ORIGINAL JURISDICTION MAINTAINS THE CASE, THE COUNTY DEPARTMENT SHALL ENSURE ONGOING PROTECTIVE SERVICES.
 2. MONTHLY CONTACTS, REQUIRED BY SECTION 30.620, E, MAY BE CONDUCTED BY THE COUNTY OF ORIGINAL JURISDICTION OR MAY BE CONDUCTED VIA COURTESY VISITS BY THE COUNTY DEPARTMENT IN WHICH THE FACILITY IS LOCATED OR BY ANOTHER COUNTY DEPARTMENT THAT IS VISITING THE FACILITY.
 3. NO COUNTY DEPARTMENT SHOULD BE EXPECTED TO PROVIDE MORE THAN THREE COURTESY VISITS PER TWELVE (12) MONTH PERIOD, AT THE REQUEST OF THE COUNTY DEPARTMENT OF ORIGINAL JURISDICTION. COUNTY DEPARTMENTS MAY NEGOTIATE TO PROVIDE MORE THAN THREE COURTESY VISITS.
 4. UPON COMPLETION OF EACH COURTESY VISIT, THE COUNTY DEPARTMENT THAT CONDUCTED THE VISIT SHALL DOCUMENT THE MONTHLY CONTACT IN

CAPS, AS REQUIRED IN SECTION 30.620, E WITHIN FOURTEEN (14) CALENDAR DAYS OF THE MONTHLY CONTACT.

5. A COUNTY DEPARTMENT CONDUCTING A COURTESY VISIT SHALL NOT DOCUMENT THE VISIT AS A NEW REPORT OR CASE FOR THE PURPOSE OF DATA COLLECTION.

- G. IF THE CLIENT PERMANENTLY RELOCATES TO ANOTHER COUNTY AND THE CLIENT NO LONGER NEEDS PROTECTIVE SERVICES, OR THE CLIENT PERMANENTLY RELOCATES TO ANOTHER STATE, THE COUNTY DEPARTMENT SHALL CLOSE THE CASE, AS OUTLINED IN SECTION 30.660.

- H. IF THE CLIENT RELOCATES TO ANOTHER COUNTY AND THE CLIENT CONTINUES TO NEED PROTECTIVE SERVICES, THE COUNTY DEPARTMENT SHALL UPDATE THE CASE, AS FOLLOWS, AND TRANSFER THE CASE TO THE CLIENT'S NEW COUNTY OF RESIDENCE WITHIN FIVE (5) CALENDAR DAYS OF LEARNING THE MOVE IS PERMANENT.
 1. UPDATE THE CLIENT, PERPETRATOR, REPORTING PARTY, AND COLLATERAL CONTACT INFORMATION; AND,
 2. UPDATE THE INVESTIGATION, ASSESSMENT, CASE PLAN, AND CASE NOTES TO INCLUDE ALL INFORMATION GATHERED TO DATE; AND,
 3. CALL THE RECEIVING COUNTY DEPARTMENT SUPERVISOR TO STAFF THE CASE PRIOR TO THE TRANSFER.

- I. WHEN A CLIENT RELOCATES TO A NEW COUNTY, THE CASE MAY REMAIN WITH THE FORMER COUNTY DEPARTMENT ONLY WHEN:
 1. THE CASE IS WITHIN THIRTY-FIVE (35) CALENDAR DAYS OF RESOLUTION AND THE FORMER COUNTY DEPARTMENT CHOOSES TO RETAIN THE CASE; AND/OR,
 2. THE FORMER COUNTY DEPARTMENT HOLDS REPRESENTATIVE PAYEESHIP AND CHOOSES TO RETAIN THE CASE; AND/OR,
 3. THE FORMER COUNTY DEPARTMENT HOLDS GUARDIANSHIP OR CONSERVATORSHIP.
 - a. AS SPECIFIED IN A WRITTEN AGREEMENT, EITHER THE FORMER OR RECEIVING COUNTY DEPARTMENT MAY PROVIDE PROTECTIVE SERVICES.
 - b. EITHER COUNTY DEPARTMENT MAY, WITH THE AGREEMENT OF THE RECEIVING COUNTY DEPARTMENT, PETITION THE COURT FOR A TRANSFER OF GUARDIANSHIP AND/OR CONSERVATORSHIP TO THE RECEIVING COUNTY DEPARTMENT.

- J. COUNTY DEPARTMENTS SHALL WORK COLLABORATIVELY TO PROVIDE PROTECTIVE SERVICES TO CLIENTS, AS NEEDED.

- K. THE COUNTY DEPARTMENT SHALL REASSESS THE CLIENT'S NEEDS AND REVIEW THE PROVISION OF PROTECTIVE SERVICES AT LEAST EVERY 180 DAYS AS LONG AS THE CASE REMAINS OPEN, BY:

1. COMPLETING AND DOCUMENTING A NEW ASSESSMENT ON OR BEFORE THE REASSESSMENT DUE DATE;
2. DETERMINING THE APPROPRIATENESS OF CONTINUED PROTECTIVE SERVICES, BASED ON THE NEW ASSESSMENT; AND,
3. UPDATING THE CLIENT SERVICES IN THE CASE PLAN.

30.630 COURT INTERVENTION [Rev. eff. 9/1/14]

A. When the investigation and assessment indicates probable incapacity and there is IMMEDIATE DANGER TO THE CLIENT'S HEALTH, SAFETY, AND WELFARE AND THE CLIENT IS UNABLE AND/OR UNWILLING TO ACCEPT SERVICES, ~~no other alternative to protect the client from mistreatment, exploitation or self-neglect,~~ the county department is urged to seek court intervention to petition the court for an order authorizing ~~the provision of specific protective services and/or for the appointment of an EMERGENCY guardian and/or SPECIAL conservator~~ IN ORDER TO RESOLVE THE IMMEDIATE SAFETY CONCERN(S).

1. Prior to reaching a decision to petition the court FOR GUARDIANSHIP OR CONSERVATORSHIP, the COUNTY DEPARTMENT SHALL ENSURE THAT THE following factors ARE MET AND HAVE BEEN DOCUMENTED: ~~shall be investigated and documented in the data system:~~
 - a. No other method of intervention will meet the client's needs; AND,
 - b. THE COURT INTERVENTION WILL RESOLVE SAFETY CONCERNS; AND,
 - c. THE GUARDIANSHIP IS NOT BASED SOLELY TO MAKE MEDICAL DECISIONS ON BEHALF OF THE CLIENT AS THE COUNTY DEPARTMENT IS PROHIBITED BY TITLE 15 ARTICLE 18.5, C.R.S. FROM PETITIONING THE COURT SOLELY FOR THIS REASON; AND,
 - ~~bd.~~ The degree of incapacity, as supported by medical or psychiatric evidence, and the degree of risk, as supported by investigative evidence, warrants this action; OR,
 - ~~ee.~~ The suspected incapacity of the client and the degree of risk, as supported by the investigative evidence, warrants this action and medical or psychiatric evidence of incapacity cannot be obtained without court intervention.
2. The type of court intervention sought shall be the least restrictive intervention required to meet the needs of the client and only for those areas in which the client lacks the capacity or ability to understand the consequences of decisions, as medically or psychiatrically substantiated.

B. In the absence of other responsible parties, such as family or friends, the county department is urged to accept guardianship and/or conservatorship.

1. The county department shall consult with an attorney prior to filing a petition and throughout the process.
2. The county department shall provide all information deemed necessary by legal counsel.
3. A representative of the county department shall be prepared to testify in support of the petition.

4. When a county department is appointed by the court to act as guardian or conservator, a copy of the letter of appointment and all other court documents and reports shall be maintained in CAPS ~~the data system~~ AND THE CLIENT'S CASE RECORD UPDATED TO REFLECT FIDUCIARY INFORMATION.

~~C. The county department shall not petition the court for guardianship solely to make medical decisions. The county department may accept such guardianship, if another agency or person petitions the court and the county department is appointed by the court.~~

D.C. The county department may choose to accept or reject any appointment of guardianship, based upon county department policy.

E.D. The county department shall initiate proceedings to withdraw as guardian and/or conservator when:

1. Medical or psychiatric evidence indicates a guardian and/or conservator is no longer necessary;
2. Another appropriate guardian or conservator has been identified; or,
3. The county department is no longer able to fulfill guardianship responsibilities, as appointed.

F.E. When a person or agency other than the county department is requesting appointment as the guardian and/or conservator of the client, the county department shall assist responsible parties, as needed, in identifying legal counsel or providing other assistance in initiating the petition(s).

30.640 REPRESENTATIVE PAYEE [Rev. eff. 9/1/14]

A. The county department shall only apply for appointment as a representative payee when no other reliable person or agency is available and willing to seek the appointment and:

1. The reported financial issues pertaining to mistreatment, exploitation, and/or self-neglect have been substantiated and determined to present the potential for significant harm to the client's health, safety, or welfare without intervention; and,
2. Other less restrictive intervention options have been assessed and found to be inadequate to protect and assist the client; and,
3. Medical, psychiatric, and/or financial evidence exists to show the client is unable to manage his/her personal finances.

B. The county department shall follow the procedures and guidelines for payees as set forth by the SSA or other organization(s).

C. The county department shall initiate procedures, as outlined by the SSA or other organization(s), to discontinue its services as representative payee when:

1. Medical, psychiatric, and/or financial evidence indicates a payee is no longer necessary;
2. Another appropriate payee has been identified; or,
3. The county department is no longer able to fulfill payee responsibilities, as appointed; or,
4. The client dies.

30.645 TRUST ACCOUNTS [Eff. 4/1/13]

- A. The county department shall ensure that all guardianships, conservatorships, representative payeeships, and personal needs accounts that are held by the county department, and in which the county department has some financial authority or responsibility, have an established trust account.
- B. The established trust account shall bear the name of the county department or the name and the title of the director of the county department as trustee for the client or as otherwise required by the Social Security Administration (SSA).
 - 1. Withdrawals from savings, checking, or investment accounts shall require two signatures, neither of which may be the caseworker or the bookkeeper.
 - 2. Shortages in trust accounts are the responsibility of the county department.
- C. The county department shall manage any trust account established pursuant to such department's fiduciary duty as a guardian, conservator, representative payee, or other purpose in accordance with any State and Federal requirements for said accounts.

30.650 PROVISION OF PROTECTIVE SERVICES [Rev. eff. 9/1/14]

THIS SECTION HAS BEEN RECODIFIED UNDER 30.500 AND 30.620.

- ~~A. The county department shall maintain ongoing client contact as long as the case is open, to include, at a minimum:
 - ~~1. A face-to-face client contact shall occur at least every thirty (30) calendar days.
 - ~~a. When the client resides in a supervised in-home or facility setting that reduces the possibility of further mistreatment, exploitation or self-neglect, a face-to-face contact shall occur at least every sixty (60) calendar days b. A face-to-face or telephone contact shall be made with the caretaker or responsible collateral at the facility at least once midway through the sixty (60) day period.~~~~
 - ~~2. Continued investigation, as needed;~~
 - ~~3. Continued assessment of the client's needs; and,~~
 - ~~4. Implementation of the case plan goal(s) and update of the case plan as goals are completed and/or added.~~~~
- ~~B. The county department shall provide protective services for the shortest duration necessary to ensure the client's safety by implementing case plan goals as quickly as possible in order to stabilize the client's situation and prevent further mistreatment, exploitation or self-neglect.~~
- ~~C. The county department shall document all monthly contacts and other significant case information in the data system within fourteen (14) days of the contact or receipt of the information, to minimally include:
 - ~~1. Observations made during required client contact visits and/or collateral contacts;~~
 - ~~2. New information learned as a result of ongoing investigation and assessment; and,~~
 - ~~3. Court and/or fiduciary related information.~~~~

~~D. The county department shall reassess the client's needs and the provision of protective services at least every six months as long as the case remains open, by:~~

- ~~1. Completing a new assessment and case plan on or before the reassessment due date;~~
- ~~2. Staffing the case to determine the appropriateness of continuing protective services, based on the new assessment and case plan; and,~~
- ~~3. Documenting the reassessment within fourteen (14) days of completing the reassessment, to minimally include:
 - ~~a. Completing a new the assessment as outlined in Section 30.53040, C, 2;~~
 - ~~b. Completing a new case plan as outlined in Section 30.610710, D, 2; and,~~
 - ~~c. Updates to the data system of any other changes in the case~~~~

30.660 CASE CLOSURE [Rev. eff. 9/1/14]

- A. Cases not requiring additional protective services shall be closed within thirty-FIVE (305) calendar days of the last ~~phone, mail, or face-to-face contact~~ MONTHLY CONTACT with the client.
1. IF THE CLIENT CANNOT BE LOCATED AND YOU HAVE SENT A LETTER TO THE CLIENT OR ARE REACHING OUT TO OTHERS WHO MIGHT KNOW THE CLIENT'S LOCATION, THE CASE MAY REMAIN OPEN UNTIL THE COUNTY DEPARTMENT EXHAUSTS ALL ATTEMPTS TO LOCATE THE CLIENT.
 2. THE COUNTY DEPARTMENT SHALL DOCUMENT ALL ATTEMPTS TO LOCATE THE CLIENT.
- B. Cases in which the client is relocated to a long-term care facility may remain open for up to ~~three (3) months~~ THIRTY-FIVE (35) CALENDAR DAYS in order to ENSURE THE PLACEMENT IS APPROPRIATE FOR THE CLIENT'S NEEDS. THE COUNTY DEPARTMENT MAY KEEP THE CASE OPEN PAST THE THIRTY-FIVE (35) DAYS IF THERE IS GOOD CAUSE AND THE DEPARTMENT DOCUMENTS THE REASON IN CAPS. ~~monitor the continuing need for long-term care.~~
- C. Cases in which the county department has been appointed as the client's guardian, conservator, and/or representative payee shall remain open for the duration of the court order or for as long as the county remains as the representative payee.
- D. A decision to close a case shall be made for any or all of the following reasons:
1. After investigation and assessment, the client does not meet the definition of an at-risk adult.
 2. After investigation and assessment, the allegations are determined to be unsubstantiated AND THERE ARE NO OTHER IDENTIFIED NEEDS AS DETERMINED BY THE ASSESSMENT.
 3. The investigation and assessment substantiates situations of ~~actual or potential mistreatment, exploitation or self-neglect~~ and the client is competent to make decisions and refuses services.

4. If, after repeated and documented efforts, the whereabouts of the client cannot be established OR THE CLIENT REFUSES CONTACT.
5. The client no longer needs protective services.
6. Service goals are completed.
7. Repeated efforts at service delivery have proven to be ineffective and no additional alternatives exist.
8. CRITICAL SERVICES NECESSARY TO IMPROVE SAFETY ARE UNAVAILABLE IN THE COMMUNITY OR TO THE CLIENT.
9. THE CLIENT MOVED OUT OF THE STATE.
10. THE CLIENT HAS BEEN SENTENCED TO INCARCERATION FOR LONGER THAN THIRTY (30) CALENDAR DAYS.
11. The client died.

E. The county department shall document the case closure in the data system, to minimally include:

1. ~~Completion of a~~ A final assessment, IF APPLICABLE, to determine the safety improvement as a result of APS intervention;
2. Update of all case, CLIENT, PERPETRATOR, REPORTING PARTY, AND COLLATERAL CONTACT INFORMATION ~~windows~~ to reflect the most current data and information; ~~and,~~
3. REASON FOR CASE CLOSURE;
4. WHETHER THERE IS CONTINUED PERPETRATOR INVOLVEMENT; AND,
35. ~~Completion of the case disposition window to include a~~ A narrative to address the OVERALL OUTCOME OF APS INTERVENTION, TO INCLUDE WHY SAFETY WAS OR WAS NOT INCREASED AND WHY RISK WAS OR WAS NOT DECREASED.
 - a. ~~Reason for case closure;~~
 - b. ~~Ongoing client needs;~~
 - c. ~~Continuing perpetrator involvement, if applicable; and,~~
 - d. ~~Safety outcome;~~

30.700 COUNTY ASSIGNMENT AND COURTESY VISITS

30.710 COUNTY ASSIGNMENT [Rev. eff. 9/1/14]

THIS SECTION HAS BEEN RECODIFIED UNDER 30.410, 30.510, and 30.620.

A. ~~The county department of permanent residence shall receive and respond to reports, except in the following situations:~~

1. ~~When the client does not have an open case and is temporarily located in a county other than his or her permanent county of residence, the county in which the adult is temporarily located shall be the originating county and shall provide services.~~
 - a. ~~When the client returns to his or her permanent county of residence, the case shall be closed as outlined in Section 30.660.~~
 - 1) ~~If the client continues to need protective services, the originating county shall make a report to the permanent county of residence within one business day of learning of the move.~~
 - 2) ~~The receiving county department shall review and screen the report and shall establish a timeframe for investigation as specified in Section 30.430.~~
 - b. ~~Homeless clients shall be provided services by the originating county until the client is no longer located within the county or is located more than seventy-five (75) miles from the originating county department office, whichever is further.~~
 2. ~~When the client has an open APS case in his or her permanent county of residence, and is temporarily located in a county other than his or her permanent county of residence, the county department of permanent residence shall provide protective services for the client.~~
 - a. ~~The county of permanent residence may close the case, as outlined in section 30.660, if the client's move is permanent.~~
 - 1) ~~If the client continues to need protective services, the originating county shall make a report to the permanent county of residence within one business day of learning of the move.~~
 - 2) ~~The receiving county department shall review and screen the report and shall establish a timeframe for investigation as specified in Section 30.430.~~
 - b. ~~The county of permanent residence may request courtesy visits by the county of temporary residence, as outlined in Section 30.720, B, if the client's current location is temporary.~~
- ~~B. When a client relocates to a new county, the case may remain with the former county department only when:~~
1. ~~Opening a case in another county would adversely affect the client's health, safety, or welfare; and/or,~~
 2. ~~The case is within three months of resolution and the former county department chooses to retain the case; and/or,~~
 3. ~~The former county department holds representative payeeship and chooses to retain the case; and/or,~~
 4. ~~The former county department holds guardianship or conservatorship.~~
 - a. ~~As specified in a written agreement, either the former or receiving county department may provide protective services.~~

~~b. Either county department may, with the agreement of the receiving county department, petition the court for a transfer of guardianship and/or conservatorship to the receiving county department.~~

~~C. County departments shall work collaboratively to provide protective services to clients, as needed.~~

30.720 COURTESY VISITS [Rev. eff. 9/1/14]

THIS SECTION HAS BEEN RECODIFIED UNDER 30.620

~~A. When a client temporarily or permanently relocates to a licensed facility more than seventy-five (75) miles outside the county boundary and the county department of original residence maintains the case, as outlined in Section 30.710, B, the county departments shall ensure ongoing protection services.~~

~~B. Bi-monthly face-to-face visits, required by Section 30.650, A, may be conducted by the county of original residence or may be conducted via courtesy visits by the county department in which the facility is located or by another county department that is visiting the facility.~~

~~C. No county department shall be required to provide more than three courtesy visits per twelve (12) month period, at the request of the county department of original residence. County departments may negotiate to provide more than three courtesy visits.~~

~~D. The county department of original residence shall obtain written confirmation of the schedule of courtesy visits.~~

~~E. Upon completion of each courtesy visit, the county department that conducted the visit shall document in the data system the adult's current situation, including recommendations for continuing the existing, or providing additional, services within fourteen (14) calendar days.~~

~~F. In months where a face-to-face visit is not required by rule, oversight through telephone contact with appropriate facility staff, such as the administrator, social worker, or nursing staff shall be provided by the county department of original residence.~~

~~G. A county department conducting a courtesy visit shall not document the visit as a new report or case for the purpose of data collection.~~

30.800 COMMUNITY COLLABORATION

30.810 COOPERATIVE AGREEMENTS [Rev. eff. 9/1/14]

A. Per Section 26-3.1-103(2), C.R.S., the county department shall develop cooperative agreements in conjunction with its local:

1. Law enforcement agencies;
2. District Attorney;
3. Long-Term Care Ombudsman; and,
4. Community Centered Board.

- B. The focus of such agreements shall be the coordination of investigations and protective services that promotes the protection of at-risk adults and each agreement shall provide that each agency shall maintain the confidentiality of the information exchanged pursuant to joint investigations.
- C. The agreement with law enforcement shall include, at a minimum:
1. A process outlining the role of law enforcement for receiving, assessing, referring, and responding to reports received during the county department's non-business hours, if applicable;
 2. A procedure regarding sharing of reports of mistreatment, ~~exploitation~~, and self-neglect between the local law enforcement agency(ies) and the county department;
 3. Procedures for the provision of assistance from one agency upon the request of the other agency;
 4. Procedures to coordinate investigative duties; and,
 5. The beginning and ending date of the agreement, the term of which shall not exceed five years.
- D. The agreement with the District Attorney shall, at a minimum, include:
1. A procedure regarding the sharing of reports of mistreatment, ~~exploitation~~, and self-neglect between the District Attorney and the county department;
 2. Procedures for the provision of assistance from one agency upon the request of the other agency;
 3. Procedures to coordinate investigative duties; and,
 4. The beginning and ending date of the agreement, the term of which shall not exceed five years.
- E. The agreement with the Long-Term Care Ombudsman shall, at a minimum, include:
1. A procedure regarding the sharing of reports of mistreatment, ~~exploitation~~, and self-neglect from one agency to the other;
 2. Procedures for the provision of assistance from one agency upon the request of the other agency;
 3. Procedures to coordinate investigative duties; and,
 4. The beginning and ending date of the agreement, the term of which shall not exceed five years.
- F. The agreement with the Community Centered Board shall, at a minimum, include:
1. A procedure regarding the sharing of reports of mistreatment, ~~exploitation~~, and self-neglect from one agency to the other;
 2. Procedures for the provision of assistance from one agency upon the request of the other agency;

3. Procedures to coordinate investigative duties; and,
4. The beginning and ending date of the agreement, the term of which shall not exceed five years.

30.820 COLLABORATION [Eff. 8/1/12]

THIS SECTION HAS BEEN RECODIFIED UNDER 30.500 AND 30.810.

- A. ~~The county department shall collaborate with other government and community agencies, such as but not limited to, mental health centers and Area Agencies on Aging, to coordinate services that promote the protection of at-risk adults.~~
- B. ~~The county department is urged to develop cooperative agreements with those agencies to help ensure the best outcomes for clients.~~
- C. ~~The county department shall coordinate investigations in facilities, which include:~~
1. ~~Medical and long-term care facilities, group homes, and alternative care facilities, required to be licensed by the Colorado Department of Public Health and Environment (CDPHE); and,~~
 2. ~~Any site or home that provides care for less than three persons and are not required to be licensed by CDPHE; but,~~
 3. ~~Does not apply to an adult's private residence in which 24-hour care is provided only to that adult.~~
- D. ~~Investigations in facilities may require multi-agency cooperation and the county department may be asked to monitor or assist with an investigation conducted by another agency, such as:~~
1. ~~Law enforcement;~~
 2. ~~District Attorney's office;~~
 3. ~~Colorado Attorney General's office;~~
 4. ~~Colorado Department of Public Health and Environment (CDPHE);~~
 5. ~~Colorado Department of Human Services:~~
 - a. ~~Alcohol and Drug Abuse Division (ADAD);~~
 - b. ~~Division of Mental Health;~~
 - c. ~~Division of Child Welfare; or,~~
 - d. ~~Division for Developmental Disabilities;~~
 6. ~~Long-Term Care Ombudsman Program; and/or,~~
 7. ~~Legal Center for People with Disabilities and Older People.~~
- E. ~~The county department shall conduct the investigation in a facility when:~~

- ~~1. The county department is the adult's guardian;~~
- ~~2. There are significant indicators of financial exploitation;~~
- ~~3. There is significant physical injury to the resident as a result of mistreatment;~~
- ~~4. Allegations of sexual assault or sexual abuse are made, and law enforcement is not going to be involved;~~
- ~~5. Law enforcement indicates abuse occurred and is likely to continue but not enough evidence exists to bring criminal charges; or,~~
- ~~6. Resident abuse by a person living outside the facility has occurred, and law enforcement is not going to be involved.~~

~~F. APS will usually not investigate reports in facilities involving:~~

- ~~1. Resident to resident abuse, unless the facility, the CDPHE, and/or the Long-Term Care Ombudsman is unwilling or unable to resolve the issue;~~
- ~~2. Staff to resident abuse, unless the CDPHE and/or law enforcement are unwilling or unable to resolve the issue;~~
- ~~3. Occurrences reported by licensed facilities to the CDPHE or law enforcement; or,~~
- ~~4. Resident's rights, quality of care, administrative policies and procedures, staffing, involuntary discharge, or issues regarding physical surroundings.~~

30.830 ADULT PROTECTION TEAMS [Rev. eff. 9/1/14]

A. The director of each county department with ten (10) or more ~~referrals~~ SCREENED IN REPORTS of at-risk adult mistreatment and/or self-neglect in the prior state fiscal year is required to establish or coordinate an Adult Protection Team.

1. The county department may establish its own Team or may coordinate with another contiguous county department(s) that is required to coordinate a Team.
2. The Team shall meet quarterly, at a minimum.
3. The county department shall determine the level of decision making authority for the Team. The role of the Team may be advisory only.

B. The purpose of the Team shall be to:

1. Review the processes used to report and investigate mistreatment and self-neglect of at-risk adults;
2. Staff particular cases or possible cases with Team members, such as those that:
 - a. Have proven difficult to resolve and Team members may be able to identify solutions;
 - b. Are situations where early intervention by other community systems may prevent mistreatment; and/or,

- c. Are valuable for educating Team members on APS program processes and requirements.
- 3. Facilitate interagency cooperation regarding services to at-risk adults including the development of solutions and action steps necessary to reduce risk AND IMPROVE SAFETY; and,
- 4. Provide community education on the mistreatment and self-neglect of at risk adults. The county department shall be the primary training agency, but may utilize training provided by team members or another designee. The county department shall:
 - a. Determine the topic to be presented, based upon county department or community need;
 - b. Use materials developed by the county department, the State Department, national associations, or other professional adult protective services agencies;
 - c. At a minimum, provide five (5) training activities per fiscal year, in any combination of the following:
 - 1) A live presentation to a community or professional group;
 - 2) Participation in a senior or community forum, such as:
 - a) Providing an article for a newsletter or local community newspaper; or,
 - b) Providing brochures or other written materials at a county department or other community event.
 - 3) Sponsorship of a community Elder Abuse Awareness Day or similar event.
- C. The director of the county department or the director's designee shall identify and recruit team members consistent with professional groups as specified in Section 26-3.1-102(1)(b), C.R.S., and other relevant community agencies.
- D. Each Team member shall be advised of the confidential nature of his/her responsibilities in accordance with Section 26-3.1-102(7), C.R.S., and shall be required to sign a confidentiality agreement annually.
- E. The Team shall develop and adopt written By-laws or a Memorandum of Understanding that minimally include the Team's:
 - 1. Purpose;
 - 2. Structure, including:
 - a. Meeting facilitation. Teams that conduct education to the community as part of the Team meeting shall adjourn to executive session prior to staffing any case or discussing any APS client or community member;
 - b. Frequency of meetings; and,
 - c. Composition of the Team.

3. Rules for membership, including:
 - a. Member duties;
 - b. Process for resignation and causes for termination from the Team.
 4. Process for handling potential conflicts of interest.
- F. The county department shall enter all Team activities in ~~the data system~~ CAPS within fourteen (14) calendar days of the activity.
-