

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE REAUTHORIZATION OF THE "CHILD MENTAL
102 HEALTH TREATMENT ACT", AND, IN CONNECTION THEREWITH,
103 MAKING AN APPROPRIATION.

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

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.

SENATE
3rd Reading Unamended
May 8, 2018

SENATE
2nd Reading Unamended
May 7, 2018

HOUSE
3rd Reading Unamended
April 20, 2018

HOUSE
Amended 2nd Reading
April 19, 2018

health services for the child or youth without unwarranted 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

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

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

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

1 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**
2 **with amendments,** 27-67-103 as follows:

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

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

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

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

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

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

1 (d) THE CHILD OR YOUTH IS A PERSON FOR WHOM THERE IS NO
2 PENDING OR CURRENT ACTION IN DEPENDENCY OR NEGLECT PURSUANT TO
3 ARTICLE 3 OF TITLE 19; AND

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

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

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

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

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

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

19 (8) "FIRST-LEVEL APPEAL" MEANS THE INITIAL PROCESS A
20 MEDICAID MEMBER IS REQUIRED TO ENACT TO CONTEST A BENEFIT,
21 SERVICE, OR ELIGIBILITY DECISION MADE BY MEDICAID OR A MEDICAID
22 MANAGED CARE ENTITY.

23 (9) "MEDICAID CHILD OR YOUTH WHO IS AT RISK OF OUT-OF-HOME
24 PLACEMENT" MEANS A CHILD OR YOUTH WHO IS CATEGORICALLY ELIGIBLE
25 FOR MEDICAID BUT WHO OTHERWISE MEETS THE DEFINITION OF A CHILD OR
26 YOUTH WHO IS AT RISK OF OUT-OF-HOME PLACEMENT AS DEFINED IN
27 SUBSECTION (2) OF THIS SECTION.

1 (10) "MENTAL HEALTH AGENCY" MEANS A BEHAVIORAL HEALTH
2 SERVICES CONTRACTOR THROUGH THE STATE DEPARTMENT OF HUMAN
3 SERVICES SERVING CHILDREN AND YOUTH STATEWIDE OR IN A
4 PARTICULAR GEOGRAPHIC AREA, INCLUDING BUT NOT LIMITED TO
5 COMMUNITY MENTAL HEALTH CENTERS, AND WITH THE ABILITY TO MEET
6 ALL EXPECTATIONS OF THIS ARTICLE 67.

7 (11) "PROFESSIONAL PERSON" MEANS A PERSON LICENSED TO
8 PRACTICE MEDICINE IN THIS STATE, A PSYCHOLOGIST CERTIFIED TO
9 PRACTICE IN THIS STATE, OR A PERSON LICENSED AND IN GOOD STANDING
10 TO PRACTICE MEDICINE IN ANOTHER STATE OR A PSYCHOLOGIST CERTIFIED
11 TO PRACTICE AND IN GOOD STANDING IN ANOTHER STATE WHO IS
12 PROVIDING MEDICAL OR CLINICAL SERVICES AT A TREATMENT FACILITY IN
13 THIS STATE THAT IS OPERATED BY THE ARMED FORCES OF THE UNITED
14 STATES, THE UNITED STATES PUBLIC HEALTH SERVICE, OR THE UNITED
15 STATES DEPARTMENT OF VETERANS AFFAIRS.

16 (12) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
17 HUMAN SERVICES.

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

20 **27-67-104. Provision of mental health treatment services for**
21 **children and youth.** (1) (a) A parent or guardian may apply to a mental
22 health agency on behalf of ~~his or her minor~~ A child OR YOUTH for mental
23 health treatment services for the child OR YOUTH pursuant to this section,
24 ~~whether the child is categorically eligible for medicaid under the capitated~~
25 ~~mental health system described in section 25.5-5-411, C.R.S., or whether~~
26 ~~the parent believes his or her child is a child~~ IF THE PARENT OR GUARDIAN
27 BELIEVES THE CHILD OR YOUTH IS at risk of out-of-home placement. THE

1 PARENT'S OR GUARDIAN'S REQUEST FOR SERVICES DESCRIBED IN THIS
2 SECTION MAY BE DONE WITH ASSISTANCE FROM A FAMILY ADVOCATE,
3 FAMILY SYSTEMS NAVIGATOR, NONPROFIT ADVOCACY ORGANIZATION, OR
4 COUNTY DEPARTMENT; HOWEVER, THE STATE DEPARTMENT IS NOT
5 OBLIGATED TO PAY FOR ANY SERVICES PROVIDED BY ENTITIES WITH WHICH
6 THEY DO NOT CONTRACT. In such circumstances, ~~it shall be the~~
7 ~~responsibility~~ of the mental health agency ~~to evaluate~~ IS RESPONSIBLE FOR
8 EVALUATING the child OR YOUTH and ~~to clinically assess~~ ASSESSING the
9 child's OR YOUTH'S need for mental health services and, when warranted,
10 to provide treatment services as necessary and in the best interests of the
11 child OR YOUTH and the child's OR YOUTH'S family. ~~Subject to available~~
12 ~~state appropriations~~ WHEN EVALUATING A CHILD OR YOUTH FOR
13 ELIGIBILITY, THE MENTAL HEALTH AGENCY SHALL USE A STANDARDIZED
14 RISK STRATIFICATION TOOL, IN A MANNER DETERMINED BY RULE OF THE
15 STATE DEPARTMENT. FOLLOWING THE EVALUATION OF THE CHILD OR
16 YOUTH, THE MENTAL HEALTH AGENCY SHALL PROVIDE A WRITTEN
17 NOTIFICATION TO THE CHILD'S OR YOUTH'S PARENT OR GUARDIAN THAT
18 INCLUDES A COMPREHENSIVE LIST OF POTENTIAL TREATMENT PROVIDERS,
19 WITH A DISCLOSURE THAT THE CHILD'S OR YOUTH'S FAMILY MAY CHOOSE
20 TO SEEK SERVICES FROM THE PROVIDER OF THEIR CHOICE, INCLUDING BUT
21 NOT LIMITED TO THE MENTAL HEALTH AGENCY. THE WRITTEN
22 NOTIFICATION MUST ALSO INFORM THE CHILD'S OR YOUTH'S FAMILY THAT
23 THEY MAY REQUEST ASSISTANCE FROM A FAMILY ADVOCATE, FAMILY
24 SYSTEMS NAVIGATOR, NONPROFIT ADVOCACY ORGANIZATION, OR COUNTY
25 DEPARTMENT; HOWEVER, THE STATE DEPARTMENT IS NOT OBLIGATED TO
26 PAY FOR ANY SERVICES PROVIDED BY ENTITIES WITH WHICH THEY DO NOT
27 CONTRACT. THE STATE DEPARTMENT SHALL MAINTAIN A LIST OF

1 AVAILABLE PROVIDERS ON A PUBLIC WEBSITE AND SHALL UPDATE THE
2 WEBSITE QUARTERLY. The mental health agency ~~shall be~~ IS responsible
3 for the provision of the treatment services and care management,
4 including any ~~in-home family mental health treatment, other family~~
5 ~~preservation services~~, residential treatment, COMMUNITY-BASED CARE, or
6 any post-residential follow-up services that may be appropriate for the
7 child's or YOUTH'S NEEDS OR HIS OR HER family's needs. ~~For the purposes~~
8 ~~of this section, the term "care management" includes, but is not limited~~
9 ~~to, consideration of the continuity of care and array of services necessary~~
10 ~~for appropriately treating the child and the decision-making authority~~
11 ~~regarding a child's placement in and discharge from mental health~~
12 ~~services.~~ A dependency or neglect action pursuant to article 3 of title 19
13 C.R.S., ~~shall not be~~ IS NOT required in order to allow a family access to
14 residential mental health treatment services for a child OR YOUTH.

15 (b) At the time of the assessment by the mental health agency, if
16 ~~residential~~ REQUESTED services are denied, or at the time when the mental
17 health agency has recommended that the child OR YOUTH be discharged
18 from services, the mental health agency shall advise the family, both
19 orally and in writing, of the appeal process available to them. The mental
20 health agency shall have two working days within which to complete any
21 internal appeal process. Within five working days after the mental health
22 agency's final denial or recommendation for discharge, a parent or
23 guardian may request an objective third party at the state department who
24 is a professional person ~~as that term is defined in section 27-65-102 (17);~~
25 to review the action of the mental health agency. A FAMILY ADVOCATE,
26 FAMILY SYSTEMS NAVIGATOR, NONPROFIT ADVOCACY ORGANIZATION, OR
27 COUNTY DEPARTMENT MAY ASSIST A FAMILY IN FILING AN APPEAL;

1 HOWEVER, THE STATE DEPARTMENT IS NOT OBLIGATED TO PAY FOR ANY
2 SERVICES PROVIDED BY ENTITIES WITH WHICH THEY DO NOT CONTRACT.
3 The review shall MUST occur within three working days of the parent's or
4 guardian's request. THE PROFESSIONAL PERSON SHALL DETERMINE IF THE
5 REQUESTED SERVICES ARE APPROPRIATE.

6 (1.5) (a) THE PARENT OR GUARDIAN OF A MEDICAID CHILD OR
7 YOUTH WHO IS AT RISK OF OUT-OF-HOME PLACEMENT MAY REQUEST,
8 WITHIN FIVE DAYS AFTER ALL FIRST-LEVEL MEDICAID APPEALS PROCESSES
9 ARE EXHAUSTED, AN OBJECTIVE THIRD PARTY AT THE STATE DEPARTMENT
10 WHO IS A PROFESSIONAL PERSON TO REVIEW THE SERVICE REQUEST MADE
11 TO MEDICAID. A FAMILY ADVOCATE, FAMILY SYSTEM NAVIGATOR, OR
12 COUNTY DEPARTMENT MAY ASSIST A FAMILY IN FILING AN APPEAL. THE
13 REVIEW MUST OCCUR WITHIN THREE WORKING DAYS OF THE PARENT'S OR
14 GUARDIAN'S REQUEST.

15 (b) THE ADMINISTRATIVE LAW JUDGE CONSIDERING THE MEDICAID
16 APPEAL FOR THE MEDICAID CHILD OR YOUTH WHO IS AT RISK OF
17 OUT-OF-HOME PLACEMENT SHALL TAKE INTO CONSIDERATION THE
18 OBJECTIVE THIRD-PARTY REVIEW BY THE STATE DEPARTMENT AS PART OF
19 HIS OR HER RECONSIDERATION AND DECISION OF THE MEDICAID SERVICE
20 REQUEST.

21 (2) If at any time the mental health agency determines pursuant to
22 section 19-3-304 ~~C.R.S.~~, that there is reasonable cause to know or suspect
23 that a child OR YOUTH has been subjected to abuse or neglect, then the
24 mental health agency shall immediately ~~contact~~ MAKE A REFERRAL TO THE
25 STATEWIDE CHILD ABUSE HOTLINE ESTABLISHED IN SECTION 26-5-111 OR
26 the appropriate county department. Within ten WORKING days after the
27 ~~referral to~~ REFERRAL, IF ASSIGNED FOR AN ASSESSMENT BY the county

1 department, A REPRESENTATIVE OF the mental health agency shall meet
2 with the county department and the family. Upon referral to the county
3 department, IF ASSIGNED FOR AN ASSESSMENT, the county department
4 shall proceed with ~~an~~ THE assessment to determine whether there is a
5 sufficient basis to believe that physical or sexual abuse or neglect or some
6 other form of abuse or neglect of a child's OR YOUTH'S physical
7 well-being has occurred. ~~warranting a dependency or neglect action.~~

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

10 **27-67-105. Monitoring - reports.** (1) ON OR BEFORE SEPTEMBER
11 1, 2018, AND BY SEPTEMBER 1 OF EACH YEAR THEREAFTER, EACH MENTAL
12 HEALTH AGENCY SHALL REPORT TO THE STATE DEPARTMENT THE
13 FOLLOWING INFORMATION:

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

- 18 (I) AN ASSESSMENT PURSUANT TO SECTION 27-67-104 (1)(a);
- 19 (II) COMMUNITY-BASED CARE;
- 20 (III) RESIDENTIAL TREATMENT; OR
- 21 (IV) POST-RESIDENTIAL FOLLOW-UP SERVICES;

22 (b) THE NUMBER OF CHILDREN AND YOUTH WHO ARE AT RISK OF
23 ~~OUT-OF-HOME PLACEMENT AND FOR WHOM A CHILD ABUSE AND NEGLECT~~
24 ~~REFERRAL WAS MADE TO THE COUNTY DEPARTMENT;~~

25 (c) THE NUMBER OF CHILDREN AND YOUTH FOR WHOM EITHER:
26 (I) AN ASSESSMENT WAS REQUESTED BUT NOT PERFORMED, AND
27 THE REASONS THAT THE ASSESSMENT WAS NOT PERFORMED; OR

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

5 (d) THE COSTS ASSOCIATED WITH THE PROVISION OF THE MENTAL
6 HEALTH TREATMENT SERVICES DESCRIBED IN SUBSECTION (1)(a) OF THIS
7 SECTION;

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

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

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

15 (h) THE AGGREGATE NUMBER OF THIRD-PARTY REVIEWS
16 COMPLETED BY THE STATE DEPARTMENT FOR CHILDREN SERVED
17 PURSUANT TO THIS ARTICLE 67, DELINEATED BY CHILDREN WHO ARE AND
18 ARE NOT CATEGORICALLY ELIGIBLE FOR MEDICAID.

19 ■ ■ ■

20 (2) ON OR AFTER JANUARY 1, 2019, THE STATE DEPARTMENT
21 SHALL MAKE THE INFORMATION OBTAINED PURSUANT TO SUBSECTION (1)
22 OF THIS SECTION AVAILABLE TO THE PUBLIC BY POSTING IT TO THE STATE
23 DEPARTMENT'S WEBSITE. ANY INFORMATION SO POSTED MUST NOT
24 INCLUDE ANY PERSONAL HEALTH INFORMATION.

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

27 **27-67-106. Funding - rules.** (3) The state board of human

1 services ~~in consultation with the department of health care policy and~~
2 ~~financing~~, shall promulgate rules implementing a sliding scale for the
3 payment of services, including mental health treatment and room and
4 board, that are not covered by private insurance or federal medicaid
5 funding. ~~It is the intent of the general assembly that the portion of such~~
6 ~~expenses paid from general fund moneys shall not exceed the general~~
7 ~~fund appropriations made for such purpose in any given fiscal year.~~ It is
8 the ~~further~~ intent of the general assembly that subsidies provided by the
9 state through general fund ~~moneys shall~~ MONEY MUST be used to assist the
10 lowest income families to ensure the maximum use of appropriate least
11 restrictive treatment services and to provide access to the greatest number
12 of children AND YOUTH.

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

15 **27-67-108. Repeal of article.** ~~This article is repealed, effective~~
16 ~~July 1, 2019.~~

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

19 **27-67-109. Child and youth mental health services standards**
20 **- advisory board.** (1) THE ADVISORY BOARD ESTABLISHED IN
21 SUBSECTION (2) OF THIS SECTION IS RESPONSIBLE FOR RECOMMENDING
22 STANDARDS AND RULES RELEVANT TO THE PROVISION OF MENTAL HEALTH
23 SERVICES TO CHILDREN AND YOUTH COVERED BY THIS ARTICLE 67.

24 [REDACTED]

25 (2) AN ADVISORY BOARD TO THE STATE DEPARTMENT IS
26 ESTABLISHED FOR THE PURPOSE OF ASSISTING AND ADVISING THE
27 EXECUTIVE DIRECTOR IN ACCORDANCE WITH THIS SECTION IN THE

1 DEVELOPMENT OF SERVICE STANDARDS AND RULES. THE ADVISORY BOARD
2 CONSISTS OF NOT LESS THAN ELEVEN NOR MORE THAN FIFTEEN MEMBERS
3 APPOINTED BY THE STATE DEPARTMENT AS FOLLOWS:

4 (a) ONE REPRESENTATIVE EACH FROM THE OFFICE OF BEHAVIORAL
5 HEALTH; THE OFFICE OF CHILDREN, YOUTH, AND FAMILIES; THE
6 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING; AND A LEADING
7 PROFESSIONAL ASSOCIATION OF PSYCHIATRISTS IN THIS STATE;

8 (b) ONE MEMBER REPRESENTING NONPROFIT HEALTH CARE
9 FACILITIES;

10 (c) ONE MEMBER REPRESENTING CHILDREN OR YOUTH CONSUMERS
11 OF SERVICES FOR PERSONS WITH MENTAL HEALTH DISORDERS;

12 (d) ONE MEMBER REPRESENTING FAMILIES OF PERSONS WITH
13 MENTAL HEALTH DISORDERS;

14 (e) ONE MEMBER REPRESENTING CHILDREN'S HEALTH CARE
15 FACILITIES;

16 (f) ONE MEMBER REPRESENTING A COMMUNITY MENTAL HEALTH
17 CENTER THAT PERFORMS EVALUATIONS PURSUANT TO THIS ARTICLE 67;

18 (g) ONE MEMBER REPRESENTING A COUNTY HUMAN OR SOCIAL
19 SERVICES AGENCY;

20 (h) ONE MEMBER REPRESENTING INDIVIDUALS WITH INTELLECTUAL
21 AND DEVELOPMENTAL DISABILITIES; AND

22 (i) OTHER PERSONS FROM BOTH THE PRIVATE AND THE PUBLIC
23 SECTORS WHO ARE RECOGNIZED OR KNOWN TO BE INTERESTED AND
24 INFORMED IN THE AREA OF THE ADVISORY BOARD'S PURPOSE AND
25 FUNCTION.

26 (3) IN MAKING APPOINTMENTS TO THE ADVISORY BOARD, THE
27 STATE DEPARTMENT MUST INCLUDE REPRESENTATION BY AT LEAST ONE

1 MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION
2 24-45.5-102 (2); A FAMILY MEMBER OF A PERSON WITH A DISABILITY; OR
3 A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES,
4 PROVIDED THAT THE OTHER REQUIREMENTS OF SUBSECTION (2) OF THIS
5 SECTION ARE MET.

6 **SECTION 9.** In Colorado Revised Statutes, 19-3-308, **amend**
7 (1.5)(b) as follows:

8 **19-3-308. Action upon report of intrafamilial, institutional, or**
9 **third-party abuse - investigations - child protection team - rules -**
10 **report.** (1.5) (b) If, during the investigation and assessment process, the
11 county department determines that the family's issues may be attributable
12 to the child's mental health status, rather than dependency or neglect
13 issues, and that mental health treatment services pursuant to section
14 27-67-104 ~~C.R.S.~~, may be more appropriate, the county department shall
15 contact the mental health agency, as that term is defined in ~~section~~
16 ~~27-67-103 (6), C.R.S.~~ SECTION 27-67-103 (10). Within ten days after the
17 commencement of the investigation, the county department shall meet
18 with a representative from the mental health agency and the family. The
19 county department, in conjunction with the mental health agency, shall
20 jointly determine whether mental health services should be provided
21 pursuant to section 27-67-104 ~~C.R.S.~~, or whether the provision of
22 services through the county department is more appropriate.

23 **SECTION 10.** In Colorado Revised Statutes, 25.5-4-406, **amend**
24 (1)(a) as follows:

25 **25.5-4-406. Rate setting - medicaid residential treatment**
26 **service providers - monitoring and auditing - report.** (1) The state
27 department shall approve a rate-setting process consistent with medicaid

1 requirements for providers of medicaid residential treatment services in
2 the state of Colorado as developed by the department of human services.
3 The rate-setting process developed pursuant to this section may include,
4 but shall not be limited to:

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

12 **SECTION 11.** In Colorado Revised Statutes, 26-1-132, **amend**
13 (1)(a) as follows:

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

24 (a) A range that represents a base-treatment rate for serving a
25 child who is subject to out-of-home placement due to dependency and
26 neglect, a child placed in a residential child care facility pursuant to the
27 ~~"Child Mental Health Treatment Act"~~ "CHILDREN AND YOUTH MENTAL

1 HEALTH TREATMENT ACT", article 67 of title 27, ~~C.R.S.~~, or a child who
2 has been adjudicated a delinquent, which includes a defined service
3 package to meet the needs of the child;

4 **SECTION 12. Appropriation.** For the 2018-19 state fiscal year,
5 \$1,286,611 is appropriated to the department of human services for use
6 by the office of behavioral health. This appropriation is from the general
7 fund and is based on an assumption that the office will require an
8 additional 0.5 FTE. To implement this act, the office may use this
9 appropriation as follows:

10 **Community behavioral health administration**

11 Personal services \$27,567 (0.5 FTE)

12 Operating expenses \$5,178

13 **Community-based mental health services**

14 Mental health treatment services for youth
15 (H.B. 99-1116) \$1,253,866.

16 **SECTION 13. Effective date.** This act takes effect June 30,
17 2018.

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