

UNREVISED DRAFT 2.19.19

HB1120_L.008

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.HB19-1120 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.** (1) (a) The general
4 assembly finds that:

5 (I) The federal centers for disease control and prevention found
6 suicide to be the tenth leading cause of death for all ages in 2017 and is
7 currently the leading cause of death for Colorado youth who are ten
8 through fourteen years of age;

9 (II) According to the Colorado Health Institute, Colorado has the
10 tenth highest suicide rate in the nation, and rates of suicide in the eastern
11 plains of Colorado doubled from 2016 to 2017;

12 (III) According to the national institute of mental health,
13 approximately twenty-one-point-four percent of youth who are eight
14 through fifteen years of age experience a severe mental health disorder;

15 (IV) According to the American Association of Suicidology, the
16 suicide rate for youth who are ten through fourteen years of age has
17 increased by more than fifty percent over the past three decades; and

18 (V) Youth who are ten through fourteen years of age often avoid
19 obtaining, or are legally unable to obtain without parental consent,
20 outpatient psychotherapy services that would help them prior to reaching
21 crisis levels because they are embarrassed or concerned about speaking
22 with their parent or legal guardian about their mental health concerns and
23 situations.

24 (b) The general assembly therefore declares that it is a matter of
25 statewide concern to allow youth who are twelve years of age or older to
26 have legal access to outpatient psychotherapy services that might
27 otherwise be unavailable without the consent of or notification to the
28 youth's parent or legal guardian. Providing these youth with access to
29 outpatient psychotherapy services is intended to reduce youth suicides and
30 allow registered psychotherapists and licensed social workers to work
31 with youth to teach them functional coping skills. Registered
32 psychotherapists and licensed social workers would have further
33 opportunity to help these youth build healthy connections with parents or
34 legal guardians by increasing communication and strengthening the bond
35 between parent and child, thus building an ongoing nonclinical support
36 system for the youth to use to manage their mental health concerns.

37 **SECTION 2.** In Colorado Revised Statutes, 12-43-201, **amend**
38 (9)(a) as follows:

39 **12-43-201. Definitions.** As used in this article 43, unless the
40 context otherwise requires:

1 (9) (a) "Psychotherapy", or "PSYCHOTHERAPY SERVICES", means
2 the treatment, diagnosis, testing, assessment, or counseling in a
3 professional relationship to assist individuals or groups to alleviate
4 behavioral and mental health disorders; understand unconscious or
5 conscious motivation; resolve emotional, relationship, or attitudinal
6 conflicts; or modify behaviors that interfere with effective emotional,
7 social, or intellectual functioning. Psychotherapy follows a planned
8 procedure of intervention that takes place on a regular basis, over a period
9 of time, or in the cases of testing, assessment, and brief psychotherapy,
10 psychotherapy can be a single intervention.

11 **SECTION 3.** In Colorado Revised Statutes, **add** 12-43-202.5 as
12 follows:

13 **12-43-202.5. Minors - consent for outpatient psychotherapy**
14 **services - immunity.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF
15 LAW, A MINOR WHO IS TWELVE YEARS OF AGE OR OLDER, WHETHER WITH
16 OR WITHOUT THE CONSENT OF A PARENT OR LEGAL GUARDIAN, MAY
17 CONSENT TO RECEIVE PSYCHOTHERAPY SERVICES, AS DEFINED IN SECTION
18 12-43-201 (9)(A), TO BE RENDERED BY A PROFESSIONAL PERSON AS
19 DEFINED IN SECTION 27-65-102 (17), A MENTAL HEALTH PROFESSIONAL
20 LICENSED PURSUANT TO PART 3, 4, 5, 6, OR 8 OF THIS ARTICLE 43, OR A
21 SCHOOL SOCIAL WORKER LICENSED BY THE DEPARTMENT OF EDUCATION.
22 SUCH CONSENT SHALL NOT BE SUBJECT TO DISAFFIRMANCE BECAUSE OF
23 MINORITY.

24 (2) PSYCHOTHERAPY SERVICES SHOULD BE PROVIDED IN A
25 CULTURALLY APPROPRIATE MANNER. WRITTEN AND ORAL INSTRUCTION,
26 TRAINING OF PROVIDERS AND STAFF, AND THE OVERALL PROVISION OF
27 SERVICES SHALL BE CULTURALLY APPROPRIATE AND PROVIDED IN A
28 MANNER AND FORMAT TO SUPPORT PEOPLE WITH LIMITED ENGLISH
29 PROFICIENCY OR CHALLENGES WITH ACCESSABILITY RELATED TO A
30 DISABILITY AND WITH RESPECT FOR DIVERSE BACKGROUNDS, INCLUDING
31 DIFFERENT CULTURAL ORIGINS AND LESBIAN, GAY, BISEXUAL, AND
32 TRANSGENDER INDIVIDUALS.

33 (3) AS USED IN THIS SECTION, PSYCHOTHERAPY SERVICES DO NOT
34 INCLUDE INPATIENT PSYCHOTHERAPY SERVICES. PSYCHOTROPIC
35 MEDICATION MAY NOT BE PRESCRIBED TO A MINOR WHO IS FOURTEEN
36 YEARS OF AGE OR YOUNGER WITHOUT PARENTAL CONSENT.

37 (4) THE PROFESSIONAL PERSON, LICENSED MENTAL HEALTH
38 PROFESSIONAL, OR SCHOOL SOCIAL WORKER RENDERING PSYCHOTHERAPY
39 SERVICES TO A MINOR MAY, WITH OR WITHOUT THE CONSENT OF THE
40 MINOR, ADVISE THE MINOR'S PARENT OR LEGAL GUARDIAN OF THE
41 SERVICES GIVEN OR NEEDED, UNLESS NOTIFYING THE PARENT OR LEGAL
42 GUARDIAN WOULD BE INAPPROPRIATE OR DETRIMENTAL TO THE MINOR'S
43 CARE AND TREATMENT. PRIOR TO ADVISING THE MINOR'S PARENT OR

1 LEGAL GUARDIAN OF THE PSYCHOTHERAPY SERVICES GIVEN OR NEEDED,
2 THE PROFESSIONAL PERSON, LICENSED MENTAL HEALTH PROFESSIONAL, OR
3 SCHOOL SOCIAL WORKER, SHALL ENGAGE IN A DISCUSSION WITH THE
4 MINOR ABOUT ADVISING THE MINOR'S PARENT OR LEGAL GUARDIAN OF THE
5 PSYCHOTHERAPY SERVICES GIVEN OR NEEDED.

6 (5) IF A MINOR WHO IS RECEIVING PSYCHOTHERAPY SERVICES
7 PURSUANT TO SUBSECTION (1) OF THIS SECTION COMMUNICATES A CLEAR
8 AND IMMINENT INTENT OR THREAT TO INFLICT SERIOUS BODILY HARM ON
9 HIMSELF OR HERSELF OR OTHERS, THE PROFESSIONAL PERSON, LICENSED
10 MENTAL HEALTH PROFESSIONAL, OR SCHOOL SOCIAL WORKER IS SUBJECT
11 TO THE PROVISIONS OF SECTION 13-21-117 (2).

12 (6) IF A MINOR WHO IS RECEIVING PSYCHOTHERAPY SERVICES
13 PURSUANT TO SUBSECTION (1) OF THIS SECTION COMMUNICATES AN
14 INTENT TO COMMIT SUICIDE, THE PROFESSIONAL PERSON, LICENSED
15 MENTAL HEALTH PROFESSIONAL, OR SCHOOL SOCIAL WORKER SHALL
16 NOTIFY THE MINOR'S PARENT OR LEGAL GUARDIAN OF SUCH SUICIDOLGY.

17 **SECTION 4.** In Colorado Revised Statutes, **add 22-2-127.9** as
18 follows:

19 **22-2-127.9. Mental health education literacy - resource bank**
20 **- technical assistance.** (1) THE DEPARTMENT, WITH ASSISTANCE FROM
21 THE OFFICE OF SUICIDE PREVENTION CREATED PURSUANT TO SECTION
22 25-1.5-101 (1)(w)(I), THE COLORADO YOUTH ADVISORY COUNCIL
23 CREATED PURSUANT TO SECTION 2-2-1302, AND THE SUICIDE PREVENTION
24 COMMISSION CREATED PURSUANT TO SECTION 25-1.5-111, SHALL CREATE
25 AND MAINTAIN A RESOURCE BANK OF EVIDENCE-BASED, RESEARCH-BASED,
26 AND PROMISING PROGRAM MATERIALS AND CURRICULA PERTAINING TO
27 MENTAL HEALTH, WHICH MATERIALS AND CURRICULA MAY BE USED IN
28 ELEMENTARY AND SECONDARY SCHOOLS IN THE STATE. THE RESOURCE
29 BANK AND CURRICULA MUST BE YOUTH FRIENDLY, CULTURALLY
30 SENSITIVE, AND AVAILABLE IN BOTH ENGLISH AND SPANISH. IN CREATING
31 THE RESOURCE BANK AND CURRICULA, THE DEPARTMENT MAY PROVIDE
32 INTERNET LINKS TO RESOURCES AND MATERIALS PERTAINING TO MENTAL
33 HEALTH AVAILABLE FROM OTHER ENTITIES THAT THE DEPARTMENT FINDS
34 RELIABLE. ADDITIONALLY, THE DEPARTMENT SHALL SOLICIT INPUT FROM
35 PERSONS, INCLUDING YOUTH, WITHIN AND OUTSIDE OF THE MENTAL
36 HEALTH PROFESSION, INCLUDING BOTH COMMUNITY AND SCHOOL MENTAL
37 HEALTH PROFESSIONALS. SUBJECT TO AVAILABLE APPROPRIATIONS, THE
38 DEPARTMENT SHALL SOLICIT REQUESTS FOR INFORMATION AND MAY
39 CONTRACT FOR:

40 (a) THE ORGANIZATION AND ENHANCEMENT OF THE RESOURCE
41 BANK, INCLUDING MATERIALS ON THE PREVENTION OF SUICIDE AND
42 EDUCATION ON MENTAL HEALTH;

43 (b) THE DEVELOPMENT OF MENTAL HEALTH CURRICULA FOR

1 SCHOOLS AND PROVIDING SUCH CURRICULA TO SCHOOLS; AND
2 (c) TRAINING FOR EDUCATORS AND SCHOOL STAFF CONCERNING
3 MENTAL HEALTH.

4 (2) ON AND AFTER JULY 1, 2020, THE DEPARTMENT SHALL MAKE
5 MATERIAL IN THE RESOURCE BANK AVAILABLE WITHOUT CHARGE TO
6 SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER SCHOOLS,
7 BOARDS OF COOPERATIVE SERVICES, PROFESSIONAL EDUCATORS, PARENTS
8 OR GUARDIANS OF YOUTH, STUDENTS, AND COMMUNITY PROVIDERS. AT
9 THE REQUEST OF A SCHOOL DISTRICT, CHARTER SCHOOL, INSTITUTE
10 CHARTER SCHOOL, OR BOARD OF COOPERATIVE SERVICES, THE
11 DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO THE SCHOOL
12 DISTRICT, CHARTER SCHOOL, INSTITUTE CHARTER SCHOOL, OR BOARD OF
13 COOPERATIVE SERVICES IN DESIGNING AGE-APPROPRIATE CURRICULA
14 PERTAINING TO MENTAL HEALTH.

15 (3) THE MATERIALS AND RESOURCES AVAILABLE TO STUDENTS
16 MUST BE DEVELOPED AND UPDATED WITH INPUT FROM YOUTH.

17 (4) SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER
18 SCHOOLS, AND BOARDS OF COOPERATIVE SERVICES ARE ENCOURAGED TO
19 REPORT TO THE DEPARTMENT ON THE EFFECTIVENESS OF THE RESOURCE
20 BANK AND CURRICULA AND TO RECOMMEND CHANGES TO IMPROVE THE
21 RESOURCE BANK OR CURRICULA. THE DEPARTMENT IS ENCOURAGED TO
22 UPDATE THE RESOURCE BANK AND CURRICULA BASED ON
23 RECOMMENDATIONS FROM SCHOOL DISTRICTS, CHARTER SCHOOLS,
24 INSTITUTE CHARTER SCHOOLS, BOARDS OF COOPERATIVE SERVICES,
25 PROFESSIONAL EDUCATORS, PARENTS OR GUARDIANS OF YOUTH,
26 STUDENTS, AND COMMUNITY PROVIDERS.

27 **SECTION 5.** In Colorado Revised Statutes, 22-7-1005, **add** (2.3)
28 as follows:

29 **22-7-1005. Preschool through elementary and secondary**
30 **education - aligned standards - adoption - revisions.** (2.3) ON OR
31 BEFORE JULY 1, 2020, THE STATE BOARD SHALL ADOPT STANDARDS THAT
32 IDENTIFY THE KNOWLEDGE AND SKILLS THAT AN ELEMENTARY THROUGH
33 SECONDARY EDUCATION STUDENT SHOULD ACQUIRE RELATED TO MENTAL
34 HEALTH, INCLUDING SUICIDE PREVENTION. WHEN THE STATE BOARD IS
35 ADOPTING STANDARDS, THE STATE BOARD SHALL TAKE INTO ACCOUNT
36 WHAT LOCAL EDUCATION PROVIDERS ARE CURRENTLY TEACHING WITH
37 REGARD TO MENTAL HEALTH.

38 **SECTION 6.** In Colorado Revised Statutes, **amend as relocated**
39 **by House Bill 19-1172** 12-43-201(9)(a) as follows:

40 **12-245-202. Definitions.** As used in this article 245, unless the
41 context otherwise requires:

42 (14) (a) "Psychotherapy" OR "PSYCHOTHERAPY SERVICES" means
43 the treatment, diagnosis, testing, assessment, or counseling in a

1 professional relationship to assist individuals or groups to alleviate
2 behavioral and mental health disorders, understand unconscious or
3 conscious motivation, resolve emotional, relationship, or attitudinal
4 conflicts, or modify behaviors that interfere with effective emotional,
5 social, or intellectual functioning. Psychotherapy follows a planned
6 procedure of intervention that takes place on a regular basis, over a period
7 of time, or in the cases of testing, assessment, and brief psychotherapy,
8 psychotherapy can be a single intervention.

9 **SECTION 7.** In Colorado Revised Statutes, **add to article 245**
10 **as relocated by House Bill 19-1172 12-245-203.5** as follows:

11 **12-245-203.5. Minors - consent for outpatient psychotherapy**
12 **services - immunity.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF
13 LAW, A MINOR WHO IS TWELVE YEARS OF AGE OR OLDER, WHETHER WITH
14 OR WITHOUT THE CONSENT OF A PARENT OR LEGAL GUARDIAN, MAY
15 CONSENT TO RECEIVE PSYCHOTHERAPY SERVICES, AS DEFINED IN SECTION
16 12-245-202 (14)(a), TO BE RENDERED BY A PROFESSIONAL PERSON AS
17 DEFINED IN SECTION 27-65-102 (17), A MENTAL HEALTH PROFESSIONAL
18 LICENSED PURSUANT TO PART 3, 4, 5, 6, OR 8 OF THIS ARTICLE 245, OR A
19 SCHOOL SOCIAL WORKER LICENSED BY THE DEPARTMENT OF EDUCATION.
20 SUCH CONSENT SHALL NOT BE SUBJECT TO DISAFFIRMANCE BECAUSE OF
21 MINORITY.

22 (2) PSYCHOTHERAPY SERVICES SHOULD BE PROVIDED IN A
23 CULTURALLY APPROPRIATE MANNER. WRITTEN AND ORAL INSTRUCTION,
24 TRAINING OF PROVIDERS AND STAFF, AND THE OVERALL PROVISION OF
25 SERVICES SHALL BE CULTURALLY APPROPRIATE AND PROVIDED IN A
26 MANNER AND FORMAT TO SUPPORT PEOPLE WITH LIMITED ENGLISH
27 PROFICIENCY OR CHALLENGES WITH ACCESSABILITY RELATED TO A
28 DISABILITY AND WITH RESPECT FOR DIVERSE BACKGROUNDS, INCLUDING
29 DIFFERENT CULTURAL ORIGINS AND LESBIAN, GAY, BISEXUAL, AND
30 TRANSGENDER INDIVIDUALS.

31 (3) AS USED IN THIS SECTION, PSYCHOTHERAPY SERVICES DO NOT
32 INCLUDE INPATIENT PSYCHOTHERAPY SERVICES. PSYCHOTROPIC
33 MEDICATION MAY NOT BE PRESCRIBED TO A MINOR WHO IS FOURTEEN
34 YEARS OF AGE OR YOUNGER WITHOUT PARENTAL CONSENT.

35 (4) THE PROFESSIONAL PERSON, LICENSED MENTAL HEALTH
36 PROFESSIONAL, OR SCHOOL SOCIAL WORKER RENDERING PSYCHOTHERAPY
37 SERVICES TO A MINOR MAY, WITH OR WITHOUT THE CONSENT OF THE
38 MINOR, ADVISE THE MINOR'S PARENT OR LEGAL GUARDIAN OF THE
39 SERVICES GIVEN OR NEEDED, UNLESS NOTIFYING THE PARENT OR LEGAL
40 GUARDIAN WOULD BE INAPPROPRIATE OR DETRIMENTAL TO THE MINOR'S
41 CARE AND TREATMENT. PRIOR TO ADVISING THE MINOR'S PARENT OR
42 LEGAL GUARDIAN OF THE PSYCHOTHERAPY SERVICES GIVEN OR NEEDED,
43 THE PROFESSIONAL PERSON, LICENSED MENTAL HEALTH PROFESSIONAL, OR

1 SCHOOL SOCIAL WORKER, SHALL ENGAGE IN A DISCUSSION WITH THE
2 MINOR ABOUT ADVISING THE MINOR'S PARENT OR LEGAL GUARDIAN OF THE
3 PSYCHOTHERAPY SERVICES GIVEN OR NEEDED.

4 (5) IF A MINOR WHO IS RECEIVING PSYCHOTHERAPY SERVICES
5 PURSUANT TO SUBSECTION (1) OF THIS SECTION COMMUNICATES A CLEAR
6 AND IMMINENT INTENT OR THREAT TO INFLICT SERIOUS BODILY HARM ON
7 HIMSELF OR HERSELF OR OTHERS, THE PROFESSIONAL PERSON, LICENSED
8 MENTAL HEALTH PROFESSIONAL, OR SCHOOL SOCIAL WORKER IS SUBJECT
9 TO THE PROVISIONS OF SECTION 13-21-117 (2).

10 (6) IF A MINOR WHO IS RECEIVING PSYCHOTHERAPY SERVICES
11 PURSUANT TO SUBSECTION (1) OF THIS SECTION COMMUNICATES AN
12 INTENT TO COMMIT SUICIDE, THE PROFESSIONAL PERSON, LICENSED
13 MENTAL HEALTH PROFESSIONAL, OR SCHOOL SOCIAL WORKER SHALL
14 NOTIFY THE MINOR'S PARENT OR LEGAL GUARDIAN OF SUCH SUICIDOLGY.

15 **SECTION 8. Effective date.** This act takes effect upon passage;
16 except that sections 6 and 7 of this act take effect only if House Bill
17 19-1172 becomes law, in which case sections 6 and 7 take effect on
18 October 1, 2019.

19 **SECTION 9. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety."

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