



Legislative Council Staff

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Revised Fiscal Note

(Replaces fiscal note dated March 25, 2021)

Drafting Number: LLS 21-0586 Date: April 27, 2021
Prime Sponsors: Sen. Pettersen Bill Status: Senate Appropriations
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Bill Topic: BEHAVIORAL HEALTH RECOVERY ACT

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill extends, modifies, and funds behavioral health programs throughout state government. It increases state expenditures on an ongoing basis.

Appropriation Summary: For the current FY 2020-21, the bill requires an appropriation of \$0.5 million to the Department of Higher Education. For FY 2021-22, the bill includes appropriations of \$22.0 million and requires additional appropriations of \$12.9 million to multiple state agencies.

Fiscal Note Status: The revised fiscal note reflects the introduced bill, as amended by the Senate Health and Human Services Committee.

Table 1 State Fiscal Impacts Under SB 21-137*

Table with 4 columns: Category, Current Year FY 2020-21, Budget Year FY 2021-22, Out Year FY 2022-23. Rows include Revenue, Expenditures (General Fund, Marijuana Tax Cash Fund, Federal Funds, Total Expenditures, Total FTE), Transfers, and TABOR Refund.

* Totals may not sum due to rounding.

Summary of Legislation

The bill extends, modifies, and finances behavioral health programs throughout state government. The affected programs are listed in Table 2 in the State Expenditures section. In addition, the bill makes several other changes in law, including:

- continuing the requirement that podiatrists adhere to opioid prescribing limitations;
- making the Harm Reduction Grant Program Fund continuously appropriated to the Colorado Department of Public Health and Environment (CDPHE);
- continuing the Building Substance Use Disorder Treatment Capacity in Underserved Areas Grant Program indefinitely and repealing its July 1, 2024, repeal date;
- requiring the Perinatal Substance Use Data Linkage Project to use additional data sources from state-administered programs when examining issues related to pregnant and postpartum women with substance use disorders and their infants;
- continuing the public awareness campaign about safe storage of opioid medication beyond the program's September 1, 2024, repeal date;
- requiring state and private prisons to provide at least two doses of an opioid reversal medication upon release to individuals that were treated for opioid use disorder while in custody, as funding and supplies allow; and
- removing fire stations from the list of safe stations at which an individual can turn in controlled substances without legal liability for possession.

State Expenditures

The bill increases state expenditures by \$0.5 million in the current FY 2020-21, \$34.9 million and 3.2 FTE in FY 2021-22, and \$13.7 million and 3.2 FTE in FY 2022-23. Cost are paid from the General Fund, Marijuana Tax Cash Fund (MTCF), and federal funds, as detailed below. In subsequent years, costs for each program continue at FY 2022-23 levels on an ongoing basis unless otherwise noted.

**Table 2
 Expenditures Under SB 21-137**

Department of Human Services

Bill Section	Program	FY 2021-22	FY 2022-23
10	Early Childhood Mental Health Consultation Program. The DHS is required to hire contractors for evaluation, gap analysis, and development of a financing strategy for the program. Costs are from the General Fund and annualize to \$280,000 in FY 2023-24 and \$326,000 in FY 2024-25.	\$190,000	\$376,000
11	Rural Behavioral Health Vouchers. The DHS must hire a nonprofit contractor offering behavioral health services. The bill requires a specified appropriation from the General Fund.	\$50,000	\$50,000
15	Recovery Residence Certification. The DHS must hire a contractor for certification and training on industry best practices for recovery residences. The bill requires a specified appropriation from the General Fund.	\$200,000	\$200,000
16	Housing Assistance Program. The DHS must establish a program providing temporary housing assistance to certain individuals with a SUD. Costs are paid from the General Fund.	\$4,000,000 1.0 FTE	\$4,000,000 1.0 FTE
16	Recovery Support Services Grant Program. The DHS must provide recovery-oriented services to individuals with a substance use and co-occurring mental health disorder. The bill requires a specified appropriation from the General Fund.	\$1,600,000 1.0 FTE	\$1,600,000 1.0 FTE
17	Maternal and Child Health Pilot Program. The bill continues this pilot program and requires that funding from the MTCF be appropriated annually. Estimated costs are based on current expenditures.	-	\$652,376
23 (3)(a)	Managed Service Organizations. The bill appropriates General Fund for substance use disorder treatment and recovery providers for unanticipated costs related to COVID-19.	\$3,530,000	-
23 (3)(b)	Community Mental Health Centers. The bill appropriates General Fund for unanticipated expenses related to COVID-19.	\$3,250,000	-
23 (3)(c)	Managed Service Organizations. The bill appropriates General Fund for substance use screening, brief intervention services, referrals, and supports.	\$500,000	-
23 (3)(d)	Community Mental Health Centers. The bill appropriates General Fund for services provided to children and parents by school-based providers.	\$2,000,000	-
23 (3)(e)	Co-responder Programs. The bill appropriates General Fund for Colorado Crisis System services, housing assistance, and treatment for rural communities.	\$3,800,000	-

23 (3)(f)	Treatment Funding. The bill appropriates General Fund to the OBH for behavioral health and substance use disorder treatment for children and their families.	\$2,000,000	-
23 (3)(g)	Treatment and Detoxification Programs. The bill appropriates General Fund for these programs in the OBH.	\$250,000	-
23 (3)(h)	Community Transition Services. The bill appropriates General Fund for guardianship services for individuals transitioning out of mental health institutes.	\$500,000	-
23 (3)(i)	Perinatal Substance Use Data Linkage Project. The bill appropriates General Fund for the DHS to provide data and support to this project at an institute of higher education.	\$75,000	-
23 (5)	Early Childhood Mental Health Consultation Program. The bill appropriates General Fund to develop a data collection system.	\$500,000	-
DHS Subtotal:		\$22,445,000	\$6,878,376
DHS FTE		2.0 FTE	2.0 FTE

Department of Higher Education

Bill Section	Program	FY 2021-22	FY 2022-23
3	Medication-Assisted Treatment Expansion Pilot Program. The bill continues the program for three years through FY 2023-24 and requires a specified appropriation from the MTCF. It also increases the current year FY 2020-21 appropriation for the program by \$500,000.	\$3,000,000	\$3,000,000
5	CSU AgrAbility Project. The bill expands this program to provide rural mental health support to farmers and their families and requires a specified appropriation from the MTCF.	\$900,000	\$900,000
12	Center for Research into SUD. The bill continues the statewide public awareness campaigns related to safe medication practices and requires a specified appropriation from the MTCF.	\$750,000	\$750,000
12	Center for Research into SUD. The bill extends other funding for the Center beyond the current expiration in statute, and specifies that an annual appropriation of \$250,000 from the MCTF is required starting in FY 2024-25.	-	-
23 (6)	Center for Research into SUD. The bill appropriates General Fund for professional education, grant writing assistance, PPE, and telehealth services for the Medication-assisted Treatment Expansion Pilot Program.	\$600,000	-
CDHE Subtotal:		\$5,250,000	\$4,650,000

Department of Public Health and Environment

Bill Section	Program	FY 2021-22	FY 2022-23
6	Behavioral Health Disorders. The bill requires a specified appropriation from the General Fund for behavioral health disorder prevention and intervention, including through community partners. Up to \$500,000 may be used for administrative costs.	\$2,000,000 1.2 FTE	\$2,000,000 1.2 FTE
23 (4)(a)	Mental Health First-aid. The bill appropriates General Fund for in-person and virtual trainings by the Colorado Behavioral Healthcare Council.	\$250,000	-
23 (4)(b)	Opiate Antagonist Bulk Purchase Fund. The bill appropriates General Fund for bulk purchase of opiate antagonist and school-based health centers.	\$1,150,000	-
23 (4)(c)	Colorado HIV and AIDS Prevention Grant Program. The bill appropriates General Fund for this grant program.	\$500,000	-
CDPHE Subtotal:		\$3,900,000	\$2,000,000
CDPHE FTE:		1.2 FTE	1.2 FTE

Department of Education

Bill Section	Program	FY 2021-22	FY 2022-23
23 (1)	Behavioral Health Professional Matching Grant Program. The bill appropriates General Fund for this grant program.	\$500,000	-
23 (2)	K-5 Social and Emotional Health Pilot Program. The bill appropriates MTCF for this pilot program.	\$2,500,000	-
CDE Subtotal:		\$3,000,000	-

Department of Health Care Policy and Financing

Bill Section	Program	FY 2021-22	FY 2022-23
8	MCO Service Modifications. The bill sets various requirements on managed care organizations, which will increase HCPF costs for outreach in FY 2021-22 and FY 2022-23 only, split evenly between General Fund and federal funds.	\$67,920	\$67,920
9	Screening for Perinatal Mood and Anxiety Disorder. The bill increases the number of covered screenings under Medicaid from 3 to 4. Costs are split evenly between General Fund and federal funds.	\$156,438	\$132,079
HCPF Subtotal:		\$224,358	\$199,999

Department of Law

23 (7)	Safe2Tell Program. The bill appropriates General Fund for creation and distribution of PSAs.	\$120,000	-
Law Subtotal:		\$120,000	-
Total – All Agencies		Total Cost	\$34,939,358
		Total FTE	3.2 FTE
			\$13,728,375
			3.2 FTE

Local Government

Local governments and school districts may receive grants or allocations of funding from some of the state programs affected by the bill.

Technical Note

For Medicaid residential and inpatient SUD treatment, the bill requires initial authorization for intensive residential treatment to be at least seven days, and transitional residential treatment to be at least fourteen days. HCPF has indicated that the waiver authorizing the inpatient SUD benefit only allows for days deemed medically necessary, which these minimums may not be consistent with, and that the department is not authorized to make expenditures outside of federal compliance. For this reason, the fiscal note does not include a cost estimate for this provision.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For the current FY 2020-21, the bill requires an appropriation of \$500,000 from the MTCF to the Department of Higher Education for allocation to the Center for Research into Substance Use Disorder Prevention, Treatment, and Recovery Support Services.

For FY 2021-22, the bill includes appropriations of \$22,025,000 as follows:

- \$3,000,000 to the Colorado Department of Education, of which \$2,500,000 is from the MTCF and \$500,000 is General Fund;
- \$16,405,000 General Fund to the Department of Human Services;
- \$1,900,000 General Fund to the Colorado Department of Public Health and Environment;
- \$600,000 General Fund to the Department of Higher Education for allocation to the Center for Research into Substance Use Disorder Prevention, Treatment, and Recovery Support Services at the University of Colorado; and
- \$120,000 General Fund to the Department of Law.

In addition, for FY 2021-22, the bill requires appropriations totaling \$12,914,358, as detailed below:

- \$6,040,000 to the Department of Human Services from the General Fund, and 2.0 FTE;
- \$2,000,000 General Fund to the Colorado Department of Public Health and Environment, and 1.2 FTE;
- \$3,750,000 from the MTCF to the Department of Higher Education for allocation to the Center for Research into Substance Use Disorder Prevention, Treatment, and Recovery Support Services at the University of Colorado;
- \$900,000 from the MTCF to the Department of Higher Education for allocation to Colorado State University; and
- \$224,358 to the Department of Health Care Policy and Financing, of which \$112,179 is General Fund and \$112,179 is federal funds.

State and Local Government Contacts

Agriculture
Education
Human Services
Municipalities

Corrections
Health Care Policy and Financing
Information Technology
Public Health and Environment

Counties
Higher Education
Law
Regulatory Agencies