

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 23-0774.01 Chelsea Princell x4335

HOUSE BILL 23-1153

HOUSE SPONSORSHIP

Armagost and Amabile,

SENATE SPONSORSHIP

Pelton B. and Rodriguez,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A FEASIBILITY STUDY TO DETERMINE PATHWAYS TO**
102 **BEHAVIORAL HEALTH CARE FOR PEOPLE WITH SERIOUS MENTAL**
103 **ILLNESS, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **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 requires the state department of human services (state department) to contract with an independent third party to conduct a feasibility study to determine the feasibility of creating a system to

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

support individuals with serious mental illness through a collaboration between Colorado's behavioral health and judicial systems.

The bill requires the state department to work with the behavioral health administration, department of local affairs, department of public safety, department of health care policy and financing, judicial department, and other state agencies to determine the eligibility requirements and application process for selecting the independent third party.

The bill requires the state department to submit a report detailing the findings and recommendations from the feasibility study to the general assembly, the governor's office, and impacted state agencies by December 31, 2023.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 27-60-115 as
3 follows:

4 **27-60-115. Behavioral health care feasibility study - authority**
5 **to contract - report - definitions - appropriation.** (1) AS USED IN THIS
6 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "COMMUNITY-BASED SERVICES" MEANS SERVICES RELATED TO
8 THE TREATMENT OF SERIOUS MENTAL ILLNESS THAT INCLUDES, BUT IS NOT
9 LIMITED TO, PEER-DELIVERED SERVICES, HOUSING OPTIONS, VOCATIONAL
10 SERVICES, SERVICES THAT ADDRESS SOCIAL DETERMINANTS OF HEALTH,
11 AND SERVICES PROVIDED BY PSYCHIATRIC PRESCRIBERS, DROP-IN
12 CENTERS, AND ASSERTIVE COMMUNITY TREATMENT TEAMS.

13 (b) "SERIOUS MENTAL ILLNESS" MEANS ONE OR MORE
14 SUBSTANTIAL DISORDERS OF COGNITIVE, VOLITIONAL, OR EMOTIONAL
15 PROCESSES THAT GROSSLY IMPAIR JUDGEMENT OR CAPACITY TO
16 RECOGNIZE REALITY OR TO CONTROL BEHAVIOR AND THAT
17 SUBSTANTIALLY INTERFERES WITH THE PERSON'S ABILITY TO MEET THE
18 ORDINARY DEMANDS OF DAILY LIVING. SERIOUS MENTAL ILLNESS
19 INCLUDES, BUT IS NOT LIMITED TO, A PSYCHOTIC DISORDER, BIPOLAR

1 DISORDER, MAJOR DEPRESSIVE DISORDER, OR ANY DIAGNOSED MENTAL
2 DISORDER EXCEPT FOR SUBSTANCE USE DISORDER CURRENTLY
3 ASSOCIATED WITH SERIOUS IMPAIRMENT OF PSYCHOLOGICAL, COGNITIVE,
4 OR BEHAVIORAL FUNCTIONING.

5 (2) THE OFFICE THAT OVERSEES CIVIL AND FORENSIC MENTAL
6 HEALTH IN THE STATE DEPARTMENT SHALL CONTRACT WITH AN
7 INDEPENDENT THIRD PARTY TO CONDUCT A FEASIBILITY STUDY FOCUSING
8 ON THE INTERSECTION OF COLORADO'S BEHAVIORAL HEALTH SERVICE
9 AVAILABILITY AND JUDICIAL SYSTEM TO DETERMINE THE FEASIBILITY OF
10 ESTABLISHING A SYSTEM TO SUPPORT INDIVIDUALS WITH SERIOUS MENTAL
11 ILLNESS' ACCESS TO VOLUNTARY AND INVOLUNTARY BEHAVIORAL HEALTH
12 CARE AND HOUSING SUPPORT SERVICES.

13 (3) THE STATE DEPARTMENT, IN COORDINATION WITH THE
14 BEHAVIORAL HEALTH ADMINISTRATION, DEPARTMENT OF LOCAL AFFAIRS,
15 DEPARTMENT OF PUBLIC SAFETY, DEPARTMENT OF HEALTH CARE POLICY
16 AND FINANCING, JUDICIAL DEPARTMENT, AND OTHER STATE AGENCIES, AS
17 NEEDED, SHALL DETERMINE THE QUALIFICATIONS FOR THE INDEPENDENT
18 THIRD PARTY AND THE PROCESS FOR INTERESTED INDEPENDENT THIRD
19 PARTIES TO APPLY.

20 (4) AT A MINIMUM, THE STATE DEPARTMENT SHALL CONSIDER AND
21 DETERMINE THE FOLLOWING ON A STATEWIDE BASIS WHEN DEVELOPING
22 CRITERIA FOR THE FEASIBILITY STUDY:

23 (a) THE NUMBER OF UNHOUSED PERSONS LIVING WITH SERIOUS
24 MENTAL ILLNESS;

25 (b) THE CURRENT BED CAPACITY FOR INPATIENT AND RESIDENTIAL
26 PSYCHIATRIC UNITS;

27 (c) CURRENT MAXIMUM CAPACITY OF FORENSIC AND CIVIL BEDS;

1 (d) CURRENT BED CAPACITY FOR SHORT-TERM HOSPITAL STAYS
2 AND LONG-TERM HOSPITAL STAYS;

3 (e) CURRENT BED CAPACITY FOR STEP-DOWN FACILITIES AND
4 TRANSITIONAL HOUSING, INCLUDING, BUT NOT LIMITED TO, OUTPATIENT
5 UNITS WITH SUPPORTIVE SERVICES FOR PERSONS LIVING WITH SERIOUS
6 MENTAL ILLNESS, INCLUDING SUPPORTIVE PERMANENT HOUSING;

7 (f) THE AVERAGE MONTHLY WAIT LIST FOR EACH BED CATEGORY
8 STATED IN SUBSECTION (3)(b) THROUGH (3)(e) OF THIS SECTION;

9 (g) APPROPRIATE READMISSION DATA FOR PEOPLE WHO ARE
10 CYCLING IN AND OUT OF SHORT-TERM PSYCHIATRIC HOSPITAL STAYS;

11 (h) BARRIERS DUE TO PAYMENT SOURCES IN ACCESSING
12 TREATMENT BEDS;

13
14 (i) CURRENT BEHAVIORAL HEALTH-CARE WORKFORCE SHORTAGE
15 NUMBERS;

16 (j) CURRENT CAPACITY OF COMMUNITY-BASED SERVICES
17 RELEVANT FOR PERSONS LIVING WITH SERIOUS MENTAL ILLNESS;

18 (k) GAPS BETWEEN THE NUMBER OF UNHOUSED PERSONS LIVING
19 WITH SERIOUS MENTAL ILLNESS AND CURRENT STATEWIDE
20 INFRASTRUCTURE CONCERNING THE INFORMATION DESCRIBED IN
21 SUBSECTIONS (4)(a) TO (4)(j) OF THIS SECTION;

22 (l) THE COST TO THE STATE IF THE STATE PROVIDES FUNDING TO
23 ALLOW LONGER THAN FIFTEEN-DAY TREATMENT STAYS UNDER THE
24 CURRENT BEHAVIORAL HEALTH SYSTEM, REGARDLESS OF THE
25 INDIVIDUAL'S ABILITY TO PAY;

26 (m) THE CAPACITY OF THE JUDICIAL SYSTEM, INCLUDING THE CIVIL
27 SYSTEM, BY JUDICIAL DISTRICT, TO MEET EXISTING DEMAND FOR

1 DIVERSION, COURT-ORDERED CARE PLANS, PETITIONS OF COURT-ORDERED
2 PLANS, AND GUARDIANSHIP PROCEEDINGS;

3 (n) JUDICIAL PROCESSES RELATED TO DIVERSION, COURT-ORDERED
4 CARE PLANS, PETITIONS OF COURT-ORDERED PLANS, GUARDIANSHIP
5 PROCEEDINGS, AND ENSURING CONSTITUTIONAL RIGHTS;

6 (o) CURRENT DEMAND AND CAPACITY FOR STATEWIDE
7 GUARDIANSHIP SERVICES DISAGGREGATED BY PUBLIC AND PRIVATE
8 GUARDIANSHIP;

9 (p) METHODOLOGY THAT ILLUSTRATES POTENTIAL COST SAVINGS
10 AND COST AVOIDANCE ASSOCIATED WITH DIVERSION, TREATMENT,
11 COMMUNITY-BASED SERVICES, AND SUPPORTIVE HOUSING INTERVENTIONS;

12 (q) PERSPECTIVES OF INDIVIDUALS WITH LIVED EXPERIENCES; ■

13 (r) DETAILED INFORMATION ABOUT APPROACHES CURRENTLY
14 BEING USED IN COLORADO TO CONNECT UNHOUSED INDIVIDUALS
15 EXPERIENCING SERIOUS MENTAL ILLNESS WITH OUTPATIENT TREATMENT,
16 SUPPORTIVE SERVICES AND HOUSING, SUCH AS CO-RESPONDER PROGRAMS,
17 COMPETENCY COURTS, AND OTHER INTERVENTIONS; AND

18 (s) DETAILED INFORMATION ABOUT APPROACHES OTHER STATES
19 ARE TAKING TO REMEDY THE ISSUES AND CONCERNS IDENTIFIED BY
20 EXPLORING THE ITEMS LISTED IN THIS SUBSECTION (4).

21 (5) ON OR BEFORE MARCH 1, 2024, THE STATE DEPARTMENT
22 SHALL SUBMIT A REPORT DETAILING THE FINDINGS AND
23 RECOMMENDATIONS FROM THE FEASIBILITY STUDY TO THE GENERAL
24 ASSEMBLY, THE GOVERNOR'S OFFICE, AND ANY IMPACTED STATE AGENCY
25 THAT INCLUDES, BUT IS NOT LIMITED TO, THE BEHAVIORAL HEALTH
26 ADMINISTRATION, DEPARTMENT OF LOCAL AFFAIRS, DEPARTMENT OF
27 PUBLIC SAFETY, AND JUDICIAL DEPARTMENT.

1 (6) FOR THE 2023-24 STATE FISCAL YEAR, THE GENERAL
2 ASSEMBLY SHALL APPROPRIATE THREE HUNDRED THOUSAND DOLLARS,
3 WITH ONE HUNDRED AND SIXTY THOUSAND DOLLARS APPROPRIATED FROM
4 THE GENERAL FUND AND ONE HUNDRED AND FORTY THOUSAND DOLLARS
5 APPROPRIATED FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND
6 CREATED IN SECTION 24-75-230, TO THE STATE DEPARTMENT FOR THE
7 PURPOSE OF CONDUCTING THE BEHAVIORAL HEALTH FEASIBILITY STUDY
8 PURSUANT TO THIS SECTION. ANY UNEXPENDED MONEY REMAINING AT
9 THE END OF THE 2023-24 STATE FISCAL YEAR FROM THIS APPROPRIATION
10 DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND, MAY BE
11 USED BY THE STATE DEPARTMENT IN THE 2024-25 STATE FISCAL YEAR
12 WITHOUT FURTHER APPROPRIATION, AND MUST NOT BE USED FOR ANY
13 OTHER PURPOSE OTHER THAN THE PURPOSE SET FORTH IN THIS SECTION.

14 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
15 \$300,000 is appropriated to the department of human services for use by
16 the office of behavioral health. This appropriation consists of \$160,000
17 from the general fund and \$140,000 from the behavioral and mental
18 health cash fund created in section 24-75-230 (2)(a), C.R.S. To
19 implement this act, the office may use this appropriation for
20 administration.

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