

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0513.01 Jane Ritter x4342

HOUSE BILL 18-1094

HOUSE SPONSORSHIP

Herod and Wist,

SENATE SPONSORSHIP

Martinez Humenik and Moreno,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REAUTHORIZATION OF THE "CHILD MENTAL
102 HEALTH TREATMENT ACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill extends indefinitely the "Child Mental Health Treatment Act" and renames it the "Children and Youth Mental Health Treatment Act" (act). Significant changes to the act include:

- ! Continuing the ability of a parent or guardian of a non-medicaid eligible child or youth to receive mental health services for the child or youth without unwarranted

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- child welfare involvement;
 - ! When evaluating a child or youth for eligibility for mental health treatment services (services), the evaluating mental health agency shall use a standardized risk stratification tool;
 - ! Establishing a new definition of "mental health agency" to capture a larger set of behavioral health services providers;
 - ! Reporting requirements for the department of health care policy and financing and mental health agencies that provide services for children and youth are updated and clarified;
 - ! Requiring the department of human services to maintain and update a list of providers on its website, as well as post information from various reports required by the act, excluding any personal health information; and
 - ! Revising the membership of the advisory board that assists and advises the executive director of the department of human services with the development of service standards and rules for the provision of services.
- The bill makes conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 27-67-101 as
 3 follows:

4 **27-67-101. Short title.** ~~This article shall be known and may be~~
 5 ~~cited as the "Child Mental Health Treatment Act"~~ THE SHORT TITLE OF
 6 THIS ARTICLE 67 IS THE "CHILDREN AND YOUTH MENTAL HEALTH
 7 TREATMENT ACT".

8 **SECTION 2.** In Colorado Revised Statutes, **amend** 27-67-102 as
 9 follows:

10 **27-67-102. Legislative declaration.** (1) The general assembly
 11 finds that many parents in Colorado ~~have experienced~~ EXPERIENCE
 12 challenging circumstances because their children have significant mental
 13 health needs. Many times, the parents are loving, caring parents who have
 14 become increasingly frustrated in their attempts to navigate the various

1 governmental systems, including child welfare, mental health, law
2 enforcement, juvenile justice, education, and youth services, in an attempt
3 to find help for their children. Frequently in these situations, an action in
4 dependency or neglect under article 3 of title 19 is neither appropriate nor
5 warranted.

6 (2) The general assembly finds that it is desirable to assist children
7 AND YOUTH with mental health needs and their families. The general
8 assembly further finds that it is desirable to make mental health services
9 more available to families who want treatment for their children. THE
10 GENERAL ASSEMBLY FINDS THAT IT IS IN THE BEST INTEREST OF THE STATE
11 TO PROVIDE A FULL RANGE OF MENTAL HEALTH TREATMENT SERVICES,
12 INCLUDING RESIDENTIAL CARE, TO CHILDREN AND YOUTH WHO ARE NOT
13 ELIGIBLE FOR MEDICAID. The general assembly FURTHER finds that,
14 although the mental health agencies are responsible for providing OR
15 COORDINATING the full range of mental health treatment services,
16 including residential care, for those children AND YOUTH who have been
17 found to be categorically eligible for medicaid, there remains a population
18 of children AND YOUTH in need of mental health services who are not
19 categorically eligible for medicaid. Accordingly, the general assembly
20 determines that it is appropriate to adopt a program pursuant to which a
21 continuum of services would be provided to these children AND YOUTH.

22 (3) THE GENERAL ASSEMBLY THEREFORE FINDS THAT CHILDREN
23 AND YOUTH WHO ARE CATEGORICALLY ELIGIBLE FOR MEDICAID AND WHO
24 MAY BE ELIGIBLE FOR MENTAL HEALTH TREATMENT SERVICES, INCLUDING
25 RESIDENTIAL CARE, MAY NEED SUPPORT IN IDENTIFYING CLEAR APPEALS
26 PROCESSES.

27 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**

1 **with amendments, 27-67-103** as follows:

2 **27-67-103. Definitions.** AS USED IN THIS ARTICLE 67, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "CARE MANAGEMENT" INCLUDES, BUT IS NOT LIMITED TO,
5 CONSIDERATION OF THE CONTINUITY OF CARE AND ARRAY OF SERVICES
6 NECESSARY FOR APPROPRIATELY TREATING A CHILD OR YOUTH AND THE
7 DECISION-MAKING AUTHORITY REGARDING THE CHILD'S OR YOUTH'S
8 PLACEMENT IN AND DISCHARGE FROM BEHAVIORAL HEALTH SERVICES.

9 (2) "CHILD OR YOUTH WHO IS AT RISK OF OUT-OF-HOME
10 PLACEMENT" MEANS A CHILD OR YOUTH WHO, ALTHOUGH NOT OTHERWISE
11 CATEGORICALLY ELIGIBLE FOR MEDICAID, MEETS THE FOLLOWING
12 CRITERIA:

13 (a) THE CHILD OR YOUTH HAS BEEN DIAGNOSED AS HAVING A
14 MENTAL HEALTH DISORDER, AS DEFINED IN SECTION 27-65-102 (11.5);

15 (b) THE CHILD OR YOUTH REQUIRES A LEVEL OF CARE THAT IS
16 PROVIDED IN A RESIDENTIAL CHILD CARE FACILITY PURSUANT TO SECTION
17 25.5-5-306, OR THAT IS PROVIDED THROUGH COMMUNITY-BASED
18 PROGRAMS, AND WHO, WITHOUT SUCH CARE, IS AT RISK OF UNWARRANTED
19 CHILD WELFARE INVOLVEMENT OR OTHER SYSTEM INVOLVEMENT, AS
20 DESCRIBED IN SECTION 27-67-102, IN ORDER TO RECEIVE FUNDING FOR
21 TREATMENT;

22 (c) IF THE CHILD OR YOUTH IS DETERMINED TO BE IN NEED OF
23 PLACEMENT IN A RESIDENTIAL CHILD CARE FACILITY, HE OR SHE SHALL
24 APPLY FOR SUPPLEMENTAL SECURITY INCOME, BUT ANY DETERMINATION
25 FOR SUPPLEMENTAL SECURITY INCOME MUST NOT BE A CRITERION FOR A
26 CHILD OR YOUTH TO RECEIVE SERVICES PURSUANT TO THIS ARTICLE 67;

27 (d) THE CHILD OR YOUTH IS A PERSON FOR WHOM IT IS

1 INAPPROPRIATE OR UNWARRANTED TO FILE AN ACTION IN DEPENDENCY OR
2 NEGLECT PURSUANT TO ARTICLE 3 OF TITLE 19; AND

3 (e) THE CHILD OR YOUTH IS YOUNGER THAN EIGHTEEN YEARS OF
4 AGE, BUT HE OR SHE MAY CONTINUE TO REMAIN ELIGIBLE FOR SERVICES
5 UNTIL HIS OR HER TWENTY-FIRST BIRTHDAY.

6 (3) "COMMUNITY-BASED CARE" MEANS ANY INTERVENTION THAT
7 IS DESIGNED TO BE AN ALTERNATIVE TO RESIDENTIAL OR HOSPITAL LEVEL
8 OF CARE IN WHICH THE CHILD OR YOUTH RESIDES WITHIN A
9 NONINSTITUTIONAL SETTING.

10 (4) "COMMUNITY MENTAL HEALTH CENTER" HAS THE SAME
11 MEANING AS PROVIDED IN SECTION 27-66-101 (2).

12 (5) "COUNTY DEPARTMENT" MEANS THE COUNTY OR DISTRICT
13 DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

14 (6) "FAMILY ADVOCATE" HAS THE SAME MEANING AS PROVIDED IN
15 SECTION 27-69-102 (5).

16 (7) "FAMILY SYSTEMS NAVIGATOR" HAS THE SAME MEANING AS
17 PROVIDED IN SECTION 27-69-102 (5.5).

18 (8) "MENTAL HEALTH AGENCY" MEANS A BEHAVIORAL HEALTH
19 SERVICES CONTRACTOR THROUGH THE STATE DEPARTMENT OF HUMAN
20 SERVICES OR THE STATE DEPARTMENT OF HEALTH CARE POLICY AND
21 FINANCING SERVING CHILDREN AND YOUTH STATEWIDE OR IN A
22 PARTICULAR GEOGRAPHIC AREA, INCLUDING BUT NOT LIMITED TO
23 COMMUNITY MENTAL HEALTH CENTERS, AND WITH THE ABILITY TO MEET
24 ALL EXPECTATIONS OF THIS ARTICLE 67.

25 (9) "PROFESSIONAL PERSON" MEANS A PERSON LICENSED TO
26 PRACTICE MEDICINE IN THIS STATE, A PSYCHOLOGIST CERTIFIED TO
27 PRACTICE IN THIS STATE, OR A PERSON LICENSED AND IN GOOD STANDING

1 TO PRACTICE MEDICINE IN ANOTHER STATE OR A PSYCHOLOGIST CERTIFIED
2 TO PRACTICE AND IN GOOD STANDING IN ANOTHER STATE WHO IS
3 PROVIDING MEDICAL OR CLINICAL SERVICES AT A TREATMENT FACILITY IN
4 THIS STATE THAT IS OPERATED BY THE ARMED FORCES OF THE UNITED
5 STATES, THE UNITED STATES PUBLIC HEALTH SERVICE, OR THE UNITED
6 STATES DEPARTMENT OF VETERANS AFFAIRS.

7 (10) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
8 HUMAN SERVICES.

9 **SECTION 4.** In Colorado Revised Statutes, **amend** 27-67-104 as
10 follows:

11 **27-67-104. Provision of mental health treatment services for**
12 **children and youth.** (1) (a) A parent or guardian may apply to a mental
13 health agency on behalf of ~~his or her minor~~ A child OR YOUTH for mental
14 health treatment services for the child OR YOUTH pursuant to this section,
15 whether the child OR YOUTH is categorically eligible for medicaid under
16 the ~~capitated~~ mental health system described in section 25.5-5-411,
17 ~~C.R.S.~~, or whether the parent ~~believes his or her child is a child~~ OR
18 GUARDIAN BELIEVES THE CHILD OR YOUTH IS at risk of out-of-home
19 placement. THE PARENT'S OR GUARDIAN'S REQUEST FOR SERVICES
20 DESCRIBED IN THIS SECTION MAY BE DONE WITH ASSISTANCE FROM A
21 FAMILY ADVOCATE, FAMILY SYSTEMS NAVIGATOR, OR COUNTY
22 DEPARTMENT. In such circumstances, ~~it shall be the responsibility of the~~
23 mental health agency ~~to evaluate~~ IS RESPONSIBLE FOR EVALUATING the
24 child OR YOUTH and ~~to clinically assess~~ ASSESSING the child's OR YOUTH'S
25 need for mental health services and, when warranted, to provide treatment
26 services as necessary and in the best interests of the child OR YOUTH and
27 the child's OR YOUTH'S family. ~~Subject to available state appropriations~~

1 WHEN EVALUATING A CHILD OR YOUTH FOR ELIGIBILITY, THE MENTAL
2 HEALTH AGENCY SHALL USE A STANDARDIZED RISK STRATIFICATION TOOL,
3 IN A MANNER DETERMINED BY RULE OF THE STATE DEPARTMENT.
4 FOLLOWING THE EVALUATION OF THE CHILD OR YOUTH, THE MENTAL
5 HEALTH AGENCY SHALL PROVIDE A WRITTEN NOTIFICATION TO THE CHILD'S
6 OR YOUTH'S PARENT OR GUARDIAN THAT INCLUDES A COMPREHENSIVE
7 LIST OF POTENTIAL TREATMENT PROVIDERS, WITH A DISCLOSURE THAT THE
8 CHILD'S OR YOUTH'S FAMILY MAY CHOOSE TO SEEK SERVICES FROM THE
9 PROVIDER OF THEIR CHOICE, INCLUDING BUT NOT LIMITED TO THE MENTAL
10 HEALTH AGENCY. THE WRITTEN NOTIFICATION MUST ALSO INFORM THE
11 CHILD'S OR YOUTH'S FAMILY THAT THEY MAY REQUEST ASSISTANCE FROM
12 A FAMILY ADVOCATE, FAMILY SYSTEMS NAVIGATOR, OR COUNTY
13 DEPARTMENT. THE STATE DEPARTMENT SHALL MAINTAIN A LIST OF
14 AVAILABLE PROVIDERS ON A PUBLIC WEBSITE AND SHALL UPDATE THE
15 WEBSITE QUARTERLY. The mental health agency ~~shall be~~ IS responsible
16 for the provision of the treatment services and care management,
17 including any ~~in-home family mental health treatment, other family~~
18 ~~preservation services,~~ residential treatment, COMMUNITY-BASED CARE, or
19 any post-residential follow-up services that may be appropriate for the
20 child's or YOUTH'S NEEDS OR HIS OR HER family's needs. ~~For the purposes~~
21 ~~of this section, the term "care management" includes, but is not limited~~
22 ~~to, consideration of the continuity of care and array of services necessary~~
23 ~~for appropriately treating the child and the decision-making authority~~
24 ~~regarding a child's placement in and discharge from mental health~~
25 ~~services.~~ A dependency or neglect action pursuant to article 3 of title 19
26 C.R.S., ~~shall not be~~ IS NOT required in order to allow a family access to
27 residential mental health treatment services for a child OR YOUTH.

1 (b) At the time of the assessment by the mental health agency, if
2 ~~residential~~ REQUESTED services are denied, or at the time when the mental
3 health agency has recommended that the child OR YOUTH be discharged
4 from services, the mental health agency shall advise the family, both
5 orally and in writing, of the appeal process available to them. The mental
6 health agency shall have two working days within which to complete any
7 internal appeal process. Within five working days after the mental health
8 agency's final denial or recommendation for discharge, a parent or
9 guardian may request an objective third party at the state department who
10 is a professional person ~~as that term is defined in section 27-65-102 (17)~~;
11 to review the action of the mental health agency. A FAMILY ADVOCATE,
12 FAMILY SYSTEMS NAVIGATOR, OR COUNTY DEPARTMENT MAY ASSIST A
13 FAMILY IN FILING AN APPEAL. The review ~~shall~~ MUST occur within three
14 working days of the parent's or guardian's request. THE PROFESSIONAL
15 PERSON SHALL DETERMINE IF THE REQUESTED SERVICES ARE APPROPRIATE.

16 (2) If at any time the mental health agency determines pursuant to
17 section 19-3-304 ~~C.R.S.~~, that there is reasonable cause to know or suspect
18 that a child OR YOUTH has been subjected to abuse or neglect, then the
19 mental health agency shall immediately contact the appropriate county
20 department. Within ten WORKING days after the referral to the county
21 department, A REPRESENTATIVE OF the mental health agency shall meet
22 with the county department and the family. Upon referral to the county
23 department, IF ASSIGNED FOR AN ASSESSMENT, the county department
24 shall proceed with ~~an~~ THE assessment to determine whether there is a
25 sufficient basis to believe that physical or sexual abuse or neglect or some
26 other form of abuse or neglect of a child's OR YOUTH'S physical
27 well-being has occurred, AS DEFINED IN SECTION 19-1-103 (1), warranting

1 a dependency or neglect action.

2 **SECTION 5.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 27-67-105 as follows:

4 **27-67-105. Monitoring - reports.** (1) ON OR BEFORE SEPTEMBER
5 1, 2018, AND BY SEPTEMBER 1 OF EACH YEAR THEREAFTER, EACH MENTAL
6 HEALTH AGENCY SHALL REPORT TO THE STATE DEPARTMENT THE
7 FOLLOWING INFORMATION:

8 (a) THE NUMBER OF CHILDREN AND YOUTH WHO ARE AT RISK OF
9 OUT-OF-HOME PLACEMENT AND WHOSE PARENT OR LEGAL GUARDIAN
10 REQUESTED RESIDENTIAL OR COMMUNITY-BASED CARE PURSUANT TO
11 SECTION 27-67-104 TO WHOM THE FOLLOWING SERVICES WERE PROVIDED:

12 (I) AN ASSESSMENT PURSUANT TO SECTION 27-67-104 (1)(a);

13 (II) COMMUNITY-BASED CARE;

14 (III) RESIDENTIAL TREATMENT; OR

15 (IV) POST-RESIDENTIAL FOLLOW-UP SERVICES;

16 (b) THE NUMBER OF CHILDREN AND YOUTH WHO ARE AT RISK OF
17 OUT-OF-HOME PLACEMENT AND REFERRED TO THE COUNTY DEPARTMENT
18 FOR A DEPENDENCY OR NEGLECT INVESTIGATION PURSUANT TO SECTION
19 27-67-104 (2);

20 (c) THE NUMBER OF CHILDREN AND YOUTH FOR WHOM EITHER:

21 (I) AN ASSESSMENT WAS REQUESTED BUT NOT PERFORMED, AND
22 THE REASONS THAT THE ASSESSMENT WAS NOT PERFORMED; OR

23 (II) AN ASSESSMENT WAS PERFORMED BUT THE MENTAL HEALTH
24 AGENCY DID NOT PROVIDE SERVICES PURSUANT TO THIS ARTICLE 67, AND
25 THE REASONS THAT SERVICES WERE NOT PROVIDED, INCLUDING WHETHER
26 THE FAMILY REFUSED THE SERVICES OFFERED;

27 (d) THE COSTS ASSOCIATED WITH THE PROVISION OF THE MENTAL

1 HEALTH TREATMENT SERVICES DESCRIBED IN SUBSECTION (1)(a) OF THIS
2 SECTION;

3 (e) THE DEMOGRAPHIC INFORMATION OF THE CHILDREN, YOUTH,
4 AND FAMILIES SERVED, AS OUTLINED BY THE STATE DEPARTMENT;

5 (f) THE OUTCOMES OF TREATMENT FOR THE CHILDREN AND YOUTH
6 SERVED, AS DETERMINED BY THE STATE DEPARTMENT IN CONSULTATION
7 WITH MENTAL HEALTH AGENCIES, SERVICE PROVIDERS, AND FAMILIES;

8 (g) THE LENGTH OF STAY AND FUNDING TOTALS FOR RESIDENTIAL
9 SERVICES AND COMMUNITY-BASED CARE; AND

10 (h) THE AGGREGATE NUMBER OF DISPUTE RESOLUTION REQUESTS
11 SUBMITTED, AS DESCRIBED IN SECTION 27-67-107; THE NATURE OF THE
12 REQUESTS; AND THE GENERAL DISPOSITION OF THE CASES.

13 (2) ON OR BEFORE SEPTEMBER 1, 2018, AND BY SEPTEMBER 1 OF
14 EACH YEAR THEREAFTER, EACH ENTITY DESIGNATED BY THE DEPARTMENT
15 OF HEALTH CARE POLICY AND FINANCING TO ADMINISTER THE COMMUNITY
16 MENTAL HEALTH SERVICES DESCRIBED IN SECTION 25.5-5-411 SHALL
17 REPORT TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
18 THE FOLLOWING INFORMATION FOR THE CHILDREN AND YOUTH THEY
19 SERVE:

20 (a) THE NUMBER OF CHILDREN AND YOUTH WHO ARE AT RISK OF
21 OUT-OF-HOME PLACEMENT AND WHOSE PARENT OR LEGAL GUARDIAN
22 REQUESTED RESIDENTIAL TREATMENT SERVICES PURSUANT TO SECTION
23 25.5-5-411, AND THE NUMBER OF THOSE CHILDREN AND YOUTH FOR
24 WHOM:

25 (I) NO TREATMENT IS PROVIDED WHEN RESIDENTIAL SERVICES ARE
26 NOT APPROVED AFTER A REQUEST IS MADE;

27 (II) COMMUNITY-BASED CARE IS PROVIDED IF RESIDENTIAL

1 SERVICES ARE NOT APPROVED AFTER A REQUEST IS MADE;

2 (III) RESIDENTIAL TREATMENT IS PROVIDED; OR

3 (IV) POST-RESIDENTIAL FOLLOW-UP SERVICES ARE PROVIDED;

4 (b) THE NUMBER OF CHILDREN AND YOUTH REFERRED TO A

5 COUNTY DEPARTMENT FOR A DEPENDENCY OR NEGLECT INVESTIGATION

6 PURSUANT TO SECTION 27-67-104 (2);

7 (c) THE NUMBER OF CHILDREN OR YOUTH FOR WHOM EITHER:

8 (I) AN ASSESSMENT WAS REQUESTED BUT NOT PERFORMED, AND

9 THE REASONS THAT THE ASSESSMENT WAS NOT PERFORMED; OR

10 (II) AN ASSESSMENT WAS PERFORMED BUT THE ENTITY

11 DESIGNATED BY THE DEPARTMENT OF HEALTH CARE POLICY AND

12 FINANCING TO ADMINISTER THE COMMUNITY MENTAL HEALTH SERVICES

13 DESCRIBED IN SECTION 25.5-5-411 DID NOT PROVIDE SERVICES PURSUANT

14 TO THIS ARTICLE 67, AND THE REASONS THAT SERVICES WERE NOT

15 PROVIDED, INCLUDING WHETHER THE FAMILY REFUSED THE SERVICES

16 OFFERED;

17 (d) THE COSTS ASSOCIATED WITH THE PROVISION OF MENTAL

18 HEALTH TREATMENT SERVICES DESCRIBED IN SUBSECTION (1)(a) OF THIS

19 SECTION;

20 (e) THE DEMOGRAPHIC INFORMATION OF THE CHILDREN, YOUTH,

21 AND FAMILIES SERVED, AS OUTLINED BY THE DEPARTMENT OF HEALTH

22 CARE POLICY AND FINANCING;

23 (f) THE TREATMENT OUTCOMES FOR THE CHILDREN AND YOUTH

24 SERVED, AS DETERMINED BY THE STATE DEPARTMENT IN CONSULTATION

25 WITH THE ENTITY DESIGNATED BY THE DEPARTMENT OF HEALTH CARE

26 POLICY AND FINANCING TO ADMINISTER THE COMMUNITY MENTAL HEALTH

27 SERVICES DESCRIBED IN SECTION 25.5-5-411, SERVICE PROVIDERS, AND

1 FAMILIES; AND

2 (g) THE LENGTH OF STAY AND FUNDING TOTALS FOR RESIDENTIAL
3 SERVICES.

4 (3) ON OR BEFORE OCTOBER 1, 2018, AND ON OR BEFORE OCTOBER
5 1 EACH YEAR THEREAFTER, THE DEPARTMENT OF HEALTH CARE POLICY
6 AND FINANCING SHALL PROVIDE TO THE STATE DEPARTMENT THE
7 INFORMATION RECEIVED FROM MENTAL HEALTH AGENCIES PURSUANT TO
8 SUBSECTION (2) OF THIS SECTION.

9 (4) ON OR AFTER JANUARY 1, 2019, THE STATE DEPARTMENT
10 SHALL MAKE THE INFORMATION OBTAINED PURSUANT TO SUBSECTIONS (1)
11 AND (2) OF THIS SECTION AVAILABLE TO THE PUBLIC BY POSTING IT TO THE
12 STATE DEPARTMENT'S WEBSITE. ANY INFORMATION SO POSTED MUST NOT
13 INCLUDE ANY PERSONAL HEALTH INFORMATION.

14 **SECTION 6.** In Colorado Revised Statutes, 27-67-106, **amend**
15 (3) as follows:

16 **27-67-106. Funding - rules.** (3) The state board of human
17 services ~~in consultation with the department of health care policy and~~
18 ~~financing,~~ shall promulgate rules implementing a sliding scale for the
19 payment of services, including mental health treatment and room and
20 board, that are not covered by private insurance or federal medicaid
21 funding. ~~It is the intent of the general assembly that the portion of such~~
22 ~~expenses paid from general fund moneys shall not exceed the general~~
23 ~~fund appropriations made for such purpose in any given fiscal year.~~ It is
24 the ~~further~~ intent of the general assembly that subsidies provided by the
25 state through general fund ~~moneys shall~~ MONEY MUST be used to assist the
26 lowest income families to ensure the maximum use of appropriate least
27 restrictive treatment services and to provide access to the greatest number

1 of children AND YOUTH.

2 **SECTION 7.** In Colorado Revised Statutes, **repeal** 27-67-108 as
3 follows:

4 **27-67-108. Repeal of article.** ~~This article is repealed, effective~~
5 ~~July 1, 2019.~~

6 **SECTION 8.** In Colorado Revised Statutes, **add** 27-67-109 as
7 follows:

8 **27-67-109. Child and youth mental health services standards.**

9 THE ADVISORY BOARD ESTABLISHED IN SECTION 27-65-131 IS
10 RESPONSIBLE FOR RECOMMENDING STANDARDS AND RULES RELEVANT TO
11 THE PROVISION OF MENTAL HEALTH SERVICES TO CHILDREN AND YOUTH
12 COVERED BY THIS ARTICLE 67.

13 **SECTION 9.** In Colorado Revised Statutes, **amend** 27-65-131 as
14 follows:

15 **27-65-131. Advisory board - service standards and rules.**

16 (1) An advisory board to the department is established for the purpose of
17 assisting and advising the executive director in accordance with section
18 27-65-130 AND SECTION 27-67-109 in the development of service
19 standards and rules. The ADVISORY board consists of not less than eleven
20 nor more than fifteen members appointed by the ~~governor.~~ ~~The advisory~~
21 ~~board includes~~ DEPARTMENT AS FOLLOWS:

22 (a) One representative each from the office of behavioral health;
23 ~~the department of human services, the department of public health and~~
24 ~~environment, the university of Colorado health sciences center~~ THE
25 OFFICE OF CHILDREN, YOUTH, AND FAMILIES; THE DEPARTMENT OF HEALTH
26 CARE POLICY AND FINANCING; and a leading professional association of
27 psychiatrists in this state;

1 (b) ~~at least one member representing proprietary skilled health~~
2 ~~care facilities;~~ One member representing nonprofit health care facilities;

3 (c) ~~one member representing the Colorado bar association;~~ One
4 member representing CHILDREN OR YOUTH consumers of services for
5 persons with mental health disorders;

6 (d) One member representing families of persons with mental
7 health disorders;

8 (e) One member representing children's health care facilities; ~~and~~

9 (f) ONE MEMBER REPRESENTING A MENTAL HEALTH AGENCY THAT
10 PERFORMS EVALUATIONS PURSUANT TO THIS ARTICLE 65;

11 (g) ONE MEMBER REPRESENTING A COUNTY HUMAN OR SOCIAL
12 SERVICES AGENCY;

13 (h) ONE MEMBER REPRESENTING INDIVIDUALS WITH INTELLECTUAL
14 AND DEVELOPMENTAL DISABILITIES; AND

15 (i) Other persons from both the private and the public sectors who
16 are recognized or known to be interested and informed in the area of the
17 ADVISORY board's purpose and function.

18 (2) In making appointments to the ADVISORY board, the ~~governor~~
19 ~~is encouraged to~~ DEPARTMENT MUST include representation by at least one
20 member who is a person with a disability, as defined in section
21 24-45.5-102 (2); a family member of a person with a disability; or a
22 member of an advocacy group for persons with disabilities, provided that
23 the other requirements of this section are met.

24 **SECTION 10.** In Colorado Revised Statutes, 19-3-308, **amend**
25 (1.5)(b) as follows:

26 **19-3-308. Action upon report of intrafamilial, institutional, or**
27 **third-party abuse - investigations - child protection team - rules -**

1 **report.** (1.5) (b) If, during the investigation and assessment process, the
2 county department determines that the family's issues may be attributable
3 to the child's mental health status, rather than dependency or neglect
4 issues, and that mental health treatment services pursuant to section
5 27-67-104 ~~C.R.S.~~, may be more appropriate, the county department shall
6 contact the mental health agency, as that term is defined in ~~section~~
7 ~~27-67-103 (6), C.R.S.~~ SECTION 27-67-103 (8). Within ten days after the
8 commencement of the investigation, the county department shall meet
9 with a representative from the mental health agency and the family. The
10 county department, in conjunction with the mental health agency, shall
11 jointly determine whether mental health services should be provided
12 pursuant to section 27-67-104 ~~C.R.S.~~, or whether the provision of
13 services through the county department is more appropriate.

14 **SECTION 11.** In Colorado Revised Statutes, 25.5-4-406, **amend**
15 (1)(a) as follows:

16 **25.5-4-406. Rate setting - medicaid residential treatment**
17 **service providers - monitoring and auditing - report.** (1) The state
18 department shall approve a rate-setting process consistent with medicaid
19 requirements for providers of medicaid residential treatment services in
20 the state of Colorado as developed by the department of human services.
21 The rate-setting process developed pursuant to this section may include,
22 but shall not be limited to:

23 (a) A range for reimbursement that represents a base-treatment
24 rate for serving a child who is subject to out-of-home placement due to
25 dependency and neglect, a child placed in a residential child care facility
26 pursuant to the "~~Child Mental Health Treatment Act~~" "**CHILDREN AND**
27 **YOUTH MENTAL HEALTH TREATMENT ACT**", article 67 of title 27, ~~C.R.S.~~,

1 or a child who has been adjudicated a delinquent, which includes a
2 defined service package to meet the needs of the child;

3 **SECTION 12.** In Colorado Revised Statutes, 26-1-132, **amend**
4 (1)(a) as follows:

5 **26-1-132. Department of human services - rate setting -**
6 **residential treatment service providers - monitoring and auditing -**
7 **report - repeal.** (1) In conjunction with the group of representatives
8 convened by the state department pursuant to section 26-5-104 (6)(e) to
9 review the rate-setting process for child welfare services, the state
10 department shall develop a rate-setting process consistent with medicaid
11 requirements for providers of residential treatment services in Colorado.
12 The department of health care policy and financing shall approve the
13 rate-setting process for rates funded by medicaid. The rate-setting process
14 developed pursuant to this section may include:

15 (a) A range that represents a base-treatment rate for serving a
16 child who is subject to out-of-home placement due to dependency and
17 neglect, a child placed in a residential child care facility pursuant to the
18 "~~Child Mental Health Treatment Act~~" "CHILDREN AND YOUTH MENTAL
19 HEALTH TREATMENT ACT", article 67 of title 27, ~~C.R.S.~~, or a child who
20 has been adjudicated a delinquent, which includes a defined service
21 package to meet the needs of the child;

22 **SECTION 13. Effective date.** This act takes effect June 30,
23 2018.

24 **SECTION 14. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.