

8.600.4 Definitions

As used in these rules, unless the context requires otherwise:

“Abuse,” for the purpose of mistreatment, abuse, neglect and exploitation, means any of the following acts or omissions committed against a person with an intellectual or developmental disability:

- A. The non-accidental infliction of physical pain or injury, as demonstrated by, but not limited to, substantial or multiple skin bruising, bleeding, malnutrition, dehydration, burns, bone fractures, poisoning, subdural hematoma, soft tissue swelling, or suffocation;
- B. Confinement or restraint that is unreasonable under generally accepted caretaking standards; or
- C. The subjection to sexual conduct or contact classified as a crime under the “Colorado Criminal Code,” Title 18, C.R.S.

"Algorithm" means a formula that establishes a set of rules that precisely defines a sequence of operations. An algorithm is used to assign clients into one of six support levels in the Home and Community Based Services for Persons with Developmental Disabilities (HCBS-DD) and Home and Community Based Services-Supported Living Services (HCBS-SLS) waivers.

"Assistive Technology Devices" means any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

"Assistive Technology Services" includes, but is not limited to, the evaluation of a person's need for assistive technology; helping to select and obtain appropriate devices; designing, fitting and customizing those devices; purchasing, repairing or replacing the devices; and, training the individual, or if appropriate a family member, to use the devices effectively.

"Authorized Representative" means an individual designated by the person receiving services, or by the parent or guardian of the person receiving services, if appropriate, to assist the person receiving services in acquiring or utilizing services and supports pursuant to section 25.5-10, C.R.S.

"Authorized Services" means those services and supports authorized pursuant to section 25.5-10-206, C.R.S., which the Department shall provide directly or purchase subject to available appropriations for persons who have been determined to be eligible for such services and supports and as specified in the eligible person's individualized plan.

“Caretaker” means a person who:

- A. Is responsible for the care of a person with an intellectual or developmental disability as a result of a family or legal relationship;

- B. Has assumed responsibility for the care of a person with an intellectual or developmental disability; or
- C. Is paid to provide care, services, or oversight of services to a person with an intellectual or developmental disability.

"Caretaker Neglect" means neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, habilitation, supervision, or other treatment necessary for the health and safety of a person with an intellectual and developmental disability is not secured for a person with an intellectual and developmental disability or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise, or a caretaker knowingly uses harassment, undue influence, or intimidation to create a hostile or fearful environment for an at-risk adult with an intellectual and developmental disability.

- A. Notwithstanding the provisions of this subsection, the withholding, withdrawing, or refusing of any medication, any medical procedure or device, or any treatment, including but not limited to resuscitation, cardiac pacing, mechanical ventilation, dialysis, artificial nutrition and hydration, in accordance with any valid medical directive or order, or as described in a palliative plan of care, shall not be deemed caretaker neglect.
- B. As used in this subsection, "medical directive or order" includes a medical durable power of attorney, a declaration as to medical treatment executed pursuant to section 15-18-108, C.R.S., a medical order for scope of treatment form executed pursuant to Article 18.7 of Title 15, C.R.S., and a CPR Directive executed pursuant to Article 18.6 of Title 15, C.R.S.

"Case Management Agency" (CMA) means a Community Centered Board within a designated service area where an applicant or client can obtain case management services.

"Challenging Behavior" means behavior that puts the person at risk of exclusion from typical community settings, community services and supports, or presents a risk to the health and safety of the person or others or a significant risk to property.

"Client" means an individual who has met Long Term Care (LTC) eligibility requirements and has been offered and agreed to receive Home and Community Based Services (HCBS) in the Children's Extensive Supports (HCBS-CES) waiver, the HCBS waiver for Persons with Developmental Disabilities (HCBS-DD) or the Supported Living Services (HCBS-SLS) waiver.

"Community Centered Board (CCB)" means a private corporation, for profit or not for profit, which, when designated pursuant to section 25.5-10-209, C.R.S., provides case management services to persons with developmental disabilities, is authorized to determine eligibility of such persons within a specified geographical area, serves as the single point of entry for persons to receive services and supports under section 25.5-10, C.R.S., and provides authorized services and supports to such persons either directly or by purchasing such services and supports from service agencies.

"Comprehensive Review of the Person's Life Situation" means a thorough review of all aspects of the person's current life situation by the program approved service agency in conjunction with other members of the interdisciplinary team.

"Comprehensive Services" means habilitation services and supports that provide a full day (24 hours) of services and supports to ensure the health, safety and welfare of the individual, and to provide training and habilitation services or a combination of training and supports in the areas of personal, physical, mental and social development and to promote interdependence, self-sufficiency and community inclusion. Services include residential habilitation services and supports, day habilitation services and supports and transportation.

"Consent" means an informed assent, which is expressed in writing and is freely given. Consent shall always be preceded by the following:

- A. A fair explanation of the procedures to be followed, including an identification of those which are experimental;
- B. A description of the attendant discomforts and risks;
- C. A description of the benefits to be expected;
- D. A disclosure of appropriate alternative procedures together with an explanation of the respective benefits, discomforts and risks;
- E. An offer to answer any inquiries regarding the procedure;
- F. An instruction that the person giving consent is free to withdraw such consent and discontinue participation in the project or activity at any time; and,
- G. A statement that withholding or withdrawal of consent shall not prejudice future provision of appropriate services and supports to individuals.

"Developmental Delay" means that a child meets one or more of the following:

- A. A child who is less than five (5) years of age at risk of having a developmental disability because of the presence of one or more of the following:
 - 1. Chromosomal conditions associated with delays in development,
 - 2. Congenital syndromes and conditions associated with delays in development,
 - 3. Sensory impairments associated with delays in development,
 - 4. Metabolic disorders associated with delays in development,
 - 5. Prenatal and perinatal infections and significant medical problems associated with delays in development,

6. Low birth weight infants weighing less than 1200 grams, or
 7. Postnatal acquired problems resulting in delays in development.
- B. A child less than five (5) years of age who is significantly delayed in development in one or more of the following areas:
1. Communication,
 2. Adaptive behavior,
 3. Social-emotional,
 4. Motor,
 5. Sensory, or
 6. Cognition.
- C. A child less than three (3) years of age who lives with one or both parents who have a developmental disability.

"Developmental Disabilities Professional" means a person who has at least a Bachelor's Degree and a minimum of two (2) years' experience in the field of developmental disabilities or a person with at least five (5) years of experience in the field of developmental disabilities with competency in the following areas:

- A. Understanding of civil, legal and human rights;
- B. Understanding of the theory and practice of positive and non-aversive behavioral intervention strategies;
- C. Understanding of the theory and practice of non-violent crisis and behavioral intervention strategies.

"Developmental Disability" means a disability that:

- A. Is manifested before the person reaches twenty-two (22) years of age;
- B. Constitutes a substantial disability to the affected individual, as demonstrated by the criteria below at C, 1 and/or C, 2; and,
- C. Is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism or other neurological conditions when such conditions result in either impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation.
 1. "Impairment of general intellectual functioning" means that the person has been determined to have a full scale intellectual quotient equivalent which is two or

more standard deviations below the mean (70 or less assuming a scale with a mean of 100 and a standard deviation of 15).

- a. A secondary score comparable to the General Abilities Index for a Wechsler Intelligence Scale that is two or more standard deviations below the mean may be used only if a full scale score cannot be appropriately derived.
 - b. Score shall be determined using a norm-referenced, standardized test of general intellectual functioning comparable to a comprehensively administered Wechsler Intelligence Scale or Stanford-Binet Intelligence Scales, as revised or current to the date of administration. The test shall be administered by a licensed psychologist or a school psychologist.
 - c. When determining the intellectual quotient equivalent score, a maximum confidence level of ninety percent (90%) shall be applied to the full scale score to determine if the interval includes a score of 70 or less and shall be interpreted to the benefit of the applicant being determined to have a developmental disability.
2. "Adaptive behavior similar to that of a person with mental retardation" means that the person has an overall adaptive behavior composite or equivalent score that is two or more standard deviations below the mean.
- a. Measurements shall be determined using a norm-referenced, standardized assessment of adaptive behaviors that is appropriate to the person's living environment and comparable to a comprehensively administered Vineland Scale of Adaptive Behavior, as revised or current to the date of administration. The assessment shall be administered and determined by a professional qualified to administer the assessment used.
 - b. When determining the overall adaptive behavior score, a maximum confidence level of ninety percent (90%) shall be applied to the overall adaptive behavior score to determine if the interval includes a score of 70 or less and shall be interpreted to the benefit of the applicant being determined to have a developmental disability.
- D. A person shall not be determined to have a developmental disability if it can be demonstrated such conditions are attributable to only a physical or sensory impairment or a mental illness.

"Division for Intellectual and Developmental Disabilities" means the unit within the Colorado Department of Health Care Policy and Financing, responsible for the administration of state sponsored services and funding for developmental disabilities for the state of Colorado.

"Emergency", as used in section 8.608.3 regarding restraint, means a serious, probable, imminent threat of bodily harm to self or others where there is the present ability to effect such bodily harm.

"Emergency Control Procedure" means an unanticipated use of a restrictive procedure or restraint in order to keep the person receiving services and others safe.

"Executive Director" means the Executive Director of the Colorado Department of Health Care Policy and Financing unless otherwise indicated.

"Exploitation" means an act or omission committed by a person who:

- A. Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive a person with an intellectual or developmental disability of the use, benefit, or possession of anything of value;
- B. Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the person with an intellectual or developmental disability; or
- C. Forces, compels, coerces, or entices a person with an intellectual or developmental disability to perform services for the profit or advantage of the person or another person against the will of the person with an intellectual or developmental disability; or
- D. Misuses the property of a person with an intellectual or developmental disability in a manner that adversely affects the person with an intellectual or developmental disability's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.

"Extreme Safety Risk to Self" means a factor in addition to specific Supports Intensity Scale (SIS) scores that is considered in the calculation of a client's support level. This factor shall be identified when a client:

- A. Displays self-destructiveness related to self-injury, suicide attempts or other similar behaviors that seriously threaten the client's safety; and,
- B. Has a rights suspension in accordance with section 8.604.3 or has a court order that imposes line of sight supervision unless the client is in a controlled environment that limits the ability of the client to harm himself or herself.

"Family", as used in rules pertaining to support services, the Family Support Services Program and the Colorado Family Support Loan Fund herein, means a group of interdependent persons residing in the same household that consists of a family member with a developmental disability or a child under the age of five (5) years with a developmental delay, and one or more of the following:

- A. A mother, father, brother(s), sister(s) or any combination; or,
- B. Extended blood relatives such as grandparent(s), aunt(s) or uncle(s); or,

- C. An adoptive parent(s); or,
- D. One or more persons to whom legal custody of a person with a developmental disability has been given by a court; or,
- E. A spouse and/or his/her children.

"Family Support Council" means the local group of persons within the community centered board's designated service area who have the responsibility for providing guidance and direction to the community centered board for the implementation of the Family Support Services Program.

"Family Support Plan (FSP)" means a plan which is written for the delivery of family support services as specified in section 8.613, herein.

"Functional Analysis" means a comprehensive analysis of the medical, social, environmental, and personal factors that may influence current behavior. This analysis shall also investigate the person's ability to communicate, analyze whether the current behavior is a means to communicate, and identify historical factors which may contribute to the understanding of the current behavior.

"Guardian" means a person appointed by the court, or named in a will to be the guardian of a minor child, and charged with limited, temporary, or full guardian's power and duties.

"Home and Community-Based Services Waivers (HCBS)" means HCBS waiver programs, including the Home and Community Based Waiver for the Developmentally Disabled (HCBS-DD), Supported Living Services (SLS) and Children's Extensive Support (CES). These waivers are authorized by section 25.5-6-404, C.R.S., et seq., for alternatives to long term care for the developmentally disabled by waivers to section 1915(c), 1902(a)(10)(B), and 1902(a)(1) of the Social Security Act approved by the United States Department of Health and Human Services, in accordance with section 2176 of Public Law No. 97-35 and approved for implementation by the Colorado General Assembly, and regulated by those sections of the Medical Assistance Staff Manual Volume 8 (10 C.C.R. 2505-10) of the Colorado Department of Health Care Policy and Financing, pertaining to Long Term Care and Home and Community-Based Services for the Developmentally Disabled.

"Host Home Provider" is an individual (or individuals) who provides residential supports in his/her home to persons receiving comprehensive services who are not family members as defined in section 25.5-10-202(16), C.R.S. A host home provider is not a developmental disabilities service agency pursuant to section 8.602 of these rules.

"Human Rights Committee" means a third-party mechanism to adequately safeguard the legal rights of persons receiving services by participating in the granting of informed consent, monitoring the suspension of rights of persons receiving services, monitoring behavioral development programs in which persons with intellectual and developmental disabilities are involved, monitoring the use of psychotropic medication by persons with intellectual and developmental disabilities, and reviewing investigations of allegations of mistreatment of persons with intellectual and developmental disabilities who are receiving services or supports.

"Individual Service and Support Plan (ISSP)" means a plan of intervention or instruction which directly addresses the needs identified in the person's Individualized Plan and which provides specific direction and methodology to employees and contractors providing direct service to a person.

"Individualized Plan (IP)" means a written plan designed by an interdisciplinary team for the purpose of identifying:

- A. The needs of the person receiving services or family;
- B. The specific services and supports appropriate to meet those needs;
- C. The projected date for initiation of service and supports; and,
- D. The anticipated results to be achieved by receiving the services and supports.

"Interdisciplinary Team (IDT)" means a group of people convened by a community centered board which shall include the person receiving services, the parent or guardian of a minor, a guardian or an authorized representative, as appropriate, the person who coordinates the provision of services and supports, and others as determined by such person's needs and preferences, who are assembled in a cooperative manner to develop or review the individualized plan.

"Loan Fund" means the Colorado Family Support Loan Fund.

"Mechanical Restraint" means the use of devices intended to restrict the movement or normal functioning of a portion of an individual's body. Mechanical restraint does not include the use of protective devices used for the purpose of providing physical support or prevention of accidental injury.

"Mental Retardation" means substantial limitations in present functioning. It is characterized by significantly sub-average intellectual functioning, existing concurrently with related limitations in two or more of the following applicable adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work. Mental retardation manifests before age 18.

"Minimum Effective Dose" means the smallest medication dosage necessary to produce the intended effect.

"Mistreated" or "Mistreatment" means:

- A. Abuse,
- B. Caretaker Neglect,
- C. Exploitation,

- D. An act or omission that threatens the health, safety, or welfare of a person with intellectual or developmental disability, or
- E. An act or omission that exposes the person with an intellectual or developmental disability to a situation or condition that poses an imminent risk of bodily injury.

"Notice" means written notification hand delivered to or sent by first class mail that contains at least all of the following:

- A. The proposed action;
- B. The reason or reasons for that action;
- C. The effective date of that action;
- D. The specific law, regulation, or policy supporting the action;
- E. The responsible agency with whom a protest of the action may be filed including the name and address of the director.
- F. The dispute resolution procedure, including deadlines, in conformity with section 8.605 and procedures on accessing agency records:
 - 1. For disputes involving individuals as defined in section 8.605.2, information on availability of advocacy assistance, including referral to publicly funded legal services, corporation, and other publicly or privately funded advocacy organizations, including the protection and advocacy system required under 42 U.S.C. 6012, the Developmental Disabilities Assistance and Bill of Rights Act; and,
 - 2. For disputes involving individuals as defined in section 8.605.2 an explanation of how the agency will provide services to a currently enrolled person during the dispute resolution period, including a statement that services will not be terminated during the appeal. Such explanation will include a description of services currently received.

"Parent" means the biological or adoptive parent.

"Physical Restraint" means the use of manual methods to restrict the movement or normal functioning of a portion of an individual's body through direct physical contact by others except for the purpose of providing assistance/prompts. Assistance/prompts is the use of manual methods to guide or assist with the initiation or completion of and/or support the voluntary movement or functioning of an individual's body through the use of physical contact by others except for the purpose of providing physical restraint.

"PRN" (Pro Re Nata) means giving drugs on an "as needed" basis through a standing prescription or standing order.

"Program Approved Service Agency" means a developmental disabilities service agency or typical community service agency as defined in section 8.602, which has received program approval by the Department pursuant to section 8.603 of these rules.

"Program Services" means an organized program of therapeutic, habilitative, specialized support or remedial services provided on a scheduled basis to individuals with developmental disabilities.

"Prospective New Service Agency" means an individual or any publicly or privately operated program, organization or business that has completed and submitted an application with a community centered board for selection and approval as a service agency to provide comprehensive services.

"Public Safety Risk-Convicted" means a factor in addition to specific SIS scores that is considered in the calculation of a client's support level. This factor shall be identified when a client has:

- A. Been found guilty through the criminal justice system for a criminal action involving harm to another person or arson and who continues to pose a current risk of repeating a similar serious action; and,
- B. A rights suspension in accordance with section 8.604.3 or through parole or probation, or a court order that imposes line of sight supervision unless the client is in a controlled environment that limits his or her ability to engage in the behaviors that pose a risk or to leave the controlled environment unsupervised.

"Public Safety Risk-Not Convicted" means a factor in addition to specific SIS scores that is considered in the calculation of a client's support level. This factor shall be identified when a client has:

- A. Not been found guilty through the criminal justice system, but who does pose a current and serious risk of committing actions involving harm to another person or arson; and,
- B. A rights suspension in accordance with section 8.604.3 or through parole or probation, or a court order that imposes line of sight supervision unless the client is in a controlled environment that limits his or her ability to engage in the behaviors that pose a risk or to leave the controlled environment unsupervised.

"Rate" means the amount of money, determined by a standardized rate setting methodology, reimbursed for each unit of a defined waiver service provided to a client by a qualified provider.

"Referral" means any notice or information (written, verbal, or otherwise) presented to a community centered board which indicates that a person may be appropriate for services or supports provided through the developmental disabilities system and for which the community centered board determines that some type of follow-up activity for eligibility is warranted.

"Referral and Placement Committee (RPC)" means an interdisciplinary or interagency committee authorized by a community centered board or the department to make referral and placement recommendations for persons receiving services.

"Regional Center" means a facility or program operated directly by the Department, which provides services and supports to persons with developmental disabilities.

"Respondent" means a person participating in the SIS assessment who has known the client for at least three months and has knowledge of the client's skills and abilities. The respondent must have recently observed the person directly in one or more places such as home, work, or in the community.

"Restrictive Procedure" means any of the following when the intent or plan is to bring the person's behavior into compliance:

- A. Limitations of an individual's movement or activity against his or her wishes; or,
- B. Interference with an individual's ability to acquire and/or retain rewarding items or engage in valued experiences.

"Request for Developmental Disability Determination" means written formal documentation, either handwritten or a signed standardized form, which is submitted to a Community Centered Board requesting that a determination of developmental disability be completed.

"Safety Control Procedure" means a restrictive procedure or restraint that is used to control a previously exhibited behavior which is anticipated to occur again and for which the planned method of intervention is developed in order to keep the person and others safe.

"Screening" for Early Intervention Services means a quick look at how a child is developing and learning to determine what areas of development, if any, are behind what would be expected for a child.

"Seclusion" means the placement of a person receiving services alone in a closed room for the purpose of punishment. Seclusion for any purpose is prohibited.

"Service Agency" means an individual or any publicly or privately operated program, organization or business providing services or supports for persons with developmental disabilities.

"Service Plan Authorization Limit" (SPAL) means an annual upper payment limit of total funds available to purchase services to meet the client's ongoing needs. Purchase of services not subject to the SPAL are in accordance with the Department of Health Care Policy and Financing rules in section 8.500.102.B (10 C.C.R. 2505-10). A specific limit is assigned to each of the six support levels in the HCBS-SLS waiver. The SPAL is determined by the Department based on the annual appropriation for the HCBS-SLS waiver, the number of clients in each level, and projected utilization.

"Sexual contact" means the knowing touching of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or the knowing touching of the clothing covering the immediate area of the victim's or actor's intimate parts if that sexual contact is for the purposes of sexual arousal, gratification, or abuse.

"Sexual intrusion" means any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue, or penis, into the genital or anal opening of another person's

body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification, or abuse.

"Sexual penetration" means sexual intercourse, cunnilingus, fellatio, analingus, or anal intercourse. Emission need not be proved as an element of any sexual penetration. Any penetration, however slight, is sufficient to complete the crime.

"SIS Interviewer" means an individual formally trained in the administration and implementation of the Supports Intensity Scale by a Department approved trainer using the Department approved curriculum. SIS Interviewers must maintain a standard for conducting SIS assessments as measured through periodic interviewer reliability reviews.

"Statewide Database" means the state web-based system that contains consumer-related demographic and program data.

"Support Coordinating Agency" means a community centered board which has been designated as the agency responsible for the coordination of support services (supported living services for adults and the children's extensive support program) within its service area.

"Supports Intensity Scale" (SIS) means the standardized assessment tool published in 2004 by the American Association on Intellectual and Developmental Disabilities. The assessment gathers information from a semi-structured interview of respondents who know the client well. It is designed to identify and measure the practical support requirements of adults with developmental disabilities. No later editions or amendments are included. Copies may be obtained or examined by contacting the Case Management Specialist, Colorado Department of Health Care Policy and Financing, Division for Intellectual and Developmental Disabilities, 1570 Grant Street, Denver, Colorado 80203; or any State Publications Depository Library.

"Support Level" means a numeric value determined using an algorithm that places clients into groups with other clients who have similar overall support needs.

"Undue Influence" means use of influence to take advantage of a person with an intellectual or developmental disability's vulnerable state of mind, neediness, pain, or emotional distress.

"Waiver Services" means those optional Medicaid services defined in the current federally approved HCBS waiver document and do not include Medicaid State Plan services.

8.608.8 ABUSE, MISTREATMENT, NEGLECT, AND EXPLOITATION

- A. Pursuant to section 25.5-10-221, C.R.S., all community centered boards, service agencies and regional centers shall prohibit abuse, mistreatment, neglect, or exploitation of any person receiving services.

- B. Community centered boards, program approved service agencies and regional centers shall have written policies and procedures for handling cases of alleged or suspected abuse, mistreatment, neglect, or exploitation of any person receiving services. These policies and procedures must be consistent with state law and:
 - 1. Definitions of abuse, mistreatment, neglect, or exploitation must be consistent with state law and these rules;
 - 2. Provide a mechanism for monitoring to detect instances of abuse, mistreatment, neglect, or exploitation. Monitoring is to include, at a minimum, the review of:
 - a. Incident reports;
 - b. Verbal and written reports of unusual or dramatic changes in behavior(s) of persons receiving services; and,
 - c. Verbal and written reports from persons receiving services, advocates, families, guardians, and friends of persons receiving services.
 - 3. Provide procedures for reporting, reviewing, and investigating all allegations of abuse, mistreatment, neglect, or exploitation;
 - 4. Ensure that appropriate disciplinary actions up to and including termination, and appropriate legal recourse are taken against employees and contractors who have engaged in abuse, mistreatment, neglect, or exploitation;
 - 5. Ensure that employees and contractors are made aware of applicable state law and agency policies and procedures related to abuse, mistreatment, neglect or exploitation;
 - 6. Require immediate reporting when observed by employees and contractors according to agency policy and procedures and to the agency administrator or his/her designee;
 - 7. Require reporting of allegations within 24 hours to the parent of a minor, guardian, authorized representative, and community centered board or regional center;
 - 8. Ensure prompt action to protect the safety of the person receiving services. Such action may include any action that would protect the person(s) receiving services if determined necessary and appropriate by the service agency or community centered board pending the outcome of the investigation. Actions may include,

but are not limited to, removing the person from his/her residential and/or day services setting and removing or replacing staff;

9. Provide necessary victim supports;
 10. Require prompt reporting of the allegation to appropriate authorities in accordance with statutory requirements pursuant to section 8.608.8.C of these rules;
 11. Ensure Human Rights Committee review of all allegations; and,
 12. Ensure that no individual is coerced, intimidated, threatened or retaliated against because the individual, in good faith, makes a report of suspected abuse, mistreatment, neglect or exploitation or assists or participates in any manner in an investigation of such allegations in accordance with section 8.608.8.D.
- C. Any and all actual or suspected incidents of abuse, mistreatment, neglect, or exploitation shall be reported immediately to the agency administrator or designee. The agency shall ensure that employees and contractors obligated by statute, including but not limited to, section 19-10-103, C.R.S., (Colorado Children's Code), section 18-8-115, C.R.S., (Colorado Criminal Code - Duty To Report A Crime), and section 26-3.1-102, C.R.S., (Social Services Code - Protective Services), to report suspected abuse, mistreatment, neglect, or exploitation, are aware of the obligation and reporting procedures.
- D. All alleged incidents of abuse, mistreatment, neglect, or exploitation shall be thoroughly investigated in a timely manner using the specified investigation procedures. However, such procedures must not be used in lieu of investigations required by law or which may result from action initiated pursuant to section C, herein.
1. Within twenty-four hours of becoming aware of the incident, a written incident report shall be made available to the agency administrator or designee and the community centered board or regional center.
 2. The agency shall maintain a written administrative record of all such investigations including:
 - a. The incident report and preliminary results of the investigation;
 - b. A summary of the investigative procedures utilized;
 - c. The full investigative finding(s);
 - d. The actions taken; and,
 - e. Human Rights Committee review of the investigative report and the action taken on recommendations made by the committee.
 3. The agency shall ensure that appropriate actions are taken when an allegation against an employee or contractor is substantiated, and that the results of the

investigation are recorded, with the employee's or contractor's knowledge, in the employee's personnel or contractor's file.