



**Legislative Council Staff**

*Nonpartisan Services for Colorado's Legislature*

**Revised Fiscal Note**

(replaces fiscal note dated January 24, 2023)

**Drafting Number:** LLS 23-0268  
**Prime Sponsors:** Sen. Fields  
Rep. Young

**Date:** February 17, 2023  
**Bill Status:** House Public & Behavioral Health  
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**Bill Topic:** **STAFFING AGENCY CAPS CHECKS**

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|----------------------------------|---|--|
| <b>Summary of Fiscal Impact:</b> | <input checked="" type="checkbox"/> State Revenue     | <input type="checkbox"/> TABOR Refund            |
|                                  | <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> Local Government        |
|                                  | <input type="checkbox"/> State Transfer               | <input type="checkbox"/> Statutory Public Entity |

The bill requires staffing agencies to perform CAPS checks and provide results to the employer for any employee provided who will work with at-risk adults, starting January 1, 2024. The bill increases state workload.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** This revised fiscal note reflects the reengrossed bill.

**Summary of Legislation**

Under current law, employers hiring an employee to provide care to an at-risk adult must conduct a Colorado Adult Protective Services data system (CAPS) check to identify any substantiated claims of mistreatment against an at-risk adult. CAPS is run by the Department of Human Services (DHS). Beginning January 1, 2024, the bill requires staffing agencies to conduct a CAPS check for any employee provided who will have contact with at-risk adults. The staffing agency is required to provide results of the CAPS check and any subsequent notifications of substantiated findings to the employer.

The bill also clarifies the disclosure of CAPS check results, specifically permitting their disclosure for the purposes of a guardian appeal process.

**State Revenue and Expenditures**

For FY 2023-24 only, workload will increase for the CAPS Check Unit in DHS to update processes related to records checks from staffing agencies. On an ongoing basis, the bill may also lead to more CAPS check requests from staffing agencies, which would minimally increase cash fund revenue from fees to the DHS and workload to process these checks. However, this increase may be offset by a

reduction in duplicate CAPS checks, which in some cases are currently conducted on the same employee by both the employer and a staffing agency.

### **Effective Date**

The bill takes effect January 1, 2024.

### **State and Local Government Contacts**

Counties  
Information Technology

Health Care Policy and Financing  
Public Health and Environment

Human Services  
Regulatory Agencies