

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB22-1278 be amended as follows:

- 1 Amend reengrossed bill, page 4, strike line 7 and substitute "AND ALL".
- 2 Page 6, line 26, after the period add "THE BHA SHALL CONSIDER
- 3 RECOMMENDATIONS FROM THE BEHAVIORAL HEALTH ADMINISTRATIVE
- 4 SERVICES ORGANIZATIONS, THE ADVISORY COUNCIL, AND REGIONAL
- 5 SUBCOMMITTEES IN IDENTIFYING SUBPOPULATIONS."
- 6 Page 16, line 5 and 6, strike "NULLIFIED PURSUANT TO SUBSECTION (2)(a)
- 7 OF THIS SECTION." and substitute "NULLIFIED."
- 8 Page 16, lines 18 and 19, strike "REPEALED PURSUANT TO SUBSECTION
- 9 (2)(a) OF THIS SECTION." and substitute "REPEALED."
- 10 Page 16, strike lines 24 through 27.
- 11 Page 17, strike line 1.
- 12 Page 17, line 2, strike "(b)" and substitute "(2)".
- 13 Page 38, strike line 24 through 27.
- 14 Strike page 39.
- 15 Page 40, strike line 1.
- 16 Page 57, line 14, after "(e)" insert "(I)".
- 17 Page 57, after line 15, insert:
- 18 "(II) THE ASSESSMENT OF CIVIL FINES SHALL FOLLOW THE
- 19 PROCEDURES SET FORTH IN SECTION 26.5-5-323."
- 20 Page 65, line 13, strike "AND".
- 21 Page 65, line 17, strike "27-50-201." and substitute "27-50-201; AND
- 22 (d) PREPARING AN ANNUAL REPORT OF RECOMMENDATIONS AND
- 23 SUBMITTING IT TO THE BHA BY SEPTEMBER 1 OF EACH YEAR; THE REPORT
- 24 SHALL BE INCLUDED IN THE BHA'S ANNUAL BEHAVIORAL HEALTH SYSTEM
- 25 PLAN PURSUANT TO SECTION 27-50-204 (1)."
- 26 Page 186, line 25, strike "(7)" and substitute "(7); and **add** (8)".

1 Page 187, line 1, strike "**designation.**" and substitute "**designation -**
2 **repeal.**".

3 Page 189, after line 18, insert:

4 "(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.".

5 Page 255, line 16, after "~~center,~~" insert "BEHAVIORAL HEALTH SAFETY NET
6 PROVIDER, AS DEFINED IN SECTION 27-50-101 (7),".

7 Page 261, after line 20 insert:

8 "**SECTION 240.** In Colorado Revised Statutes, 16-13-311,
9 **amend as amended by House Bill 22-1278** (3)(a)(VII)(B) as follows:

10 **16-13-311. Disposition of seized personal property.** (3) (a) If
11 the prosecution prevails in the forfeiture action, the court shall order the
12 property forfeited. Such order perfects the state's right and interest in and
13 title to such property and relates back to the date when title to the property
14 vested in the state pursuant to section 16-13-316. Except as otherwise
15 provided in subsection (3)(c) of this section, the court shall also order
16 such property to be sold at a public sale by the law enforcement agency
17 in possession of the property in the manner provided for sales on
18 execution, or in another commercially reasonable manner. Property
19 forfeited pursuant to this section or proceeds therefrom must be
20 distributed or applied in the following order:

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

23 (B) Twenty-five percent to the ~~managed-service~~ BEHAVIORAL
24 HEALTH ADMINISTRATIVE SERVICES organization contracting with the
25 behavioral health administration in the department of human services
26 serving the judicial district where the forfeiture proceeding was
27 prosecuted to fund detoxification and substance use disorder treatment.
28 Money appropriated to the ~~managed-service~~ BEHAVIORAL HEALTH
29 ADMINISTRATIVE SERVICES organization must be in addition to, and not
30 be used to supplant, other funding appropriated to the behavioral health
31 administration; and

32 **SECTION 241.** In Colorado Revised Statutes, **amend as**
33 **amended by House Bill 22-1278** 25.5-5-325 (2)(b) introductory portion
34 and (2)(b)(I) as follows:

35 **25.5-5-325. Residential and inpatient substance use disorder**
36 **treatment - medical detoxification services - federal approval -**
37 **performance review report.** (2) (b) Prior to seeking federal approval
38 pursuant to subsection (2)(a) of this section, the state department shall
39 seek input from relevant stakeholders, including existing providers of
40 substance use disorder treatment and medical detoxification services and

1 ~~managed-service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
2 organizations. The state department shall seek input and involve
3 stakeholders in decisions regarding:

4 (I) The coordination of benefits with ~~managed-service~~
5 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organizations and the
6 behavioral health administration in the department of human services;

7 **SECTION 242.** In Colorado Revised Statutes, **amend as**
8 **amended by House Bill 22-1278** 27-63-105 (2) as follows:

9 **27-63-105. Safety net system implementation - safety net**
10 **system criteria.** (2) The safety net system must have a network of
11 behavioral health-care providers that collectively offer a full continuum
12 of services to ensure individuals with severe behavioral health disorders
13 are triaged in a timely manner to the appropriate care setting if an
14 individual behavioral health-care provider is unable to provide ongoing
15 care and treatment for the individual. The BHA shall consider ~~community~~
16 ~~mental health centers, managed-service~~ BEHAVIORAL HEALTH SAFETY NET
17 PROVIDERS, BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
18 organizations, contractors for the statewide behavioral health crisis
19 response system, and other behavioral health community providers as key
20 elements in the behavioral health safety net system.

21 **SECTION 243.** In Colorado Revised Statutes, **amend as**
22 **amended by House Bill 22-1278** 27-80-101 (2.6) as follows:

23 **27-80-101. Definitions.** As used in this article 80, unless the
24 context otherwise requires:

25 (2.6) "Designated service area" means the geographical substate
26 planning area specified by the commissioner to be served by a ~~designated~~
27 ~~managed-service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
28 organization, as described in section 27-80-107.

29 **SECTION 244.** In Colorado Revised Statutes, **amend as**
30 **amended by House Bill 22-1278** 27-80-106 (2)(a); and **amend** (2)(b) as
31 follows:

32 **27-80-106. Purchase of prevention and treatment services.**

33 (2) (a) In addition to the services purchased pursuant to subsection (1) of
34 this section, using money appropriated for purposes of this section or
35 available from any other governmental or private source, the BHA may
36 purchase services for the treatment of alcohol and drug abuse or
37 substance use disorders on a contract basis from a ~~designated managed~~
38 ~~service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization for
39 a designated service area as set forth in section 27-80-107. A public or
40 private agency, organization, or institution approved by the BHA through
41 the process set forth in section 27-80-107 may be designated as a
42 ~~designated managed-service~~ BEHAVIORAL HEALTH ADMINISTRATIVE
43 SERVICES organization.

1 (b) ~~Designated managed service~~ BEHAVIORAL HEALTH
2 ADMINISTRATIVE SERVICES organizations receiving money pursuant to this
3 subsection (2) shall comply with all relevant provisions of and rules
4 promulgated pursuant to this article 80.

5 **SECTION 245.** In Colorado Revised Statutes, **amend as**
6 **amended by House Bill 22-1278** 27-80-107.5 (3), (4)(b), (4)(c), (5)(a),
7 and (5)(b); and **amend** (2) as follows:

8 **27-80-107.5. Increasing access to effective substance use**
9 **disorder services act - managed service organizations - substance use**
10 **disorder services - assessment - community action plan - allocations**
11 **- reporting requirements - evaluation.** (2) On or before February 1,
12 2017, each ~~managed service~~ BEHAVIORAL HEALTH ADMINISTRATIVE
13 SERVICES organization designated pursuant to section 27-80-107 shall
14 assess the sufficiency of substance use disorder services within its
15 geographic region for adolescents ages seventeen and younger, young
16 adults ages eighteen through twenty-five, pregnant women, women who
17 are postpartum and parenting, and other adults who are in need of such
18 services. During the community assessment process, each ~~managed~~
19 ~~service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization
20 shall seek input and information from appropriate BEHAVIORAL HEALTH
21 entities, ~~such as community mental health centers, behavioral health~~
22 ~~organizations~~, county departments of human or social services, local
23 public health agencies, substance use disorder treatment providers, law
24 enforcement agencies, probation departments, organizations that serve
25 veterans or homeless individuals, and other relevant stakeholders. The
26 community assessment must include an analysis of existing funding and
27 resources within the community to provide a continuum of substance use
28 disorder services, including prevention, intervention, treatment, and
29 recovery support services, for adolescents ages seventeen and younger,
30 young adults ages eighteen through twenty-five, pregnant women, women
31 who are postpartum and parenting, and other adults who are in need of
32 such services.

33 (3) (a) On or before March 1, 2017, each ~~managed service~~
34 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization that has
35 completed a community assessment pursuant to subsection (2) of this
36 section shall prepare and submit in electronic format to the BHA and the
37 department of health care policy and financing a community action plan
38 to increase access to effective substance use disorder services, referred to
39 in this section as the "community action plan". The community action
40 plan must summarize the results of the community assessment and
41 include a description of how the ~~managed service~~ BEHAVIORAL HEALTH
42 ADMINISTRATIVE SERVICES organization will utilize its allocation of
43 funding from the marijuana tax cash fund created in section 39-28.8-501,

1 to address the most critical service gaps in its geographic region and a
2 timeline for implementation of the community action plan.

3 (b) A ~~managed-service~~ BEHAVIORAL HEALTH ADMINISTRATIVE
4 SERVICES organization may periodically update its community action plan
5 to reflect changes in community needs and priorities. Any such updated
6 plan must be submitted in electronic format to the BHA and the
7 department of health care policy and financing.

8 (c) On or before May 1, 2017, the BHA shall post the community
9 action plans from the ~~managed-service~~ BEHAVIORAL HEALTH
10 ADMINISTRATIVE SERVICES organizations developed pursuant to
11 SUBSECTION (3)(a) OF THIS SECTION on its website. On or before May 1,
12 2017, the BHA shall submit a report summarizing all of the community
13 action plans received from the ~~managed-service~~ BEHAVIORAL HEALTH
14 ADMINISTRATIVE SERVICES organizations to the joint budget committee,
15 the health and human services committee of the senate, and the public
16 AND BEHAVIORAL health care and human services committee of the house
17 of representatives, or any successor committees. The BHA shall post on
18 its website any updated community action plans received pursuant to
19 subsection (3)(b) OF THIS SECTION.

20 (4) (b) On July 1, 2017, and on every July 1 thereafter, the BHA
21 shall disburse to each ~~designated managed-service~~ BEHAVIORAL HEALTH
22 ADMINISTRATIVE SERVICES organization that has submitted a community
23 action plan one hundred percent of the ~~designated managed-service~~
24 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization's allocation
25 from the money appropriated from the marijuana tax cash fund.

26 (c) It is the intent of the general assembly that each ~~designated~~
27 ~~managed-service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
28 organization use money allocated to it from the marijuana tax cash fund
29 to cover expenditures for substance use disorder services that are not
30 otherwise covered by public or private insurance. Each ~~managed-service~~
31 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization may use its
32 allocation from the marijuana tax cash fund to implement its community
33 action plan, including expenditures for substance use disorder services
34 and for any start-up costs or other expenses necessary to increase capacity
35 to provide such services. A ~~designated managed-service~~ BEHAVIORAL
36 HEALTH ADMINISTRATIVE SERVICES organization must spend its allocation
37 in the state fiscal year in which it is received or in the next state fiscal
38 year thereafter. If there is any money from the allocation remaining after
39 the second state fiscal year, then the ~~designated managed-service~~
40 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization shall return
41 the money to the BHA. If an enhanced residential and inpatient substance
42 use disorder treatment and medical detoxification services benefit
43 becomes available under the Colorado medical assistance program,

1 ~~managed-service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
2 organizations shall determine to what extent money allocated from the
3 marijuana tax cash fund may be used to assist in providing substance use
4 disorder treatment, including residential and inpatient substance use
5 disorder treatment and medical detoxification services, if those services
6 are not otherwise covered by public or private insurance.

7 (5) (a) On or before September 1, 2017, and on or before each
8 September 1 thereafter, each ~~designated-managed-service~~ BEHAVIORAL
9 HEALTH ADMINISTRATIVE SERVICES organization shall submit an annual
10 report to the BHA, the joint budget committee, the health and human
11 services committee of the senate, and the public and behavioral health and
12 human services committee of the house of representatives, or their
13 successor committees, concerning the amount and purpose of actual
14 expenditures made using money from the marijuana tax cash fund in the
15 previous state fiscal year. The report must contain a description of the
16 impact of the expenditures on addressing the needs that were identified
17 in the initial and any subsequent community assessments and action plans
18 developed pursuant to subsection (3) of this section, as well as any other
19 requirements established for the contents of the report by the BHA.

20 (b) A ~~designated-managed-service~~ BEHAVIORAL HEALTH
21 ADMINISTRATIVE SERVICES organization shall provide the BHA with
22 information about actual expenditures as required by the BHA.".

23 Renumber succeeding sections accordingly.

24 Page 265, line 21, strike "240" and substitute "246".

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