

CHAPTER 209

HUMAN SERVICES - BEHAVIORAL HEALTH

SENATE BILL 16-202

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also REPRESENTATIVE(S) Young, Hamner, Rankin, Mitsch Bush, Moreno, Ryden, Singer.

AN ACT

CONCERNING INCREASING ACCESS TO EFFECTIVE SUBSTANCE USE DISORDER SERVICES THROUGH DESIGNATED REGIONAL MANAGED SERVICE ORGANIZATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 27-80-107.5 as follows:

27-80-107.5. Increasing access to effective substance use disorder services act - managed service organizations - substance use disorder services - assessment - community action plan - allocations - reporting requirements - evaluation.

(1) THE SHORT TITLE OF THIS SECTION IS THE "INCREASING ACCESS TO EFFECTIVE SUBSTANCE USE DISORDER SERVICES ACT".

(2) ON OR BEFORE FEBRUARY 1, 2017, EACH MANAGED SERVICE ORGANIZATION DESIGNATED PURSUANT TO SECTION 27-80-107 SHALL ASSESS THE SUFFICIENCY OF SUBSTANCE USE DISORDER SERVICES WITHIN ITS GEOGRAPHIC REGION FOR ADOLESCENTS AGES SEVENTEEN AND YOUNGER, YOUNG ADULTS AGES EIGHTEEN THROUGH TWENTY-FIVE, PREGNANT WOMEN, WOMEN WHO ARE POSTPARTUM AND PARENTING, AND OTHER ADULTS WHO ARE IN NEED OF SUCH SERVICES. DURING THE COMMUNITY ASSESSMENT PROCESS, EACH MANAGED SERVICE ORGANIZATION SHALL SEEK INPUT AND INFORMATION FROM APPROPRIATE ENTITIES, SUCH AS COMMUNITY MENTAL HEALTH CENTERS, BEHAVIORAL HEALTH ORGANIZATIONS, COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, LOCAL PUBLIC HEALTH AGENCIES, SUBSTANCE USE DISORDER TREATMENT PROVIDERS, LAW ENFORCEMENT AGENCIES, PROBATION DEPARTMENTS, ORGANIZATIONS THAT SERVE VETERANS OR HOMELESS INDIVIDUALS, AND OTHER RELEVANT STAKEHOLDERS. THE COMMUNITY ASSESSMENT MUST INCLUDE AN ANALYSIS OF EXISTING FUNDING AND RESOURCES WITHIN THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

COMMUNITY TO PROVIDE A CONTINUUM OF SUBSTANCE USE DISORDER SERVICES, INCLUDING PREVENTION, INTERVENTION, TREATMENT, AND RECOVERY SUPPORT SERVICES, FOR ADOLESCENTS AGES SEVENTEEN AND YOUNGER, YOUNG ADULTS AGES EIGHTEEN THROUGH TWENTY-FIVE, PREGNANT WOMEN, WOMEN WHO ARE POSTPARTUM AND PARENTING, AND OTHER ADULTS WHO ARE IN NEED OF SUCH SERVICES.

(3) (a) ON OR BEFORE MARCH 1, 2017, EACH MANAGED SERVICE ORGANIZATION THAT HAS COMPLETED A COMMUNITY ASSESSMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL PREPARE AND SUBMIT IN ELECTRONIC FORMAT TO THE DEPARTMENT AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING A COMMUNITY ACTION PLAN TO INCREASE ACCESS TO EFFECTIVE SUBSTANCE USE DISORDER SERVICES, REFERRED TO IN THIS SECTION AS THE "COMMUNITY ACTION PLAN". THE COMMUNITY ACTION PLAN MUST SUMMARIZE THE RESULTS OF THE COMMUNITY ASSESSMENT AND INCLUDE A DESCRIPTION OF HOW THE MANAGED SERVICE ORGANIZATION WILL UTILIZE ITS ALLOCATION OF FUNDING FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S., TO ADDRESS THE MOST CRITICAL SERVICE GAPS IN ITS GEOGRAPHIC REGION AND A TIMELINE FOR IMPLEMENTATION OF THE COMMUNITY ACTION PLAN.

(b) A MANAGED SERVICE ORGANIZATION MAY PERIODICALLY UPDATE ITS COMMUNITY ACTION PLAN TO REFLECT CHANGES IN COMMUNITY NEEDS AND PRIORITIES. ANY SUCH UPDATED PLAN MUST BE SUBMITTED IN ELECTRONIC FORMAT TO THE DEPARTMENT AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

(c) ON OR BEFORE MAY 1, 2017, THE DEPARTMENT SHALL POST THE COMMUNITY ACTION PLANS FROM THE MANAGED SERVICE ORGANIZATIONS DEVELOPED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) ON ITS WEBSITE. ON OR BEFORE MAY 1, 2017, THE DEPARTMENT SHALL SUBMIT A REPORT SUMMARIZING ALL OF THE COMMUNITY ACTION PLANS RECEIVED FROM THE MANAGED SERVICE ORGANIZATIONS TO THE JOINT BUDGET COMMITTEE, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE DEPARTMENT SHALL POST ON ITS WEBSITE ANY UPDATED COMMUNITY ACTION PLANS RECEIVED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3).

(4) (a) ON JULY 1, 2016, THE DEPARTMENT SHALL DISBURSE TO EACH DESIGNATED MANAGED SERVICE ORGANIZATION SIXTY PERCENT OF THE DESIGNATED MANAGED SERVICE ORGANIZATION'S ALLOCATION FROM THE MONEY APPROPRIATED FROM THE MARIJUANA TAX CASH FUND. EACH DESIGNATED MANAGED SERVICE ORGANIZATION THAT CONDUCTS A COMMUNITY ASSESSMENT AND PREPARES A COMMUNITY ACTION PLAN PURSUANT TO SUBSECTION (3) OF THIS SECTION MAY USE UP TO FIFTEEN PERCENT OF ITS STATE FISCAL YEAR 2016-17 ALLOCATION FROM THE MARIJUANA TAX CASH FUND FOR SUCH PURPOSES AND THE REMAINDER FOR SUBSTANCE USE DISORDER SERVICES. THE DEPARTMENT SHALL DISBURSE THE REMAINING FORTY PERCENT OF THE DESIGNATED MANAGED SERVICE ORGANIZATION'S MARIJUANA TAX CASH FUND ALLOCATION TO EACH DESIGNATED MANAGED SERVICE ORGANIZATION AFTER THE SUBMISSION OF ITS COMMUNITY ACTION PLAN.

(b) ON JULY 1, 2017, AND ON EVERY JULY 1 THEREAFTER, THE DEPARTMENT SHALL DISBURSE TO EACH DESIGNATED MANAGED SERVICE ORGANIZATION THAT HAS SUBMITTED A COMMUNITY ACTION PLAN ONE HUNDRED PERCENT OF THE DESIGNATED MANAGED SERVICE ORGANIZATION'S ALLOCATION FROM THE MONEY APPROPRIATED FROM THE MARIJUANA TAX CASH FUND.

(c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT EACH DESIGNATED MANAGED SERVICE ORGANIZATION USE MONEY ALLOCATED TO IT FROM THE MARIJUANA TAX CASH FUND TO COVER EXPENDITURES FOR SUBSTANCE USE DISORDER SERVICES THAT ARE NOT OTHERWISE COVERED BY PUBLIC OR PRIVATE INSURANCE. EXCEPT AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (4), EACH MANAGED SERVICE ORGANIZATION MAY USE ITS ALLOCATION FROM THE MARIJUANA TAX CASH FUND TO IMPLEMENT ITS COMMUNITY ACTION PLAN AND INCREASE ACCESS TO SUBSTANCE USE DISORDER SERVICES FOR POPULATIONS IN NEED OF SUCH SERVICES THAT ARE WITHIN ITS GEOGRAPHIC REGION.

(d) (I) FOR STATE FISCAL YEAR 2016-17, AND EACH STATE FISCAL YEAR THEREAFTER, THE DEPARTMENT SHALL ALLOCATE MONEY THAT IS ANNUALLY APPROPRIATED TO IT FROM THE MARIJUANA TAX CASH FUND TO THE DESIGNATED MANAGED SERVICE ORGANIZATIONS BASED ON THE DEPARTMENT'S ALLOCATION OF THE FEDERAL SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT TO GEOGRAPHICAL AREAS FOR THE SAME STATE FISCAL YEAR.

(II) FOR STATE FISCAL YEAR 2017-18 AND EACH FISCAL YEAR THEREAFTER, THE DEPARTMENT SHALL MODIFY THE ALLOCATION METHODOLOGY SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) IF THE DESIGNATED MANAGED SERVICE ORGANIZATIONS RECOMMEND, BY CONSENSUS, A CHANGE. ANY SUCH RECOMMENDATION MUST BE SUBMITTED TO THE DEPARTMENT BY FEBRUARY 28 PRIOR TO THE STATE FISCAL YEAR IN WHICH THE CHANGE WOULD APPLY.

(5) (a) ON OR BEFORE SEPTEMBER 1, 2017, AND ON OR BEFORE EACH SEPTEMBER 1 THEREAFTER, EACH DESIGNATED MANAGED SERVICE ORGANIZATION SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT CONCERNING THE AMOUNT AND PURPOSE OF ACTUAL EXPENDITURES MADE USING MONEY FROM THE MARIJUANA TAX CASH FUND IN THE PREVIOUS STATE FISCAL YEAR. THE REPORT MUST CONTAIN A DESCRIPTION OF THE IMPACT OF THE EXPENDITURES ON ADDRESSING THE NEEDS THAT WERE IDENTIFIED IN THE INITIAL AND ANY SUBSEQUENT COMMUNITY ASSESSMENTS AND ACTION PLANS DEVELOPED PURSUANT TO SUBSECTION (3) OF THIS SECTION, AS WELL AS ANY OTHER REQUIREMENTS ESTABLISHED FOR THE CONTENTS OF THE REPORT BY THE DEPARTMENT.

(b) ON OR BEFORE FEBRUARY 1, 2017, AND ON OR BEFORE EACH FEBRUARY 1 THEREAFTER, EACH DESIGNATED MANAGED SERVICE ORGANIZATION SHALL SUBMIT TO THE DEPARTMENT A MID-YEAR REPORT CONCERNING ACTUAL EXPENDITURES FROM JULY 1 THROUGH DECEMBER 31.

(c) ON OR BEFORE NOVEMBER 1, 2020, THE DEPARTMENT, IN COLLABORATION WITH THE DESIGNATED MANAGED SERVICE ORGANIZATIONS, SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE AND THE JOINT HEALTH AND HUMAN SERVICES COMMITTEE, OR ANY SUCCESSOR COMMITTEES. THE REPORT MUST:

(I) SUMMARIZE EXPENDITURES MADE BY THE DESIGNATED MANAGED SERVICE ORGANIZATIONS USING MONEY MADE AVAILABLE PURSUANT TO THIS SECTION FOR STATE FISCAL YEARS 2016-17, 2017-18, 2018-19, AND 2019-20;

(II) DESCRIBE THE IMPACT THE EXPENDITURES HAVE HAD ON INCREASING STATEWIDE ACCESS TO EFFECTIVE SUBSTANCE USE DISORDER SERVICES; AND

(III) INCLUDE ANY RECOMMENDATIONS TO STRENGTHEN OR IMPROVE THE PROGRAM.

(6) (a) ON OR BEFORE NOVEMBER 1, 2016, THE DEPARTMENT SHALL ENTER INTO A CONTRACT WITH AN EVALUATION CONTRACTOR TO STUDY THE EFFECTIVENESS OF INTENSIVE RESIDENTIAL TREATMENT OF SUBSTANCE USE DISORDERS PROVIDED THROUGH MANAGED SERVICE ORGANIZATIONS. THE DEPARTMENT AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL COLLABORATE WITH THE EVALUATION CONTRACTOR ON THE DESIGN OF THE EVALUATION SO THAT THE DATA AND ANALYSES WILL BE OF MAXIMUM BENEFIT FOR EVALUATING WHETHER THE MEDICAID BEHAVIORAL HEALTH BENEFIT SHOULD BE EXPANDED TO INCLUDE INTENSIVE RESIDENTIAL TREATMENT FOR SUBSTANCE USE DISORDERS.

(b) PRIOR TO ENTERING INTO A CONTRACT FOR THE EVALUATION OF INTENSIVE RESIDENTIAL TREATMENT OF SUBSTANCE USE DISORDERS PROVIDED THROUGH MANAGED SERVICE ORGANIZATIONS, THE DEPARTMENT SHALL SEEK INPUT FROM MANAGED SERVICE ORGANIZATIONS AND RESIDENTIAL SUBSTANCE USE DISORDER TREATMENT PROVIDERS CONCERNING RELEVANT OUTCOME MEASURES TO BE USED BY THE EVALUATION CONTRACTOR IN THE STUDY.

(c) ON OR BEFORE FEBRUARY 1, 2019, THE DEPARTMENT SHALL SUBMIT A COPY OF THE EVALUATION CONTRACTOR'S FINAL REPORT TO THE JOINT BUDGET COMMITTEE, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

SECTION 2. In Colorado Revised Statutes, 39-28.8-501, **amend** (2) (b) (IV) introductory portion and (2) (b) (IV) (C) as follows:

39-28.8-501. Marijuana tax cash fund - creation - distribution - repeal. (2) (b) (IV) Subject to the limitation in subsection (5) of this section, the general assembly may annually appropriate any ~~moneys~~ MONEY in the fund for any fiscal year following the fiscal year in which they were received by the state for the following purposes:

(C) To treat AND PROVIDE RELATED SERVICES TO people with any type of ~~substance-abuse disorder, especially~~ SUBSTANCE USE DISORDER, INCLUDING those with co-occurring disorders, OR TO EVALUATE THE EFFECTIVENESS AND SUFFICIENCY OF SUBSTANCE USE DISORDER SERVICES;

SECTION 3. Appropriation. (1) For the 2016-17 state fiscal year, \$6,000,000 is appropriated to the department of human services. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$5,823,632 for distribution to managed service organizations pursuant to section 27-80-107.5 (4), C.R.S.;

(b) \$65,715 for personal services related to community behavioral health administration, which amount is based on an assumption that the department will require an additional 1.0 FTE;

(c) \$5,653 for operating expenses related to community behavioral health administration; and

(d) \$105,000 for an evaluation of the effectiveness of intensive residential substance use disorder treatment pursuant to section 27-80-107.5 (6), C.R.S.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2016