

Oppose HB20-1302 “Concerning changes to improve the protection services for at-risk adults”

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- In House Public Health Committee today, March 4.
- **RIGHT TO ENTER property by ‘COUNTY DEPARTMENT STAFF’, ACCESS to records, including medical and and people to interview and failure to cooperate you SHALL be charged with a Class 1 Misdemeanor.**
- ***Constitutional questions: There is no attorney general review yet (4th amendment - enter property without a subpoena & 5th Amendment- with the misdemeanor charge, compelling “cooperation” with county, when that interview content could self incriminate, without a Miranda warning)***
- ***Health record privacy HIPPA concerns, people living with HIV are concerned about this access.***
- ***Addition of criminal charge Class 1 Misdemeanor. It is to be carefully considered. Also cost burden on counties.***
- ***Immigrant community concerns about coercion to cooperation with threat of misdemeanor charge.***

Hb20- 1302 Introduced bill citations

1. With this bill draft language , county staff will have the right to enter private property. No warrant required- Violation of the fourth amendment, searches and seizures.

(b) COUNTY DEPARTMENT STAFF CONDUCTING AN INVESTIGATION PURSUANT TO THIS SECTION HAVE THE RIGHT TO ENTER THE PREMISES OF ANY EMPLOYER AS DEFINED BY SECTION 26-3.1-111 (7) AS NECESSARY TO COMPLETE A THOROUGH INVESTIGATION. COUNTY DEPARTMENT STAFF SHALL IDENTIFY THEMSELVES AND THE PURPOSE OF THE INVESTIGATION TO THE PERSON IN CHARGE OF THE ENTITY AT THE TIME OF ENTRY. **(P7 L20-25)**

2. This bill also grants county employees unlimited access to personal health records and agency reports. Violation of Protected Health Information under HIPPA, and more depending on types of agency records.

(13) (a) EACH EMPLOYER AS DEFINED BY SECTION 26-3.1-111 (7) SHALL PROVIDE, UPON REQUEST OF THE COUNTY DEPARTMENT, ACCESS TO CONDUCT AN INVESTIGATION INTO AN ALLEGATION OF MISTREATMENT, ACCESS MUST INCLUDE THE ABILITY TO REQUEST INTERVIEWS WITH RELEVANT PERSONS AND TO OBTAIN DOCUMENTS AND OTHER EVIDENCE **(PAGE 6 L 23-27)** AND HAVE ACCESS TO (I) PATIENTS WHO ARE THE SUBJECT OF THE INVESTIGATION INTO MISTREATMENT OF AN AT-RISK ADULT AND PATIENTS WHO ARE RELEVANT TO AN INVESTIGATION INTO AN ALLEGATION OF MISTREATMENT OF AN AT-RISK ADULT;
(II) PERSONNEL, INCLUDING PAID EMPLOYEES, CONTRACTORS, VOLUNTEERS, AND INTERNS, INCLUDING CONTACT INFORMATION FOR FORMER PERSONNEL WHO ARE RELEVANT TO THE INVESTIGATION;

(III) CLIENTS OR RESIDENTS WHO ARE THE SUBJECT OF THE INVESTIGATION INTO MISTREATMENT OF AN AT-RISK ADULT AND CLIENTS OR RESIDENTS WHO ARE RELEVANT TO AN INVESTIGATION INTO AN ALLEGATION OF MISTREATMENT OF AN AT-RISK ADULT;

(IV) INDIVIDUAL PATIENT, RESIDENT, CLIENT, OR CONSUMER RECORDS, INCLUDING HEALTH RECORDS OR INCIDENT AND INVESTIGATIVE REPORTS, CARE AND BEHAVIORAL PLANS, STAFF SCHEDULES AND TIME SHEETS, AND PHOTOS AND OTHER TECHNOLOGICAL EVIDENCE; AND

(V) ANY OTHER INFORMATION THAT BECOMES NECESSARY AND RELEVANT FOR COUNTY DEPARTMENTS TO PERFORM THEIR DUTIES PURSUANT TO THIS SECTION.

(b) COUNTY DEPARTMENT STAFF CONDUCTING AN INVESTIGATION PURSUANT TO THIS SECTION HAVE THE RIGHT TO ENTER THE PREMISES OF ANY EMPLOYER AS DEFINED BY SECTION 26-3.1-111 (7) AS NECESSARY TO COMPLETE A THOROUGH INVESTIGATION. COUNTY DEPARTMENT STAFF SHALL IDENTIFY THEMSELVES AND THE PURPOSE OF THE INVESTIGATION TO THE PERSON IN CHARGE OF THE ENTITY AT THE TIME OF ENTRY. **(PAGE 7 L 1-25)**

3. A person can stand at door, and say no, but they will enter and per statute "SHALL" charge you with a class 1 misdemeanor.

(c) A PERSON WHO VIOLATES A PROVISION OF SUBSECTION (1.3)

(a) OR (1.3)(b) OF THIS SECTION COMMITS A CLASS 1

MISDEMEANOR AND **(P7 L 26-27)** SHALL BE PUNISHED AS

PROVIDED IN SECTION 18-1.3-501 AND IS LIABLE FOR DAMAGES PROXIMATELY CAUSED THEREBY. **(P 8 L 1-2)**