

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

March 21, 2023  
Date

Committee on Public & Behavioral Health & Human Services.

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

HB23-1200 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, strike lines 2 through 16.

2 Strike pages 3 through 6.

3 Page 7, strike lines 1 through 22 and substitute:

4 "SECTION 1. In Colorado Revised Statutes, **add** 27-50-109 as  
5 follows:

6 **27-50-109. Bill of rights for family and friends of persons with**  
7 **mental and behavioral health disorders - family input form -**  
8 **permissions.** (1) (a) ON OR BEFORE JULY 1, 2024, THE BHA SHALL  
9 CREATE A FAMILY INPUT PROCESS TO ALLOW A PARENT, A LEGAL OR  
10 CUSTODIAL GUARDIAN OF AN INDIVIDUAL, OR A FRIEND OF THE INDIVIDUAL  
11 TO PROVIDE INFORMATION OR BACKGROUND ON AN INDIVIDUAL NEEDING  
12 MENTAL OR BEHAVIORAL HEALTH SERVICES. THIS INCLUDES, BUT IS NOT  
13 LIMITED TO, INFORMATION ABOUT PAST HOSPITALIZATIONS, PREFERENCES,  
14 DE-ESCALATION TECHNIQUES, CURRENT AND PAST PROVIDERS, CURRENT  
15 AND PAST MEDICATIONS, AND ANY OTHER RELEVANT INFORMATION ABOUT  
16 THE INDIVIDUAL. THE FAMILY INPUT PROCESS MUST BE IN COMPLIANCE  
17 WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND  
18 ACCOUNTABILITY ACT OF 1996", AND ANY OTHER RELEVANT STATE AND  
19 FEDERAL STATUTES. THE FAMILY INPUT PROCESS MUST INCLUDE  
20 GUIDANCE TO PROVIDERS CONCERNING HOW TO TREAT INFORMATION  
21 RECEIVED FROM A PARENT, A LEGAL GUARDIAN OR CUSTODIAN OR A  
22 FRIEND; DISTINGUISH BETWEEN INFORMATION ABOUT INDIVIDUALS WHO  
23 ARE CURRENTLY RECEIVING SERVICES FROM THE PROVIDER AND THOSE  
24 WHO ARE NOT; AND SPECIFY THAT PROVIDERS CANNOT USE THE  
25 INFORMATION TO FORCE A FAMILY MEMBER INTO TREATMENT.

1           (b) TO DEVELOP THE FAMILY INPUT PROCESS, THE BHA SHALL  
2 CONVENE A STAKEHOLDER GROUP COMPRISED OF MEMBERS OF THE BHA  
3 ADVISORY COMMITTEE WITH LIVED EXPERIENCE; BEHAVIORAL HEALTH  
4 PROVIDERS AND THEIR REPRESENTATIVES; REPRESENTATIVES OF  
5 CONSUMER GROUPS; AND INDIVIDUALS WITH EXPERTISE IN STATE AND  
6 FEDERAL PRIVACY LAW PLUS ANY OTHER REPRESENTATIVES THE BHA  
7 DEEMS NECESSARY. THE STAKEHOLDER GROUP SHALL EXAMINE VARYING  
8 SITUATIONS, INCLUDING BUT NOT LIMITED TO, POTENTIAL INTERSECTION  
9 WITH THE CRIMINAL JUSTICE SYSTEM, INVOLUNTARY TREATMENT, AND  
10 THOSE SITUATIONS IN WHICH A CLIENT HAS CEASED OR REFUSED CARE.".

11 Renumber succeeding section accordingly.

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