

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 23-1088

BY REPRESENTATIVE(S) Martinez, Hartsook, Armagost, Bird, Bockenfeld, Boesenecker, Bradley, Brown, deGruy Kennedy, Duran, English, Frizell, Froelich, Garcia, Hamrick, Herod, Jodeh, Kipp, Lieder, Lindsay, Lindstedt, Lynch, McLachlan, Michaelson Jenet, Ricks, Snyder, Story, Taggart, Titone, Valdez, Velasco, Weinberg, Weissman, Wilson, Woodrow, Gonzales-Gutierrez, Joseph, Lukens, Marshall, Sirota, Willford, Young, McCluskie;

also SENATOR(S) Hinrichsen, Baisley, Bridges, Buckner, Coleman, Cutter, Danielson, Exum, Fields, Gardner, Ginal, Gonzales, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Lundeen, Marchman, Moreno, Mullica, Pelton B., Pelton R., Priola, Roberts, Simpson, Smallwood, Sullivan, Van Winkle, Will, Winter F., Zenzinger, Fenberg.

CONCERNING A PROGRAM TO PROVIDE MENTAL HEALTH SERVICES FOR VETERANS, 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** 28-5-714 as follows:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

28-5-714. Veterans mental health services program - report - rules - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DIVISION" MEANS THE DIVISION OF VETERANS AFFAIRS IN THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS.

(b) "ELIGIBLE VETERAN" MEANS A VETERAN WHO LIVES IN A VETERANS COMMUNITY LIVING CENTER, AS DEFINED IN SECTION 26-12-102.

(c) "PROGRAM" MEANS THE VETERANS MENTAL HEALTH SERVICES PROGRAM ESTABLISHED IN THIS SECTION.

(d) "PROVIDER" MEANS A LICENSED PSYCHIATRIST REGULATED PURSUANT TO ARTICLE 240 OF TITLE 12 OR ANY OF THE FOLLOWING LICENSEES, CERTIFIED PROFESSIONALS, OR CANDIDATES REGULATED PURSUANT TO ARTICLE 245 OF TITLE 12:

(I) A LICENSED PSYCHOLOGIST OR PSYCHOLOGIST CANDIDATE;

(II) A LICENSED SOCIAL WORKER, LICENSED CLINICAL SOCIAL WORKER, OR CLINICAL SOCIAL WORKER CANDIDATE;

(III) A LICENSED MARRIAGE AND FAMILY THERAPIST OR MARRIAGE AND FAMILY THERAPIST CANDIDATE;

(IV) A LICENSED PROFESSIONAL COUNSELOR OR LICENSED PROFESSIONAL COUNSELOR CANDIDATE;

(V) A LICENSED ADDICTION COUNSELOR, CERTIFIED ADDICTION SPECIALIST, OR ADDICTION COUNSELOR CANDIDATE; OR

(VI) AN ADVANCED PRACTICE REGISTERED NURSE LICENSED PURSUANT TO ARTICLE 255 OF TITLE 12.

(e) "TELEHEALTH" HAS THE SAME MEANING AS SET FORTH IN SECTION 10-16-123.

(2)(a) THERE IS ESTABLISHED IN THE DIVISION A VETERANS MENTAL HEALTH SERVICES PROGRAM TO PROMOTE ACCESS TO MENTAL HEALTH

SERVICES FOR ELIGIBLE VETERANS BY REIMBURSING PROVIDERS FOR SESSIONS WITH AN ELIGIBLE VETERAN.

(b) THE DIVISION SHALL REIMBURSE PROVIDERS WHO PARTICIPATE IN THE PROGRAM FOR MENTAL HEALTH-CARE SESSIONS, EITHER IN PERSON OR BY TELEHEALTH, WITH ELIGIBLE VETERANS. EACH ELIGIBLE VETERAN MAY RECEIVE TWENTY-SIX REIMBURSED SESSIONS PER YEAR. SUBJECT TO AVAILABLE APPROPRIATIONS, AN ELIGIBLE VETERAN MAY RECEIVE, AND THE DIVISION SHALL REIMBURSE A PROVIDER FOR, ADDITIONAL REIMBURSED SESSIONS IF A PROVIDER DETERMINES ADDITIONAL SESSIONS ARE NECESSARY.

(c) TO BE ELIGIBLE TO PARTICIPATE IN AND RECEIVE REIMBURSEMENT FROM THE PROGRAM, A PROVIDER MUST BE AVAILABLE TO PROVIDE AT LEAST FOUR MENTAL HEALTH-CARE SESSIONS TO EACH ELIGIBLE VETERAN THE PROVIDER ACCEPTS AS A CLIENT.

(d) THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION 27-50-102 SHALL POST ON ITS WEBSITE A LIST OF PROVIDERS WHO PARTICIPATE IN THE PROGRAM.

(3) IN ORDER TO PARTICIPATE IN THE PROGRAM, A VETERAN SHALL SHOW A PROVIDER WHO IS PARTICIPATING IN THE PROGRAM A VALID MILITARY OR FEDERAL VETERANS ADMINISTRATION IDENTIFICATION CARD THAT INCLUDES A PHOTO OF THE VETERAN AND ATTEST TO THE PROVIDER THAT THE VETERAN HAS EXHAUSTED THE ANNUAL NUMBER OF SESSIONS WITH A MENTAL HEALTH-CARE PROVIDER COVERED BY THE VETERAN'S FEDERAL VETERANS ADMINISTRATION BENEFITS.

(4) THE DIVISION SHALL:

(a) DEVELOP A PROCESS CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION FOR PROVIDERS TO APPLY FOR AND DEMONSTRATE ELIGIBILITY TO RECEIVE REIMBURSEMENT FROM THE PROGRAM;

(b) UPON REIMBURSING A PROVIDER FOR A MENTAL HEALTH-CARE SESSION WITH AN ELIGIBLE VETERAN, INFORM THE PROVIDER OF THE VETERAN'S REMAINING NUMBER OF SESSIONS ELIGIBLE FOR REIMBURSEMENT THAT YEAR; AND

(c) DETERMINE A REASONABLE RATE OF REIMBURSEMENT FOR EACH MENTAL HEALTH-CARE SESSION WITH AN ELIGIBLE VETERAN PURSUANT TO THE PROGRAM, WHICH RATE MUST BE THE SAME REGARDLESS OF WHETHER THE APPOINTMENT IS FOR A TELEHEALTH OR AN IN-PERSON APPOINTMENT.

(5) THE ADJUTANT GENERAL, IN CONSULTATION WITH THE BOARD OF VETERANS AFFAIRS, SHALL PROMULGATE RULES NECESSARY FOR THE ADMINISTRATION OF THIS SECTION.

(6) NO LATER THAN DECEMBER 31, 2024, THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL DELIVER A REPORT ABOUT THE PROGRAM TO THE HOUSE OF REPRESENTATIVES STATE, CIVIC, MILITARY, AND VETERANS AFFAIRS COMMITTEE AND THE SENATE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE DATA AND INFORMATION ABOUT PARTICIPATION IN THE PROGRAM AND THE EFFECTIVENESS OF THE PROGRAM AS DETERMINED BY THE DEPARTMENT. THE DEPARTMENT SHALL NOT INCLUDE IN THE REPORT PERSONALLY IDENTIFIABLE INFORMATION THAT MAY BE USED, ALONE OR IN CONJUNCTION WITH ANY OTHER INFORMATION, TO IDENTIFY A SPECIFIC INDIVIDUAL.

SECTION 2. Appropriation. For the 2023-24 state fiscal year, \$642,645 is appropriated to the department of military and veterans affairs for use by the division of veterans affairs. This appropriation is from the general fund and is based on an assumption that the division will require an additional 1.6 FTE. To implement this act, the division may use this appropriation for the veterans mental health services program.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO