

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0900.01 Conrad Imel x2313

HOUSE BILL 21-1258

HOUSE SPONSORSHIP

Michaelson Jenet and Van Winkle,

SENATE SPONSORSHIP

Buckner and Woodward,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ESTABLISHING A TEMPORARY PROGRAM TO FACILITATE**
102 **YOUTH MENTAL HEALTH SERVICES IN RESPONSE TO IDENTIFIED**
103 **NEEDS, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

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 establishes a temporary youth mental health services program (program) in the office of behavioral health (office) within the department of human services to facilitate access to mental health

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.

services for youth to respond to identified mental health needs, including those needs that may have resulted from the COVID-19 pandemic. The program reimburses providers for up to 3 mental health sessions with a youth and may provide additional reimbursement subject to available money.

As soon as practicable, but no later than May 31, 2021, the department of human services is required to enter into an agreement with a vendor to create, or use an existing, website or web-based application as a portal available to youth and providers to facilitate the program.

The program is repealed, effective June 30, 2022.

The bill makes an appropriation.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The COVID-19 pandemic has put extraordinary stress on all
5 Coloradans, including young Coloradans who have experienced
6 enormous disruptions to school, social activities, and support networks,
7 resulting in increased isolation and, in many cases, new or exacerbated
8 instability, particularly as a result of a parent's loss of employment or
9 stable housing. Even before the pandemic, Colorado ranked in the bottom
10 half of states for prevalence of mental illness and access to care. In 2018,
11 Colorado had the seventh highest suicide rate in the nation, and suicide
12 is the leading cause of death among Colorado youth.

13 (b) Since the pandemic began, the Colorado crisis services hotline
14 has experienced a thirty percent increase in calls and texts, and Children's
15 Hospital Colorado has seen a ten percent increase in the number of kids
16 who visit the psychiatric emergency department due to thoughts of
17 suicide. As experts sound alarms about the state of youth mental health,
18 both now and looking into the future, the general assembly recognizes
19 that recovery from the pandemic will depend on youth having access to

1 mental health support, regardless of their ability to pay for it.

2 (c) For years, Colorado schools have been fundamentally
3 rethinking school safety by centering on the social, emotional, and mental
4 health needs of young people. In 2020 and 2021, teachers and school
5 counselors faced unprecedented burdens. As Colorado transitions beyond
6 the COVID-19 pandemic, the state's youth need the support of their
7 parents, families, communities, and mental health professionals beyond
8 school walls to address the pain, trauma, and loneliness they are
9 experiencing.

10 (d) Colorado's behavioral health blueprint identifies care
11 coordination as a significant challenge for many Coloradans. Providing
12 mental health sessions free of charge to youth across the state can help
13 break down barriers to access and create a sustainable community of care
14 and long-lasting relationships between youth and mental health
15 professionals.

16 (e) Recognizing disparities in access to mental health care by race,
17 neurodiversity, and geography, the general assembly finds it is essential
18 for mental health services programs to actively seek out providers who
19 reflect the diversity of Colorado's youth and for communities to help raise
20 awareness and disseminate information about mental health services,
21 especially to marginalized youth.

22 (2) Therefore, the general assembly declares that immediate action
23 is necessary to support the mental health of all Colorado youth by
24 facilitating access to a mental health screening and providing mental
25 health sessions free of charge to youth in order to respond to identified
26 mental health needs. In doing so, Colorado can build back stronger from
27 the pandemic and get closer to achieving the state's long-term behavioral

1 health reform goals.

2 **SECTION 2.** In Colorado Revised Statutes, **add** 27-60-108 as
3 follows:

4 **27-60-108. Temporary youth mental health services program**
5 **- established - rules - definitions - repeal.** (1) AS USED IN THIS SECTION,
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "PORTAL" MEANS THE WEBSITE OR WEB-BASED APPLICATION
8 DESCRIBED IN SUBSECTION (4) OF THIS SECTION THAT FACILITATES THE
9 PROGRAM.

10 (b) "PROGRAM" MEANS THE TEMPORARY YOUTH MENTAL HEALTH
11 SERVICES PROGRAM ESTABLISHED IN THIS SECTION.

12 (c) "PROVIDER" MEANS A LICENSED PSYCHIATRIST REGULATED
13 PURSUANT TO ARTICLE 240 OF TITLE 12 OR ANY OF THE FOLLOWING
14 LICENSEES OR CANDIDATES REGULATED PURSUANT TO ARTICLE 245 OF
15 TITLE 12: A LICENSED PSYCHOLOGIST OR PSYCHOLOGIST CANDIDATE;
16 LICENSED SOCIAL WORKER, LICENSED CLINICAL SOCIAL WORKER, OR
17 CLINICAL SOCIAL WORKER CANDIDATE; LICENSED MARRIAGE AND FAMILY
18 THERAPIST OR MARRIAGE AND FAMILY THERAPIST CANDIDATE; LICENSED
19 PROFESSIONAL COUNSELOR OR LICENSED PROFESSIONAL COUNSELOR
20 CANDIDATE; OR LICENSED ADDICTION COUNSELOR OR ADDICTION
21 COUNSELOR CANDIDATE.

22 (d) "TELEHEALTH" HAS THE SAME MEANING SET FORTH IN SECTION
23 10-16-123.

24 (e) "YOUTH" MEANS:

25 (I) A PERSON EIGHTEEN YEARS OF AGE OR YOUNGER; AND

26 (II) A PERSON WHO IS TWENTY-ONE YEARS OF AGE OR YOUNGER
27 BUT OLDER THAN EIGHTEEN YEARS OF AGE WHO IS RECEIVING SPECIAL

1 EDUCATION SERVICES PURSUANT TO PART 1 OF ARTICLE 20 OF TITLE 22.

2 (2) (a) THERE IS ESTABLISHED IN THE OFFICE THE TEMPORARY
3 YOUTH MENTAL HEALTH SERVICES PROGRAM TO FACILITATE ACCESS TO
4 MENTAL HEALTH SERVICES, INCLUDING SUBSTANCE USE DISORDER
5 SERVICES, FOR YOUTH TO RESPOND TO MENTAL HEALTH NEEDS IDENTIFIED
6 IN AN INITIAL MENTAL HEALTH SCREENING THROUGH THE PORTAL,
7 INCLUDING THOSE NEEDS THAT MAY HAVE RESULTED FROM THE
8 COVID-19 PANDEMIC. THE PROGRAM REIMBURSES PROVIDERS FOR UP TO
9 THREE MENTAL HEALTH SESSIONS WITH A YOUTH.

10 (b) THE OFFICE SHALL REIMBURSE PROVIDERS WHO PARTICIPATE
11 IN THE PROGRAM FOR EACH MENTAL HEALTH SESSION WITH A YOUTH,
12 EITHER IN-PERSON OR BY TELEHEALTH, UP TO A MAXIMUM OF THREE
13 SESSIONS PER YOUTH CLIENT; EXCEPT THAT SUBJECT TO AVAILABLE
14 MONEY, THE STATE DEPARTMENT MAY REIMBURSE A PROVIDER FOR
15 ADDITIONAL SESSIONS. TO BE ELIGIBLE FOR REIMBURSEMENT FROM THE
16 PROGRAM, A PROVIDER MUST BE AVAILABLE TO PROVIDE THREE MENTAL
17 HEALTH SESSIONS TO EACH YOUTH THE PROVIDER ACCEPTS AS A CLIENT.

18 (c) A PROVIDER SHALL MAINTAIN CLIENT CONFIDENTIALITY
19 PURSUANT TO STATE OR FEDERAL LAW WITH REGARD TO A YOUTH CLIENT
20 WHO PARTICIPATES IN A MENTAL HEALTH SESSION WITH THE PROVIDER
21 THAT IS REIMBURSED PURSUANT TO THE PROGRAM.

22 (3) (a) THE OFFICE SHALL:

23 (I) DEVELOP A PROCESS CONSISTENT WITH THE REQUIREMENTS OF
24 THIS SECTION FOR PROVIDERS TO APPLY FOR, AND DEMONSTRATE
25 ELIGIBILITY TO RECEIVE, REIMBURSEMENT FROM THE PROGRAM;

26 (II) DETERMINE A REASONABLE RATE OF REIMBURSEMENT FOR
27 EACH MENTAL HEALTH SESSION WITH A YOUTH CLIENT PURSUANT TO THE

1 PROGRAM, WHICH RATE MUST BE THE SAME REGARDLESS OF WHETHER THE
2 APPOINTMENT IS A TELEHEALTH OR IN-PERSON APPOINTMENT; AND

3 (III) IMPLEMENT A STATEWIDE PUBLIC AWARENESS AND OUTREACH
4 CAMPAIGN ABOUT THE PROGRAM. THE GENERAL ASSEMBLY ENCOURAGES
5 THE OFFICE TO INVOLVE SCHOOLS, NEIGHBORHOOD YOUTH
6 ORGANIZATIONS, HEALTH-CARE PROVIDERS, FAITH-BASED
7 ORGANIZATIONS, AND ANY OTHER COMMUNITY-BASED ORGANIZATIONS
8 THAT INTERACT WITH YOUTH ON THE LOCAL LEVEL IN DISSEMINATING
9 INFORMATION ABOUT THE PROGRAM.

10 (b) THE STATE DEPARTMENT MAY PROMULGATE RULES NECESSARY
11 FOR THE ADMINISTRATION OF THIS SECTION, INCLUDING RULES TO PROTECT
12 THE PRIVACY OF YOUTH WHO RECEIVE SERVICES THROUGH THE PROGRAM.

13 (4) (a) AS SOON AS PRACTICABLE, BUT NO LATER THAN JULY 1,
14 2021, THE STATE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH
15 A VENDOR TO CREATE, OR USE AN EXISTING, WEBSITE OR WEB-BASED
16 APPLICATION AS A PORTAL AVAILABLE TO YOUTH AND PROVIDERS TO
17 FACILITATE THE PROGRAM. THE PORTAL MUST:

18 (I) SERVE AS A PLATFORM FOR INITIAL AGE-APPROPRIATE MENTAL
19 HEALTH SCREENINGS TO DETERMINE IF A YOUTH MAY BENEFIT FROM
20 MENTAL HEALTH SUPPORT;

21 (II) ALLOW PROVIDERS TO REGISTER AND SHARE IN-PERSON OR
22 TELEHEALTH APPOINTMENT AVAILABILITY;

23 (III) WHEN POSSIBLE, CONNECT YOUTH WITH PROVIDERS WHO
24 ACCEPT THE YOUTH'S INSURANCE OR PAYMENT SOURCE THAT MAY COVER
25 THE COSTS OF ONGOING MENTAL HEALTH TREATMENT, IF THE YOUTH HAS
26 INSURANCE OR A PAYMENT SOURCE; AND

27 (IV) ALLOW A YOUTH, REGARDLESS OF WHETHER THE YOUTH HAS

1 INSURANCE OR ANY OTHER PAYMENT SOURCE, TO SCHEDULE [REDACTED]
2 TELEHEALTH APPOINTMENTS WITH A PROVIDER. AN IN-PERSON
3 APPOINTMENT MAY BE PROVIDED IF AND WHEN AVAILABLE.

4 (b) THE SELECTION OF A VENDOR PURSUANT TO THIS SUBSECTION
5 (4) IS EXEMPT FROM THE REQUIREMENTS OF THE PROCUREMENT CODE,
6 ARTICLES 101 TO 112 OF TITLE 24.

7 (5) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2022.

8 **SECTION 3. Appropriation.** For the 2020-21 state fiscal year,
9 \$9,000,000 is appropriated to the department of human services for use
10 by the office of behavioral health. This appropriation is from the general
11 fund. To implement this act, the office may use this appropriation for the
12 temporary youth mental health services program. Any money
13 appropriated in this section not expended prior to July 1, 2021, is further
14 appropriated to the office for the 2021-22 state fiscal year for the same
15 purpose.

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