

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. 18-0258.02 Brita Darling x2241

HOUSE BILL 18-1136

HOUSE SPONSORSHIP

Pettersen, Buck, Kennedy, Singer

SENATE SPONSORSHIP

Priola and Jahn, Aguilar, Lambert, Tate

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING TREATMENT FOR INDIVIDUALS WITH SUBSTANCE USE**
102 **DISORDERS, AND, IN CONNECTION THEREWITH, ADDING**
103 **RESIDENTIAL AND INPATIENT TREATMENT TO THE COLORADO**
104 **MEDICAL ASSISTANCE PROGRAM.**

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/>.)

Opioid and Other Substance Use Disorders Interim Study Committee. The bill adds residential and inpatient substance use disorder services to the Colorado medical assistance program. The benefit is

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.

limited to persons who meet nationally recognized, evidence-based level of care criteria for residential and inpatient substance use disorder treatment. The benefit will not be effective until the department of health care policy and financing seeks and receives any federal authorization necessary to secure federal financial participation in the program.

If an enhanced residential and inpatient substance use disorder treatment benefit becomes available, managed care organizations shall reprioritize the use of money allocated from the marijuana tax cash fund to assist in providing treatment, including residential treatment, to persons who are not otherwise covered by public or private insurance.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-202, **add**
3 (1)(x) as follows:

4 **25.5-5-202. Basic services for the categorically needy - optional**
5 **services - repeal.** (1) Subject to the provisions of subsection (2) of this
6 section, the following are services for which federal financial
7 participation is available and that Colorado has selected to provide as
8 optional services under the medical assistance program:

9 (x) (I) RESIDENTIAL AND INPATIENT SUBSTANCE USE DISORDER
10 TREATMENT AND MEDICAL DETOXIFICATION SERVICES PURSUANT TO
11 SECTION 25.5-5-324.

12 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(x)(I)
13 OF THIS SECTION, RESIDENTIAL AND INPATIENT SUBSTANCE USE DISORDER
14 TREATMENT SHALL NOT TAKE EFFECT UNLESS ALL NECESSARY APPROVALS
15 UNDER FEDERAL LAW AND REGULATION HAVE BEEN OBTAINED TO RECEIVE
16 FEDERAL FINANCIAL PARTICIPATION FOR THE COSTS OF SUCH SERVICES.

17 (III) THIS SUBSECTION (1)(x) IS REPEALED, EFFECTIVE JULY 1,
18 2022.

19 **SECTION 2.** In Colorado Revised Statutes, **add** 25.5-5-324 as
20 follows:

1 **25.5-5-324. Residential and inpatient substance use disorder**
2 **treatment - medical detoxification services - federal approval - repeal.**

3 (1) SUBJECT TO AVAILABLE APPROPRIATIONS AND TO THE EXTENT
4 PERMITTED UNDER FEDERAL LAW, THE MEDICAL ASSISTANCE PROGRAM
5 PURSUANT TO THIS ARTICLE 5 AND ARTICLES 4 AND 6 OF THIS TITLE 25.5
6 INCLUDES RESIDENTIAL AND INPATIENT SUBSTANCE USE DISORDER
7 ~~TREATMENT AND MEDICAL DETOXIFICATION SERVICES.~~ PARTICIPATION IN
8 THE RESIDENTIAL AND INPATIENT SUBSTANCE USE DISORDER TREATMENT
9 ~~AND MEDICAL DETOXIFICATION SERVICES~~ BENEFIT IS LIMITED TO PERSONS
10 WHO MEET NATIONALLY RECOGNIZED, EVIDENCE-BASED, LEVEL OF CARE
11 CRITERIA FOR RESIDENTIAL AND INPATIENT SUBSTANCE USE DISORDER
12 ~~TREATMENT AND MEDICAL DETOXIFICATION SERVICES.~~ THE BENEFIT
13 SHALL SERVE PERSONS WITH SUBSTANCE USE DISORDERS, INCLUDING
14 THOSE WITH CO-OCCURRING MENTAL HEALTH DISORDERS.

15 (2) (a) NO LATER THAN OCTOBER 1, 2018, THE STATE
16 DEPARTMENT SHALL SEEK FEDERAL AUTHORIZATION TO PROVIDE
17 RESIDENTIAL AND INPATIENT SUBSTANCE USE DISORDER TREATMENT AND
18 ~~MEDICAL DETOXIFICATION SERVICES~~ WITH FULL FEDERAL FINANCIAL
19 PARTICIPATION. RESIDENTIAL AND INPATIENT SUBSTANCE USE DISORDER
20 ~~TREATMENT AND MEDICAL DETOXIFICATION SERVICES~~ SHALL NOT TAKE
21 EFFECT UNTIL FEDERAL APPROVAL HAS BEEN OBTAINED.

22 (b) ~~PRIOR TO SEEKING FEDERAL APPROVAL PURSUANT TO~~
23 ~~SUBSECTION (2)(a) OF THIS SECTION,~~ THE STATE DEPARTMENT SHALL SEEK
24 ~~INPUT FROM RELEVANT STAKEHOLDERS,~~ INCLUDING EXISTING PROVIDERS
25 ~~OF SUBSTANCE USE DISORDER TREATMENT AND MEDICAL DETOXIFICATION~~
26 ~~SERVICES AND MANAGED SERVICE ORGANIZATIONS.~~ THE STATE
27 ~~DEPARTMENT SHALL SEEK INPUT AND INVOLVE STAKEHOLDERS IN~~

1 DECISIONS REGARDING:

2 (I) THE COORDINATION OF BENEFITS WITH MANAGED SERVICE

3 ORGANIZATIONS AND THE OFFICE OF BEHAVIORAL HEALTH IN THE

4 DEPARTMENT OF HUMAN SERVICES;

5 (II) THE MOST APPROPRIATE ENTITY FOR ADMINISTRATION OF THE

6 BENEFIT;

7 (III) THE PROVISION OF WRAPAROUND SERVICES NEEDED DURING

8 TREATMENT AND THE PROVISION OF REQUIRED SERVICES FOLLOWING

9 TREATMENT THAT MAY NOT BE COVERED THROUGH THE MEDICAL

10 ASSISTANCE PROGRAM;

11 (IV) THE AUTHORIZATION PROCESS FOR APPROVAL OF SERVICES;

12 AND

13 (V) THE DEVELOPMENT OF A REIMBURSEMENT RATE

14 METHODOLOGY TO ENSURE SUSTAINABILITY THAT CONSIDERS A

15 PROVIDER'S COST OF PROVIDING CARE INCLUDING LOWER-VOLUME

16 PROVIDERS IN RURAL AREAS.

17 (3) (a) NO LATER THAN JANUARY 15, 2022, THE STATE

18 DEPARTMENT SHALL PREPARE AND SUBMIT A REPORT TO THE JOINT

19 BUDGET COMMITTEE AND TO THE JOINT HEALTH AND HUMAN SERVICES

20 COMMITTEE, OR ANY SUCCESSOR COMMITTEES, CONCERNING THE

21 RESIDENTIAL AND INPATIENT SUBSTANCE USE DISORDER TREATMENT

22 PURSUANT TO THIS SECTION, INCLUDING, AT A MINIMUM:

23 (I) THE NUMBER OF PERSONS WHO RECEIVED SERVICES PURSUANT

24 TO THIS SECTION AND THE SERVICE PROVIDED;

25 (II) THE LENGTH OF TIME THAT SERVICES WERE PROVIDED;

26 (III) THE LOCATION WHERE SERVICES WERE PROVIDED;

27 (IV) THE EFFECTIVENESS OF THE SERVICES PROVIDED, INCLUDING

1 THE RATE OF RELAPSE TO SUBSTANCE USE DISORDER FOLLOWING
2 TREATMENT; AND

3 (V) ANY OTHER INFORMATION AS DETERMINED BY THE STATE
4 DEPARTMENT THAT IS RELEVANT TO THE BENEFIT.

5 (b) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2022.

6 SECTION 3. In Colorado Revised Statutes, 27-80-107.5, amend
7 (4)(c) as follows:

8 27-80-107.5. Increasing access to effective substance use
9 disorder services act - managed service organizations - substance use
10 disorder services - assessment - community action plan - allocations
11 - reporting requirements - evaluation. (4) (c) It is the intent of the
12 general assembly that each designated managed service organization use
13 money allocated to it from the marijuana tax cash fund to cover
14 expenditures for substance use disorder services that are not otherwise
15 covered by public or private insurance. Except as provided in ~~paragraph~~
16 ~~(a) of this subsection~~ (4) SUBSECTION (4)(a) OF THIS SECTION, each
17 managed service organization may use its allocation from the marijuana
18 tax cash fund to implement its community action plan and increase access
19 to substance use disorder services for populations in need of such services
20 that are within its geographic region. IF AN ENHANCED RESIDENTIAL AND
21 INPATIENT SUBSTANCE USE DISORDER TREATMENT AND MEDICAL
22 DETOXIFICATION SERVICES BENEFIT BECOMES AVAILABLE UNDER THE
23 COLORADO MEDICAL ASSISTANCE PROGRAM, MANAGED SERVICE
24 ORGANIZATIONS SHALL DETERMINE TO WHAT EXTENT MONEY ALLOCATED
25 FROM THE MARIJUANA TAX CASH FUND MAY BE USED TO ASSIST IN
26 PROVIDING SUBSTANCE USE DISORDER TREATMENT, INCLUDING
27 RESIDENTIAL AND INPATIENT SUBSTANCE USE DISORDER TREATMENT AND

1 MEDICAL DETOXIFICATION SERVICES, IF THOSE SERVICES ARE NOT
2 OTHERWISE COVERED BY PUBLIC OR PRIVATE INSURANCE.

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