

## CHAPTER 283

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**HUMAN SERVICES - BEHAVIORAL HEALTH**


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**HOUSE BILL 23-1153**

BY REPRESENTATIVE(S) Armagost and Amabile, Bacon, Bird, Boesenecker, Brown, deGruy Kennedy, Dickson, English, Froelich, Gonzales-Gutierrez, Hamrick, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Mabrey, Marshall, Martinez, McCormick, McLachlan, Ortiz, Parenti, Ricks, Sharbini, Sirota, Snyder, Titone, Weinberg, Willford, Woodrow, Young; also SENATOR(S) Pelton B. and Rodriguez, Cutter, Exum, Ginal, Gonzales, Hansen, Jaquez Lewis, Marchman, Mullica, Priola, Sullivan, Winter F.

**AN ACT**

**CONCERNING A FEASIBILITY STUDY TO DETERMINE PATHWAYS TO BEHAVIORAL HEALTH CARE FOR PEOPLE WITH SERIOUS MENTAL ILLNESS, 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** 27-60-115 as follows:

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

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

(b) "SERIOUS MENTAL ILLNESS" MEANS ONE OR MORE SUBSTANTIAL DISORDERS OF COGNITIVE, VOLITIONAL, OR EMOTIONAL PROCESSES THAT GROSSLY IMPAIR JUDGEMENT OR CAPACITY TO RECOGNIZE REALITY OR TO CONTROL BEHAVIOR AND THAT SUBSTANTIALLY INTERFERES WITH THE PERSON'S ABILITY TO MEET THE ORDINARY DEMANDS OF DAILY LIVING. SERIOUS MENTAL ILLNESS INCLUDES, BUT IS NOT LIMITED TO, A PSYCHOTIC DISORDER, BIPOLAR DISORDER, MAJOR DEPRESSIVE DISORDER, OR ANY DIAGNOSED MENTAL DISORDER EXCEPT FOR SUBSTANCE USE

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*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.*

DISORDER CURRENTLY ASSOCIATED WITH SERIOUS IMPAIRMENT OF PSYCHOLOGICAL, COGNITIVE, OR BEHAVIORAL FUNCTIONING.

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

(3) THE STATE DEPARTMENT, IN COORDINATION 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, AS NEEDED, SHALL DETERMINE THE QUALIFICATIONS FOR THE INDEPENDENT THIRD PARTY AND THE PROCESS FOR INTERESTED INDEPENDENT THIRD PARTIES TO APPLY.

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

- (a) THE NUMBER OF UNHOUSED PERSONS LIVING WITH SERIOUS MENTAL ILLNESS;
- (b) THE CURRENT BED CAPACITY FOR INPATIENT AND RESIDENTIAL PSYCHIATRIC UNITS;
- (c) CURRENT MAXIMUM CAPACITY OF FORENSIC AND CIVIL BEDS;
- (d) CURRENT BED CAPACITY FOR SHORT-TERM HOSPITAL STAYS AND LONG-TERM HOSPITAL STAYS;
- (e) CURRENT BED CAPACITY FOR STEP-DOWN FACILITIES AND TRANSITIONAL HOUSING, INCLUDING, BUT NOT LIMITED TO, OUTPATIENT UNITS WITH SUPPORTIVE SERVICES FOR PERSONS LIVING WITH SERIOUS MENTAL ILLNESS, INCLUDING SUPPORTIVE PERMANENT HOUSING;
- (f) THE AVERAGE MONTHLY WAIT LIST FOR EACH BED CATEGORY STATED IN SUBSECTION (4)(b) THROUGH (4)(e) OF THIS SECTION;
- (g) APPROPRIATE READMISSION DATA FOR PEOPLE WHO ARE CYCLING IN AND OUT OF SHORT-TERM PSYCHIATRIC HOSPITAL STAYS;
- (h) BARRIERS DUE TO PAYMENT SOURCES IN ACCESSING TREATMENT BEDS;
- (i) CURRENT BEHAVIORAL HEALTH-CARE WORKFORCE SHORTAGE NUMBERS;
- (j) CURRENT CAPACITY OF COMMUNITY-BASED SERVICES RELEVANT FOR PERSONS LIVING WITH SERIOUS MENTAL ILLNESS;
- (k) GAPS BETWEEN THE NUMBER OF UNHOUSED PERSONS LIVING WITH SERIOUS

MENTAL ILLNESS AND CURRENT STATEWIDE INFRASTRUCTURE CONCERNING THE INFORMATION DESCRIBED IN SUBSECTIONS (4)(a) TO (4)(j) OF THIS SECTION;

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

(m) THE CAPACITY OF THE JUDICIAL SYSTEM, INCLUDING THE CIVIL SYSTEM, BY JUDICIAL DISTRICT, TO MEET EXISTING DEMAND FOR DIVERSION, COURT-ORDERED CARE PLANS, PETITIONS OF COURT-ORDERED PLANS, AND GUARDIANSHIP PROCEEDINGS;

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

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

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

(q) PERSPECTIVES OF INDIVIDUALS WITH LIVED EXPERIENCES;

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

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

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

(6) FOR THE 2023-24 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE HUNDRED THOUSAND DOLLARS, WITH ONE HUNDRED AND SIXTY THOUSAND DOLLARS APPROPRIATED FROM THE GENERAL FUND AND ONE HUNDRED AND FORTY THOUSAND DOLLARS APPROPRIATED FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND CREATED IN SECTION 24-75-230, TO THE STATE DEPARTMENT FOR THE PURPOSE OF CONDUCTING THE BEHAVIORAL HEALTH FEASIBILITY STUDY PURSUANT TO THIS SECTION. ANY UNEXPENDED MONEY REMAINING AT THE END OF THE 2023-24 STATE FISCAL YEAR FROM THIS APPROPRIATION DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND,

MAY BE USED BY THE STATE DEPARTMENT IN THE 2024-25 STATE FISCAL YEAR WITHOUT FURTHER APPROPRIATION, AND MUST NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN THE PURPOSE SET FORTH IN THIS SECTION.

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

**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.

Approved: May 30, 2023