



1 correct or ameliorate defects, illnesses, or conditions in medicaid-eligible  
2 children under twenty-one years of age, including treatment in school  
3 settings;

4 (e) The lack of access to medically necessary services in schools  
5 has detrimental effects on the children who are unable to achieve  
6 maximum long-term functioning, as well as significant social costs,  
7 including lost productivity and increased costs of care. Over the course  
8 of a child's lifetime, inadequate access to treatment during the child's  
9 school-aged years may result in millions of dollars of therapies and  
10 supports needed later in life, as well as lost economic and employment  
11 opportunities over time.

12 (f) While schools provide special education and related services,  
13 many children have unmet medical needs in their school setting. These  
14 needs can be met by allowing access to services funded by third parties.  
15 Funding for medically necessary services for these children is appropriate  
16 and available through medicaid's early and periodic screening, diagnostic,  
17 and treatment program or through a family's private health insurance plan,  
18 thereby placing no greater financial burden on the state's public schools.

19 (g) Currently, access to medically necessary services in the school  
20 setting is too often restricted, causing damage to Colorado children and  
21 the state, which bears the cost when medically necessary services are not  
22 provided. No family should have to choose between a child attending  
23 public school or receiving access to medically necessary services.  
24 Ensuring that children have access to these services will also improve the  
25 efficacy of their treatment and their integration into the community, as  
26 well as reduce long-term costs to the state.

27 **SECTION 2.** In Colorado Revised Statutes, **add** 22-20-121 as  
28 follows:

29 **22-20-121. Medically necessary treatment in school setting -**  
30 **- policy - report - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE  
31 CONTEXT OTHERWISE REQUIRES:

32 (a) "MEDICALLY NECESSARY TREATMENT" MEANS TREATMENT  
33 RECOMMENDED OR ORDERED BY A COLORADO LICENSED HEALTH-CARE  
34 PROVIDER ACTING WITHIN THE SCOPE OF THE HEALTH-CARE PROVIDER'S  
35 LICENSE.

36 (b) "PRIVATE HEALTH-CARE SPECIALIST" MEANS A HEALTH-CARE  
37 PROVIDER WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO  
38 PROVIDE HEALTH-CARE SERVICES IN COLORADO, INCLUDING PEDIATRIC  
39 BEHAVIORAL HEALTH TREATMENT PROVIDERS PURSUANT TO THE STATE  
40 MEDICAL ASSISTANCE PROGRAM, ARTICLES 4, 5, AND 6 OF TITLE 25.5, AND  
41 AUTISM SERVICES PROVIDERS WHO PROVIDE TREATMENT PURSUANT TO  
42 SECTION 10-16-104 (1.4).

43 (2) (a) NO LATER THAN JULY 1, 2023, EACH ADMINISTRATIVE UNIT

1 SHALL ADOPT A POLICY THAT ADDRESSES HOW A STUDENT WHO HAS A  
2 PRESCRIPTION FROM A QUALIFIED HEALTH-CARE PROVIDER FOR  
3 MEDICALLY NECESSARY TREATMENT RECEIVES SUCH TREATMENT IN THE  
4 SCHOOL SETTING AS REQUIRED BY APPLICABLE FEDERAL AND STATE LAWS,  
5 INCLUDING SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF  
6 1973", 29 U.S.C. SEC. 794, AS AMENDED, AND TITLE II OF THE FEDERAL  
7 "AMERICANS WITH DISABILITIES ACT OF 1990".

8 (b) THE POLICY DEVELOPED PURSUANT TO SUBSECTION (2)(a) OF  
9 THIS SECTION MUST:

10 (I) INCLUDE A NOTICE TO THE PARENT OR LEGAL GUARDIAN OF THE  
11 STUDENT THAT SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF  
12 1973", 29 U.S.C. SEC. 794, AS AMENDED, AND TITLE II OF THE FEDERAL  
13 "AMERICANS WITH DISABILITIES ACT OF 1990" PROVIDE RIGHTS AND  
14 PROTECTIONS TO STUDENTS TO ACCESS MEDICALLY NECESSARY  
15 TREATMENT REQUIRED BY THE STUDENT TO HAVE MEANINGFUL ACCESS TO  
16 THE BENEFITS OF A PUBLIC EDUCATION, OR TO ATTEND SCHOOL WITHOUT  
17 RISKS TO THE STUDENT'S HEALTH OR SAFETY DUE TO THE STUDENT'S  
18 DISABLING MEDICAL CONDITION;

19 (II) ADDRESS THE PROCESS IN WHICH A PRIVATE HEALTH-CARE  
20 SPECIALIST MAY OBSERVE THE STUDENT IN THE SCHOOL SETTING,  
21 COLLABORATE WITH INSTRUCTIONAL PERSONNEL IN THE SCHOOL SETTING,  
22 AND PROVIDE MEDICALLY NECESSARY TREATMENT IN THE SCHOOL  
23 SETTING AS REQUIRED BY SECTION 504 OF THE FEDERAL "REHABILITATION  
24 ACT OF 1973", 29 U.S.C. SEC. 794, AS AMENDED, AND TITLE II OF THE  
25 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990"; AND

26 (III) PROVIDE NOTICE OF A STUDENT'S RIGHT TO APPEAL THE  
27 DECISION OF AN ADMINISTRATIVE UNIT CONCERNING ACCESS TO  
28 MEDICALLY NECESSARY TREATMENT IN THE SCHOOL SETTING.

29 (3) EACH ADMINISTRATIVE UNIT SHALL MAKE THE POLICY  
30 DEVELOPED PURSUANT TO SUBSECTION (2) OF THIS SECTION PUBLICLY  
31 AVAILABLE ON THE ADMINISTRATIVE UNIT'S WEBSITE AND AVAILABLE TO  
32 THE PARENT OR LEGAL GUARDIAN OF THE STUDENT, UPON REQUEST.

33 (4) (a) BEGINNING JULY 1, 2024, AND EACH JULY 1 THEREAFTER,  
34 EACH ADMINISTRATIVE UNIT SHALL COMPILE AND PROVIDE TO THE  
35 DEPARTMENT OF EDUCATION THE TOTAL NUMBER OF REQUESTS FOR  
36 ACCESS TO A STUDENT BY A PRIVATE HEALTH-CARE SPECIALIST PURSUANT  
37 TO THIS SECTION AND WHETHER THE ACCESS WAS AUTHORIZED OR DENIED.

38 (b) BEGINNING JANUARY 2025, AND EACH JANUARY THEREAFTER,  
39 THE DEPARTMENT OF EDUCATION SHALL MAKE THE INFORMATION  
40 REPORTED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION AVAILABLE  
41 ON THE DEPARTMENT'S WEBSITE AND REPORT THE INFORMATION TO THE  
42 HOUSE OF REPRESENTATIVES EDUCATION COMMITTEE AND THE SENATE  
43 EDUCATION COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AS PART OF

1 THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND  
2 TRANSPARENT (SMART) GOVERNMENT ACT" PRESENTATION REQUIRED  
3 BY PART 2 OF ARTICLE 7 OF TITLE 2.

4       **SECTION 3. Act subject to petition - effective date.** This act  
5 takes effect at 12:01 a.m. on the day following the expiration of the  
6 ninety-day period after final adjournment of the general assembly; except  
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
8 of the state constitution against this act or an item, section, or part of this  
9 act within such period, then the act, item, section, or part will not take  
10 effect unless approved by the people at the general election to be held in  
11 November 2022 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor."

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