

HOUSE COMMITTEE OF REFERENCE REPORT

March 29, 2022

Chair of Committee

Date

Committee on Public & Behavioral Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB22-1278 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, strike lines 10 through 16.

2 Page 3, strike line 1.

3 Renumber succeeding subsections accordingly.

4 Page 3, line 21, before "OR" insert "DETENTION AND COMMITMENT
5 FACILITIES OPERATED BY THE DIVISION OF YOUTH SERVICES WITHIN THE
6 DEPARTMENT OF HUMAN SERVICES,".

7 Page 3, after line 24 insert:

8 "(5) "BEHAVIORAL HEALTH PROGRAM" MEANS THE SPECIFIC
9 SERVICES AND ADMINISTRATION OF THOSE SERVICES BY A BEHAVIORAL
10 HEALTH PROVIDER.

11 (6) "BEHAVIORAL HEALTH PROVIDER" MEANS A RECOVERY
12 COMMUNITY ORGANIZATION AS DEFINED IN 27-80-126, RECOVERY
13 SUPPORT SERVICES ORGANIZATION AS DEFINED IN 27-60-108, OR A
14 LICENSED ORGANIZATION OR PROFESSIONAL PROVIDING DIAGNOSTIC,
15 THERAPEUTIC, OR PSYCHOLOGICAL SERVICES FOR BEHAVIORAL HEALTH
16 CONDITIONS. BEHAVIORAL HEALTH PROVIDERS INCLUDE A RESIDENTIAL
17 CHILD CARE FACILITY AND A FEDERALLY QUALIFIED HEALTH CENTER.".

18 Renumber succeeding subsections accordingly.

19 Page 4, line 1, after "PROVIDERS." add "A COMMUNITY MENTAL HEALTH
20 CENTER PURSUANT TO 42 U.S.C. SEC. 300X-2(C) AND THAT IS LICENSED AS
21 A BEHAVIORAL HEALTH ENTITY MAY APPLY TO BE APPROVED AS A

1 COMPREHENSIVE BEHAVIORAL HEALTH SAFETY NET PROVIDER, AN
2 ESSENTIAL BEHAVIORAL HEALTH SAFETY NET PROVIDER, OR BOTH."

3 Page 4, line 3, strike "CHILDREN" and substitute "CHILDREN, YOUTH,".

4 Page 4, line 9, after "HOSPITAL," insert "DETENTION AND COMMITMENT
5 FACILITY OPERATED BY THE DIVISION OF YOUTH SERVICES WITHIN THE
6 DEPARTMENT OF HUMAN SERVICES,".

7 Page 4, strike line 19 , strike "CLINICAL CASE" and substitute "CARE".

8 Page 4, line 22, strike "AND".

9 Page 4, line 23, strike "RESTORATION." and substitute "RESTORATION; AND
10 "(i) SCREENING, ASSESSMENT, AND DIAGNOSIS, INCLUDING RISK
11 ASSESSMENT, CRISIS PLANNING, AND MONITORING TO KEY HEALTH
12 INDICATORS.

13 (12) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN
14 SERVICES CREATED PURSUANT TO SECTION 26-1-105."

15 Renumber succeeding subsections accordingly.

16 Page 4, line 25, strike "PROGRAM" and substitute "BEHAVIORAL HEALTH
17 PROVIDER".

18 Page 5, after line 1 insert:

19 "(14) "HEALTH INFORMATION ORGANIZATION NETWORK" HAS THE
20 SAME MEANING AS DEFINED IN SECTION 25-3.5-103 (8.5)."

21 Renumber succeeding subsections accordingly.

22 Page 5, line 8, strike "ALCOHOL" and substitute "ALCOHOL, MARIJUANA,".

23 Page 5, strike lines 11 through 19 and substitute:

24 "(17) (a) "PRIORITY POPULATIONS" MEANS PEOPLE WHO ARE:
25 (I) UNINSURED, UNDERINSURED, MEDICAID-ELIGIBLE, PUBLICLY
26 INSURED, OR WHOSE INCOME IS BELOW THRESHOLDS ESTABLISHED BY THE
27 BHA; AND
28 (II) PRESENTING WITH ACUTE OR CHRONIC BEHAVIORAL HEALTH
29 NEEDS, INCLUDING BUT NOT LIMITED TO INDIVIDUALS WHO HAVE BEEN
30 DETERMINED INCOMPETENT TO STAND TRIAL, ADULTS WITH SERIOUS

1 MENTAL ILLNESS, AND CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL
2 DISTURBANCE.

3 (b) THE BHA MAY FURTHER IDENTIFY SUBPOPULATIONS FOR
4 PRIORITIZATION ON A REGIONAL OR STATEWIDE BASIS BASED ON HEALTH
5 EQUITY DATA, INCLUDING BUT NOT LIMITED TO PEOPLE EXPERIENCING OR
6 AT RISK OF HOMELESSNESS; CHILDREN AND YOUTH AT RISK OF
7 OUT-OF-HOME PLACEMENT AND THEIR PARENTS; PEOPLE INVOLVED WITH
8 THE CRIMINAL OR JUVENILE JUSTICE SYSTEM; PEOPLE OF COLOR;
9 AMERICAN INDIANS; ALASKA NATIVES; VETERANS; PEOPLE WHO ARE
10 PREGNANT; PEOPLE WHO ARE LESBIAN, GAY, BISEXUAL, TRANSGENDER, OR
11 QUEER OR QUESTIONING; AND INDIVIDUALS WITH DISABILITIES AS DEFINED
12 BY THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42
13 U.S.C. SEC. 12101 ET SEQ., AS AMENDED."

14 Page 5, after line 24 insert:

15 "(19) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN
16 SERVICES CREATED PURSUANT TO SECTION 26-1-107."

17 Renumber succeeding subsections accordingly.

18 Page 7, after line 23 insert:

19 "(6) THE COMMISSIONER SHALL ESTABLISH AN INFRASTRUCTURE
20 TO OVERSEE AND BE ACCOUNTABLE FOR POLICY, STRATEGY, AND SERVICES
21 FOR CHILDREN AND YOUTH."

22 Page 11, strike lines 25 and 26.

23 Reletter succeeding paragraphs accordingly.

24 Page 16, strike line 13 and substitute "SECTION 27-50-105, INCLUDING
25 RECORD KEEPING, DATA COLLECTION, AND HEALTH INFORMATION
26 ORGANIZATION NETWORK CONNECTION;"

27 Page 18, line 4, after "FROM" insert "THE BEHAVIORAL HEALTH
28 ADMINISTRATION ADVISORY COUNCIL CREATED PURSUANT TO SECTION
29 27-50-701, THE SUB-COMMITTEES CREATED PURSUANT TO SECTION
30 27-50-703, AND"

31 Page 18, line 22, after "19-3-103." add "ALL DATA RELEASED BY THE
32 OMBUDSMAN SHALL COMPLY WITH SECTIONS 19-3.3-103 (1)(a)(I)(B) AND
33 (3)."

- 1 Page 19, line 3, strike "PROVIDERS" and substitute "PROVIDERS,
2 INCLUDING THOSE THAT CONTRACT WITH MANAGED CARE ENTITIES OR
3 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATIONS,".
- 4 Page 19, line 7, after "PROVIDERS" insert "AND BEHAVIORAL HEALTH
5 ADMINISTRATIVE SERVICES ORGANIZATIONS".
- 6 Page 20, line 13, strike "CONTRACT" and substitute "CONTRACTING
7 PROVISIONS".
- 8 Page 20, line 22, strike "PROVIDERS." and substitute "PROVIDERS,
9 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATIONS, AND
10 MANAGED CARE ENTITIES.".
- 11 Page 21, line 27, strike "CONTRACT" and substitute "CONTRACTING
12 PROVISIONS".
- 13 Page 22, line 23, strike "**contract**" and substitute "**contracting**
14 **provisions**".
- 15 Page 22, line 24, after "WITH" insert "RELEVANT STAKEHOLDERS,".
- 16 Page 22, line 25, strike "FINANCING" and substitute "FINANCING,".
- 17 Page 22, line 26, strike "A UNIVERSAL CONTRACT" and substitute
18 "UNIVERSAL CONTRACTING PROVISIONS".
- 19 Page 22, line 27, strike "THAT ENTERED INTO A FORMAL AGREEMENT
20 PURSUANT TO".
- 21 Page 23, line 1, strike "SECTION 27-50-202".
- 22 Page 23, line 2, strike "CONTRACT" and substitute "CONTRACTING
23 PROVISIONS".
- 24 Page 23, line 6, strike "INTERCHANGE;" and substitute "AND
25 PARTICIPATION IN HEALTH INFORMATION ORGANIZATION NETWORKS;".
- 26 Page 23, line 7, after "GRIEVANCE" insert "AND OCCURRENCE".
- 27 Page 24, lines 2 and 3, strike "SECTION 27-63-104 (2)(c)(IV);" and
28 substitute "SECTIONS 27-50-302 AND 27-50-303;".

1 Page 24, after line 7 insert:

2 "(2) THE UNIVERSAL CONTRACT MAY HAVE ALTERNATE
3 STANDARDIZED PROVISIONS, DEPENDING ON ITS APPLICATION, SUCH AS
4 WHETHER THE PROVIDER IS A COMPREHENSIVE BEHAVIORAL HEALTH
5 SAFETY NET PROVIDER OR AN ESSENTIAL BEHAVIORAL HEALTH SAFETY
6 NET PROVIDER, THE SERVICE TYPE, OR OTHER FACTORS.

7 (3) ADDITIONAL TERMS NOT INCLUDED IN THE UNIVERSAL
8 CONTRACT MAY BE NEGOTIATED AND ADDED BY THE CONTRACTING
9 PARTIES."

10 Page 25, line 7, after "SERVICES" insert "FOR CHILDREN, YOUTH, AND
11 ADULTS".

12 Page 25, line 11, strike "HARD-TO-SERVE INDIVIDUALS" and substitute
13 "PRIORITY POPULATIONS".

14 Page 25, line 17, strike "CHILDREN" and substitute "CHILDREN, YOUTH,".

15 Page 26, line 15, after "AVAILABLE" insert "FOR CHILDREN, YOUTH, AND
16 ADULTS".

17 Page 26, line 17, strike "BEHAVIORAL HEALTH" and substitute "MENTAL
18 HEALTH AND SUBSTANCE USE".

19 Page 26, strike line 22 and substitute:

20 "(VII) MENTAL HEALTH AND SUBSTANCE USE RECOVERY
21 SUPPORTS;".

22 Page 26, strike line 24 and substitute:

23 "(IX) CARE MANAGEMENT;".

24 Page 27, line 2, strike "AND".

25 Page 27, after line 2 insert:

26 "(XV) SCREENING, ASSESSMENT, AND DIAGNOSIS, INCLUDING RISK
27 ASSESSMENT, CRISIS PLANNING, AND MONITORING TO KEY HEALTH
28 INDICATORS; AND".

29 Renumber succeeding subparagraph accordingly.

1 Page 27, line 4, strike "COMMUNITY" and substitute "REGION".

2 Page 27, after line 4 insert:

3 "(b) WHEN ROUTINELY ASSESSING THE SERVICES AVAILABLE
4 REGIONALLY AND STATEWIDE, AS REQUIRED IN SUBSECTION (3)(a) OF THIS
5 SECTION, THE BHA SHALL ASSESS ADEQUACY OF FUNDING AND
6 RESOURCES NECESSARY TO IMPLEMENT THE BEHAVIORAL HEALTH SYSTEM
7 PLAN PURSUANT TO SECTION 27-50-204."

8 Reletter succeeding paragraphs accordingly.

9 Page 27, line 5, after "STANDARDS" insert "AND HEALTH, SAFETY, AND
10 WELFARE STANDARDS".

11 Page 27, line 12, strike "BEHAVIORAL" and substitute "EXCEPT AS
12 PROVIDED IN SECTION 27-50-303, BEHAVIORAL".

13 Page 27, line 24, strike "PSYCHIATRIC FACILITY" and substitute "LICENSED
14 FACILITY PROVIDING INPATIENT PSYCHIATRIC SERVICES".

15 Page 28, line 3, strike "DISABILITY;" and substitute "DISABILITY,
16 IRRESPECTIVE OF PRIMARY DIAGNOSIS, CO-OCCURRING CONDITIONS, OR IF
17 AN INDIVIDUAL REQUIRES ASSISTANCE WITH ACTIVITIES OF DAILY LIVING
18 OR INSTRUMENTAL ACTIVITIES OF DAILY LIVING, AS DEFINED IN SECTION
19 12-270-104 (6);".

20 Page 28, strike lines 11 through 27 and substitute:

21 "(5) THE BHA MAY PROMULGATE RULES OR DETERMINE OTHER
22 APPROPRIATE PROCESSES TO APPROVE BEHAVIORAL HEALTH PROVIDERS AS
23 BEHAVIORAL HEALTH SAFETY NET PROVIDERS. BEHAVIORAL HEALTH
24 PROVIDERS THAT DO NOT HOLD A LICENSE FROM THE BHA BUT ARE
25 OTHERWISE LICENSED OR AUTHORIZED TO PROVIDE BEHAVIORAL HEALTH
26 SERVICES IN THE STATE OF COLORADO ARE ELIGIBLE TO BE APPROVED AS
27 BEHAVIORAL HEALTH SAFETY NET PROVIDERS."

28 Page 29, strike lines 1 through 4.

29 Page 29, before line 5 insert:

30 "**27-50-302. Requirement to serve priority populations -**
31 **screening and triage for individuals in need of behavioral health**

1 **services - referrals.** (1) EXCEPT AS PROVIDED IN THIS SECTION,
2 COMPREHENSIVE BEHAVIORAL HEALTH SAFETY NET PROVIDERS MUST
3 PROVIDE THE SAFETY NET SERVICES LISTED IN SECTION 27-50-101 (11) TO
4 PRIORITY POPULATIONS.

5 (2) EXCEPT AS PROVIDED IN SECTION 27-50-303, ESSENTIAL
6 BEHAVIORAL HEALTH SAFETY NET PROVIDERS SHALL PROVIDE THE SAFETY
7 NET SERVICE OR SERVICES THAT THEY CONTRACT WITH THE BEHAVIORAL
8 HEALTH ADMINISTRATIVE SERVICES ORGANIZATION OR MANAGED CARE
9 ENTITY TO PROVIDE TO PRIORITY POPULATIONS.

10 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO
11 THE CONTRARY, EMERGENCY AND CRISIS SERVICES MUST BE AVAILABLE
12 TO ANY INDIVIDUAL WHO IS EXPERIENCING A BEHAVIORAL HEALTH CRISIS,
13 REGARDLESS OF WHETHER THE INDIVIDUAL IS A PRIORITY POPULATION;

14 (4) (a) WHEN A PRIORITY POPULATION CLIENT INITIATES
15 TREATMENT WITH A BEHAVIORAL HEALTH SAFETY NET PROVIDER, PRIOR
16 TO THE INTAKE THE PROVIDER SHALL COMPLETE AN INITIAL SCREENING
17 AND TRIAGE PROCESS TO DETERMINE URGENCY AND APPROPRIATENESS OF
18 CARE WITH THE PROVIDER.

19 (b) THE BEHAVIORAL HEALTH SAFETY NET PROVIDER SHALL USE
20 OBJECTIVE CRITERIA FOR DETERMINING WHETHER A CLIENT'S NEEDS
21 EXCEED THE CLINICAL EXPERTISE OF THE PROVIDER.

22 (c) IF A PRIORITY POPULATION CLIENT'S NEEDS EXCEED THE
23 TREATMENT CAPACITY OR CLINICAL EXPERTISE OF AN ESSENTIAL
24 BEHAVIORAL HEALTH SAFETY NET PROVIDER, THE PROVIDER SHALL REFER
25 THE CLIENT TO ANOTHER APPROPRIATE PROVIDER.

26 (d) IF A PRIORITY POPULATION CLIENT'S NEEDS EXCEED THE
27 TREATMENT CAPACITY OR CLINICAL EXPERTISE OF A COMPREHENSIVE
28 BEHAVIORAL HEALTH SAFETY NET PROVIDER, THE PROVIDER MUST ENSURE
29 THAT THE CLIENT HAS ACCESS TO INTERIM BEHAVIORAL HEALTH SERVICES
30 IN A TIMELY MANNER UNTIL THE CLIENT IS CONNECTED TO THE MOST
31 APPROPRIATE PROVIDER FOR ONGOING CARE. THIS MAY INCLUDE USE OF
32 PROVIDERS WITHIN THE NETWORK OF THE BEHAVIORAL HEALTH
33 ADMINISTRATIVE SERVICES ORGANIZATION OR THE REGIONAL MANAGED
34 CARE ENTITY.

35 (e) THE COMPREHENSIVE BEHAVIORAL HEALTH SAFETY NET
36 PROVIDER SHALL OBTAIN APPROVAL FROM THE BEHAVIORAL HEALTH
37 ADMINISTRATIVE SERVICES ORGANIZATION UNDER WHICH THE PROVIDER
38 IS OPERATING, OR THE REGIONAL MANAGED CARE ENTITY FOR MEDICAID
39 CLIENTS, PRIOR TO REFERRING A PRIORITY POPULATION CLIENT TO
40 ALTERNATIVE SERVICES; EXCEPT THAT AN INDIVIDUAL EXPERIENCING A
41 BEHAVIORAL HEALTH CRISIS MAY BE REFERRED TO EMERGENCY OR CRISIS
42 SERVICES WITHOUT PRIOR APPROVAL.

43 (5) WHEN REFERRING A CLIENT TO ALTERNATIVE SERVICES, A

1 BEHAVIORAL HEALTH SAFETY NET PROVIDER SHALL ASSIST THE CLIENT IN
2 IDENTIFYING AND INITIATING SERVICES WITH AN APPROPRIATE PROVIDER
3 FOR ONGOING CARE. AS APPROPRIATE, THE BEHAVIORAL HEALTH SAFETY
4 NET PROVIDER SHALL USE THE BEHAVIORAL HEALTH ADMINISTRATIVE
5 SERVICES ORGANIZATION OR, FOR MEDICAID CLIENTS, THE REGIONAL
6 MANAGED CARE ENTITY FOR CARE COORDINATION.

7 (6)(a) BEHAVIORAL HEALTH SAFETY NET PROVIDERS SHALL TRACK
8 THE FOLLOWING INFORMATION FOR ALL INDIVIDUALS WHO WERE
9 REFERRED TO ALTERNATIVE SERVICES PURSUANT TO THIS SECTION:

10 (I) CLIENT DEMOGRAPHICS;

11 (II) STANDARDIZED DESCRIPTIONS OF THE NEEDS OF THE CLIENT
12 THAT COULD NOT BE MET AND REQUIRE THE CLIENT TO BE REFERRED TO
13 ANOTHER PROVIDER;

14 (III) THE OUTCOME AND TIMELINESS OF THE REFERRAL; AND

15 (IV) ANY OTHER INFORMATION REQUIRED BY THE BHA.

16 (b) THE PROVIDER SHALL PROVIDE THE REPORT AT REGULAR
17 INTERVALS TO THE BHA AND TO EITHER THE BEHAVIORAL HEALTH
18 ADMINISTRATIVE SERVICES ORGANIZATION UNDER WHICH THE PROVIDER
19 IS OPERATING OR, FOR MEDICAID CLIENTS, TO THE MANAGED CARE ENTITY.

20 **27-50-303. Essential behavioral health safety net providers -**
21 **approval to serve limited priority populations.** (1) ESSENTIAL
22 BEHAVIORAL HEALTH SAFETY NET PROVIDERS MUST SERVE ALL PRIORITY
23 POPULATIONS UNLESS THE UNIVERSAL CONTRACT WITH THE BEHAVIORAL
24 HEALTH ADMINISTRATIVE SERVICES ORGANIZATION LIMITS THE
25 PROVIDER'S SCOPE AND RESPONSIBILITY TO A SPECIFIC SUBPOPULATION
26 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

27 (2) BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
28 ORGANIZATIONS MAY CONTRACT WITH AN ESSENTIAL BEHAVIORAL
29 HEALTH SAFETY NET PROVIDER TO PROVIDE A SAFETY NET SERVICE OR
30 SERVICES, INCLUDING THOSE DETERMINED NECESSARY PURSUANT TO
31 SECTION 27-50-301 (3)(a)(XV), TO ONLY A SUBPOPULATION OF THE
32 PRIORITY POPULATIONS."

33 Renumber succeeding C.R.S. section accordingly.

34 Page 29, line 24, after "SERVICES;" insert "AND".

35 Page 29, strike lines 25 through 27.

36 Reletter succeeding paragraph accordingly.

37 Page 30, after line 8 insert:

1 "(5) TO MEET THE REQUIREMENT IN SUBSECTION (1) OF THIS
2 SECTION, THE BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
3 ORGANIZATIONS AND MANAGED CARE ENTITIES MAY CONTRACT WITH
4 POTENTIAL AND EXISTING APPROVED SAFETY NET PROVIDERS TO EXPAND
5 SERVICE CAPACITY IN A SPECIFIC REGION OF THE STATE."

6 Renumber succeeding subsection accordingly.

7 Page 30, strike lines 16 through 18 and substitute "COMMISSIONER SHALL
8 SELECT AND CONTRACT WITH REGIONALLY BASED BEHAVIORAL HEALTH
9 ORGANIZATIONS TO ESTABLISH, ADMINISTER, AND MAINTAIN ADEQUATE
10 NETWORKS OF BEHAVIORAL HEALTH SAFETY NET SERVICES AND CARE".

11 Page 31, strike lines 19 and 20 and substitute "HEALTH PROVIDERS; STATE
12 AND LOCAL AGENCIES; AND THE LOCAL COMMUNITY, INCLUDING
13 ADVOCACY ORGANIZATIONS AND CLIENTS OF BEHAVIORAL HEALTH
14 SERVICES;"

15 Page 31, after line 23, insert:

16 "(d) THE EXTENT TO WHICH THE APPLICANT'S BOARD COMPLIES
17 WITH CONFLICT OF INTEREST POLICIES, INCLUDING TO THE FOLLOWING:

18 (I) THE BOARD SHALL NOT HAVE MORE THAN FIFTY PERCENT OF
19 CONTRACTED PROVIDERS AS BOARD MEMBERS;

20 (II) PROVIDERS WHO HAVE OWNERSHIP OR BOARD MEMBERSHIP IN
21 A BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATION SHALL
22 NOT HAVE CONTROL OR DECISION-MAKING AUTHORITY IN THE
23 ESTABLISHMENT OF PROVIDER NETWORKS; AND

24 (III) AN EMPLOYEE OF A CONTRACTED PROVIDER OF A
25 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATION SHALL
26 NOT ALSO BE AN EMPLOYEE OF THE BEHAVIORAL HEALTH ADMINISTRATIVE
27 SERVICES ORGANIZATION UNLESS THE EMPLOYEE IS THE CHIEF CLINICAL
28 OFFICER OR UTILIZATION MANAGEMENT DIRECTOR OF THE BEHAVIORAL
29 HEALTH ADMINISTRATIVE SERVICES ORGANIZATION. IF THE INDIVIDUAL IS
30 ALSO AN EMPLOYEE OF A PROVIDER THAT HAS BOARD MEMBERSHIP OR
31 OWNERSHIP IN THE BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
32 ORGANIZATION, THE BEHAVIORAL HEALTH SERVICES ORGANIZATION SHALL
33 DEVELOP POLICIES APPROVED BY THE COMMISSIONER TO MITIGATE ANY
34 CONFLICT OF INTEREST THE EMPLOYEE MAY HAVE; AND".

35 Reletter succeeding paragraph accordingly.

36 Page 32, line 7, after "IMPOSE" insert "CORRECTIVE ACTIONS, INCLUDING
37 FISCAL SANCTIONS," and strike "RESTRICTIONS" and substitute

- 1 "RESTRICTIONS,".
- 2 Page 33, line 13, after "CARE" insert "AND NETWORK ADEQUACY".
- 3 Page 33, line 20, strike "CONTRACT" and substitute "CONTRACTING
4 PROVISIONS".
- 5 Page 33, line 22, strike "CONTRACT" and substitute "CONTRACTING
6 PROVISIONS".
- 7 Page 33, line 26, strike "DISORDER;" and substitute "DISORDER AND
8 BEHAVIORAL HEALTH SERVICES DEEMED MEDICALLY NECESSARY
9 PURSUANT TO THE EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND
10 TREATMENT BENEFIT;".
- 11 Page 34, line 3, strike "REPORTING; AND" and substitute "REPORTING,
12 INCLUDING ANY PROVISIONS NECESSARY TO IMPLEMENT SECTION
13 27-50-201;
14 (g) PROCEDURES RELATED TO CORRECTIVE ACTIONS PURSUANT TO
15 SECTION 27-50-402; AND".
- 16 Reletter succeeding paragraph accordingly.
- 17 Page 34, line 6, strike "SECTION." and substitute "SECTION; AND".
- 18 Page 34, after line 6 insert:
- 19 "(i) REQUIREMENTS FOR CALCULATING AND REPORTING THE
20 ANNUAL MEDICAL LOSS RATIO. FOR PURPOSES OF THE CALCULATION,
21 NON-CLAIMS COSTS INCLUDE AMOUNTS FOR NETWORK DEVELOPMENT,
22 ADMINISTRATIVE FEES, CLAIMS PROCESSING, UTILIZATION MANAGEMENT,
23 FINES, AND PENALTIES. THE BEHAVIORAL HEALTH ADMINISTRATIVE
24 SERVICES ORGANIZATION MUST PROVIDE A REMITTANCE FOR A MEDICAL
25 LOSS RATIO REPORTING YEAR IF THE MEDICAL LOSS RATIO FOR THAT YEAR
26 DOES NOT MEET THE MINIMUM STANDARD SET BY THE BHA.".
- 27 Page 37, line 11, strike "ALCOHOL USE DISORDERS OR".
- 28 Page 37, line 13, strike "ENTITY," and substitute "ENTITY OR".
- 29 Page 37, line 14, strike "OR AN ALCOHOL USE DISORDER PROGRAM,".
- 30 Page 38, after line 5 insert:

1 "(3) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
2 CONTRARY, THE BHA SHALL NOT ISSUE OR RENEW ANY LICENSE
3 DESCRIBED IN THIS PART 5 UNLESS THE BHA RECEIVES A CERTIFICATE OF
4 COMPLIANCE FOR THE APPLICANT'S BUILDING OR STRUCTURE FROM THE
5 DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF
6 PUBLIC SAFETY IN ACCORDANCE WITH PART 12 OF ARTICLE 33.5 OF TITLE
7 24.

8 (b) THE BHA SHALL TAKE ACTION ON AN APPLICATION FOR
9 LICENSURE WITHIN THIRTY DAYS AFTER THE DATE THAT THE BHA
10 RECEIVES FROM THE APPLICANT ALL OF THE NECESSARY INFORMATION
11 AND DOCUMENTATION REQUIRED FOR LICENSURE, INCLUDING A
12 CERTIFICATE OF COMPLIANCE FROM THE DIVISION OF FIRE PREVENTION
13 AND CONTROL."

14 Page 38, line 22, strike "OFFICE" and substitute "PLANT".

15 Page, 40, line 8, strike "SECTION 27-63-104 (2)(c)(IV);" and substitute
16 "SECTIONS 27-50-302 AND 27-50-303;"

17 Page 40, line 13, strike "SERVICES;" and substitute "SERVICES. IF THE
18 DIRECTOR IS NOT A LICENSED PHYSICIAN OR LICENSED MENTAL HEALTH
19 PROFESSIONAL, THE PROVIDER SHALL EMPLOY OR CONTRACT WITH AT
20 LEAST ONE LICENSED PHYSICIAN OR LICENSED MENTAL HEALTH
21 PROFESSIONAL TO ADVISE THE DIRECTOR ON CLINICAL DECISIONS."

22 Page 41, line 2, strike "SIGN THE UNIVERSAL" and substitute "ENTER INTO
23 A".

24 Page 41, strike lines 10 through 14 and substitute:

25 "(a) REQUIRE THAT TREATMENT PROGRAMS OF THE
26 COMPREHENSIVE BEHAVIORAL HEALTH SAFETY NET PROVIDER BE VESTED
27 IN A DIRECTOR WHO IS A PHYSICIAN OR A MEMBER OF ONE OF THE
28 LICENSED MENTAL HEALTH PROFESSIONS. THE DIRECTOR IS NOT REQUIRED
29 TO PROVIDE OVERSIGHT OR DIRECTION FOR RECOVERY SERVICES. IF THE
30 DIRECTOR IS NOT A PHYSICIAN OR LICENSED MENTAL HEALTH
31 PROFESSIONAL, THE PROVIDER SHALL CONTRACT WITH AT LEAST ONE
32 LICENSED PHYSICIAN OR LICENSED MENTAL HEALTH PROFESSIONAL TO
33 ADVISE THE DIRECTOR ON CLINICAL DECISIONS."

34 Page 41, line 27, strike "POPULATIONS, INCLUDING BUT NOT" and
35 substitute "POPULATIONS;"

- 1 Page 42, strike lines 1 through 3.
- 2 Page 42, strike lines 10 through 14.
- 3 Reletter succeeding paragraphs accordingly.
- 4 Page 52, strike lines 17 through 27.
- 5 Page 53, strike lines 1 through 6.
- 6 Renumber succeeding subsections accordingly.
- 7 Page 53, line 17, strike "(6)" and substitute "(5)".
- 8 Page 54, line 1, strike "(5)" and substitute "(4)".
- 9 Page 54, line 7, strike "(5)" and substitute "(4)".
- 10 Page 54, line 17, strike "(6)" and substitute "(5)".
- 11 Page 55, line 10, after "AGENCIES" insert "AND FEDERALLY QUALIFIED
12 HEALTH CENTERS, AS DEFINED IN THE FEDERAL "SOCIAL SECURITY ACT",
13 42 U.S.C. SEC. 1395x (aa)(4),".
- 14 Page 55, lines 19 and 20, strike "SIGN THE UNIVERSAL" and substitute
15 "ENTER INTO A".
- 16 Page 55, after line 22 insert:
17 "(4) THE BHA SHALL COLLABORATE WITH THE DEPARTMENT OF
18 HEALTH CARE POLICY AND FINANCING TO SUPPORT THE EARLY AND
19 PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT BENEFIT ACCESS AND
20 PROVIDER NETWORK.".
- 21 Page 56, line 12, strike "CONTRACT" and substitute "CONTRACTING
22 PROVISIONS".
- 23 Page 56, strike lines 22 through 24 and substitute "THE PURPOSE OF
24 MAKING RECOMMENDATIONS TO THE COMMISSIONER AND THE STATE
25 BOARD OF HUMAN SERVICES TO IMPROVE THE BEHAVIORAL HEALTH
26 SYSTEMFOR CHILDREN, YOUTH, AND ADULTS THROUGHOUT COLORADO.".
- 27 Page 57, strike lines 6 and 7 and substitute:

1 "(b) ESTABLISHING WORKING GROUPS TO SUPPORT".

2 Page 57, line 18, strike "COMMISSIONER." and substitute "COMMISSIONER
3 FOR THREE-YEAR TERMS; EXCEPT THAT SOME OF THE INITIAL TERMS MAY
4 BE FOR TWO YEARS."

5 Page 58, strike lines 5 and 6 and substitute:

6 "(VII) PERSONS WITH EXPERTISE IN THE BEHAVIORAL HEALTH
7 NEEDS OF CHILDREN AND YOUTH."

8 Page 58, line 11, after "CRIMINAL" insert "OR JUVENILE".

9 Page 58, strike line 13 and substitute:

10 **"27-50-703. Advisory council - regional subcommittees -**
11 **subcommittees - working groups.** (1) THE BHA SHALL CREATE ONE
12 REGIONAL SUBCOMMITTEE OF THE ADVISORY COUNCIL FOR EACH
13 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATION REGION
14 ESTABLISHED PURSUANT TO SECTION 27-50-401. REGIONAL
15 SUBCOMMITTEE MEMBERS ARE APPOINTED BY THE COMMISSIONER FOR
16 THREE-YEAR TERMS; EXCEPT THAT INITIAL TERMS MAY BE FOR TWO
17 YEARS. EACH REGIONAL SUBCOMMITTEE CONSISTS OF FIVE MEMBERS.
18 EXCEPT AS PROVIDED IN THIS SECTION, MEMBERS OF THE REGIONAL
19 SUBCOMMITTEES NEED NOT BE MEMBERS OF THE ADVISORY COUNCIL
20 APPOINTED PURSUANT TO SECTION 27-50-702. MEMBERSHIP OF THE
21 REGIONAL SUBCOMMITTEES MUST INCLUDE:

22 (a) AT LEAST ONE INDIVIDUAL WHO IS ALSO A MEMBER OF THE
23 ADVISORY COUNCIL APPOINTED PURSUANT TO SECTION 27-50-702;

24 (b) AT LEAST ONE INDIVIDUAL WHO REPRESENTS A BEHAVIORAL
25 HEALTH SAFETY NET PROVIDER THAT OPERATES WITHIN THE REGION; AND

26 (c) A COUNTY COMMISSIONER OF A COUNTY SITUATED WITHIN THE
27 REGION."

28 Renumber succeeding subsections accordingly.

29 Page 59, line 1, strike "REGIONS OR".

30 Page 65, after line 5 insert:

31 **"SECTION 5.** In Colorado Revised Statutes, 12-245-203.5,
32 **amend** (1), (2), (3), (4), and (7); and **repeal** (8) as follows:

33 **12-245-203.5. Minors - consent for outpatient psychotherapy**

1 **services - immunity - definition.** (1) As used in this section, unless the
2 context otherwise requires, "mental health professional" includes a
3 professional person as defined in section 27-65-102 (17); a mental health
4 professional licensed pursuant to part 3, 4, 5, 6, or 8 of this article 245; a
5 licensed professional counselor candidate; a psychologist candidate; ~~or a~~
6 ~~school social worker licensed by the department of education~~ A CLINICAL
7 SOCIAL WORKER CANDIDATE; A MARRIAGE AND FAMILY THERAPIST
8 CANDIDATE; OR AN ADDICTION COUNSELOR CANDIDATE.

9 (2) (a) Notwithstanding any other provision of law, a mental
10 health professional ~~described in subsection (1) of this section~~ may provide
11 psychotherapy services, as defined in section 12-245-202 (14)(a), to a
12 minor who is twelve years of age or older, ~~with or~~ without the consent of
13 the minor's parent or legal guardian, if the mental health professional
14 determines that:

15 ~~(a)~~ (I) The minor is knowingly and voluntarily seeking such
16 services; and

17 ~~(b)~~ (II) The provision of psychotherapy services is clinically
18 indicated and necessary to the minor's well-being.

19 (b) A MINOR MAY NOT REFUSE PSYCHOTHERAPY SERVICES WHEN
20 A MENTAL HEALTH PROFESSIONAL AND THE MINOR'S PARENT OR LEGAL
21 GUARDIAN AGREE PSYCHOTHERAPY SERVICES ARE IN THE BEST INTEREST
22 OF THE MINOR.

23 (3) IF A MINOR VOLUNTARILY SEEKS PSYCHOTHERAPY SERVICES ON
24 THE MINOR'S OWN BEHALF PURSUANT TO SUBSECTION (2)(a) OF THIS
25 SECTION:

26 (a) The mental health professional may notify the minor's parent
27 or legal guardian of the psychotherapy services given or needed, with the
28 minor's consent, unless notifying the parent or legal guardian would be
29 inappropriate or detrimental to the minor's care and treatment;

30 (b) The mental health professional shall engage the minor in a
31 discussion about the importance of involving and notifying the minor's
32 parent or legal guardian and shall encourage such notification to help
33 support the minor's care and treatment; AND

34 (c) Notwithstanding the provisions of subsection (3)(a) of this
35 section, a mental health professional may notify the minor's parent or
36 legal guardian of the psychotherapy services given or needed, without the
37 minor's consent, if, in the professional opinion of the mental health
38 professional, the minor is unable to manage the minor's care or treatment.

39 (4) A mental health professional ~~described in subsection (1) of~~
40 ~~this section~~ shall fully document when the mental health professional
41 attempts to contact or notify the minor's parent or legal guardian, and
42 whether the attempt was successful or unsuccessful, or the reason why,
43 in the mental health professional's opinion, it would be inappropriate to

1 contact or notify the minor's parent or legal guardian. IF A MINOR SEEKS
2 PSYCHOTHERAPY SERVICES ON THE MINOR'S OWN BEHALF PURSUANT TO
3 SUBSECTION (2)(a) OF THIS SECTION, documentation must be included in
4 the minor's clinical record, along with a written statement signed by the
5 minor indicating that the minor is voluntarily seeking psychotherapy
6 services.

7 (7) If a minor who is receiving psychotherapy services pursuant
8 to this section communicates ~~a clear and imminent intent or threat to~~
9 ~~inflict serious bodily harm on themselves or others~~ A SERIOUS THREAT OF
10 IMMINENT PHYSICAL VIOLENCE AGAINST A SPECIFIC PERSON OR PERSONS,
11 INCLUDING A PERSON WHO IS IDENTIFIABLE BY THE PERSON'S ASSOCIATION
12 WITH A SPECIFIC LOCATION OR ENTITY, the mental health professional
13 ~~described in subsection (1) of this section~~ is subject to the notification
14 provisions of section 13-21-117 (2) AND SHALL NOTIFY THE MINOR'S
15 PARENT OR LEGAL GUARDIAN UNLESS NOTIFYING THE PARENT OR LEGAL
16 GUARDIAN WOULD BE INAPPROPRIATE OR DETRIMENTAL TO THE MINOR'S
17 CARE AND TREATMENT.

18 (8) ~~If a minor who is receiving psychotherapy services pursuant~~
19 ~~to subsections (2) and (3) of this section communicates an intent to~~
20 ~~commit suicide, the mental health professional described in subsection (1)~~
21 ~~of this section shall notify the minor's parent or legal guardian of such~~
22 ~~suicidal ideation."~~

23 Renumber succeeding sections accordingly.

24 Page 94, after line 21 insert:

25 "SECTION 51. In Colorado Revised Statutes, 24-33.5-1202,
26 **amend** (7.7) as follows:

27 **24-33.5-1202. Definitions.** As used in this part 12, unless the
28 context otherwise requires:

29 (7.7) "Health facility" means a general hospital, hospital unit as
30 defined in section 25-3-101 (2), ~~C.R.S.~~, psychiatric hospital, community
31 clinic, rehabilitation center, convalescent center, ~~community mental~~
32 ~~health center, acute treatment unit~~, BEHAVIORAL HEALTH ENTITY AS
33 DEFINED IN SECTION 27-50-101 (4), facility for persons with
34 developmental disabilities, habilitation center for children with brain
35 damage, chiropractic center and hospital, maternity hospital, nursing care
36 facility, rehabilitative nursing facility, hospice care facility, dialysis
37 treatment clinic, ambulatory surgical center, birthing center, home care
38 agency, assisted living residence, or other facility of a like nature; except
39 that "health facility" does not include a facility at which health services
40 are not provided to individuals."

1 Renumber succeeding sections accordingly.

2 Page 94, strike lines 22 through 27 and substitute:

3 **"SECTION 52.** In Colorado Revised Statutes, 25-1.5-103, **repeal**
4 (3.5)."

5

6 Page 95, strike lines 1 through 12.

7 Page 98, after line 4 insert:

8 **"SECTION 56.** In Colorado Revised Statutes, 25-3-103.1, **amend**
9 (2) as follows:

10 **25-3-103.1. Health facilities general licensure cash fund.**
11 (2) The general assembly shall make annual appropriations from the
12 health facilities general licensure cash fund to partially reimburse the
13 department of public health and environment for the direct and indirect
14 costs of the department incurred in the performance of its duties ~~under~~
15 ~~this article and for the purposes of section 25-1.5-103 (3.5)~~ PURSUANT TO
16 THIS ARTICLE 3. No appropriation shall be made out of the cash fund for
17 expenditures incurred by the department pursuant to section 25-1.5-103
18 (1)(a)(II) in carrying out duties relating to health facilities wholly owned
19 and operated by a governmental unit or agency."

20 Renumber succeeding sections accordingly.

21 Page 98, line 5, after "**amend**" insert "(3.3),".

22 Page 98, line 6, strike "(11.4)(b)(I)" and substitute "(11.4)(b)(I),".

23 Page 98, after line 8 insert:

24 "(3.3) "Behavioral health" has the same meaning as set forth in
25 ~~section 25-27.6-102 (4)~~ SECTION 27-50-101 (1)."

26 Page 98, strike line 26 and substitute "~~the office of behavioral health~~
27 ~~within~~ the state".

28 Page 100, after line 1 insert:

29 **"SECTION 61.** In Colorado Revised Statutes, **amend**
30 25-27.5-110 as follows:

31 **25-27.5-110. Repeal of article - sunset review.** (1) This article
32 27.5 is repealed, effective ~~September 1, 2028~~ JULY 1, 2024.

1 (2) ~~Before repeal, the department of regulatory agencies shall~~
2 ~~review the licensing of home care agencies and the registering of home~~
3 ~~care placement agencies as provided in section 24-34-104, C.R.S. In~~
4 ~~conducting its review and compiling its report pursuant to section~~
5 ~~24-34-104 (5), C.R.S., the department of regulatory agencies shall~~
6 ~~segregate the data in the report based on the type of agency, specifying~~
7 ~~whether the agency is:~~
8 ~~(a) A home care agency that provides skilled home health~~
9 ~~services;~~
10 ~~(b) A home care agency that only provides personal care services;~~
11 ~~or~~
12 ~~(c) A home care placement agency."~~

13 Strike page 102.

14 Page 103, strike lines 1 through 12.

15 Renumber succeeding sections accordingly.

16 Page 104, before line 1 insert:

17 **"SECTION 65.** In Colorado Revised Statutes, **add 25-27.6-112**
18 **as follows:**

19 **25-27.6-112. Repeal of article.** THE ARTICLE 27.6 IS REPEALED,
20 **EFFECTIVE JULY 1, 2024."**

21 Renumber succeeding sections accordingly.

22 Page 105, line 2, strike "**reporting.**" and substitute "**reporting - repeal.**".

23 Page 105, line 9, after "(I)" insert "(A)".

24 Page 105, line 10, change the semicolon to a period.

25 Page 105, after line 10 insert:

26 **"(B) THIS SUBSECTION (1)(d)(I) IS REPEALED, EFFECTIVE JULY 1,**
27 **2024."**

28 Page 105, line 21, after "27-50-101," insert "EXCEPT FOR THOSE THAT ARE
29 ALSO FEDERALLY QUALIFIED HEALTH CENTERS, AS DEFINED IN FEDERAL
30 "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x(aa)(4), WHICH HAVE
31 PAYMENT METHODOLOGY PURSUANT TO 25.5-5-408,".

1 Page 105, line 22, strike "a ~~price-schedule~~ PAYMENT" and substitute "a
2 ~~price-schedule~~ AN APPROPRIATE COST ACCOUNTING".

3 Page 106, strike line 14 and substitute:

4 "(f) VALUE-BASED PAYMENT APPROACHES THAT INCENTIVIZE
5 PROVIDERS TO EXPAND ACCESS TO COST-EFFECTIVE BEHAVIORAL HEALTH
6 SERVICES TO".

7 Page 111, strike lines 13 through 24.

8 Renumber succeeding sections accordingly.

9 Page 115, after line 8 insert:

10 "SECTION 79. In Colorado Revised Statutes, 26-1-107, **amend**
11 **as amended by Senate Bill 22-013** (1)(b)(III); and **add** (1)(b)(II.5) as
12 follows:

13 **26-1-107. State board of human services - rules.** (1) (b) The
14 board consists of:

15 (II.5) (A) ONE MEMBER WHO IS A PERSON WITH LIVED EXPERIENCE
16 WITH BEHAVIORAL HEALTH DISORDERS, A FAMILY MEMBER OF A PERSON
17 WITH BEHAVIORAL HEALTH DISORDERS, A MEMBER OF AN ADVOCACY
18 GROUP FOR PERSONS EXPERIENCING BEHAVIORAL HEALTH DISORDERS, OR
19 A PHYSICIAN OR A MEMBER OF ONE OF THE LICENSED MENTAL HEALTH
20 PROFESSIONS.

21 (B) A PHYSICIAN OR A MEMBER OF ONE OF THE LICENSED MENTAL
22 HEALTH PROFESSIONS, IN THEIR ROLE AS A BOARD MEMBER, SHALL NOT
23 VOTE ON ANY MATTER COMING BEFORE THE BOARD THAT AFFECTS THEIR
24 EMPLOYER OR PRIVATE PRACTICE IN A MANNER DIFFERENT FROM OTHER
25 EMPLOYERS OR PRIVATE PRACTICES OF THE SAME PROFESSIONS.

26 (III) ~~Five~~ Four members who are from the public at large."

27 Renumber succeeding sections accordingly.

28 Page 124, line 19, strike "BHA" and substitute "STATE DEPARTMENT".

29 Page 124, line 24, strike "BHA" and substitute "STATE DEPARTMENT".

30 Page 125, line 3, strike "BHA" and substitute "STATE DEPARTMENT".

31 Page 125, line 6, strike "BHA" and substitute "STATE DEPARTMENT".

1 Page 125, line 8, strike "BHA's" and substitute "STATE DEPARTMENT'S".

2 Page 125, line 12, strike "BHA's" and substitute "STATE DEPARTMENT'S".

3 Page 125, line 16, strike "BHA" and substitute "STATE DEPARTMENT".

4 Page 125, line 20, strike "department BHA" and substitute "STATE
5 department".

6 Page 134, line 19, strike "(7) introductory portion,".

7 Page 134, line 19, strike "(8)" and substitute "(8); and **repeal** (7)".

8 Page 134, line 22, after "**declaration** -" insert "**definitions** -".

9 Page 137, strike lines 3 through 17 and substitute:

10 ~~"(6) Within seven days after submitting an application to the state~~
11 ~~department for placing a child or youth in the program, the state~~
12 ~~department shall work with the referring entity and the child's or youth's~~
13 ~~parents or legal guardians to ensure the child or youth is assessed for~~
14 ~~eligibility for enrollment into the state medical assistance program. A~~
15 ~~child or youth who is eligible for enrollment into the state medical~~
16 ~~assistance program shall be enrolled. Enrollment of a child or youth into~~
17 ~~the state medical assistance program does not constitute automatic~~
18 ~~placement into the program. AS USED IN THIS SECTION, UNLESS THE~~
19 ~~CONTEXT OTHERWISE REQUIRES:~~

20 (a) "FAMILY ADVOCATE" MEANS A PARENT OR PRIMARY
21 CAREGIVER WHO:

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

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

26 (III) HAS WORKED WITH MULTIPLE AGENCIES AND PROVIDERS,
27 SUCH AS MENTAL HEALTH, PHYSICAL HEALTH, SUBSTANCE ABUSE,
28 JUVENILE JUSTICE, DEVELOPMENTAL DISABILITIES, EDUCATION, AND
29 OTHER STATE AND LOCAL SERVICE SYSTEMS.

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

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

33 (II) HAS THE SKILLS, EXPERIENCE, AND KNOWLEDGE TO WORK
34 WITH CHILDREN AND YOUTH WITH MENTAL HEALTH OR CO-OCCURRING
35 DISORDERS; AND

1 (III) HAS WORKED WITH MULTIPLE AGENCIES AND PROVIDERS,
2 INCLUDING MENTAL HEALTH, PHYSICAL HEALTH, SUBSTANCE ABUSE,
3 JUVENILE JUSTICE, DEVELOPMENTAL DISABILITIES, EDUCATION, AND
4 OTHER STATE AND LOCAL SERVICE SYSTEMS.

5 (7) ~~No later than November 1, 2022, 2023, and 2024, the state~~
6 ~~department shall submit a written report to the house of representatives~~
7 ~~public and behavioral health and human services committee, the senate~~
8 ~~health and human services committee, or their successor committees, and~~
9 ~~the joint budget committee. At a minimum, the report must include:~~

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

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

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

15 (d) ~~The daily rate paid to each provider for placement of children~~
16 ~~and youth."~~

17 Page 145, strike lines 25 through 27 and substitute:

18 "SECTION 109. In Colorado Revised Statutes, **repeal** 27-63-102,
19 27-63-103, and 27-63-104."

20 Strike page 146.

21 Page 147, strike lines 1 through 7.

22 Renumber succeeding sections accordingly.

23 Page 147, lines 12 and 13, strike "proposal and the funding model
24 developed pursuant to section 27-63-104 (2)," and substitute "proposal,
25 ~~and the funding model developed pursuant to section 27-63-104 (2);"~~

26 Page 161, line 12, strike the second "and".

27 Page 161, line 13, strike "(1)(g)" and substitute "(1)(g); and **add** (5)".

28 Page 161, line 14, strike "**approval.**" and substitute "**approval - repeal.**".

29 Page 162, after line 18 insert:

30 "(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024."

31 Page 207, lines 4 and 5, strike "or for the treatment of alcohol use

1 disorders" and substitute "~~or for the treatment of alcohol use disorders~~".

2 Page 232, after line 18 insert:

3 **"SECTION 212.** In Colorado Revised Statutes, 27-66-101,
4 **amend** (1.5); and **repeal** (1), (2), and (3) as follows:

5 **27-66-101. Definitions.** As used in this article 66, unless the
6 context otherwise requires:

7 (1) "~~Acute treatment unit~~" means a facility or a distinct part of a
8 facility for short-term psychiatric care, which may include substance
9 abuse treatment and treatment for substance use disorders, that provides
10 a total, twenty-four-hour, therapeutically planned and professionally
11 staffed environment for persons who do not require inpatient
12 hospitalization but need more intense and individual services than are
13 available on an outpatient basis, such as crisis management and
14 stabilization services.

15 (1.5) "Behavioral health entity" means a facility or provider
16 organization engaged in providing community-based health services,
17 which may include behavioral health disorder services, alcohol use
18 disorder services, or substance use disorder services, including crisis
19 stabilization, acute or ongoing treatment, or community mental health
20 center services as described in subsections (2) and (3) of this section, but
21 does not include: HAS THE SAME MEANING AS DEFINED IN SECTION
22 27-50-101.

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

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

28 (2) "~~Community mental health center~~" means either a physical
29 plant or a group of services under unified administration or affiliated with
30 one another, and including at least the following services provided for the
31 prevention and treatment of behavioral or mental health disorders in
32 persons residing in a particular community in or near the facility so
33 situated:

34 (a) ~~Inpatient services;~~

35 (b) ~~Outpatient services;~~

36 (c) ~~Partial hospitalization;~~

37 (d) ~~Emergency services;~~

38 (e) ~~Consultative and educational services.~~

39 (3) "~~Community mental health clinic~~" means a health institution
40 planned, organized, operated, and maintained to provide basic community
41 services for the prevention, diagnosis, and treatment of emotional,

1 ~~behavioral, or mental health disorders, such services being rendered~~
2 ~~primarily on an outpatient and consultative basis:~~

3 **SECTION 213.** In Colorado Revised Statutes, **amend as**
4 **amended by House Bill 22-1278 27-66-104** as follows:

5 **27-66-104. Types of services purchased - limitation on**
6 **payments.** ~~(1) Community mental health services may be purchased~~
7 ~~from behavioral health entities, clinics, community mental health centers,~~
8 ~~local general or psychiatric hospitals, and other agencies SAFETY-NET~~
9 ~~PROVIDERS that have been approved by the commissioner.~~

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

12 ~~(I) Community mental health centers;~~

13 ~~(H) Agencies that provide specialized clinic-type services but do~~
14 ~~not serve a specific designated service area;~~

15 ~~(HH) Acute treatment units; and~~

16 ~~(IV) Behavioral health entities.~~

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

21 ~~(3) Each year the general assembly may appropriate money in~~
22 ~~addition to the money appropriated for purposes of subsection (2) of this~~
23 ~~section, which money may be used by the commissioner to assist~~
24 ~~behavioral health entities and community mental health clinics and~~
25 ~~centers in instituting innovative programs, in providing mental health~~
26 ~~services to impoverished areas, and in dealing with crisis situations. The~~
27 ~~commissioner shall require that any innovative or crisis programs for~~
28 ~~which money is allocated pursuant to this subsection (3) be clearly~~
29 ~~defined in terms of services to be rendered, program objectives, scope and~~
30 ~~duration of the program, and the maximum amount of money to be~~
31 ~~provided.~~

32 ~~(4) Repealed.~~

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

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

42 **SECTION 214.** In Colorado Revised Statutes, 25.5-1-204,
43 **amend (2)(a)(IV)** as follows:

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

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

11 **SECTION 215.** In Colorado Revised Statutes, 25.5-4-103,
12 **amend as it will become effective July 1, 2024,** (3) as follows:

13 **25.5-4-103. Definitions.** As used in this article 4 and articles 5
14 and 6 of this title 25.5, unless the context otherwise requires:

15 (3) "Case management services" means services provided by case
16 management agencies and ~~community mental health centers and~~
17 ~~community mental health clinics, as defined in section 27-66-101 (2) and~~
18 ~~(3)~~ COMPREHENSIVE BEHAVIORAL HEALTH SAFETY NET PROVIDERS, AS
19 DEFINED IN SECTION 27-50-101, to assist persons in gaining access to
20 needed medical, social, educational, and other services.

21 **SECTION 216.** In Colorado Revised Statutes, 25.5-5-202,
22 **amend** (1)(g) as follows:

23 **25.5-5-202. Basic services for the categorically needy - optional**
24 **services.** (1) Subject to the provisions of subsection (2) of this section,
25 the following are services for which federal financial participation is
26 available and that Colorado has selected to provide as optional services
27 under the medical assistance program:

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

31 **SECTION 217.** In Colorado Revised Statutes, 25.5-5-402,
32 **amend** (3)(e) as follows:

33 **25.5-5-402. Statewide managed care system - rules - definition.**
34 (3) The statewide managed care system must include a statewide system
35 of community behavioral health care that must:

36 (e) Be paid for by the state department establishing capitated rates
37 specifically for ~~community mental~~ BEHAVIORAL health services that
38 account for a comprehensive continuum of needed services such as those
39 provided by ~~community mental health centers as defined in section~~
40 ~~27-66-101~~ LICENSED BEHAVIORAL HEALTH PROVIDERS, INCLUDING
41 ESSENTIAL AND COMPREHENSIVE BEHAVIORAL HEALTH SAFETY NET
42 PROVIDERS, AS DEFINED IN SECTION 27-50-101;

43 **SECTION 218.** In Colorado Revised Statutes, 27-65-102, **amend**

1 (1.5) and (7) as follows:

2 **27-65-102. Definitions.** As used in this article 65, unless the
3 context otherwise requires:

4 (1.5) "~~Behavioral health entity~~" ~~means a facility or provider~~
5 ~~organization engaged in providing community-based health services,~~
6 ~~which may include behavioral health disorder services, alcohol use~~
7 ~~disorder services, or substance use disorder services, including crisis~~
8 ~~stabilization, acute or ongoing treatment, or community mental health~~
9 ~~center services as described in section 27-66-101 (2) and (3), but does not~~
10 ~~include:~~ HAS THE SAME MEANING AS DEFINED IN SECTION 27-50-101.

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

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

16 (7) "Facility" means a public hospital or a licensed private
17 hospital, clinic, behavioral health entity, ~~community mental health center~~
18 ~~or clinic, acute treatment unit,~~ institution, or residential child care facility
19 that provides treatment for persons with mental health disorders.

20 **SECTION 219.** In Colorado Revised Statutes, 27-67-103, **amend**
21 (10); **repeal** (4); and **add** (1.3) as follows:

22 **27-67-103. Definitions.** As used in this article 67, unless the
23 context otherwise requires:

24 (1.3) "BEHAVIORAL HEALTH SAFETY NET PROVIDER" HAS THE
25 SAME MEANING AS DEFINED IN SECTION 27-50-101.

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

28 (10) "Mental health agency" means a behavioral health services
29 contractor through the ~~state department of human services~~ BEHAVIORAL
30 HEALTH ADMINISTRATION serving children and youth statewide or in a
31 particular geographic area ~~including but not limited to community mental~~
32 ~~health centers;~~ and with the ability to meet all expectations of this article
33 67.

34 **SECTION 220.** In Colorado Revised Statutes, 27-67-109, **amend**
35 (2)(f) as follows:

36 **27-67-109. Child and youth mental health services standards**
37 **- advisory board.** (2) An advisory board to the state department is
38 established for the purpose of assisting and advising the executive
39 director in accordance with this section in the development of service
40 standards and rules. The advisory board consists of not less than eleven
41 nor more than fifteen members appointed by the state department as
42 follows:

43 (f) One member representing a ~~community mental health center~~

1 BEHAVIORAL HEALTH SAFETY NET PROVIDER that performs evaluations
2 pursuant to this article 67;

3 **SECTION 221.** In Colorado Revised Statutes, 27-70-102, **amend**
4 (2) as follows:

5 **27-70-102. Definitions.** As used in this article 70, unless the
6 context otherwise requires:

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

11 **SECTION 222.** In Colorado Revised Statutes, 27-81-102, **amend**
12 (3.5) as follows:

13 **27-81-102. Definitions.** As used in this article 81, unless the
14 context otherwise requires:

15 (3.5) "Behavioral health entity" ~~means a facility or provider~~
16 ~~organization engaged in providing community-based health services,~~
17 ~~which may include behavioral health disorder services, alcohol use~~
18 ~~disorder services, or substance use disorder services, including crisis~~
19 ~~stabilization, acute or ongoing treatment, or community mental health~~
20 ~~center services as described in section 27-66-101 (2) and (3), but does not~~
21 ~~include:~~ HAS THE SAME MEANING AS DEFINED IN SECTION 27-50-101.

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

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

27 **SECTION 223. Effective date.** This act takes effect July 1, 2022;
28 except that sections 212 through 222 take effect July 1, 2024."

29 Renumber succeeding section accordingly.

** *** ** *** **