

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

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 THERE IS NO

1 PENDING OR CURRENT ACTION IN DEPENDENCY OR NEGLECT PURSUANT TO
2 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) "FIRST-LEVEL APPEAL" MEANS THE INITIAL PROCESS A
19 MEDICAID MEMBER IS REQUIRED TO ENACT TO CONTEST A BENEFIT,
20 SERVICE, OR ELIGIBILITY DECISION MADE BY MEDICAID OR A MEDICAID
21 MANAGED CARE ENTITY.

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

27 (10) "MENTAL HEALTH AGENCY" MEANS A BEHAVIORAL HEALTH

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

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

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

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

19 **27-67-104. Provision of mental health treatment services for**
20 **children and youth.** (1) (a) A parent or guardian may apply to a mental
21 health agency on behalf of ~~his or her minor~~ A child OR YOUTH for mental
22 health treatment services for the child OR YOUTH pursuant to this section,
23 ~~whether the child is categorically eligible for medicaid under the capitated~~
24 ~~mental health system described in section 25.5-5-411, C.R.S., or whether~~
25 ~~the parent believes his or her child is a child~~ IF THE PARENT OR GUARDIAN
26 BELIEVES THE CHILD OR YOUTH IS at risk of out-of-home placement. THE
27 PARENT'S OR GUARDIAN'S REQUEST FOR SERVICES DESCRIBED IN THIS

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

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

14 (b) At the time of the assessment by the mental health agency, if
15 residential REQUESTED services are denied, or at the time when the mental
16 health agency has recommended that the child OR YOUTH be discharged
17 from services, the mental health agency shall advise the family, both
18 orally and in writing, of the appeal process available to them. The mental
19 health agency shall have two working days within which to complete any
20 internal appeal process. Within five working days after the mental health
21 agency's final denial or recommendation for discharge, a parent or
22 guardian may request an objective third party at the state department who
23 is a professional person ~~as that term is defined in section 27-65-102 (17);~~
24 to review the action of the mental health agency. A FAMILY ADVOCATE,
25 FAMILY SYSTEMS NAVIGATOR, NONPROFIT ADVOCACY ORGANIZATION, OR
26 COUNTY DEPARTMENT MAY ASSIST A FAMILY IN FILING AN APPEAL;
27 HOWEVER, THE STATE DEPARTMENT IS NOT OBLIGATED TO PAY FOR ANY

1 SERVICES PROVIDED BY ENTITIES WITH WHICH THEY DO NOT CONTRACT.
2 The review shall MUST occur within three working days of the parent's or
3 guardian's request. THE PROFESSIONAL PERSON SHALL DETERMINE IF THE
4 REQUESTED SERVICES ARE APPROPRIATE.

5 (1.5) (a) THE PARENT OR GUARDIAN OF A MEDICAID CHILD OR
6 YOUTH WHO IS AT RISK OF OUT-OF-HOME PLACEMENT MAY REQUEST,
7 WITHIN FIVE DAYS AFTER ALL FIRST-LEVEL MEDICAID APPEALS PROCESSES
8 ARE EXHAUSTED, AN OBJECTIVE THIRD PARTY AT THE STATE DEPARTMENT
9 WHO IS A PROFESSIONAL PERSON TO REVIEW THE SERVICE REQUEST MADE
10 TO MEDICAID. A FAMILY ADVOCATE, FAMILY SYSTEM NAVIGATOR, OR
11 COUNTY DEPARTMENT MAY ASSIST A FAMILY IN FILING AN APPEAL. THE
12 REVIEW MUST OCCUR WITHIN THREE WORKING DAYS OF THE PARENT'S OR
13 GUARDIAN'S REQUEST.

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

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

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

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

9 **27-67-105. Monitoring - reports.** (1) ON OR BEFORE SEPTEMBER
10 1, 2018, AND BY SEPTEMBER 1 OF EACH YEAR THEREAFTER, EACH MENTAL
11 HEALTH AGENCY SHALL REPORT TO THE STATE DEPARTMENT THE
12 FOLLOWING INFORMATION:

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

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

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

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

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

27 (II) AN ASSESSMENT WAS PERFORMED BUT THE MENTAL HEALTH

1 AGENCY DID NOT PROVIDE SERVICES PURSUANT TO THIS ARTICLE 67, AND
2 THE REASONS THAT SERVICES WERE NOT PROVIDED, INCLUDING WHETHER
3 THE FAMILY REFUSED THE SERVICES OFFERED;

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

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

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

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

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

18 ■ ■ ■

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

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

26 **27-67-106. Funding - rules.** (3) The state board of human
27 services ~~in consultation with the department of health care policy and~~

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

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

14 **27-67-108. Repeal of article.** ~~This article is repealed, effective~~
15 ~~July 1, 2019.~~

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

18 **27-67-109. Child and youth mental health services standards**
19 **- advisory board.** (1) ~~THE~~ ADVISORY BOARD ESTABLISHED IN
20 ~~SUBSECTION (2) OF THIS SECTION~~ IS RESPONSIBLE FOR RECOMMENDING
21 STANDARDS AND RULES RELEVANT TO THE PROVISION OF MENTAL HEALTH
22 SERVICES TO CHILDREN AND YOUTH COVERED BY THIS ARTICLE 67.

23 ~~THE~~
24 (2) AN ADVISORY BOARD TO THE STATE DEPARTMENT IS
25 ESTABLISHED FOR THE PURPOSE OF ASSISTING AND ADVISING THE
26 EXECUTIVE DIRECTOR IN ACCORDANCE WITH THIS SECTION IN THE
27 DEVELOPMENT OF SERVICE STANDARDS AND RULES. ~~THE~~ ADVISORY BOARD

1 CONSISTS OF NOT LESS THAN ELEVEN NOR MORE THAN FIFTEEN MEMBERS
2 APPOINTED BY THE STATE DEPARTMENT AS FOLLOWS:

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

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

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

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

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

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

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

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

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

25 (3) IN MAKING APPOINTMENTS TO THE ADVISORY BOARD, THE
26 STATE DEPARTMENT MUST INCLUDE REPRESENTATION BY AT LEAST ONE
27 MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION

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

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

7 **19-3-308. Action upon report of intrafamilial, institutional, or**
8 **third-party abuse - investigations - child protection team - rules -**
9 **report.** (1.5) (b) If, during the investigation and assessment process, the
10 county department determines that the family's issues may be attributable
11 to the child's mental health status, rather than dependency or neglect
12 issues, and that mental health treatment services pursuant to section
13 27-67-104 ~~C.R.S.~~, may be more appropriate, the county department shall
14 contact the mental health agency, as that term is defined in ~~section~~
15 ~~27-67-103 (6), C.R.S.~~ SECTION 27-67-103 (10). Within ten days after the
16 commencement of the investigation, the county department shall meet
17 with a representative from the mental health agency and the family. The
18 county department, in conjunction with the mental health agency, shall
19 jointly determine whether mental health services should be provided
20 pursuant to section 27-67-104 ~~C.R.S.~~, or whether the provision of
21 services through the county department is more appropriate.

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

24 **25.5-4-406. Rate setting - medicaid residential treatment**
25 **service providers - monitoring and auditing - report.** (1) The state
26 department shall approve a rate-setting process consistent with medicaid
27 requirements for providers of medicaid residential treatment services in

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

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

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

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

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

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

3 **SECTION 12. Effective date.** This act takes effect June 30,
4 2018.

5 **SECTION 13. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.