

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB22-1278 be amended as follows:

1 Amend reengrossed bill, page 245, after line 16 insert:

2 "SECTION 214. In Colorado Revised Statutes, 26-5-116, **amend**  
3 **as added by House Bill 22-1283** (2)(a), (2)(b)(I), (2)(b)(II), (2)(c), (4)(a)  
4 introductory portion, (4)(a)(II), (4)(b), (4)(c), (4)(d), (5), (6), and (8); and  
5 **repeal** (7) as follows:

6 **26-5-116. Out-of-home placement for children and youth with**  
7 **mental or behavioral needs - funding - report - rules - legislative**  
8 **declaration - definitions - repeal.** (2) (a) ~~On or before August 1, 2021,~~  
9 the ~~state department~~ BHA shall develop a program to provide emergency  
10 resources to licensed providers to help remove barriers such providers  
11 face in serving children and youth whose behavioral or mental health  
12 needs require services and treatment in a residential child care facility.  
13 Any such licensed provider shall meet the requirements of a qualified  
14 residential treatment program, as defined in section 26-5.4-102; a  
15 psychiatric residential treatment facility, as defined in section 25.5-4-103  
16 (19.5); treatment foster care; or therapeutic foster care.

17 (b) (I) Beginning July 1, 2022, the ~~state department~~ BHA shall  
18 provide ongoing operational support for psychiatric residential treatment  
19 facilities, therapeutic foster care, treatment foster care, and qualified  
20 residential treatment programs as described in subsection (2)(a) of this  
21 section.

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

29 (c) The ~~state department~~ BHA and any person who receives  
30 money from the ~~state department~~ BHA shall comply with the compliance,  
31 reporting, record-keeping, and program evaluation requirements  
32 established by the office of state planning and budgeting and the state  
33 controller in accordance with section 24-75-226 (5).

34 (4) (a) ~~On or before December 31, 2021,~~ The ~~state department~~  
35 BHA shall contract with licensed providers for the delivery of services to  
36 children and youth who are determined eligible for and placed in the  
37 program. A provider that contracts with the ~~state department~~ BHA shall  
38 not:

39 (II) Discharge a child or youth based on the severity or complexity  
40 of the child's or youth's physical, behavioral, or mental health needs;

1 except that the ~~state department~~ BHA may arrange for the placement of  
2 a child or youth with an alternate contracted provider if the placement  
3 with the alternate provider is better suited to deliver services that meet the  
4 needs of the child or youth.

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

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

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

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

27 (b) The ~~state department~~ BHA shall develop a discharge plan for  
28 each child or youth placed in the program. The plan must include the  
29 eligible period of placement of the child or youth and shall identify the  
30 entity that will be responsible for the placement costs if the child or youth  
31 remains with the provider beyond the date of eligibility identified in the  
32 plan.

33 (c) The entity or family that places the child or youth in the  
34 program retains the right to remove the child or youth from the program  
35 any time prior to the discharge date specified by the ~~state department~~  
36 BHA.

37 (6) ~~Within seven days after submitting an application to the state~~  
38 ~~department for placing a child or youth in the program, the state~~  
39 ~~department shall work with the referring entity and the child's or youth's~~  
40 ~~parents or legal guardians to ensure the child or youth is assessed for~~  
41 ~~eligibility for enrollment into the state medical assistance program. A~~  
42 ~~child or youth who is eligible for enrollment into the state medical~~  
43 ~~assistance program shall be enrolled. Enrollment of a child or youth into~~

1 ~~the state medical assistance program does not constitute automatic~~  
2 ~~placement into the program.~~ AS USED IN THIS SECTION, UNLESS THE  
3 CONTEXT OTHERWISE REQUIRES:

4 (a) "FAMILY ADVOCATE" MEANS A PARENT OR PRIMARY  
5 CAREGIVER WHO:

6 (I) HAS BEEN TRAINED IN A SYSTEM-OF-CARE APPROACH TO ASSIST  
7 FAMILIES IN ACCESSING AND RECEIVING SERVICES AND SUPPORTS;

8 (II) HAS RAISED OR CARED FOR A CHILD OR ADOLESCENT WITH A  
9 MENTAL HEALTH OR CO-OCCURRING DISORDER; AND

10 (III) HAS WORKED WITH MULTIPLE AGENCIES AND PROVIDERS,  
11 SUCH AS MENTAL HEALTH, PHYSICAL HEALTH, SUBSTANCE ABUSE,  
12 JUVENILE JUSTICE, DEVELOPMENTAL DISABILITIES, EDUCATION, AND  
13 OTHER STATE AND LOCAL SERVICE SYSTEMS.

14 (b) "FAMILY SYSTEMS NAVIGATOR" MEANS AN INDIVIDUAL WHO:

15 (I) HAS BEEN TRAINED IN A SYSTEM-OF-CARE APPROACH TO ASSIST  
16 FAMILIES IN ACCESSING AND RECEIVING SERVICES AND SUPPORTS;

17 (II) HAS THE SKILLS, EXPERIENCE, AND KNOWLEDGE TO WORK  
18 WITH CHILDREN AND YOUTH WITH MENTAL HEALTH OR CO-OCCURRING  
19 DISORDERS; AND

20 (III) HAS WORKED WITH MULTIPLE AGENCIES AND PROVIDERS,  
21 INCLUDING MENTAL HEALTH, PHYSICAL HEALTH, SUBSTANCE ABUSE,  
22 JUVENILE JUSTICE, DEVELOPMENTAL DISABILITIES, EDUCATION, AND  
23 OTHER STATE AND LOCAL SERVICE SYSTEMS.

24 ~~(7) On or before November 1, 2023, and every November 1~~  
25 ~~thereafter, the state department shall submit a written report to the house~~  
26 ~~of representatives public and behavioral health and human services~~  
27 ~~committee, the senate health and human services committee, or their~~  
28 ~~successor committees, and the joint budget committee. At a minimum, the~~  
29 ~~report must include:~~

30 ~~(a) The number of applications received for placement of children~~  
31 ~~and youth in the program;~~

32 ~~(b) The number of children and youth accepted for placement in~~  
33 ~~the program;~~

34 ~~(c) The duration of each placement; and~~

35 ~~(d) The daily rate paid to each provider for placement of children~~  
36 ~~and youth.~~

37 (8) This section is intended to provide enhanced emergency  
38 services resulting from the increased need for services due to the  
39 COVID-19 pandemic. No later than September 30, 2024, the ~~state~~  
40 ~~department~~ BHA shall submit recommendations to the house of  
41 representatives public and behavioral health and human services  
42 committee, the senate health and human services committee, or their  
43 successor committees, and the joint budget committee about how to

1 provide necessary services for children and youth in need of residential  
2 care, including hospital step-down services on an ongoing basis."

3 Renumber succeeding sections accordingly.

4 Page 265, strike lines 19 through 21 and substitute:

5 "SECTION 249. Effective date. This act takes effect July 1,  
6 2022; except that section 90 takes effect only if House Bill 22-1256 does  
7 not become law; section 213 takes effect July 1, 2023; and section 214  
8 takes effect only if House Bill 22-1283 becomes law."

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