

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 7, 2023
Date

Committee on Public & Behavioral Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB23-1003 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, line 6, strike "ASSESSMENT" and substitute
2 "SCREENING".
- 3 Page 2, line 8, strike "ASSESSMENT" and substitute "SCREENING".
- 4 Page 3, strike lines 1 and 2 and substitute "USED FOR EARLY
5 IDENTIFICATION OF A MENTAL HEALTH CONCERN, WHICH CONCERN MAY BE
6 EITHER VALIDATED OR REFUTED UPON REVIEW BY A SUBJECT MATTER
7 EXPERT".
- 8 Page 3, line 4, strike "LEGAL GUARDIAN, OR OTHER ADULT PERSON
9 RECOGNIZED BY THE" and substitute "OR LEGAL GUARDIAN".
- 10 Page 3, strike line 5.
- 11 Page 3, line 13, strike ""QUALIFIED PROVIDER"" and substitute
12 ""SCREENER"".
- 13 Page 3, line 17, strike "assessment" and substitute "screening".
- 14 Page 3, line 21, strike "AN AT-RISK STUDENT" and substitute "A STUDENT
15 WHO HAS A MENTAL OR EMOTIONAL HEALTH CONCERN".
- 16 Page 5, line 7, strike "AND".
- 17 Page 5, line 9, strike "SECTION." and substitute "SECTION;".
- 18 Page 5, after line 9 insert:

1 (c) UTILIZE AN EVIDENCE-BASED SCREENING TOOL TO CONDUCT
2 THE MENTAL HEALTH SCREENING;
3 (d) BE MADE AVAILABLE IN A STUDENT'S NATIVE LANGUAGE; AND
4 (e) BE REPRODUCIBLE IN A DIGITAL FORMAT AND IN ANY OTHER
5 FORMAT NECESSARY TO BE ACCESSIBLE TO ALL STUDENTS."

6 Page 5, line 14, strike "ASSESSMENTS" and substitute "SCREENINGS".

7 Page 5, line 24, strike "AND".

8 Page 5, after line 24 insert:

9 (e) BE TRAUMA-INFORMED; AND".

10 Reletter succeeding paragraph accordingly.

11 Page 6, line 2, strike "SERVICES." and substitute "SERVICES WITHIN
12 TWENTY-FOUR HOURS AFTER A STUDENT COMPLETES THE MENTAL HEALTH
13 SCREENING."

14 Page 6, line 7, after "STUDENT'S" insert "PARENTS AND".

15 Page 6, line 9, strike "POLICY." and substitute "POLICY AND MUST
16 IMMEDIATELY NOTIFY THE SCHOOL DISTRICT'S SECTION 504 COORDINATOR
17 AND SPECIAL EDUCATION DIRECTOR. THIS INFORMATION MUST NOT BE
18 USED TO PREVENT A STUDENT FROM CONTINUING TO ATTEND SCHOOL;
19 EXCEPT THAT A SCHOOL SHALL ADHERE TO SECTION 504 AND
20 DISCIPLINARY PROTECTIONS PURSUANT TO THE FEDERAL "INDIVIDUALS
21 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400, AS AMENDED,
22 SUCH AS REQUIRING THAT THE STUDENT PARTICIPATE IN A THREAT OR RISK
23 ASSESSMENT BEFORE RETURNING TO SCHOOL."

24 Page 6, strike lines 10 through 19 and substitute:

25 (b) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
26 RESULTS, THE SCREENER BELIEVES A STUDENT HAS A MENTAL HEALTH
27 CONCERN, INCLUDING, BUT NOT LIMITED TO, THOSE STATED IN SUBSECTION
28 (10)(a) OF THIS SECTION, AND IS IN NEED OF ADDITIONAL MENTAL HEALTH
29 SERVICES, THE SCREENER SHALL NOTIFY THE STUDENT'S PARENT WITHIN
30 FORTY-EIGHT HOURS AFTER THE STUDENT COMPLETES THE MENTAL
31 HEALTH SCREENING AND PROVIDE THE STUDENT'S PARENT WITH
32 INFORMATION ON RESOURCES AND SERVICES PROVIDED THROUGH

1 IMATTER, INCLUDING HOW TO APPLY FOR SERVICES THROUGH IMATTER,
2 AND INFORMATION ABOUT THE RIGHTS OF STUDENTS WITH DISABILITIES
3 PURSUANT TO SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF
4 1973", 29 U.S.C. SEC. 794, AS AMENDED; AND THE FEDERAL "INDIVIDUALS
5 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400, AS AMENDED,
6 IF:".

7 Page 6, strike lines 23 through 27.

8 Page 7, strike line 1 and substitute:

9 "(c) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
10 RESULTS, THE SCREENER BELIEVES A STUDENT HAS A MENTAL HEALTH
11 CONCERN, INCLUDING, BUT NOT LIMITED TO, THOSE STATED IN SUBSECTION
12 (10)(a) OF THIS SECTION, AND IS IN NEED OF ADDITIONAL MENTAL HEALTH
13 SERVICES, THE SCREENER SHALL REFER THE STUDENT TO IMATTER FOR
14 MENTAL HEALTH SERVICES WITHIN FORTY-EIGHT HOURS AFTER THE
15 STUDENT COMPLETES THE MENTAL HEALTH SCREENING IF THE STUDENT IS
16 TWELVE YEARS OF AGE OR OLDER AND DOES NOT CONSENT TO THE
17 NOTIFICATION PURSUANT TO SUBSECTION (10)(b)(II) OF THIS SECTION."

18 Page 7, line 7, strike "PURSUANT TO SECTION 19-3-304." and substitute
19 "TO THE STUDENT'S SCHOOL."

20 Page 7, line 12, strike "ASSESSMENTS." and substitute "SCREENINGS."

21 Page 7, line 15, strike "INFORMATION".

22 Page 7, strike lines 16 through 22 and substitute "ALL PARTIES SUBJECT
23 TO THE REQUIREMENTS OF THIS SECTION SHALL COMPLY WITH ALL
24 APPLICABLE REQUIREMENTS OF THE FEDERAL "AMERICANS WITH
25 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101, ET SEQ., AS AMENDED;
26 SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973, 29 U.S.C.
27 SEC. 794, AS AMENDED; AND TITLE VI OF THE FEDERAL "CIVIL RIGHTS
28 ACT OF 1964", AS AMENDED."

29 Page 7, after line 25 insert:

30 "(14) WITHIN SIX MONTHS AFTER CONDUCTING A MENTAL HEALTH
31 SCREENING AT A SCHOOL, THE SCREENER SHALL MAKE DISAGGREGATED
32 DATA CONCERNING THE RESULTS OF THE MENTAL HEALTH SCREENING
33 AVAILABLE TO THE SCHOOL."

1 Page 7, strike lines 26 and 27.

2 Page 8, strike lines 1 through 9 and substitute:

3 "SECTION 2. In Colorado Revised Statutes, 27-60-109, amend
4 (1)(b) and (2)(a); repeal (5.5)(c) and (6); and add (5.5)(d) and as follows:

5 **27-60-109. Youth mental health services program - established**
6 **- report - rules - definitions.** (1) As used in this section, unless the
7 context otherwise requires:

8 (b) "Program" means the temporary youth mental health services
9 program established in this section.

10 (2)(a) There is established in the behavioral health administration
11 the temporary youth mental health services program to facilitate access
12 to mental health services, including substance use disorder services, for
13 youth to respond to mental health needs identified in an initial mental
14 health screening through the portal, including those needs that may have
15 resulted from the COVID-19 pandemic. The program reimburses
16 providers for up to three mental health sessions with a youth.

17 (5.5)(c) ~~This subsection (5.5) is repealed, effective June 30, 2024.~~

18 (d) FOR THE 2024-25 STATE FISCAL YEAR AND EACH STATE FISCAL
19 YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY
20 TO THE STATE DEPARTMENT FOR THE PURPOSE OF THIS SECTION. THE
21 STATE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR
22 DONATIONS FROM ANY PUBLIC OR PRIVATE RESOURCE FOR THE PURPOSE
23 OF THIS SECTION.

24 (6) ~~This section is repealed, effective June 30, 2024.~~

25 SECTION 3. In Colorado Revised Statutes, 27-50-105, amend
26 (1)(g) as follows:

27 **27-50-105. Administration of behavioral health programs -**
28 **state plan - sole mental health authority.** (1) The BHA shall administer
29 and provide the following behavioral health programs and services:

30 (g) The temporary youth mental health services program created
31 pursuant to section 27-60-109;"

32 Renumber succeeding section accordingly.

33 Strike "ASSESSMENT" and substitute "SCREENING" on: **Page 2**, line 15;
34 **Page 3**, lines 8, 10, 15, and 19; **Page 4**, lines 5, 7, 9, 10, 13, 20, and 23;
35 **Page 5**, lines 1, 3, 5, 10, 21, 23, and 27; **Page 6**, line 3; and **Page 7**, lines
36 2 and 25.

37 Strike "QUALIFIED PROVIDER" and substitute "SCREENER" on: **Page 4**, line
38 8; **Page 5**, lines 8, 11, 13, and 16; **Page 6**, lines 1, 4, 7, 11, and 14; and

- 1 **Page 7**, lines 3, 5 and 6, 9, 11, and 13.
- 2 **Page 1**, line 102, strike "**ASSESSMENT**" and substitute "**SCREENING**".

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