

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 31, 2021

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB21-1123 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend reengrossed bill, page 3, strike lines 10 through 12 and substitute:

2 "(X) THE DISCLOSURE IS MADE PURSUANT TO SECTION 26-3.1-111
3 (12) TO A HEALTH OVERSIGHT AGENCY, AS DEFINED IN 42 CFR 164.501,
4 WITHIN THE DEPARTMENT OF REGULATORY AGENCIES OR A REGULATOR,
5 AS DEFINED IN SECTION 12-20-102 (14), WITHIN SUCH A HEALTH
6 OVERSIGHT AGENCY; AND".

7 Page 4, line 9, after "EMPLOYEE" insert "WHO HOLDS A HEALTH-CARE
8 PROVIDER OR HEALTH-CARE OCCUPATION LICENSE AND".

9 Page 4, line 13, strike "PROFESSIONAL" and substitute "HEALTH-CARE
10 PROVIDER OR HEALTH-CARE OCCUPATION LICENSE".

11 Page 5, strike lines 6 through 11 and substitute "INCLUDING THE APPEAL
12 OUTCOME WITH A HEALTH OVERSIGHT AGENCY, AS DEFINED IN 42 CFR
13 164.501, WITHIN THE DEPARTMENT OF REGULATORY AGENCIES OR A
14 REGULATOR, AS DEFINED IN SECTION 12-20-102 (14), WITHIN SUCH A
15 HEALTH OVERSIGHT AGENCY, IF THE HEALTH OVERSIGHT AGENCY OR ITS
16 REGULATOR REQUESTS INFORMATION ABOUT AN APPEAL FOR".

17 Page 6, line 22, strike "REQUEST," and substitute "REQUEST AND USING
18 FORMS APPROVED BY THE STATE DEPARTMENT,".

- 1 Page 7, line 12, after "NOTIFY" insert "A HEALTH OVERSIGHT AGENCY, AS
2 DEFINED IN 42 CFR 164.501, WITHIN".
- 3 Page 7, line 13, after "REGULATOR" insert "WITHIN SUCH A HEALTH
4 OVERSIGHT AGENCY".
- 5 Page 7, line 14, strike "REGULATOR," and substitute "REGULATOR WITHIN
6 SUCH A HEALTH OVERSIGHT AGENCY,".
- 7 Page 7, line 18, after "TO" insert "A HEALTH OVERSIGHT AGENCY, AS
8 DEFINED IN 42 CFR 164.501, WITHIN".
- 9 Page 7, line 20, after "12-20-102 (14)," insert "WITHIN SUCH A HEALTH
10 OVERSIGHT AGENCY,".
- 11 Page 8, line 2, after "CONDUCTED" insert "BY A HEALTH OVERSIGHT
12 AGENCY, AS DEFINED IN 42 CFR 164.501".
- 13 Page 9, line 4, after "DEPARTMENT" insert "USING FORMS APPROVED BY
14 THE STATE DEPARTMENT".
- 15 Page 9, line 5, after "ADULT." insert "THE COURT SHALL REQUIRE THE
16 PETITIONER FOR CONSERVATORSHIP OR GUARDIANSHIP TO COMPLETE THE
17 STATE-DEPARTMENT-APPROVED WRITTEN AUTHORIZATION PRIOR TO
18 REQUESTING A CAPS CHECK.".
- 19 Page 9, line 21, strike "RULES" and substitute "RULES.".
- 20 Page 9, strike line 22 and substitute "IF THE APPEAL IS ACTIVE AT THE
21 TIME THE STATE DEPARTMENT NOTIFIES THE COURT OF THE RESULTS OF
22 THE CAPS CHECK, THE STATE DEPARTMENT SHALL INFORM THE COURT
23 THAT SUCH APPEAL IS ACTIVE. THE STATE".
- 24 Page 11, line 11, after "MISTREATMENT." insert "THE STATE DEPARTMENT
25 SHALL DISCLOSE TO THE COURT THE TIME FRAME BY WHICH AN APPEAL
26 MAY BE INITIATED BY THE PERSON SUBSTANTIATED IN A CASE OF
27 MISTREATMENT OF AN AT-RISK ADULT.".
- 28 Page 11, line 13, after "TO" insert "A HEALTH OVERSIGHT AGENCY, AS
29 DEFINED IN 42 CFR 164.501, WITHIN".



- 1 Page 11, line 14, after "REGULATOR" insert "WITHIN SUCH A HEALTH
2 OVERSIGHT AGENCY".
- 3 Page 11, line 17, after "PROVIDE" insert "A HEALTH OVERSIGHT AGENCY,
4 AS DEFINED IN 42 CFR 164.501, WITHIN".
- 5 Page 11, line 18, after "REGULATOR" insert "WITHIN SUCH A HEALTH
6 OVERSIGHT AGENCY".
- 7 Page 11, strike line 27.
- 8 Page 12, strike lines 1 through 3 and substitute "THE STATE DEPARTMENT
9 SHALL DISCLOSE TO A HEALTH OVERSIGHT AGENCY, AS DEFINED IN 42 CFR
10 164.501, WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, OR A
11 REGULATOR WITHIN SUCH A HEALTH OVERSIGHT AGENCY, THAT THE
12 PERSON SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN AT-RISK
13 ADULT HAS THE RIGHT TO INITIATE AN APPEAL OF THE SUBSTANTIATED
14 FINDING WITHIN THE TIME FRAME SET FORTH IN STATE DEPARTMENT
15 RULES."
- 16 Page 12, line 4, after "TO" insert "A HEALTH OVERSIGHT AGENCY, AS
17 DEFINED IN 42 CFR 164.501, WITHIN".
- 18 Page 12, line 5, after "REGULATOR" insert "WITHIN SUCH A HEALTH
19 OVERSIGHT AGENCY".
- 20 Page 12, line 12, strike "THE" and substitute "A HEALTH OVERSIGHT
21 AGENCY, AS DEFINED IN 42 CFR 164.501, WITHIN THE".
- 22 Page 12, line 13, after "REGULATOR" insert "WITHIN SUCH A HEALTH
23 OVERSIGHT AGENCY".

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