

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

2nd REREVISED

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

LLS NO. 23-0853.01 Shelby Ross x4510

HOUSE BILL 23-1236

HOUSE SPONSORSHIP

**Young and Amabile**, Bacon, Bird, Boesenecker, Brown, Dickson, Duran, Froelich, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Lieder, Lindsay, Marshall, McCluskie, McCormick, McLachlan, Michaelson Jenet, Ortiz, Sharbini, Snyder, Story, Velasco

SENATE SPONSORSHIP

**Kolker and Simpson**, Cutter, Exum, Ginal, Hansen, Jaquez Lewis, Marchman, Pelton B., Priola, Winter F.

House Committees

Public & Behavioral Health & Human Services

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 CONCERNING IMPLEMENTATION UPDATES TO THE BEHAVIORAL  
102 HEALTH ADMINISTRATION, AND, IN CONNECTION THEREWITH  
103 MAKING AND REDUCING 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>.)*

**Sections 1, 5, 13, and 22** transfer administrative responsibilities from the behavioral health administration (BHA) to the department of human services (department).

**Section 2, 3, 11, and 12** transfer administrative responsibilities from the office of behavioral health (OBH) to the department.

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.*

SENATE  
Amended 3rd Reading  
May 2, 2023

SENATE  
Recall 3rd Reading  
May 2, 2023

SENATE  
3rd Reading Unamended  
May 2, 2023

SENATE  
Amended 2nd Reading  
May 1, 2023

HOUSE  
3rd Reading Unamended  
April 11, 2023

HOUSE  
Amended 2nd Reading  
April 10, 2023

**Sections 4, 10, 24, 26, and 27** transfer administrative responsibilities from OBH to the BHA.

**Section 6** transfers administrative responsibilities from the department to the BHA.

**Section 7** repeals OBH as an office in the department.

**Section 8** requires the chief information officer of the office of information technology to invite the commissioner of the BHA to select a member to represent the BHA on the government data advisory board.

**Section 9** adds the commissioner of the BHA to the health equity commission.

**Section 15** states that the BHA is a health oversight agency charged with overseeing the behavioral health-care system in Colorado and discharging the BHA's duties.

**Section 16** authorizes the BHA to seek, accept, and expend gifts, grants, or donations for the purpose of administering any behavioral health program and service.

**Section 17** requires a behavioral health safety net provider to include services that address the necessary language and cultural barriers to serve communities of color and other underserved populations.

Current law requires the BHA to create one regional subcommittee of the advisory council for each behavioral health administrative services organization region. **Section 18** requires the BHA to create a regional subcommittee structure of the advisory council that is not limited by the behavioral health administrative services organization region.

To implement the care navigation program, **Section 19** requires the BHA to provide, directly or through contract, care navigation services and align the care navigation services with the care coordination infrastructure.

**Section 20** continuously appropriates money to the 988 crisis hotline cash fund.

Current law specifies the rights of a person detained by a certified peace officer or emergency medical services provider and transported to an outpatient mental health facility or facility designated by the commissioner of the BHA. **Section 21** expands the rights to any person detained whether or not the person is transported to an outpatient mental health facility or facility designated by the commissioner of the BHA.

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

2           **SECTION 1.** In Colorado Revised Statutes, 16-8.5-111, **amend**  
3 (2)(b)(II)(B) as follows:

4           **16-8.5-111. Procedure after determination of competency or**

1 **incompetency.** (2) If the final determination made pursuant to section  
2 16-8.5-103 is that the defendant is incompetent to proceed, the court has  
3 the following options:

4 (b) (II) (B) As a condition of bond, the court shall order that the  
5 restoration take place on an outpatient basis. Pursuant to section  
6 27-60-105, ~~the behavioral health administration~~ in the department is the  
7 entity responsible for the oversight of restoration education and  
8 coordination of all competency restoration services. As a condition of  
9 release for outpatient restoration services, the court may require pretrial  
10 services, if available, to work with the ~~behavioral health administration~~  
11 DEPARTMENT and the restoration services provider under contract with the  
12 ~~behavioral health administration~~ DEPARTMENT to assist in securing  
13 appropriate support and care management services, which may include  
14 housing resources. The individual agency responsible for providing  
15 outpatient restoration services for the defendant shall notify the court or  
16 other designated agency within twenty-one days if restoration services  
17 have not commenced.

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19 **SECTION 2.** In Colorado Revised Statutes, 16-13-311, **amend**  
20 (3)(a)(VII)(B) as follows:

21 **16-13-311. Disposition of seized personal property.** (3) (a) If  
22 the prosecution prevails in the forfeiture action, the court shall order the  
23 property forfeited. Such order perfects the state's right and interest in and  
24 title to such property and relates back to the date when title to the property  
25 vested in the state pursuant to section 16-13-316. Except as otherwise  
26 provided in subsection (3)(c) of this section, the court shall also order  
27 such property to be sold at a public sale by the law enforcement agency

1 in possession of the property in the manner provided for sales on  
2 execution, or in another commercially reasonable manner. Property  
3 forfeited pursuant to this section or proceeds therefrom must be  
4 distributed or applied in the following order:

5 (VII) The balance must be delivered, upon order of the court, as  
6 follows:

7 (B) Twenty-five percent to the behavioral health administrative  
8 services organization contracting with the ~~office of~~ behavioral health  
9 ADMINISTRATION in the department of human services serving the judicial  
10 district where the forfeiture proceeding was prosecuted to fund  
11 detoxification and substance use disorder treatment. Money appropriated  
12 to the behavioral health administrative services organization must be in  
13 addition to, and not be used to supplant, other funding appropriated to the  
14 ~~office of~~ behavioral health ADMINISTRATION; and

15 **SECTION 3.** In Colorado Revised Statutes, 19-2.5-704, **amend**  
16 (2)(b) as follows:

17 **19-2.5-704. Procedure after determination of competency or**  
18 **incompetency.** (2) (b) Pursuant to section 27-60-105, ~~the behavioral~~  
19 ~~health administration~~ in the department of human services is the entity  
20 responsible for the oversight of restoration education and coordination of  
21 services necessary to competency restoration.

22 **SECTION 4.** In Colorado Revised Statutes, 19-3-304.4, **amend**  
23 (1)(d)(I)(J) as follows:

24 **19-3-304.4. Pre-adolescent services task force - duties - report**  
25 **- repeal.** (1) (d) (I) The task force shall convene on or before August 1,  
26 2022. The appointing authorities shall appoint persons from throughout  
27 the state, persons with a disability, and persons who reflect the racial and

1 ethnic diversity of the state. The task force consists of:

2 (J) A representative of the behavioral health administration with  
3 expertise concerning the development and operation of rapid crisis  
4 response teams, appointed by the ~~executive director of the department of~~  
5 ~~human services~~ COMMISSIONER OF THE BEHAVIORAL HEALTH  
6 ADMINISTRATION;

7 **SECTION 5.** In Colorado Revised Statutes, 24-1-120, **repeal**  
8 (6)(d) as follows:

9 **24-1-120. Department of human services - creation.** (6) The  
10 department consists of the following divisions, units, offices, and boards:

11 (d) ~~The office of behavioral health in the department of human~~  
12 ~~services created pursuant to article 80 of title 27. The office of behavioral~~  
13 ~~health is a type 2 entity, as defined in section 24-1-105.~~

14 **SECTION 6.** In Colorado Revised Statutes, 24-37.5-702, **amend**  
15 (1)(c) as follows:

16 **24-37.5-702. Government data advisory board - created -**  
17 **duties - definitions.** (1) (c) (I) The remaining membership of the  
18 advisory board consists of persons from state agencies who are either  
19 experts in data or responsible for diverse aspects of data management  
20 within the member's respective department and who are selected by the  
21 head of the member's respective department to participate on the advisory  
22 board at the invitation of the chief information officer.

23 (II) THE CHIEF INFORMATION OFFICER SHALL INVITE THE  
24 COMMISSIONER OF THE BEHAVIORAL HEALTH ADMINISTRATION TO SELECT  
25 A MEMBER TO REPRESENT THE BEHAVIORAL HEALTH ADMINISTRATION ON  
26 THE ADVISORY BOARD.

27 **SECTION 7.** In Colorado Revised Statutes, 25-1.5-103, **amend**

1 (1)(a)(I)(A.5), (2)(a.3)(II), and (2)(b)(II); and add (1)(c)(III) as follows:

2 **25-1.5-103. Health facilities - powers and duties of department**  
3 **- rules - limitations on rules - definitions - repeal.** (1) The department  
4 has, in addition to all other powers and duties imposed upon it by law, the  
5 powers and duties provided in this section as follows:

6 (a) (I) (A.5) Notwithstanding the provisions of subsection  
7 (1)(a)(I)(A) of this section, after ~~June 30, 2023~~ DECEMBER 31, 2023, the  
8 department shall not issue a license to a community mental health center,  
9 an acute treatment unit, or a behavioral health entity. Prior to the  
10 expiration of any license issued by the department to such an entity, the  
11 entity shall apply to the behavioral health administration pursuant to part  
12 5 of article 50 of title 27. This subsection (1)(a)(I)(A.5) is repealed,  
13 effective ~~July 1, 2024~~ JANUARY 1, 2025.

14 (c) (III) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JANUARY  
15 1, 2025.

16 (2) As used in this section, unless the context otherwise requires:

17 (a.3) (II) This subsection (2)(a.3) is repealed, effective ~~July 1,~~  
18 ~~2024~~ JANUARY 1, 2025.

19 (b) (II) This subsection (2)(b) is repealed, effective ~~July 1, 2024~~  
20 JANUARY 1, 2025.

21 **SECTION 8.** In Colorado Revised Statutes, 25-1.5-302, **amend**  
22 (1) introductory portion as follows:

23 **25-1.5-302. Administration of medications - powers and duties**  
24 **of department - record checks - rules.** (1) The department has, in  
25 addition to all other powers and duties imposed upon it by law, the power  
26 to establish and maintain by rule a program for the administration of  
27 medications in facilities. The department of human services, THE

1 BEHAVIORAL HEALTH ADMINISTRATION, the department of health care  
2 policy and financing, and the department of corrections shall develop and  
3 conduct a medication administration program as provided in this part 3.  
4 A medication administration program developed pursuant to this  
5 subsection (1) must be conducted within the following guidelines:

6 **SECTION 9.** In Colorado Revised Statutes, 25-4-2206, **amend**  
7 (2)(a)(XII) and (2)(a)(XIII); and **add** (2)(a)(XIV) as follows:

8 **25-4-2206. Health equity commission - creation - repeal.**

9 (2) (a) The commission consists of the following ~~twenty-two~~  
10 TWENTY-THREE members, who are as follows:

11 (XII) The executive director of the department of corrections, or  
12 the executive director's designee; ~~and~~

13 (XIII) The executive director of the department of higher  
14 education, or the executive director's designee; AND

15 (XIV) THE COMMISSIONER OF THE BEHAVIORAL HEALTH  
16 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES, OR THE  
17 COMMISSIONER'S DESIGNEE.

18 **SECTION 10.** In Colorado Revised Statutes, 25-4-2209, **amend**  
19 (1)(a) as follows:

20 **25-4-2209. Culturally relevant and affirming health-care**  
21 **training - health-care providers - grants - definitions.** (1) As used in  
22 this section:

23 (a) "Priority populations" means people experiencing  
24 homelessness; people involved with the criminal justice system; Black  
25 people, indigenous people, and people of color; American Indians and  
26 Alaska natives; veterans; people who are lesbian, gay, bisexual,  
27 transgender, queer, or questioning; people of disproportionately affected

1 sexual orientations and gender identities; people who have AIDS or HIV;  
2 older adults; children and families; and people with disabilities, including  
3 people who are deaf and hard of hearing, people who are blind and  
4 deafblind, people with brain injuries, people with intellectual and  
5 developmental disabilities, people with other co-occurring disabilities;  
6 and other populations as deemed appropriate by the ~~office~~ of behavioral  
7 health ADMINISTRATION.

8 **SECTION 11.** In Colorado Revised Statutes, **recreate and**  
9 **reenact, with amendments, 25-27.6-104** as follows:

10 **25-27.6-104. License required - repeal.** (1) (a) ON OR AFTER  
11 JULY 1, 2022, IT IS UNLAWFUL FOR ANY PERSON, PARTNERSHIP,  
12 ASSOCIATION, OR CORPORATION TO CONDUCT OR MAINTAIN A BEHAVIORAL  
13 HEALTH ENTITY WITHOUT HAVING OBTAINED A LICENSE THEREFOR FROM  
14 THE DEPARTMENT.

15 (b) ON OR AFTER JULY 1, 2021, AN ENTITY SEEKING INITIAL  
16 LICENSURE AS A BEHAVIORAL HEALTH ENTITY SHALL APPLY FOR A  
17 BEHAVIORAL HEALTH ENTITY LICENSE IF THE ENTITY WOULD PREVIOUSLY  
18 HAVE BEEN LICENSED AS AN ACUTE TREATMENT UNIT, A COMMUNITY  
19 MENTAL HEALTH CENTER, A COMMUNITY MENTAL HEALTH CLINIC, OR A  
20 CRISIS STABILIZATION UNIT LICENSED AS A COMMUNITY CLINIC.

21 (c) A FACILITY LICENSED AS OF JUNE 30, 2021, AS AN ACUTE  
22 TREATMENT UNIT, A COMMUNITY MENTAL HEALTH CENTER, A COMMUNITY  
23 MENTAL HEALTH CLINIC, OR A CRISIS STABILIZATION UNIT LICENSED AS A  
24 COMMUNITY CLINIC SHALL APPLY FOR A BEHAVIORAL HEALTH ENTITY  
25 LICENSE PRIOR TO THE EXPIRATION OF THE FACILITY'S CURRENT LICENSE.  
26 SUCH A FACILITY IS SUBJECT TO THE STANDARDS UNDER WHICH IT IS  
27 LICENSED AS OF JULY 1, 2021, UNTIL SUCH TIME AS THE BEHAVIORAL



1 HEALTH ENTITY LICENSE IS ISSUED.

2 (2) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2024.

3 SECTION 12. In Colorado Revised Statutes, 25-27.6-108,

4 amend (2) as follows:

5 25-27.6-108. Behavioral health entity cash fund - created.

6 (2) On ~~June 30, 2024~~ DECEMBER 31, 2024, the state treasurer shall

7 transfer all unexpended and unencumbered money in the fund to the

8 behavioral health licensing cash fund created pursuant to section

9 27-50-506.

10 SECTION 13. In Colorado Revised Statutes, amend 25-27.6-112

11 as follows:

12 25-27.6-112. Repeal of article. This article 27.6 is repealed,

13 effective ~~July 1, 2024~~ JANUARY 1, 2025.

14 SECTION 14. In Colorado Revised Statutes, 25.5-5-325, amend

15 (2)(b)(I) as follows:

16 25.5-5-325. Residential and inpatient substance use disorder

17 treatment - medical detoxification services - federal approval -

18 performance review report. (2) (b) Prior to seeking federal approval

19 pursuant to subsection (2)(a) of this section, the state department shall

20 seek input from relevant stakeholders, including existing providers of

21 substance use disorder treatment and medical detoxification services and

22 behavioral health administrative services organizations. The state

23 department shall seek input and involve stakeholders in decisions

24 regarding:

25 (I) The coordination of benefits with behavioral health

26 administrative services organizations and ~~the office of behavioral health~~

27 in the department of human services;

1           **SECTION 15**. In Colorado Revised Statutes, 25.5-5-803, **amend**  
2 (1) as follows:

3           **25.5-5-803. High-fidelity wraparound services for children**  
4 **and youth - federal approval - reporting.** (1) Subject to available  
5 appropriations, the state department shall seek federal authorization from  
6 the federal centers for medicare and medicaid services to provide  
7 wraparound services for eligible children and youth who are at risk of  
8 out-of-home placement or in an out-of-home placement. Prior to seeking  
9 federal authorization, the state department shall seek input from relevant  
10 stakeholders including counties, managed care entities participating in the  
11 statewide managed care system, families of children and youth with  
12 behavioral health disorders, communities that have previously  
13 implemented wraparound services, mental health professionals, the  
14 behavioral health administration and the office of behavioral health in the  
15 department of human services, and other relevant departments. The state  
16 department shall consider tiered care coordination as an approach when  
17 developing the wraparound model.

18           **SECTION 16**. In Colorado Revised Statutes, 26-5-117, **amend**  
19 (2)(a), (2)(b)(I), (2)(c), (4)(a) introductory portion, (4)(a)(II), (4)(b),  
20 (4)(c), (4)(d), (5), and (8); and **repeal** (2)(b)(II) as follows:

21           **26-5-117. Out-of-home placement for children and youth with**  
22 **mental or behavioral needs - funding - report - rules - legislative**  
23 **declaration - definitions - repeal.** (2) (a) The ~~BHA~~ STATE DEPARTMENT  
24 shall develop a program to provide emergency resources to licensed  
25 providers to help remove barriers such providers face in serving children  
26 and youth whose behavioral or mental health needs require services and  
27 treatment in a residential child care facility. Any such licensed provider

1 shall meet the requirements of a qualified residential treatment program,  
2 as defined in section 26-5.4-102; a psychiatric residential treatment  
3 facility, as defined in section 25.5-4-103 (19.5); treatment foster care; or  
4 therapeutic foster care.

5 (b) (I) Beginning July 1, 2022, the ~~BHA~~ STATE DEPARTMENT shall  
6 provide ongoing operational support for psychiatric residential treatment  
7 facilities, therapeutic foster care, treatment foster care, and qualified  
8 residential treatment programs as described in subsection (2)(a) of this  
9 section.

10 (II) ~~For the 2022-23 budget year, the general assembly shall~~  
11 ~~appropriate money from the behavioral and mental health cash fund~~  
12 ~~created in section 24-75-230 to the BHA to fund operational support for~~  
13 ~~psychiatric residential treatment facilities for youth, qualified residential~~  
14 ~~treatment programs, therapeutic foster care, and treatment foster care for~~  
15 ~~youth across the state as described in this subsection (2).~~

16 (c) The ~~BHA~~ STATE DEPARTMENT and any person who receives  
17 money from the ~~BHA~~ STATE DEPARTMENT shall comply with the  
18 compliance, reporting, record-keeping, and program evaluation  
19 requirements established by the office of state planning and budgeting  
20 and the state controller in accordance with section 24-75-226 (5).

21 (4) (a) The ~~BHA~~ STATE DEPARTMENT shall contract with licensed  
22 providers for the delivery of services to children and youth who are  
23 determined eligible for and placed in the program. A provider that  
24 contracts with the ~~BHA~~ STATE DEPARTMENT shall not:

25 (II) Discharge a child or youth based on the severity or complexity  
26 of the child's or youth's physical, behavioral, or mental health needs;  
27 except that the ~~BHA~~ STATE DEPARTMENT may arrange for the placement

1 of a child or youth with an alternate contracted provider if the placement  
2 with the alternate provider is better suited to deliver services that meet the  
3 needs of the child or youth.

4 (b) The ~~BHA~~ STATE DEPARTMENT shall reimburse a provider  
5 directly for the costs associated with the placement of a child or youth in  
6 the program for the duration of the treatment, including the costs the  
7 provider demonstrates are necessary in order for the provider to operate  
8 continuously during this period.

9 (c) The ~~BHA~~ STATE DEPARTMENT shall coordinate with the  
10 department of health care policy and financing to support continuity of  
11 care and payment for services for any children or youth placed in the  
12 program.

13 (d) The ~~BHA~~ STATE DEPARTMENT shall reimburse the provider  
14 one hundred percent of the cost of unutilized beds in the program to  
15 ensure available space for emergency residential out-of-home placements.

16 (5) (a) A hospital, health-care provider, provider of case  
17 management services, school district, managed care entity, or state or  
18 county department of human or social services may refer a family for the  
19 placement of a child or youth in the program. The entity referring a child  
20 or youth for placement in the program shall submit or assist the family  
21 with submitting an application to the ~~BHA~~ STATE DEPARTMENT for  
22 review. The ~~BHA~~ STATE DEPARTMENT shall consider each application as  
23 space becomes available. The ~~BHA~~ STATE DEPARTMENT shall approve  
24 admissions into the program and determine admission and discharge  
25 criteria for placement.

26 (b) The ~~BHA~~ STATE DEPARTMENT shall develop a discharge plan  
27 for each child or youth placed in the program. The plan must include the

1 eligible period of placement of the child or youth and ~~shall~~ MUST identify  
2 the entity that will be responsible for the placement costs if the child or  
3 youth remains with the provider beyond the date of eligibility identified  
4 in the plan.

5 (c) The entity or family that places the child or youth in the  
6 program retains the right to remove the child or youth from the program  
7 any time prior to the discharge date specified by the BHA STATE  
8 DEPARTMENT.

9 (8) This section is intended to provide enhanced emergency  
10 services resulting from the increased need for services due to the  
11 COVID-19 pandemic. No later than September 30, 2024, the BHA STATE  
12 DEPARTMENT shall submit recommendations to the house of  
13 representatives public and behavioral health and human services  
14 committee, the senate health and human services committee, or their  
15 successor committees, and the joint budget committee about how to  
16 provide necessary services for children and youth in need of residential  
17 care, including hospital step-down services on an ongoing basis.

18 **SECTION 17.** In Colorado Revised Statutes, 27-50-101, **amend**  
19 **(4), (7), (11) introductory portion, and (13); and repeal (11)(g)** as  
20 follows:

21 **27-50-101. Definitions.** As used in this article 50, unless the  
22 context otherwise requires:

23 (4) "Behavioral health entity" means a facility or provider  
24 organization engaged in providing community-based health services,  
25 which may include services for a behavioral health disorder but does not  
26 include residential child care facilities, as defined in section 26-6-903  
27 (29), detention and commitment facilities operated by the division of

1 youth services within the department of human services or services  
2 provided by a licensed or certified mental health-care provider under the  
3 provider's individual professional practice act on the provider's own  
4 premises.

5 (7) "Behavioral health safety net provider" means ~~any and all~~  
6 ~~behavioral health safety net providers 27-50-301 (5), including~~  
7 comprehensive community behavioral health providers and essential  
8 behavioral health safety net providers. A community mental health center  
9 pursuant to 42 U.S.C. sec. 300x-2(c) and that is licensed as a behavioral  
10 health entity may apply to be approved as a comprehensive community  
11 behavioral health provider, an essential behavioral health safety net  
12 provider, or both.

13 (11) "Comprehensive community behavioral health provider"  
14 means a licensed behavioral health entity OR BEHAVIORAL HEALTH  
15 PROVIDER approved by the behavioral health administration to provide  
16 CARE COORDINATION AND the following behavioral health safety net  
17 services, either directly or through formal agreements with behavioral  
18 health providers in the community or region:

19 (g) ~~Care coordination;~~

20 (13) "Essential behavioral health safety net provider" means a  
21 licensed behavioral health entity or behavioral health provider approved  
22 by the behavioral health administration to provide CARE COORDINATION  
23 AND at least one of the FOLLOWING behavioral health safety net services:  
24 ~~described in subsection (11) of this section~~

25 (a) EMERGENCY OR CRISIS BEHAVIORAL HEALTH SERVICES;

26 (b) BEHAVIORAL HEALTH OUTPATIENT SERVICES;

27 (c) BEHAVIORAL HEALTH HIGH-INTENSITY OUTPATIENT SERVICES;

- 1 (d) BEHAVIORAL HEALTH RESIDENTIAL SERVICES;
- 2 (e) WITHDRAWAL MANAGEMENT SERVICES;
- 3 (f) BEHAVIORAL HEALTH INPATIENT SERVICES;
- 4 (g) INTEGRATED CARE SERVICES;
- 5 [REDACTED]
- 6 (h) HOSPITAL ALTERNATIVES; OR
- 7 (i) ADDITIONAL SERVICES THAT THE BEHAVIORAL HEALTH
- 8 ADMINISTRATION DETERMINES ARE NECESSARY IN A REGION OR
- 9 THROUGHOUT THE STATE.

10 **SECTION 18.** In Colorado Revised Statutes, 27-50-102, **add** (3)  
11 as follows:

12 **27-50-102. Behavioral health administration - creation -**  
13 **coordination - health oversight agency.** (3) FOR THE PURPOSE OF  
14 OVERSEEING THE BEHAVIORAL HEALTH CARE SYSTEM IN COLORADO AND  
15 DISCHARGING THE BHA'S DUTIES AS DESCRIBED IN THIS ARTICLE 50, THE  
16 BHA IS A HEALTH OVERSIGHT AGENCY, AS DEFINED IN 45 CFR 164.501.

17 **SECTION 19.** In Colorado Revised Statutes, 27-50-105, **amend**  
18 (1)(dd); and **add** (4) as follows:

19 **27-50-105. Administration of behavioral health programs -**  
20 **state plan - sole mental health authority - gifts, grants, or donations.**

21 (1) The BHA shall administer and provide the following behavioral  
22 health programs and services:

23 (dd) The care navigation program pursuant to ~~section 27-80-119~~  
24 SECTION 27-60-204;

25 (4) THE BHA MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR  
26 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSE OF  
27 ADMINISTERING ANY BEHAVIORAL HEALTH PROGRAM OR SERVICE

1 DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE COMMISSIONER, WITH  
2 THE APPROVAL OF THE GOVERNOR, MAY DIRECT THE DISPOSITION OF ANY  
3 GIFT, GRANT, OR DONATION FOR ANY PURPOSE CONSISTENT WITH THE  
4 TERMS AND CONDITIONS FOR WHICH THE GIFT, GRANT, OR DONATION WAS  
5 GIVEN.

6 **SECTION 20.** In Colorado Revised Statutes, 27-50-106, **amend**  
7 **(1) introductory portion and (1)(a) as follows:**

8 **27-50-106. Transfer of functions.** (1) The powers, duties, and  
9 functions previously administered by the department of public health and  
10 environment concerning licensing behavioral health entities pursuant to  
11 article 27.6 of title 25 shall transfer to the BHA over a period of two  
12 years, with all functions fully transferred to the BHA by ~~July 1, 2024~~  
13 JANUARY 1, 2025, as follows:

14 (a) The department of public health and environment shall  
15 continue issuing and renewing behavioral health entity licenses until ~~June~~  
16 ~~30, 2023~~ SEPTEMBER 30, 2023, after which date the department of public  
17 health and environment shall not renew or confer any new behavioral  
18 health entity licenses. Behavioral health entities that are licensed by the  
19 department of public health and environment are subject to the rules and  
20 orders of the department of public health and environment until such rules  
21 and orders are revised, amended, repealed, or nullified. The department  
22 of public health and environment shall continue compliance monitoring  
23 and enforcement activities until all licenses the department of public  
24 health and environment has conferred are expired, revoked, or  
25 surrendered, but not after ~~June 30, 2024~~ DECEMBER 31, 2025.

26 **SECTION 21.** In Colorado Revised Statutes, 27-50-201, **amend**  
27 **(5) as follows:**



1           **27-50-201. Behavioral health system monitoring - capacity -**  
2 **safety net performance.** (5) (a) The BHA shall collaborate with the  
3 department of health care policy and financing to establish data collection  
4 and reporting requirements that align with the performance standards  
5 established in this section and that are of a high value in promoting  
6 systemic improvements. In establishing data collection and reporting  
7 requirements, the BHA must consider the impact on behavioral health  
8 providers and clients and state information technology systems.

9           (b) WHERE APPLICABLE, THE BHA SHALL COORDINATE WITH THE  
10 HEALTH INFORMATION ORGANIZATION NETWORKS TO PRIORITIZE  
11 LEVERAGING THE HEALTH INFORMATION ORGANIZATION NETWORK  
12 INFRASTRUCTURE TO MEET THE REQUIREMENTS OF THIS SECTION AND TO  
13 PROMOTE THE INTEROPERABLE EXCHANGE OF DATA TO IMPROVE THE  
14 QUALITY OF PATIENT CARE. THE BHA SHALL COORDINATE WITH THE  
15 HEALTH INFORMATION ORGANIZATION NETWORKS ON RELEVANT  
16 PROVISIONS OF THE UNIVERSAL CONTRACT PURSUANT TO SECTION  
17 27-50-203 (1)(a).

18           **SECTION 22.** In Colorado Revised Statutes, 27-50-301, **amend**  
19 **(1)** as follows:

20           **27-50-301. Behavioral health safety net system**  
21 **implementation.** (1) No later than July 1, 2024, the BHA, in  
22 collaboration with the department of health care policy and financing and  
23 the department of public health and environment, shall establish a  
24 comprehensive and standardized behavioral health safety net system  
25 throughout the state that must include behavioral health safety net  
26 services for children, youth, and adults, INCLUDING ADULTS WHO HAVE A  
27 SERIOUS MENTAL ILLNESS AND CHILDREN AND YOUTH WHO HAVE A

1 SERIOUS EMOTIONAL DISTURBANCE, along a continuum of care.

2 SECTION 23. In Colorado Revised Statutes, 27-50-302, add  
3 (4)(f) as follows:

4 27-50-302. Requirement to serve priority populations -  
5 screening and triage for individuals in need of behavioral health  
6 services - referrals. (4) (f) A BEHAVIORAL HEALTH SAFETY NET  
7 PROVIDER SHALL INCLUDE SERVICES THAT ADDRESS THE LANGUAGE,  
8 ABILITY, AND CULTURAL BARRIERS, AS NECESSARY, TO SERVE  
9 COMMUNITIES OF COLOR AND OTHER UNDERSERVED POPULATIONS.

10 SECTION 24. In Colorado Revised Statutes, amend 27-50-401  
11 as follows:

12 27-50-401. Regional behavioral health administrative services  
13 organizations - establishment. (1) No later than July 1, 2024 JULY 1,  
14 2025, the commissioner BHA shall select and contract with regionally  
15 based INFORMED behavioral health organizations to establish, administer,  
16 and maintain adequate networks of behavioral health safety net services  
17 and care coordination, as described in part 3 of this article 50.

18 (2) The commissioner BHA shall designate regions of the state  
19 ESTABLISH A COMMUNITY-INFORMED STRUCTURE for a behavioral health  
20 administrative services organizations ORGANIZATION to operate. In  
21 establishing regions THE BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES  
22 ORGANIZATION STRUCTURE, the commissioner BHA shall consult with the  
23 department of health care policy and financing to ensure consideration of  
24 the regional structure that serves the medicaid population.

25 SECTION 25. In Colorado Revised Statutes, 27-50-402, amend  
26 (2) introductory portion as follows:

27 27-50-402. Behavioral health administrative services

1 **organizations - application - designation - denial - revocation.** (2) The  
2 commissioner shall select a behavioral health administrative services  
3 organization based on factors established by BHA rules and the  
4 "Procurement Code", articles 101 to 112 of title 24. THE BHA SHALL  
5 REQUIRE AN APPLICANT TO FURNISH LETTERS OF SUPPORT FROM  
6 STAKEHOLDERS IN THE REGION THE APPLICANT IS APPLYING TO CONTRACT  
7 FOR, INCLUDING, BUT NOT LIMITED TO, COUNTY COMMISSIONERS AND  
8 ADVOCACY OR COMMUNITY-BASED ORGANIZATIONS. THE LETTERS OF  
9 SUPPORT MUST DEMONSTRATE THE APPLICANT'S ABILITY TO SERVE THE  
10 COMMUNITY. The factors for selection must include, but are not limited  
11 to, the following:

12 **SECTION 26.** In Colorado Revised Statutes, 27-50-501, **amend**  
13 (1)(a), (1)(b) introductory portion, and (1)(c) as follows:

14 **27-50-501. Behavioral health entities - license required -**  
15 **criminal and civil penalties.** (1) (a) On and after ~~July 1, 2024~~ JANUARY  
16 1, 2024, it is unlawful for any person, partnership, association, or  
17 corporation to conduct or maintain a behavioral health entity, including  
18 a substance use disorder program or alcohol use disorder program,  
19 without having obtained a license from the BHA.

20 (b) On and after ~~July 1, 2023~~ JANUARY 1, 2024, an entity seeking  
21 initial licensure as a behavioral health entity shall apply for a behavioral  
22 health entity license from the BHA if the entity would previously have  
23 been licensed or subject to any of the following:

24 (c) A facility with a license or approval on or before ~~June 30,~~  
25 ~~2023~~ DECEMBER 31, 2023, as a behavioral health entity or a substance use  
26 disorder program, shall apply for a behavioral health entity license prior  
27 to the expiration of the facility's current license or approval. Such a

1 facility is subject to the standards under which it is licensed or approved  
2 as of ~~July 1, 2023~~ JANUARY 1, 2024, until such time as the BHA's  
3 behavioral health entity license is issued or denied.

4 **SECTION 27.** In Colorado Revised Statutes, 27-50-502, **amend**  
5 (1) introductory portion as follows:

6 **27-50-502. Behavioral health entities - minimum standard -**  
7 **rules.** (1) No later than ~~April 30, 2023~~ JANUARY 1, 2024, the BHA shall  
8 promulgate rules pursuant to section 24-4-103 providing minimum  
9 standards for the operation of behavioral health entities within the state,  
10 including the following:

11 **SECTION 28.** In Colorado Revised Statutes, 27-50-504, **amend**  
12 (1)(a) as follows:

13 **27-50-504. License fees - rules.** (1) (a) By ~~April 30, 2023~~  
14 JANUARY 1, 2024, the commissioner shall promulgate rules establishing  
15 a schedule of fees sufficient to meet the direct and indirect costs of  
16 administration and enforcement of this part 5.

17 **SECTION 29.** In Colorado Revised Statutes, 27-50-505, **amend**  
18 (2) as follows:

19 **27-50-505. License - denial - suspension - revocation.**  
20 (2) (a) The BHA may suspend, revoke, or refuse to renew the license of  
21 any behavioral health entity that is out of compliance with the  
22 requirements of this part 5 or the rules promulgated pursuant to this part  
23 5. Suspension, revocation, or refusal must not occur until after a hearing  
24 and in compliance with the provisions and procedures specified in article  
25 4 of title 24; EXCEPT THAT THE BHA MAY SUMMARILY SUSPEND A  
26 BEHAVIORAL HEALTH ENTITY'S LICENSE BEFORE A HEARING IN  
27 ACCORDANCE WITH SECTION 24-4-104 (4)(a).

1 (b) AFTER CONDUCTING A HEARING IN ACCORDANCE WITH ARTICLE  
2 4 OF TITLE 24, THE BHA MAY REVOKE OR REFUSE TO RENEW A  
3 BEHAVIORAL HEALTH ENTITY'S LICENSE IF THE OWNER, MANAGER, OR  
4 ADMINISTRATOR OF THE BEHAVIORAL HEALTH ENTITY HAS BEEN  
5 CONVICTED OF A FELONY OR MISDEMEANOR INVOLVING CONDUCT THAT  
6 THE BHA DETERMINES COULD POSE A RISK TO THE HEALTH, SAFETY, OR  
7 WELFARE OF THE BEHAVIORAL HEALTH ENTITY'S CONSUMERS.

8 **SECTION 30.** In Colorado Revised Statutes, 27-50-403, **amend**  
9 (1)(i); and **add** (1)(k) as follows:

10 **27-50-403. Behavioral health administrative services**  
11 **organizations - contract requirements - individual access - care**  
12 **coordination.** (1) The BHA shall develop a contract for designated  
13 behavioral health administrative services organizations, which must  
14 include, but is not limited to, the following:

15 (i) Any provisions necessary to ensure the behavioral health  
16 administrative services organization fulfills the functions provided in  
17 subsection (2) of this section; **and**

18 (k) A REQUIREMENT THAT THE BEHAVIORAL HEALTH  
19 ADMINISTRATIVE SERVICES ORGANIZATION PERFORM APPROPRIATE FISCAL  
20 MANAGEMENT AND QUALITY OVERSIGHT OF PROVIDERS IN ITS NETWORK  
21 WITHIN THE SCOPE OF THE PROVIDER'S CONTRACT, INCLUDING, BUT NOT  
22 LIMITED TO, THE BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES  
23 ORGANIZATION DIRECTLY ENGAGING IN AUDITS AND CORRECTIVE ACTION  
24 PLANS WITH PROVIDERS IN ITS NETWORK TO ENSURE COMPLIANCE WITH  
25 THE CONTRACT.

26 **SECTION 31.** In Colorado Revised Statutes, 27-50-703, **amend**  
27 (1) and (3); and **add** (1.3) and (1.5) as follows:

1           **27-50-703. Advisory council - regional subcommittees -**  
2 **subcommittees - working groups.** (1) The BHA shall create ~~one~~ A  
3 regional subcommittee ~~of the advisory council~~ STRUCTURE AS PART OF  
4 THE BEHAVIORAL HEALTH ADMINISTRATIVE SERVICE ORGANIZATIONS TO  
5 PROMOTE LOCAL COMMUNITY INPUT PERTAINING TO BEHAVIORAL HEALTH  
6 SERVICE NEEDS. IN ESTABLISHING A REGIONAL SUBCOMMITTEE  
7 STRUCTURE, THE BHA SHALL, TO THE BEST OF THE BHA'S ABILITY, ALIGN  
8 GEOGRAPHICALLY WITH JUDICIAL DISTRICTS WHENEVER FEASIBLE, TAKING  
9 INTO CONSIDERATION COMMUNITY FEEDBACK ON WHERE AND HOW  
10 INDIVIDUALS RECEIVE SERVICES IN THEIR COMMUNITIES. ~~for each~~  
11 ~~behavioral health administrative services organization region established~~  
12 ~~pursuant to section 27-50-401.~~ Regional subcommittee members are  
13 appointed ~~by the commissioner~~ for three-year terms; except that initial  
14 terms may be for two years. ~~Each regional~~ THE subcommittee consists of  
15 NINE members. Membership of the regional subcommittees must include:  
16           (a) ~~At least~~ One individual with expertise in the behavioral health  
17 ~~needs of children and youth~~ APPOINTED BY A LOCAL OR REGIONAL PUBLIC  
18 HEALTH OR HUMAN SERVICE AGENCY WITHIN THE SUBCOMMITTEE'S  
19 REGION;  
20           (b) ~~At least~~ One individual who represents a behavioral health  
21 ~~safety net provider that operates within the region~~ APPOINTED BY A LOCAL  
22 OR REGIONAL PUBLIC HEALTH OR HUMAN SERVICE AGENCY WITHIN THE  
23 SUBCOMMITTEE'S REGION; ~~and~~  
24           (c) A county commissioner of a county situated within the region  
25 APPOINTED BY THE BHA;  
26           (d) ONE INDIVIDUAL WITH A CONNECTION TO A KINDERGARTEN  
27 THROUGH TWELFTH GRADE SCHOOL DISTRICT WITHIN THE

1 SUBCOMMITTEE'S REGION APPOINTED BY A LOCAL OR REGIONAL PUBLIC  
2 HEALTH OR HUMAN SERVICE AGENCY WITHIN THE SUBCOMMITTEE'S  
3 REGION;

4 (e) ONE INDIVIDUAL WITH THE CRIMINAL JUSTICE SYSTEM WITHIN  
5 THE SUBCOMMITTEE'S REGION APPOINTED BY A LOCAL OR REGIONAL  
6 PUBLIC HEALTH OR HUMAN SERVICE AGENCY WITHIN THE SUBCOMMITTEE'S  
7 REGION;

8 (f) ONE INDIVIDUAL WITH LIVED EXPERIENCE OR A COMMUNITY  
9 MEMBER WHO IS NOT ALSO A BEHAVIORAL HEALTH PROVIDER APPOINTED  
10 BY A LOCAL OR REGIONAL PUBLIC HEALTH OR HUMAN SERVICE AGENCY  
11 WITHIN THE SUBCOMMITTEE'S REGION;

12 (g) ONE INDIVIDUAL WITH LIVED EXPERIENCE APPOINTED BY THE  
13 BHA; AND

14 (h) TWO INDIVIDUALS WITH LIVED EXPERIENCE NOT ASSOCIATED  
15 WITH A BEHAVIORAL HEALTH TREATMENT PROVIDER APPOINTED BY THE  
16 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICE ORGANIZATION CREATED  
17 PURSUANT TO PART 4 OF THIS ARTICLE 50 THAT REPRESENT THE  
18 SUBCOMMITTEE'S REGION.

19 (1.3) THE REGIONAL SUBCOMMITTEE IS CREATED TO DIRECTLY  
20 INFORM THE BEHAVIORAL HEALTH ADMINISTRATIVE SERVICE  
21 ORGANIZATION IN THE REGION IN ORDER TO IMPROVE SERVICES,  
22 ACCOUNTABILITY, AND TRANSPARENCY IN THE REGION. THE BEHAVIORAL  
23 HEALTH ADMINISTRATIVE SERVICE ORGANIZATION SHALL STAFF ALL  
24 SUBCOMMITTEE MEETINGS, WHICH SHALL MEET A MINIMUM OF SIX TIMES  
25 A YEAR AND ALLOW FOR PUBLIC COMMENT DURING EACH MEETING. THE  
26 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICE ORGANIZATION SHALL  
27 ENGAGE WITH THE REGIONAL SUBCOMMITTEE, AT A MINIMUM, ON THE

1 FOLLOWING AREAS:

2 (a) WHEN DETERMINING WHAT SERVICES ARE NEEDED TO  
3 ESTABLISH A FULL CONTINUUM OF CARE IN THE REGION;

4 (b) WHEN ADDRESSING BARRIERS TO INDIVIDUALS ACCESSING  
5 QUALITY AND TIMELY CARE IN THE REGION; AND

6 (c) NEEDED SPECIALTY SERVICES FOR PRIORITY POPULATIONS.

7 (1.5) THE BEHAVIORAL HEALTH ADMINISTRATION ADVISORY  
8 COUNCIL, CREATED PURSUANT TO SECTION 27-50-701, SHALL ESTABLISH  
9 A PROCESS TO RECEIVE DIRECT FEEDBACK FROM THE REGIONAL  
10 SUBCOMMITTEE THROUGHOUT THE YEAR TO CONSIDER INCLUDING IN THE  
11 BEHAVIORAL HEALTH ADMINISTRATION ADVISORY COUNCIL'S ANNUAL  
12 REPORT REQUIRED PURSUANT TO SECTION 27-50-701 (2)(d).

13 (3) ~~Each~~ UNLESS COMMITTEE MEMBERSHIP IS ESTABLISHED  
14 PURSUANT TO STATE OR FEDERAL LAW, THE REGIONAL SUBCOMMITTEE  
15 AND committee membership shall maintain a majority of members who  
16 represent individuals with lived behavioral health experience or families  
17 of individuals with lived behavioral health experience.

18 **SECTION 32.** In Colorado Revised Statutes, 27-60-105, **amend**  
19 (2), (4)(d), (4)(e), (5), (5)(d), and (5)(e); **repeal** (4)(f) and (5)(f); and **add**  
20 (4.5) and (5.5) as follows:

21 **27-60-105. Outpatient restoration to competency services -**  
22 **jail-based behavioral health services - responsible entity - duties -**  
23 **report - legislative declaration.** (2) The state department serves as a  
24 central organizing structure and responsible entity for the provision of  
25 competency restoration education services AND coordination of  
26 competency restoration services ordered by the court pursuant to section  
27 16-8.5-111 (2)(b) or 19-2.5-704 (2), and THE BEHAVIORAL HEALTH



1 ADMINISTRATION SERVES AS THE CENTRAL ORGANIZING STRUCTURE AND  
2 RESPONSIBLE ENTITY FOR jail-based behavioral health services pursuant  
3 to section 27-60-106.

4 (4) Beginning July 1, 2019, the state department has the following  
5 duties and responsibilities, subject to available appropriations:

6 (d) To engage with key stakeholders in the juvenile and adult  
7 justice systems to develop best practices in the delivery of competency  
8 restoration services; AND

9 (e) To make recommendations for legislation. and

10 (f) ~~To oversee the functions of the jail-based behavioral health~~  
11 ~~services program created in section 27-60-106.~~

12 (4.5) BEGINNING JULY 1, 2023, SUBJECT TO AVAILABLE  
13 APPROPRIATIONS, THE BEHAVIORAL HEALTH ADMINISTRATION SHALL  
14 OVERSEE FUNCTIONS OF THE JAIL-BASED BEHAVIORAL HEALTH SERVICES  
15 PROGRAM CREATED IN SECTION 2 27-60-106.

16 (5) Notwithstanding section 24-1-136 (11)(a)(I), on or before  
17 January 1, 2019, and every January 1 thereafter, the state department shall  
18 submit an annual written report to the general assembly summarizing the  
19 state department's provision of competency restoration education AND its  
20 efforts toward the coordination of competency restoration education with  
21 other existing services and the results of the jail-based behavioral health  
22 services program created in section 27-60-106. The report must include:

23 (d) A description of opportunities to maximize and increase  
24 available resources and funding; AND

25 (e) A description of gaps in and conflicts with existing funding,  
26 services, and programming essential to the effective restoration of  
27 competency for juveniles and adults; and

1           ~~(f) A description of the services funded through the jail-based~~  
2 ~~behavioral health services program created in section 27-60-106.~~

3           (5.5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR  
4 BEFORE JANUARY 1, 2024, AND EVERY JANUARY 1 THEREAFTER, THE  
5 BEHAVIORAL HEALTH ADMINISTRATION SHALL SUBMIT AN ANNUAL  
6 WRITTEN REPORT TO THE GENERAL ASSEMBLY SUMMARIZING THE RESULTS  
7 OF THE JAIL-BASED BEHAVIORAL HEALTH SERVICES PROGRAM CREATED IN  
8 SECTION 27-60-106. THE REPORT MUST INCLUDE A DESCRIPTION OF THE  
9 SERVICES FUNDED THROUGH THE JAIL-BASED BEHAVIORAL HEALTH  
10 SERVICES PROGRAM CREATED IN SECTION 27-60-106.

11           **SECTION 33.** In Colorado Revised Statutes, 27-60-104, **add**  
12 **(6.5) as follows:**

13           **27-60-104. Behavioral health crisis response system - crisis**  
14 **service facilities - walk-in centers - mobile response units - report.**

15           (6.5) FOR STATE FISCAL YEAR 2023-24, THE BHA SHALL SAFEGUARD  
16 PARTNERSHIPS BETWEEN COMMUNITY-BASED BEHAVIORAL HEALTH  
17 PROVIDERS AND RURAL HOSPITALS BY ALLOCATING MONEY TO  
18 COMMUNITY-BASED BEHAVIORAL HEALTH PROVIDERS.

19           **SECTION 34.** In Colorado Revised Statutes, 27-60-204, **amend**  
20 **(1)(a) introductory portion, (6)(c), and (6)(d); add (6)(e); and add with**  
21 **amended and relocated provisions (9) as follows:**

22           **27-60-204. Care coordination infrastructure - implementation**  
23 **- care navigation program - creation - report - rules - definition -**  
24 **repeal. (1) Care coordination infrastructure. (a) No later than July 1,**  
25 **2024, the BHA, in collaboration with the department of health care policy**  
26 **and financing, shall develop a statewide care coordination infrastructure**  
27 **to drive accountability and more effective behavioral health navigation**

1 to care that builds upon and collaborates with existing care coordination  
2 services. The infrastructure must include:

3 (6) Beginning January 2025, and each January thereafter, the  
4 department of health care policy and financing shall assess the care  
5 coordination services provided by managed care entities and provide a  
6 report as part of its "State Measurement for Accountable, Responsive, and  
7 Transparent (SMART) Government Act" hearing required by section  
8 2-7-203. At a minimum, the report must include:

9 (c) Data on efforts made to reconnect with individuals ~~that~~ WHO  
10 did not initially follow through on care coordination services; ~~and~~

11 (d) Data on referrals to community-based services and follow-up  
12 services by each managed care entity for individuals served through care  
13 coordination services; AND

14 (e) DATA ON THE UTILIZATION OF CARE NAVIGATION SERVICES  
15 PURSUANT TO SUBSECTION (9) OF THIS SECTION IN ACCORDANCE WITH  
16 STATE AND FEDERAL HEALTH-CARE PRIVACY LAWS.

17 (9) **Care navigation program.** (a) **[Formerly 27-80-119 (2)]** As  
18 used in this section, "engaged client" means an individual who is  
19 interested in and willing to engage in substance use disorder treatment  
20 and recovery services or other treatment services either for the individual  
21 or an affected family member or friend.

22 (b) **[Formerly 27-80-119 (3)]** Subject to available appropriations,  
23 the BHA shall implement a care navigation program to assist engaged  
24 clients in obtaining access to treatment for substance use disorders. At a  
25 minimum, services available statewide must include independent  
26 screening of the treatment needs of the engaged client using nationally  
27 recognized screening criteria to determine the correct level of care; the

1 identification of licensed or accredited substance use disorder treatment  
2 options, including social and medical detoxification services,  
3 medication-assisted treatment, and inpatient and outpatient treatment  
4 programs; and the availability of various treatment options for the  
5 engaged client.

6 (c) [Formerly 27-80-119 (4)] To implement the care navigation  
7 program, the BHA shall, ~~include~~ DIRECTLY OR THROUGH CONTRACT,  
8 PROVIDE care navigation services AND ALIGN THE CARE NAVIGATION  
9 SERVICES WITH THE CARE COORDINATION INFRASTRUCTURE ESTABLISHED  
10 PURSUANT TO THIS SECTION. ~~in the twenty-four-hour telephone crisis  
11 service created pursuant to section 27-60-103. The contractor selected by  
12 the BHA must provide care navigation services to engaged clients  
13 statewide. Care navigation services must be available twenty-four hours  
14 a day and must be accessible through various formats. The contractor  
15 shall coordinate services in conjunction with other state care navigation  
16 and coordination services and behavioral health response systems to  
17 ensure coordinated and integrated service delivery. The use of peer  
18 support specialists is encouraged in the coordination of services. The  
19 contractor shall assist the engaged client with accessing treatment  
20 facilities, treatment programs, or treatment providers and shall provide  
21 services to engaged clients regardless of the client's payer source or  
22 whether the client is uninsured. Once the engaged client has initiated  
23 treatment, the contractor is no longer responsible for care navigation for  
24 that engaged client for that episode. Engaged clients who are enrolled in  
25 the medical assistance program pursuant to articles 4, 5, and 6 of title 25.5  
26 shall be provided with contact information for their managed care entity.  
27 The contractor shall conduct ongoing outreach to inform behavioral~~

1 health providers, counties, county departments of human or social  
2 services, jails, law enforcement personnel, health-care professionals, and  
3 other interested persons about care navigation services.

4 (d) [Formerly 27-80-119 (7)] The state board of human services  
5 may promulgate any rules necessary to implement the care navigation  
6 program.

7 **SECTION 35.** In Colorado Revised Statutes, 27-64-104, **amend**  
8 (3) as follows:

9 **27-64-104. 988 crisis hotline cash fund - creation.** (3) Subject  
10 to annual appropriation by the general assembly MONEY IN THE FUND IS  
11 CONTINUOUSLY APPROPRIATED. The enterprise may expend money from  
12 the fund for the purposes outlined in section 27-64-103 (4)(c) and (4)(d).

13 **SECTION 36.** In Colorado Revised Statutes, **27-65-106, amend**  
14 **as it will become effective July 1, 2023, (9)(a) introductory portion as**  
15 **follows:**

16 **27-65-106. Emergency mental health hold - screening -**  
17 **court-ordered evaluation - discharge instructions - respondent's**  
18 **rights.** (9) (a) **On or before July 1, 2023 JULY 1, 2024, and each July 1**  
19 **thereafter, each emergency medical services facility that has evaluated a**  
20 **person pursuant to this section shall provide an annual report to the BHA**  
21 **that includes only disaggregated and nonidentifying information**  
22 **concerning persons who were treated at an emergency medical services**  
23 **facility pursuant to this section. The report must comply with section**  
24 **24-1-136 (9) and is exempt from section 24-1-136 (11)(a)(I). The report**  
25 **must contain the following:**

26 **SECTION 37.** In Colorado Revised Statutes, 27-65-107, **amend**  
27 **(3), (4)(a) introductory portion, and (4)(a)(V) as follows:**

1           **27-65-107. Emergency transportation - application - screening**  
2   **- respondent's rights.** (3) (a) Once the person is presented to an  
3 outpatient mental health facility or facility designated by the  
4 commissioner, an intervening professional shall screen the person  
5 immediately. If an intervening professional is not immediately available,  
6 the person must be screened within eight hours after the person's arrival  
7 at the facility to determine if the person meets criteria for an emergency  
8 mental health hold pursuant to section 27-65-106. Once the screening is  
9 completed and if the person meets the criteria, the intervening  
10 professional shall first pursue voluntary treatment and evaluation. If the  
11 person refuses or the intervening professional has reasonable grounds to  
12 believe the person will not remain voluntarily, the intervening  
13 professional may place the person under an emergency mental health hold  
14 pursuant to section 27-65-106.

15           (b) IF A PERSON DETAINED PURSUANT TO THIS SECTION IS  
16 TRANSPORTED TO AN EMERGENCY MEDICAL SERVICES FACILITY, THE  
17 INVOLUNTARY TRANSPORTATION HOLD EXPIRES UPON THE FACILITY  
18 RECEIVING THE PERSON FOR SCREENING BY AN INTERVENING  
19 PROFESSIONAL.

20           (4) (a) A person detained pursuant to this section ~~at an outpatient~~  
21 ~~mental health facility or facility designated by the commissioner,~~ has the  
22 following rights while being detained, which must be explained to the  
23 person before being transported to a receiving facility:

24           (V) To have appropriate access to adequate water and ~~food~~ **FOOD;**  
25 **and to have the person's nutritional needs met in a manner that is**  
26 **consistent with recognized dietary practices, TO THE EXTENT REASONABLY**  
27 **POSSIBLE AT THE RECEIVING FACILITY;**

1           **SECTION 38.** In Colorado Revised Statutes, 27-65-113, **amend**  
2 (5)(a) and (5)(b) as follows:

3           **27-65-113. Hearing procedures - jurisdiction.** (5) (a) In the  
4 event that a respondent or a person found not guilty by reason of impaired  
5 mental condition pursuant to section 16-8-103.5 (5), or by reason of  
6 insanity pursuant to section 16-8-105 (4) or 16-8-105.5, refuses to accept  
7 medication, the court having jurisdiction of the action pursuant to  
8 subsection (4) of this section, the court committing the person or  
9 defendant to the custody of the ~~BHA~~ DEPARTMENT pursuant to section  
10 16-8-103.5 (5), 16-8-105 (4), or 16-8-105.5, or the court of the  
11 jurisdiction in which the designated facility treating the respondent or  
12 person is located has jurisdiction and venue to accept a petition by a  
13 treating physician and to enter an order requiring that the respondent or  
14 person accept such treatment or, in the alternative, that the medication be  
15 forcibly administered to the respondent or person. The court of the  
16 jurisdiction in which the designated facility is located shall not exercise  
17 its jurisdiction without the permission of the court that committed the  
18 person to the custody of the ~~BHA~~ DEPARTMENT. Upon the filing of such  
19 a petition, the court shall appoint an attorney, if one has not been  
20 appointed, to represent the respondent or person and hear the matter  
21 within ten days.

22           (b) In any case brought pursuant to subsection (5)(a) of this  
23 section in a court for the county in which the treating facility is located,  
24 the county where the proceeding was initiated pursuant to subsection (4)  
25 of this section or the court committing the person to the custody of the  
26 ~~BHA~~ DEPARTMENT pursuant to section 16-8-103.5 (5), 16-8-105 (4), or  
27 16-8-105.5, shall either reimburse the county in which the proceeding

1 pursuant to this subsection (5) was filed and in which the proceeding was  
2 held for the reasonable costs incurred in conducting the proceeding or  
3 conduct the proceeding itself using its own personnel and resources,  
4 including its own district or county attorney, as the case may be.

5 **SECTION 39.** In Colorado Revised Statutes, 27-65-123, **amend**  
6 (1)(a) as follows:

7 **27-65-123. Records.** (1) Except as provided in subsection (2) of  
8 this section, all information obtained and records prepared in the course  
9 of providing any services to any person pursuant to any provision of this  
10 article 65 are confidential and privileged matter. The information and  
11 records may be disclosed only:

12 (a) In communications between **qualified professional**  
13 **PROFESSIONALS, FACILITY personnel, OR STATE AGENCIES** in the provision  
14 of services or appropriate referrals;

15 **SECTION 40.** In Colorado Revised Statutes, 27-71-104, **amend**  
16 (3) as follows:

17 **27-71-104. Mental health residential facilities - initial license**  
18 **requirements - repeal.** (3) On and after ~~July 1, 2023~~ **OCTOBER 1, 2023,**  
19 **the behavioral health administration is responsible for licensing mental**  
20 **health ~~home- and community-based waiver~~ residential facilities.**

21 **SECTION 41.** In Colorado Revised Statutes, 27-80-102, **amend**  
22 (1) introductory portion and (2) as follows:

23 **27-80-102. Duties of the behavioral health administration.**

24 (1) The ~~office of~~ behavioral health ADMINISTRATION is a **type 2** entity,  
25 as defined in section 24-1-105, and is responsible for the powers, duties,  
26 and functions relating to the alcohol and drug driving safety program  
27 specified in section 42-4-1301.3. The ~~office of~~ behavioral health



1 ADMINISTRATION shall formulate a comprehensive state plan for  
2 substance use disorder treatment programs. The ~~office of behavioral~~  
3 health ADMINISTRATION shall submit the state plan to the governor and,  
4 upon the governor's approval, submit it to the appropriate United States  
5 agency for review and approval. The state plan must include, but not be  
6 limited to:

7 (2) The department, acting by and through the ~~office of behavioral~~  
8 health ADMINISTRATION, is designated as the sole state agency for the  
9 supervision of the administration of the state plan.

10 **SECTION 42.** In Colorado Revised Statutes, 27-80-107, **amend**  
11 (1), (2) introductory portion, (2)(b), (2)(d), (2.5)(a) introductory portion,  
12 (2.5)(a)(II), (3), (4), (5), and (7) as follows:

13 **27-80-107. Designation of managed service organizations -**  
14 **purchase of services - revocation of designation.** (1) ~~The director of~~  
15 ~~the office of behavioral health~~ ADMINISTRATION shall establish designated  
16 service areas to provide substance use disorder treatment and recovery  
17 services in a particular geographical region of the state.

18 (2) To be selected as a designated managed service organization  
19 to provide services in a particular designated service area, a private  
20 corporation; for profit or not for profit; or a public agency, organization,  
21 or institution shall apply to the ~~office of behavioral health~~  
22 ADMINISTRATION for a designation in the form and manner specified by  
23 the ~~executive director or the executive director's~~ COMMISSIONER OR THE  
24 COMMISSIONER'S designee. The designation process is in lieu of a  
25 competitive bid process pursuant to the "Procurement Code", articles 101  
26 to 112 of title 24. The ~~director of the office of behavioral health~~  
27 COMMISSIONER OR THE COMMISSIONER'S DESIGNEE shall make the

1 designation based on factors established by the ~~executive director or the~~  
2 ~~executive director's~~ COMMISSIONER OR THE COMMISSIONER'S designee.

3 The factors for designation established by the executive director or the  
4 executive director's designee include the following:

5 (b) Whether the managed service organization has experience  
6 working with publicly funded clients, including expertise in treating  
7 priority populations designated by the ~~office of~~ behavioral health  
8 ADMINISTRATION;

9 (d) Whether the managed service organization has experience  
10 using the cost-share principles used by the ~~office of~~ behavioral health  
11 ADMINISTRATION in its contracts with providers and is willing to  
12 cost-share;

13 (2.5) (a) On or before January 1, 2023, in order to promote  
14 transparency and accountability, the ~~office of~~ behavioral health  
15 ADMINISTRATION shall require each managed service organization that has  
16 twenty-five percent or more ownership by providers of behavioral health  
17 services to comply with the following conflict of interest policies:

18 (II) The ~~office of~~ behavioral health ADMINISTRATION shall  
19 quarterly review a managed service organization's funding allocation to  
20 ensure that all providers are being equally considered for funding. The  
21 ~~office of~~ behavioral health ADMINISTRATION is authorized to review any  
22 other pertinent information to ensure the managed service organization  
23 is meeting state and federal rules and regulations and is not  
24 inappropriately giving preference to providers with ownership or board  
25 membership.

26 (3) The designation of a managed service organization by the  
27 ~~director of the office of behavioral health~~ COMMISSIONER, as described in

1 subsection (2) of this section, is an initial decision of the department  
2 ~~which~~ THAT may be reviewed by the executive director in accordance  
3 with the provisions of section 24-4-105. Review by the executive director  
4 in accordance with section 24-4-105 constitutes final agency action for  
5 purposes of judicial review.

6 (4) (a) The terms and conditions for providing substance use  
7 disorder treatment and recovery services must be specified in the contract  
8 entered into between the ~~office of behavioral health~~ ADMINISTRATION and  
9 the designated managed service organization. Contracts entered into  
10 between the ~~office of behavioral health~~ ADMINISTRATION and the  
11 designated managed service organization must include terms and  
12 conditions prohibiting a designated managed service organization  
13 contracted treatment provider from denying or prohibiting access to  
14 medication-assisted treatment, as defined in section 23-21-803, for a  
15 substance use disorder.

16 (b) Contracts entered into between the ~~office of behavioral health~~  
17 ADMINISTRATION and the designated managed service organization must  
18 include terms and conditions that outline the expectations for the  
19 designated managed service organization to invest in the state's recovery  
20 services infrastructure, which include peer-run recovery support services  
21 and specialized services for underserved populations. Investments are  
22 based on available appropriations.

23 (5) The contract may include a provisional designation for ninety  
24 days. At the conclusion of the ninety-day provisional period, the ~~director~~  
25 ~~of the office of behavioral health~~ COMMISSIONER may choose to revoke  
26 the contract or, subject to meeting the terms and conditions specified in  
27 the contract, may choose to extend the contract for a stated time period.

1           (7) (a) The ~~director of the office of behavioral health~~  
2 COMMISSIONER may revoke the designation of a designated managed  
3 service organization upon finding that the managed service organization  
4 is in violation of the performance of the provisions of or rules  
5 promulgated pursuant to this article 80. The revocation must conform to  
6 the provisions and procedures specified in article 4 of title 24, and occur  
7 only after notice and an opportunity for a hearing is provided as specified  
8 in article 4 of title 24. A hearing to revoke a designation as a designated  
9 managed service organization constitutes final agency action for purposes  
10 of judicial review.

11           (b) Once a designation has been revoked pursuant to subsection  
12 (7)(a) of this section, the ~~director of the office of behavioral health~~  
13 COMMISSIONER may designate one or more service providers to provide  
14 the treatment services pending designation of a new designated managed  
15 service organization or may enter into contracts with subcontractors to  
16 provide the treatment services.

17           (c) From time to time, the ~~director of the office of behavioral~~  
18 ~~health~~ COMMISSIONER may solicit applications from applicants for  
19 managed service organization designation to provide substance use  
20 disorder treatment and recovery services for a specified planning area or  
21 areas.

22           **SECTION 43.** In Colorado Revised Statutes, 27-80-108, **amend**  
23 (1)(c) and (1)(d) as follows:

24           **27-80-108. Rules.** (1) The state board of human services, created  
25 in section 26-1-107, has the power to promulgate rules governing the  
26 provisions of this article 80. The rules may include, but are not limited to:

27           (c) Requirements for public and private agencies, organizations,

1 and institutions from which the ~~office of~~ behavioral health  
2 ADMINISTRATION may purchase services pursuant to section 27-80-106  
3 (1), which requirements must include prohibiting the purchase of services  
4 from entities that deny or prohibit access to medical services or substance  
5 use disorder treatment and services to persons who are participating in  
6 prescribed medication-assisted treatment, as defined in section 23-21-803,  
7 for a substance use disorder;

8 (d) Requirements for managed service organizations that are  
9 designated by the ~~director of the office of behavioral health~~  
10 COMMISSIONER to provide services in a designated service area pursuant  
11 to section 27-80-106 (2);

12 **SECTION 44**. In Colorado Revised Statutes, 27-80-303, **amend**  
13 (1)(b) introductory portion and (5) as follows:

14 **27-80-303. Office of ombudsman for behavioral health access**  
15 **to care - creation - appointment of ombudsman - duties.** (1) (b) The  
16 ~~office of behavioral health in the~~ department and the BHA shall offer the  
17 office limited support with respect to:

18 (5) In the performance of the ombudsman's duties, the  
19 ombudsman shall act independently of ~~the office of behavioral health in~~  
20 the department and the BHA. Any recommendations made or positions  
21 taken by the ombudsman do not reflect those of the ~~department, the office~~  
22 ~~of behavioral health,~~ DEPARTMENT or the BHA.

23 ==  
24 **SECTION 45**. In Session Laws of Colorado 2022, section 263 of  
25 chapter 222, amend (1)(b) as follows:

26 Section 263. Effective date. (1) (b) Section 212 takes effect July  
27 1, 2023, and sections 215 through 240 take effect July 1, 2024; EXCEPT

1 THAT SECTION 25-1.5-103 (1)(a)(I)(A), AS ENACTED IN SECTION 226 OF  
2 THIS ACT, AND SECTION 228 OF THIS ACT TAKE EFFECT JANUARY 1, 2025.

3 **SECTION 46.** In Session Laws of Colorado 2022, amend section  
4 58 of chapter 451 as follows:

5 Section 58. Act subject to petition - effective date. Section 5 of  
6 this act takes effect ~~July 1, 2023~~ JANUARY 1, 2024, sections 27-65-108  
7 and 27-65-111, as enacted in section 1 of this act, and section 4 of this act  
8 takes effect July 1, 2024, and the remainder of this act takes effect at  
9 12:01 a.m. on the day following the expiration of the ninety-day period  
10 after final adjournment of the general assembly; except that, if a  
11 referendum petition is filed pursuant to section 1 (3) of article V of the  
12 state constitution against this act or an item, section, or part of this act  
13 within such period, then the act, item, section, or part will not take effect  
14 unless approved by the people at the general election to be held in  
15 November 2022 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor; except that  
17 section 5 of this act takes effect ~~July 1, 2023~~ JANUARY 1, 2024, sections  
18 27-65-108 and 27-65-111, as enacted in section 1 of this act, and section  
19 4 of this act takes effect July 1, 2024.

20 **SECTION 47. Repeal of relocated and nonrelocated**  
21 **provisions in this act.** In Colorado Revised Statutes, repeal 27-80-119;  
22 except that (1), (5), (6), and (8) are not relocated.

23 **SECTION 48. Appropriation - adjustments to 2023 long**  
24 **bill.** (1) To implement this act, appropriations made in the annual general  
25 appropriation act for the 2023-24 state fiscal year to the department of  
26 human services are adjusted as follows:

27 (a) The general fund appropriation for use by the behavioral

1 health administration for jail-based behavioral health services is  
2 decreased by \$2,250,400; and

3 (b) The general fund appropriation for use by the office of  
4 behavioral health for the jail-based competency restoration program is  
5 increased by \$2,250,400.

6 **SECTION 49. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, or safety.