

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 26, 2023  
Date

Committee on Health & Human Services.

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

HB23-1236 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 6, after line 20 insert:

2 "SECTION 9. In Colorado Revised Statutes, 25-1.5-103, **amend**  
3 (1)(a)(I)(A.5), (2)(a.3)(II), and (2)(b)(II); and **add** (1)(c)(III) as follows:

4 **25-1.5-103. Health facilities - powers and duties of department**  
5 **- rules - limitations on rules - definitions - repeal.** (1) The department  
6 has, in addition to all other powers and duties imposed upon it by law, the  
7 powers and duties provided in this section as follows:

8 (a) (I) (A.5) Notwithstanding the provisions of subsection  
9 (1)(a)(I)(A) of this section, after ~~June 30, 2023~~ DECEMBER 31, 2023, the  
10 department shall not issue a license to a community mental health center,  
11 an acute treatment unit, or a behavioral health entity. Prior to the  
12 expiration of any license issued by the department to such an entity, the  
13 entity shall apply to the behavioral health administration pursuant to part  
14 5 of article 50 of title 27. This subsection (1)(a)(I)(A.5) is repealed,  
15 effective ~~July 1, 2024~~ JANUARY 1, 2025.

16 (c) (III) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JANUARY  
17 1, 2025.

18 (2) As used in this section, unless the context otherwise requires:

19 (a.3) (II) This subsection (2)(a.3) is repealed, effective ~~July 1,~~  
20 ~~2024~~ JANUARY 1, 2025.

21 (b) (II) This subsection (2)(b) is repealed, effective ~~July 1, 2024~~  
22 JANUARY 1, 2025."

23 Renumber succeeding sections accordingly.

24 Page 8, after line 7 insert:

1           **"SECTION 13.** In Colorado Revised Statutes, 25-27.6-108,  
2 **amend** (2) as follows:

3           **25-27.6-108. Behavioral health entity cash fund - created.**  
4 (2) On ~~June 30, 2024~~ DECEMBER 31, 2024, the state treasurer shall  
5 transfer all unexpended and unencumbered money in the fund to the  
6 behavioral health licensing cash fund created pursuant to section  
7 27-50-506.

8           **SECTION 14.** In Colorado Revised Statutes, **amend** 25-27.6-112  
9 as follows:

10           **25-27.6-112. Repeal of article.** This article 27.6 is repealed,  
11 effective ~~July 1, 2024~~ JANUARY 1, 2025."

12 Renumber succeeding sections accordingly.

13 Page 12, line 12, after "**amend**" insert "(4)".

14 Page 12, after line 15 insert:

15           "(4) "Behavioral health entity" means a facility or provider  
16 organization engaged in providing community-based health services,  
17 which may include services for a behavioral health disorder but does not  
18 include ~~residential child care facilities, as defined in section 26-6-903~~  
19 ~~(29)~~, detention and commitment facilities operated by the division of  
20 youth services within the department of human services or services  
21 provided by a licensed or certified mental health-care provider under the  
22 provider's individual professional practice act on the provider's own  
23 premises."

24 Page 14, line 18, before "(1)(a)", insert "(1) introductory portion and".

25 Page 14, line 23, strike "July 1, 2024," and substitute "~~July 1, 2024~~  
26 JANUARY 1, 2025,".

27 Page 15, line 9, strike "June 30, 2024." and substitute "~~June 30, 2024~~  
28 DECEMBER 31, 2025."

29 Page 15, after line 9 insert:

30           **"SECTION 22.** In Colorado Revised Statutes, 27-50-201, **amend**  
31 (5) as follows:

32           **27-50-201. Behavioral health system monitoring - capacity -**  
33 **safety net performance.** (5) (a) The BHA shall collaborate with the  
34 department of health care policy and financing to establish data collection

1 and reporting requirements that align with the performance standards  
2 established in this section and that are of a high value in promoting  
3 systemic improvements. In establishing data collection and reporting  
4 requirements, the BHA must consider the impact on behavioral health  
5 providers and clients and state information technology systems.

6 (b) WHERE APPLICABLE, THE BHA SHALL COORDINATE WITH THE  
7 HEALTH INFORMATION ORGANIZATION NETWORKS TO PRIORITIZE  
8 LEVERAGING THE HEALTH INFORMATION ORGANIZATION NETWORK  
9 INFRASTRUCTURE TO MEET THE REQUIREMENTS OF THIS SECTION AND TO  
10 PROMOTE THE INTEROPERABLE EXCHANGE OF DATA TO IMPROVE THE  
11 QUALITY OF PATIENT CARE. THE BHA SHALL COORDINATE WITH THE  
12 HEALTH INFORMATION ORGANIZATION NETWORKS ON RELEVANT  
13 PROVISIONS OF THE UNIVERSAL CONTRACT PURSUANT TO SECTION  
14 27-50-203 (1)(a)."

15 Renumber succeeding sections accordingly.

16 Page 16, after line 1 insert:

17 "SECTION 25. In Colorado Revised Statutes, **amend** 27-50-401  
18 as follows:

19 **27-50-401. Regional behavioral health administrative services**  
20 **organizations - establishment.** (1) No later than ~~July 1, 2024~~ JULY 1,  
21 2025, the ~~commissioner~~ BHA shall select and contract with regionally  
22 ~~based~~ INFORMED behavioral health organizations to establish, administer,  
23 and maintain adequate networks of behavioral health safety net services  
24 and care coordination, as described in part 3 of this article 50.

25 (2) The ~~commissioner~~ BHA shall ~~designate regions of the state~~  
26 ESTABLISH A COMMUNITY-INFORMED STRUCTURE for A behavioral health  
27 administrative services ~~organizations~~ ORGANIZATION to operate. In  
28 establishing ~~regions~~ THE BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES  
29 ORGANIZATION STRUCTURE, the ~~commissioner~~ BHA shall consult with the  
30 department of health care policy and financing to ensure consideration of  
31 the regional structure that serves the medicaid population."

32 Renumber succeeding sections accordingly.

33 Page 16, line 19, strike "OCTOBER" and substitute "JANUARY".

34 Page 16, line 24, strike "OCTOBER 1, 2023," and substitute "JANUARY 1,  
35 2024,".

36 Page 17, line 2, strike "SEPTEMBER 30, 2023," and substitute "DECEMBER

1 31, 2023,".

2 Page 17, line 6, strike "OCTOBER 1, 2023," and substitute "JANUARY 1,  
3 2024,".

4 Page 17, line 11, strike "JULY 31, 2023," and substitute "JANUARY 1,  
5 2024,".

6 Page 17, lines 17 and 18, strike "JULY 31, 2023," and substitute "JANUARY  
7 1, 2024,".

8 Page 26, after line 16 insert:

9 "SECTION 37. In Colorado Revised Statutes, 27-65-106, **amend**  
10 **as it will become effective July 1, 2023**, (9)(a) introductory portion as  
11 follows:

12 **27-65-106. Emergency mental health hold - screening -**  
13 **court-ordered evaluation - discharge instructions - respondent's**  
14 **rights.** (9) (a) On or before ~~July 1, 2023~~ JULY 1, 2024, and each July 1  
15 thereafter, each emergency medical services facility that has evaluated a  
16 person pursuant to this section shall provide an annual report to the BHA  
17 that includes only disaggregated and nonidentifying information  
18 concerning persons who were treated at an emergency medical services  
19 facility pursuant to this section. The report must comply with section  
20 24-1-136 (9) and is exempt from section 24-1-136 (11)(a)(I). The report  
21 must contain the following:".

22 Renumber succeeding sections accordingly.

23 Page 33, after line 22 insert:

24 "SECTION 46. In Colorado Revised Statutes, **recreate and**  
25 **reenact, with amendments**, 25-27.6-104 as follows:

26 **25-27.6-104. License required - criminal and civil penalties -**  
27 **repeal.** (1) ON OR AFTER JULY 1, 2024, IT IS UNLAWFUL FOR ANY PERSON,  
28 PARTNERSHIP, ASSOCIATION, OR CORPORATION TO CONDUCT OR MAINTAIN  
29 A BEHAVIORAL HEALTH ENTITY, INCLUDING A SUBSTANCE USE DISORDER  
30 PROGRAM OR ALCOHOL USE DISORDER PROGRAM, WITHOUT HAVING  
31 OBTAINED A LICENSE FROM THE DEPARTMENT.

32 (2) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2023.

33 **SECTION 47.** In Session Laws of Colorado 2022, section 263 of  
34 chapter 222, **amend** (1)(b) as follows:

35 Section 263. **Effective date.** (1) (b) Section 212 takes effect July

1 1, 2023, and sections 215 through 240 take effect July 1, 2024; EXCEPT  
2 THAT SECTION 25-1.5-103 (1)(a)(I)(A), AS ENACTED IN SECTION 226 OF  
3 THIS ACT, AND SECTION 228 OF THIS ACT TAKE EFFECT JANUARY 1, 2025.

4 **SECTION 48.** In Session Laws of Colorado 2022, **amend** section  
5 58 of chapter 451 as follows:

6 Section 58. **Act subject to petition - effective date.** Sections 2  
7 and 5 of this act take effect ~~July 1, 2023~~ JANUARY 1, 2024, sections  
8 27-65-108 and 27-65-111, as enacted in section 1 of this act, and sections  
9 3 and 4 of this act take effect July 1, 2024, and the remainder of this act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly; except  
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
13 of the state constitution against this act or an item, section, or part of this  
14 act within such period, then the act, item, section, or part will not take  
15 effect unless approved by the people at the general election to be held in  
16 November 2022 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor; except that  
18 sections 2 and 5 of this act take effect ~~July 1, 2023~~ JANUARY 1, 2024,  
19 sections 27-65-108 and 27-65-111, as enacted in section 1 of this act, and  
20 sections 3 and 4 of this act take effect July 1, 2024."

21 Renumber succeeding sections accordingly.

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