

# An Act

SENATE BILL 22-147

BY SENATOR(S) Kolker and Sonnenberg, Buckner, Fields, Gardner, Ginal, Gonzales, Hinrichsen, Hisey, Jaquez Lewis, Kirkmeyer, Lundeen, Moreno, Pettersen, Priola, Smallwood, Story, Winter, Zenzinger, Fenberg; also REPRESENTATIVE(S) Young and Pelton, Amabile, Bradfield, Gonzales-Gutierrez, Michaelson Jenet, Van Beber, Bacon, Benavidez, Bennett, Bird, Boesenecker, Caraveo, Cutter, Daugherty, Duran, Esgar, Exum, Froelich, Herod, Hooton, Jodeh, Kipp, Lindsay, McCluskie, McCormick, McLachlan, Ricks, Roberts, Sirota, Snyder, Sullivan, Tipper, Titone, Valdez A., Valdez D., Weissman.

CONCERNING BEHAVIORAL HEALTH-CARE INTEGRATION SERVICES FOR CHILDREN, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** (1) The general assembly finds that:

(a) During the COVID-19 pandemic, children have been faced with unprecedented challenges, including how they attend school, interact with friends, and receive health care;

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(b) During this unprecedented time, children and their families may have lost access to behavioral and mental health care, social services, income, food, or housing;

(c) Since the COVID-19 pandemic began, rates of psychological distress among young people have increased, including symptoms of anxiety, depression, and other behavioral and mental health disorders;

(d) The Colorado pediatric psychiatry consultation and access program (CoPPCAP) will provide peer-to-peer consultations, education, and support to pediatric primary care providers in order to identify and treat mild to moderate behavioral health concerns presenting in primary care;

(e) The behavioral health care professional matching grant program provides funding to education providers to increase the presence of school health professionals to provide behavioral health care to students who have mental health, substance use or misuse, or other behavioral health needs;

(f) The school-based health center grant program provides access to school-based primary health care for children and adolescents, serving primarily low-income schools. The majority of students who attend schools with on-site health centers are from low-income families, are medically uninsured or underinsured, and qualify for free or reduced-cost school lunch pursuant to the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

(g) The federal government enacted the "American Rescue Plan Act of 2021", Pub.L. 117-2, to provide support to state, local, and tribal governments in responding to the impacts of the COVID-19 pandemic; and

(h) Regulations construing the federal act promulgated by the United States treasury identify a nonexclusive list of uses for the COVID-19 pandemic and its negative public health impacts.

(2) (a) Therefore, the general assembly declares that children have been disproportionately impacted by the COVID-19 pandemic and its negative public health impacts during this public health emergency. The programs and services described in this legislative declaration are appropriate uses of the money transferred to Colorado under the federal act.

This money will expand access to evidence-based treatment for behavioral health services that CoPPCAP, the school-based health center grant program, and the behavioral health care professional matching grant program provide to children and families.

(b) The general assembly further declares that CoPPCAP, the behavioral health care professional matching grant program, and the school-based health center grant program are important government services.

**SECTION 2.** In Colorado Revised Statutes, **add 23-20-144** as follows:

**23-20-144. Colorado pediatric psychiatry consultation and access program (CoPPCAP) - created.** (1) THERE IS CREATED IN THE UNIVERSITY OF COLORADO THE COLORADO PEDIATRIC PSYCHIATRY CONSULTATION AND ACCESS PROGRAM, REFERRED TO IN THIS SECTION AS "CoPPCAP". CoPPCAP SHALL:

(a) SUPPORT PRIMARY CARE PROVIDERS TO IDENTIFY AND TREAT MILD TO MODERATE PEDIATRIC BEHAVIORAL HEALTH CONDITIONS IN PRIMARY CARE PRACTICES OR SCHOOL-BASED HEALTH CENTERS;

(b) PROVIDE SUPPORT AND ASSISTANCE TO PRIMARY CARE PROVIDERS WITH THE INTEGRATION OF PEDIATRIC BEHAVIORAL HEALTH SCREENING AND TREATMENT INTO PRIMARY CARE PRACTICES;

(c) PROVIDE PEER-TO-PEER CONSULTATIONS WITH PRIMARY CARE PROVIDERS AND INTEGRATED BEHAVIORAL HEALTH CLINICIANS;

(d) IDENTIFY EVIDENCE-BASED RESOURCES AND CARE COORDINATION TO SUPPORT DIAGNOSIS, TREATMENT, AND REFERRALS FOR CHILDREN WITH BEHAVIORAL HEALTH AND SUBSTANCE USE NEEDS;

(e) SUPPORT ALL PATIENTS SEEN IN COLORADO PRIMARY CARE PRACTICES REGARDLESS OF PAYER OR ABILITY TO PAY;

(f) CREATE ONGOING EDUCATIONAL OPPORTUNITIES FOCUSED ON PEDIATRIC BEHAVIORAL HEALTH CONDITIONS; AND

(g) CREATE DIGITAL RESOURCES FOCUSED ON PEDIATRIC BEHAVIORAL HEALTH CONDITIONS.

(2) (a) CoPPCAP MAY ENTER INTO AGREEMENTS WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT REGARDING THE PROVISION OF FEDERAL HEALTH RESOURCES AND SERVICES ADMINISTRATION PROGRAMS.

(b) CoPPCAP MAY COLLABORATE WITH STATE AGENCIES, SCHOOL-BASED HEALTH CENTERS, PRIMARY CARE PROVIDERS, INTEGRATED BEHAVIORAL HEALTH CLINICS, AND COMMUNITY-BASED SOCIAL SERVICE OR BEHAVIORAL HEALTH PROVIDERS TO PROVIDE BEHAVIORAL HEALTH ASSESSMENT AND TREATMENT TO CHILDREN AND FAMILIES.

(3) CoPPCAP IS AUTHORIZED TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES TO IMPLEMENT CoPPCAP.

(4) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FOUR MILLION SIX HUNDRED THOUSAND DOLLARS FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND CREATED PURSUANT TO SECTION 24-75-230 TO THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO TO FUND CoPPCAP TO RESPOND TO THE COVID-19 PANDEMIC AND ITS NEGATIVE PUBLIC HEALTH IMPACTS. CoPPCAP SHALL SPEND OR OBLIGATE ANY MONEY BY DECEMBER 31, 2024. ANY MONEY OBLIGATED BY DECEMBER 31, 2024, MUST BE EXPENDED BY DECEMBER 31, 2026.

(5) THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO AND CoPPCAP SHALL COMPLY WITH THE COMPLIANCE, REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION 24-75-226 (5).

**SECTION 3.** In Colorado Revised Statutes, 22-96-104, **add** (5.3) as follows:

**22-96-104. Behavioral health care professional matching grant program - application - criteria - grant awards.** (5.3) (a) FOR THE 2022-23 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIVE MILLION DOLLARS FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND

CREATED PURSUANT TO SECTION 24-75-230 TO THE DEPARTMENT TO FUND THE PROGRAM FOR THE BENEFIT OF INCREASING THE PRESENCE OF SCHOOL HEALTH PROFESSIONALS IN SCHOOLS TO RESPOND TO THE COVID-19 PANDEMIC AND ITS NEGATIVE PUBLIC HEALTH IMPACTS. THE DEPARTMENT OR THE GRANTEEES AWARDED MONEY SHALL SPEND OR OBLIGATE ANY MONEY BY DECEMBER 31, 2024. ANY MONEY OBLIGATED BY DECEMBER 31, 2024, MUST BE EXPENDED BY DECEMBER 31, 2026.

(b) THE DEPARTMENT AND THE GRANTEEES SHALL COMPLY WITH THE COMPLIANCE, REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION 24-75-226 (5).

**SECTION 4.** In Colorado Revised Statutes, 25-20.5-503, add (2)(c) as follows:

**25-20.5-503. School-based health center grant program - creation - funding - grants.** (2) (c) (I) FOR THE 2022-23 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND CREATED PURSUANT TO SECTION 24-75-230 TO THE DEPARTMENT TO FUND THE GRANT PROGRAM FOR THE BENEFIT OF SCHOOL-BASED HEALTH CENTERS TO RESPOND TO THE COVID-19 PANDEMIC AND ITS NEGATIVE PUBLIC HEALTH IMPACTS. THE DEPARTMENT OR THE GRANTEEES AWARDED MONEY SHALL SPEND OR OBLIGATE ANY MONEY PRIOR TO DECEMBER 31, 2024. ANY MONEY OBLIGATED BY DECEMBER 31, 2024, MUST BE EXPENDED BY DECEMBER 31, 2026.

(II) THE DEPARTMENT AND THE GRANTEEES SHALL COMPLY WITH THE COMPLIANCE, REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION 24-75-226 (5).

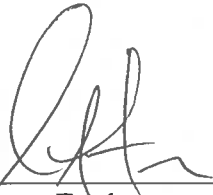
**SECTION 5. Appropriation.** (1) For the 2022-23 state fiscal year, \$4,600,000 is appropriated to the department of higher education for use by the regents of the university of Colorado. This appropriation is from the behavioral and mental health cash fund created in section 24-75-230 (2)(a), C.R.S., and is of money the state received from the federal coronavirus state


fiscal recovery fund. To implement this act, the regents may use this appropriation for the Colorado pediatric psychiatry consultation and access program. Any money appropriated in this section not expended prior to July 1, 2023, is further appropriated to the regents from July 1, 2023, through December 30, 2024, for the same purpose.

(2) For the 2022-23 state fiscal year, \$5,000,000 is appropriated to the department of education. This appropriation is from the behavioral and mental health cash fund created in section 24-75-230 (2)(a), C.R.S., is of money the state received from the federal coronavirus state fiscal recovery fund, and is based on an assumption that the department will require an additional 0.4 FTE. To implement this act, the department may use this appropriation for the behavioral health care professionals matching grant program. Any money appropriated in this section not expended prior to July 1, 2023, is further appropriated to the department from July 1, 2023, through December 30, 2024, for the same purpose.


(3) For the 2022-23 state fiscal year, \$1,500,000 is appropriated to the department of public health and environment for use by the prevention services division. This appropriation is from the behavioral and mental health cash fund created in section 24-75-230 (2)(a), C.R.S., is of money the state received from the federal coronavirus state fiscal recovery fund, and is based on an assumption that the division will require an additional 0.4 FTE. To implement this act, the division may use this appropriation for school-based health centers. Any money appropriated in this section not expended prior to July 1, 2023, is further appropriated to the division from July 1, 2023, through December 30, 2024, for the same purpose.

**SECTION 6. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

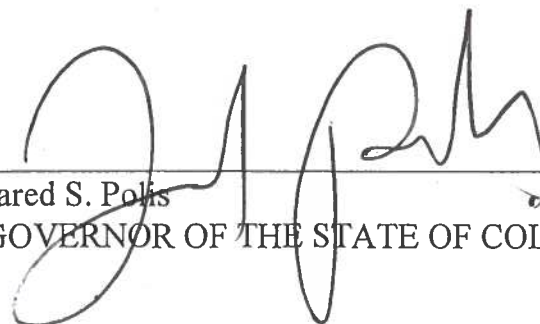
  
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Steve Fenberg  
PRESIDENT OF  
THE SENATE

  
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Alec Garnett  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

  
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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

  
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Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED May 17, 2022 at 4:21 pm  
(Date and Time)

  
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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO