

Employers Required to Request CAPS Checks

A health facility licensed pursuant to section 25-1.5-103, including those wholly owned and operated by any governmental unit;

An adult day care facility, as defined in section 25.5-6-303 (1);

A community integrated health care service agency, as defined in section 25-3.5-1301 (1);

A community-centered board or a program-approved service agency providing or contracting for services and supports pursuant to Article 10 of Title 25.5;

A single entry point agency, as described in section 25.5-6-106;

An area agency on aging, as defined in section 26-11-201 (2), and any agency or provider the area agency on aging contracts with to provide services;

A facility operated by the state department for the care and treatment of persons with mental illness pursuant to Article 65 of Title 27;

A facility operated by the state department for the care and treatment of persons with intellectual and developmental disabilities pursuant to Article 10.5 of Title 27; and

Veterans community living centers operated pursuant to Article 12 of this Title 26.

For more information, the CAPS check statute can be found at [§26-3.1-111, C.R.S.](#) and the regulations that implement the statute can be found at [12 CCR 2518-1, Volume 30.960](#).



COLORADO
Adult Protective Services
Division of Aging & Adult Services

New Background Check Requirement

During the 2017 Colorado Legislative Session, the General Assembly passed a new law, HB17-1284. **Effective January 1, 2019** certain employers **MUST** request a check of Colorado's Adult Protective Services (APS) data system (called CAPS) prior to hiring an employee who will provide direct care to at-risk adults. The CAPS check will identify whether the employee has been substantiated in an APS case of causing physical abuse, sexual abuse, caretaker neglect, or exploitation (collectively referred to as "mistreatment") of an at-risk adult.

If your agency is required by this legislation to request CAPS checks prior to hiring or contracting with a new employee, the information contained in this fact sheet will help you familiarize yourself with the requirements set forth in HB17-1284.

Key Provisions of the New Law

Employee is defined as "a person, other than a volunteer, who is employed by or contracted with an employer, and includes a prospective employee."

Direct Care is defined as "services and supports, including case management services, protective services, physical care, mental health services, or any other service necessary for the at-risk adult's health, safety, or welfare." An employer may identify which of its employees provide direct care, consistent with this definition, in an internal policy.

Beginning January 1, 2019, in order to be compliant with the law employers **MUST** request a CAPS check **prior to** hiring or contracting with a new employee who will provide direct care to at-risk adults. Employers **MAY** request a CAPS check of current employees, but are not required to do so under the law.

Employers **MAY** hire or contract with a new employee prior to receiving the results of the CAPS check. If the CAPS check identifies an employee as having mistreated an at-risk adult, the employer may use the information received from the CAPS check in making a hiring decision. The law does not prohibit the employer from hiring the employee.

Fees

The cost of the CAPS check will be \$16.50 per check. The fee will be adjusted, as needed, to ensure that revenue generated from the fees does not exceed costs, as provided by [§24-75-402, C.R.S.](#) The fee must be paid at the time of the request by the employer. The law allows employers to require the employee to pay the fee.

Next Steps

The APS program within the Colorado Department of Human Services is currently working to implement this statute. The APS program has developed a CAPS Check Unit (CCU) website for employers that will be updated as more details become available. Please check the CCU website regularly for up-to-date information on implementation progress, how to register with the CCU to be able to request checks on day one, how to request a check, and how you will receive results. The website can be found at: Colorado.gov/pacific/ccu.