

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1252.01 Jane Ritter x4342

SENATE BILL 18-250

SENATE SPONSORSHIP

Gardner and Lambert, Jahn, Lundberg, Moreno

HOUSE SPONSORSHIP

Lee and Young, Hamner, Rankin, Singer

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE PROVISION OF JAIL-BASED BEHAVIORAL HEALTH
102 SERVICES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill continues to allow the correctional treatment cash fund to be used to provide treatment for persons with mental and behavioral health disorders who are being served through the jail-based behavioral health services program (program). The program is housed in the office of behavioral health. The purpose of the program is to provide adequate staff to complete competency screenings, prescribe psychiatric

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

medications as necessary, and provide mental health counseling and transitional care coordination; train jail staff on behavioral health disorders and best practices in working with individuals with mental health, substance use, and co-occurring disorders; and fund administrative costs to jails participating in the program. Jails that are participating in the program shall, at a minimum:

- ! Screen individuals who are being booked into the facility for various behavioral health issues;
- ! Provide adequate and appropriate access to health care and medications;
- ! Coordinate services with community mental health providers prior to the release of an inmate to ensure continuity of care following his or her release from the jail facility; and
- ! Track performance outcome measures for individuals affected by the program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 27-60-100.3, **add**
3 (4.7) as follows:

4 **27-60-100.3. Definitions.** As used in this article 60, unless the
5 context otherwise requires:

6 (4.7) "OFFICE" MEANS THE OFFICE OF BEHAVIORAL HEALTH IN THE
7 DEPARTMENT OF HUMAN SERVICES.

8 **SECTION 2.** In Colorado Revised Statutes, 27-60-105, **amend**
9 (2), (4) introductory portion, (4)(d), (4)(e), (5) introductory portion,
10 (5)(d), and (5)(e); and **add** (4)(f) and (5)(f) as follows:

11 **27-60-105. Outpatient restoration to competency services -**
12 **jail-based behavioral health services - legislative declaration -**
13 **responsible entity - duties - report.** (2) The office of behavioral health
14 ~~referred to in this section as the "office",~~ shall serve as a central
15 organizing structure and responsible entity for the provision of
16 competency restoration education services, ~~and~~ coordination of

1 competency restoration services ordered by the court pursuant to section
2 19-2-1303 (2) or 16-8.5-111 (2)(a), AND JAIL-BASED BEHAVIORAL HEALTH
3 SERVICES PURSUANT TO SECTION 27-60-106.

4 (4) Beginning July 1, 2018, the office ~~shall have~~ HAS the
5 following duties and responsibilities, subject to available appropriations:

6 (d) To engage with key stakeholders in the juvenile and adult
7 justice systems to develop best practices in the delivery of competency
8 restoration services; ~~and~~

9 (e) To make recommendations for legislation; AND

10 (f) TO OVERSEE THE FUNCTIONS OF THE JAIL-BASED BEHAVIORAL
11 HEALTH SERVICES PROGRAM CREATED IN SECTION 27-60-106.

12 (5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before
13 January 1, 2019, and every January 1 thereafter, the office shall submit an
14 annual written report to the general assembly summarizing the office's
15 provision of competency restoration education, ~~and~~ its efforts toward the
16 coordination of competency restoration education with other existing
17 services, AND THE RESULTS OF THE JAIL-BASED BEHAVIORAL HEALTH
18 SERVICES PROGRAM CREATED IN SECTION 27-60-106. The report must
19 include:

20 (d) A description of opportunities to maximize and increase
21 available resources and funding; ~~and~~

22 (e) A description of gaps in and conflicts with existing funding,
23 services, and programming essential to the effective restoration of
24 competency for juveniles and adults; AND

25 (f) A DESCRIPTION OF THE SERVICES FUNDED THROUGH THE
26 JAIL-BASED BEHAVIORAL HEALTH SERVICES PROGRAM CREATED IN
27 SECTION 27-60-106.

1 **SECTION 3.** In Colorado Revised Statutes, **add** 27-60-106 as
2 follows:

3 **27-60-106. Jail-based behavioral health services program -**
4 **purpose - created - funding.** (1) THERE IS CREATED IN THE OFFICE THE
5 JAIL-BASED BEHAVIORAL HEALTH SERVICES PROGRAM, REFERRED TO IN
6 THIS SECTION AS THE "PROGRAM". THE PROGRAM MAY RECEIVE MONEY
7 FROM THE CORRECTIONAL TREATMENT CASH FUND PURSUANT TO SECTION
8 18-19-103 (5)(c)(V).

9 (2) THE PURPOSE OF THE PROGRAM IS TO:

10 (a) PROVIDE ADEQUATE STAFF TO COMPLETE COMPETENCY
11 SCREENINGS, PRESCRIBE PSYCHIATRIC MEDICATIONS AS NECESSARY, AND
12 PROVIDE MENTAL HEALTH COUNSELING AND TRANSITIONAL CARE
13 COORDINATION;

14 (b) TRAIN JAIL STAFF ON BEHAVIORAL HEALTH DISORDERS AND
15 BEST PRACTICES IN WORKING WITH INDIVIDUALS WITH MENTAL HEALTH,
16 SUBSTANCE USE, AND CO-OCCURRING DISORDERS; AND

17 (c) FUND ADMINISTRATIVE COSTS TO JAILS THAT IMPLEMENT THE
18 REQUIREMENTS OUTLINED IN SUBSECTION (3) OF THIS SECTION.

19 (3) A COUNTY JAIL THAT RECEIVES FUNDING THROUGH THE
20 PROGRAM SHALL:

21 (a) SCREEN ALL INDIVIDUALS BOOKED INTO THE JAIL FACILITY
22 WITH STANDARDIZED EVIDENCE-BASED SCREENING TOOLS, AS
23 DETERMINED BY THE OFFICE, FOR MENTAL HEALTH DISORDERS,
24 SUBSTANCE USE DISORDERS, AND SUICIDE RISK;

25 (b) ASSESS ALL INDIVIDUALS BOOKED INTO THE JAIL FACILITY FOR
26 SUBSTANCE USE WITHDRAWAL SYMPTOMS AND DEVELOP PROTOCOLS FOR
27 MEDICAL DETOXIFICATION MONITORING PROCEDURES;

1 (c) ASSESS ALL INDIVIDUALS BOOKED INTO THE JAIL FACILITY FOR
2 PSYCHIATRIC MEDICATION NEEDS BY REQUESTING AND REVIEWING
3 MEDICAL AND PRESCRIPTION HISTORY;

4 (d) HAVE ACCESS TO ALL PSYCHIATRIC MEDICATIONS, AS DEFINED
5 BY THE MEDICATION FORMULARY ESTABLISHED PURSUANT TO SECTION
6 27-70-103;

7 (e) ASSIST IN THE PROVISION OF COORDINATED SERVICES FOR
8 INDIVIDUALS IN JAIL CUSTODY WHO MAY REQUIRE COMPETENCY
9 RESTORATION SERVICES;

10 (f) COORDINATE SERVICES WITH COMMUNITY MENTAL HEALTH
11 PROVIDERS PRIOR TO THE RELEASE OF AN INMATE TO ENSURE CONTINUITY
12 OF CARE FOLLOWING HIS OR HER RELEASE FROM THE JAIL FACILITY;

13 (g) TRACK PERFORMANCE OUTCOMES FOR MEASURES DEVELOPED
14 BY THE OFFICE, INCLUDING BEHAVIORAL HEALTH DISORDER PREVALENCE
15 AND SERVICE DATA THROUGH INFORMATION-SHARING PROCESSES, AS
16 DEFINED BY THE OFFICE; AND

17 (h) PARTNER WITH THE OFFICE TO DEVELOP FEASIBLE HEALTH
18 INFORMATION EXCHANGE STRATEGIES FOR MEDICAL AND BEHAVIORAL
19 HEALTH RECORDS.

20 **SECTION 4. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.