

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public & Behavioral Health & Human Services.

HB22-1278 be amended as follows:

- 1 Amend printed bill, page 105, line 2, strike "**reporting.**" and substitute
- 2 "**reporting - repeal.**".
- 3 Page 105, line 9, after "(I)" insert "(A)".
- 4 Page 105, line 10, change the semicolon to a period.
- 5 Page 105, after line 10 insert:
- 6 "(B) THIS SUBSECTION (1)(d)(I) IS REPEALED, EFFECTIVE JULY 1,
- 7 2024.".
- 8 Page 111, strike lines 13 through 24.
- 9 Renumber succeeding sections accordingly.
- 10 Page 161, line 12, strike the second "and".
- 11 Page 161, line 13, strike "(1)(g)" and substitute "(1)(g); and **add (5)**".
- 12 Page 161, line 14, strike "**approval.**" and substitute "**approval - repeal.**".
- 13 Page 162, after line 18 insert:
- 14 "(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.".
- 15 Page 232, after line 18 insert:
- 16 "**SECTION 209.** In Colorado Revised Statutes, 27-66-101,
- 17 **amend** (1.5); and **repeal** (1), (2), and (3) as follows:
- 18 **27-66-101. Definitions.** As used in this article 66, unless the
- 19 context otherwise requires:
- 20 (1) ~~"Acute treatment unit" means a facility or a distinct part of a~~
- 21 ~~facility for short-term psychiatric care, which may include substance~~
- 22 ~~abuse treatment and treatment for substance use disorders, that provides~~
- 23 ~~a total, twenty-four-hour, therapeutically planned and professionally~~
- 24 ~~staffed environment for persons who do not require inpatient~~
- 25 ~~hospitalization but need more intense and individual services than are~~
- 26 ~~available on an outpatient basis, such as crisis management and~~
- 27 ~~stabilization services.~~

1 (1.5) "Behavioral health entity" means ~~a facility or provider~~  
2 ~~organization engaged in providing community-based health services,~~  
3 ~~which may include behavioral health disorder services, alcohol use~~  
4 ~~disorder services, or substance use disorder services, including crisis~~  
5 ~~stabilization, acute or ongoing treatment, or community mental health~~  
6 ~~center services as described in subsections (2) and (3) of this section, but~~  
7 ~~does not include:~~ HAS THE SAME MEANING AS DEFINED IN SECTION  
8 27-50-101.

9 (a) Residential child care facilities as defined in section 26-6-102  
10 (33); or

11 (b) Services provided by a licensed or certified mental health-care  
12 provider under the provider's individual professional practice act on the  
13 provider's own premises.

14 (2) "Community mental health center" means either a physical  
15 plant or a group of services under unified administration or affiliated with  
16 one another, and including at least the following services provided for the  
17 prevention and treatment of behavioral or mental health disorders in  
18 persons residing in a particular community in or near the facility so  
19 situated:

20 (a) Inpatient services;

21 (b) Outpatient services;

22 (c) Partial hospitalization;

23 (d) Emergency services;

24 (e) Consultative and educational services.

25 (3) "Community mental health clinic" means a health institution  
26 planned, organized, operated, and maintained to provide basic community  
27 services for the prevention, diagnosis, and treatment of emotional,  
28 behavioral, or mental health disorders, such services being rendered  
29 primarily on an outpatient and consultative basis.

30 **SECTION 210.** In Colorado Revised Statutes, **amend as**  
31 **amended by House Bill 22-1278** 27-66-104 as follows:

32 **27-66-104. Types of services purchased - limitation on**  
33 **payments.** (†) Community mental health services may be purchased  
34 from behavioral health entities, clinics, community mental health centers,  
35 local general or psychiatric hospitals, and other agencies SAFETY-NET  
36 PROVIDERS that have been approved by the commissioner.

37 (2) (a) Each year the general assembly shall appropriate money  
38 for the purchase of mental health services from:

39 (I) Community mental health centers;

40 (II) Agencies that provide specialized clinic-type services but do  
41 not serve a specific designated service area;

42 (III) Acute treatment units; and

43 (IV) Behavioral health entities.

1           (b) The money appropriated for the purposes of this subsection (2)  
2 shall be distributed by the commissioner to approved behavioral health  
3 entities, community mental health centers, and other agencies on the basis  
4 of need and in accordance with the services provided.

5           ~~(3) Each year the general assembly may appropriate money in~~  
6 ~~addition to the money appropriated for purposes of subsection (2) of this~~  
7 ~~section, which money may be used by the commissioner to assist~~  
8 ~~behavioral health entities and community mental health clinics and~~  
9 ~~centers in instituting innovative programs, in providing mental health~~  
10 ~~services to impoverished areas, and in dealing with crisis situations. The~~  
11 ~~commissioner shall require that any innovative or crisis programs for~~  
12 ~~which money is allocated pursuant to this subsection (3) be clearly~~  
13 ~~defined in terms of services to be rendered, program objectives, scope and~~  
14 ~~duration of the program, and the maximum amount of money to be~~  
15 ~~provided.~~

16           ~~(4) Repealed.~~

17           ~~(5) If there is a reduction in the financial support of local~~  
18 ~~governmental bodies for community mental health services, the~~  
19 ~~commissioner is authorized to reduce state payments for services in an~~  
20 ~~amount proportional to the reduction in such local financial support.~~

21           ~~(6) For purposes of entering into a cooperative purchasing~~  
22 ~~agreement pursuant to section 24-110-201, a nonprofit behavioral health~~  
23 ~~entity, nonprofit community mental health center, or nonprofit community~~  
24 ~~mental health clinic may be certified as a local public procurement unit~~  
25 ~~as provided in section 24-110-207.5.~~

26           **SECTION 211.** In Colorado Revised Statutes, 25.5-1-204,  
27 **amend** (2)(a)(IV) as follows:

28           **25.5-1-204. Advisory committee to oversee the all-payer health**  
29 **claims database - creation - members - duties - legislative declaration**  
30 **- rules - report.** (2) (a) No later than August 1, 2013, the executive  
31 director shall appoint an advisory committee to oversee the Colorado  
32 all-payer health claims database. The advisory committee shall include  
33 the following members:

34           (IV) A representative from a ~~community mental health center~~  
35 ~~COMPREHENSIVE BEHAVIORAL HEALTH SAFETY NET PROVIDER, AS DEFINED~~  
36 ~~IN SECTION 27-50-101, who has experience in behavioral health data~~  
37 ~~collection;~~

38           **SECTION 212.** In Colorado Revised Statutes, 25.5-4-103,  
39 **amend as it will become effective July 1, 2024,** (3) as follows:

40           **25.5-4-103. Definitions.** As used in this article 4 and articles 5  
41 and 6 of this title 25.5, unless the context otherwise requires:

42           (3) "Case management services" means services provided by case  
43 management agencies and ~~community mental health centers and~~

1 ~~community mental health clinics, as defined in section 27-66-101(2) and~~  
2 ~~(3) COMPREHENSIVE BEHAVIORAL HEALTH SAFETY NET PROVIDERS, AS~~  
3 ~~DEFINED IN SECTION 27-50-101, to assist persons in gaining access to~~  
4 ~~needed medical, social, educational, and other services.~~

5 **SECTION 213.** In Colorado Revised Statutes, 25.5-5-202,  
6 **amend** (1)(g) as follows:

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

12 (g) Rehabilitation services as appropriate to ~~community mental~~  
13 ~~health centers~~ BEHAVIORAL HEALTH SAFETY NET PROVIDERS AS DEFINED  
14 IN SECTION 27-50-101;

15 **SECTION 214.** In Colorado Revised Statutes, 25.5-5-402,  
16 **amend** (3)(e) as follows:

17 **25.5-5-402. Statewide managed care system - rules - definition.**  
18 (3) The statewide managed care system must include a statewide system  
19 of community behavioral health care that must:

20 (e) Be paid for by the state department establishing capitated rates  
21 specifically for ~~community mental~~ BEHAVIORAL health services that  
22 account for a comprehensive continuum of needed services such as those  
23 provided by ~~community mental health centers as defined in section~~  
24 ~~27-66-101~~ LICENSED BEHAVIORAL HEALTH PROVIDERS, INCLUDING  
25 ESSENTIAL AND COMPREHENSIVE BEHAVIORAL HEALTH SAFETY NET  
26 PROVIDERS, AS DEFINED IN SECTION 27-50-101;

27 **SECTION 215.** In Colorado Revised Statutes, 27-65-102, **amend**  
28 (1.5) and (7) as follows:

29 **27-65-102. Definitions.** As used in this article 65, unless the  
30 context otherwise requires:

31 (1.5) "Behavioral health entity" ~~means a facility or provider~~  
32 ~~organization engaged in providing community-based health services,~~  
33 ~~which may include behavioral health disorder services, alcohol use~~  
34 ~~disorder services, or substance use disorder services, including crisis~~  
35 ~~stabilization, acute or ongoing treatment, or community mental health~~  
36 ~~center services as described in section 27-66-101(2) and (3), but does not~~  
37 ~~include:~~ HAS THE SAME MEANING AS DEFINED IN SECTION 27-50-101.

38 (a) ~~Residential child care facilities as defined in section 26-6-102~~  
39 ~~(33); or~~

40 (b) ~~Services provided by a licensed or certified mental health-care~~  
41 ~~provider under the provider's individual professional practice act on the~~  
42 ~~provider's own premises.~~

43 (7) "Facility" means a public hospital or a licensed private

1 hospital, clinic, behavioral health entity, ~~community mental health center~~  
2 ~~or clinic, acute treatment unit~~, institution, or residential child care facility  
3 that provides treatment for persons with mental health disorders.

4 **SECTION 216.** In Colorado Revised Statutes, 27-67-103, **amend**  
5 (10); **repeal** (4); and **add** (1.3) as follows:

6 **27-67-103. Definitions.** As used in this article 67, unless the  
7 context otherwise requires:

8 (1.3) "BEHAVIORAL HEALTH SAFETY NET PROVIDER" HAS THE  
9 SAME MEANING AS DEFINED IN SECTION 27-50-101.

10 (4) ~~"Community mental health center" has the same meaning as~~  
11 ~~provided in section 27-66-101 (2).~~

12 (10) "Mental health agency" means a behavioral health services  
13 contractor through the ~~state department of human services~~ BEHAVIORAL  
14 HEALTH ADMINISTRATION serving children and youth statewide or in a  
15 particular geographic area ~~including but not limited to community mental~~  
16 ~~health centers~~; and with the ability to meet all expectations of this article  
17 67.

18 **SECTION 217.** In Colorado Revised Statutes, 27-67-109, **amend**  
19 (2)(f) as follows:

20 **27-67-109. Child and youth mental health services standards**  
21 **- advisory board.** (2) An advisory board to the state department is  
22 established for the purpose of assisting and advising the executive  
23 director in accordance with this section in the development of service  
24 standards and rules. The advisory board consists of not less than eleven  
25 nor more than fifteen members appointed by the state department as  
26 follows:

27 (f) One member representing a ~~community mental health center~~  
28 BEHAVIORAL HEALTH SAFETY NET PROVIDER that performs evaluations  
29 pursuant to this article 67;

30 **SECTION 218.** In Colorado Revised Statutes, 27-70-102, **amend**  
31 (2) as follows:

32 **27-70-102. Definitions.** As used in this article 70, unless the  
33 context otherwise requires:

34 (2) "Facility" means a federally qualified health-care center,  
35 clinic, ~~community mental health center or clinic~~, behavioral health entity,  
36 institution, acute treatment unit, jail, facility operated by the department  
37 of corrections, or a facility operated by the division of youth services.

38 **SECTION 219.** In Colorado Revised Statutes, 27-81-102, **amend**  
39 (3.5) as follows:

40 **27-81-102. Definitions.** As used in this article 81, unless the  
41 context otherwise requires:

42 (3.5) "Behavioral health entity" ~~means a facility or provider~~  
43 ~~organization engaged in providing community-based health services;~~

1 ~~which may include behavioral health disorder services, alcohol use~~  
2 ~~disorder services, or substance use disorder services, including crisis~~  
3 ~~stabilization, acute or ongoing treatment, or community mental health~~  
4 ~~center services as described in section 27-66-101 (2) and (3), but does not~~  
5 ~~include:~~ HAS THE SAME MEANING AS DEFINED IN SECTION 27-50-101.  
6 (a) ~~Residential child care facilities as defined in section 26-6-102~~  
7 ~~(33); or~~  
8 (b) ~~Services provided by a licensed or certified mental health-care~~  
9 ~~provider under the provider's individual professional practice act on the~~  
10 ~~provider's own premises.~~  
11 **SECTION 220. Effective date.** This act takes effect July 1, 2022;  
12 except that sections 209 through 219 take effect July 1, 2024."  
13 Renumber succeeding section accordingly.

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