

STATE OF COLORADO

John W. Hickenlooper, Governor
Karin McGowan
Interim Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
Located in Glendale, Colorado (303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

Neglect Occurrence Reporting Guidance – July 19, 2013

In light of recent legislative changes and initiatives, the Department has reviewed its processes and requirements concerning reporting of neglect as an occurrence.

25-1-124 (e) states “Any occurrence involving neglect of a patient or resident, as described in section 26-3.1-101 (4) (b), C.R.S.” is a reportable occurrence.

26-3.1-101 (4) (b) describes neglect as follows “Caretaker neglect which occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision is not secured for the **at-risk adult** 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; except that the withholding of artificial nourishment in accordance with the "Colorado Medical Treatment Decision Act", article 18 of title 15, C.R.S., shall not be considered as abuse” (changed to 26-3.1-101(7)(b) in 2012)

The statute further defines an “**at-risk adult**” as “an individual 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.” (26-3.1-101(1), C.R.S)

In order for an incident to meet the requirement for reporting neglect, it must meet both the definition of neglect and the person involved must be an “at-risk adult” as defined in 26-3.1-101(1), C.R.S.

Adults who might meet the definition of an “at-risk adult” include:

- Adults with a developmental disability, traumatic brain injury, Alzheimer's, dementia, or other neurological or cognitive deficit
- Adults with a debilitating mental illness
- Frail or elderly persons who are no longer able to understand or make appropriate choices to manage their affairs
- Adults with a physically disability that limits their ability to perform activities of daily living

Adults who would not meet the definition of “at-risk adult” are those who normally are able to perform life tasks with little assistance and are normally able to make decisions about their own life choices. For example, a young working adult with no physical or cognitive disabilities undergoes surgery, an incident meeting the definition of neglect occurs while under anesthesia. The incident would not be reportable as neglect because the patient did not meet the definition of an “at-risk adult”.

Please remember that the definition of “at-risk adult” only applies to the reporting of neglect. All other reporting requirements apply to all adults served in a licensed health facility.