

**Specific to General Investigatory Authority and Duty re: Abuse, Neglect and Exploitation of
Adults with Developmental Disabilities**

Abuse Caregiver Taskforce

Darla Stuart, October, 2009

	CCB/DDD	CDHS APS	CDPHE	CDHS Ombudsman	AG Medicaid Fraud	Law Enforcement
State or Federal law that creates investigatory authority	CRS 27-10.5 <i>Care and Treatment Act for Persons with Developmental Disabilities</i>	CRS 26-3.1 <i>At-Risk Adults</i>	CRS 25-1-124 <i>Health care facilities -- consumer information -- reporting -- release (Occurrence Reporting) and 25-3-109 (1),(3),(7),(8)</i>	CRS 26-11.5 <i>Long Term Care Ombudsman Program</i>	PL 95-142 <i>Medicare-Medicaid Antifraud and Abuse Amendments</i>	CRS 18-3-202-204,18-3-206, 18-3-402-405, 30-10-606.18-6.5 <i>Colorado Criminal Code</i>
Duties regarding investigations	Responsible for reporting and responding to allegations of abuse, neglect, and exploitation, as defined in DDD Rules and Regulations. These responsibilities include reporting such allegations to other entities (e.g., county adult protective services, county child protective services, and law enforcement) that also have statutory obligation for responding to such allegations.	Obligation to receive reports, investigate allegations, and prevent the mistreatment of at-risk adults, and to correct or alleviate situations in which actual or imminent danger of abuse, neglect, or exploitation exists.	Reportable occurrences include unexplained deaths, brain injuries, spinal cord injuries, life-threatening complications of anesthesia, life-threatening transfusion errors/reactions, severe burns, missing persons, physical abuse, verbal abuse, sexual abuse, neglect, misappropriation of property, diverted drugs and malfunction/misuse of equipment. The division will investigate the occurrence and	Ombudsmen identify, investigate, and resolve complaints on behalf of residents, and represent the interests of residents to seek administrative, legal, and other remedies. Intervention requires the consent of the resident*, including the reporting of abuse, neglect, and exploitation to APS. No person may legally interfere with an ombudsman's performance of duties and functions.	Abuse jurisdiction extends to all personal care boarding homes, adult day care facilities, hospitals, skilled nursing centers, rehabilitation centers, long-term facilities, and some assisted living centers – regardless of whether the patient is a Medicaid recipient or not; the Unit does not investigate abuse in the home or in non-Medicaid facilities. Our fraud jurisdiction covers all Medicaid providers.	Criminal Investigations

**Specific to General Investigatory Authority and Duty re: Abuse, Neglect and Exploitation of
Adults with Developmental Disabilities**

Abuse Caregiver Taskforce

Darla Stuart, October, 2009

			determine if appropriate facility action has been taken, and then write a summary of the occurrence for public viewing. The summaries respect confidentiality and do not reflect the names of the persons involved.	*resident means the resident or the resident's legal designee		
Population Served	A person who has a substantial disability that manifested before the person reached age twenty-two (22), and resulted in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation. The disability may be attributable to mental retardation or related conditions, which include cerebral palsy, epilepsy, autism, or other neurological conditions.	An individual who 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 the individual's health, safety, or welfare or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the individual's person or affairs	All residents of healthcare facilities licensed by the department are required to report occurrences to the Health Facilities and Emergency Medical Services Division. Statutory citations for this can be found at 25-1-124 (CRS) and 25-3-109 (1),(3),(7),(8) and the regulations can be found in Chapter II, Licensing: 3.2 Reporting.	Serves residents of long term care facilities and assisted living residences who are age 60 or older. Complaints may be acted upon for younger residents where such action will benefit, and not significantly diminish the capacity to serve, the older residents.	Protect state and federal funds from fraud against Medicaid by individuals or companies who provide services; and to protect residents of long-term care facilities from physical or threatened abuse, mental or emotional abuse, sexual abuse, criminal neglect, and financial abuse.	All Colorado citizens