

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

INTRODUCED

LLS NO. 23-0774.01 Chelsea Princell x4335

HOUSE BILL 23-1153

HOUSE SPONSORSHIP

Armagost and Amabile,

SENATE SPONSORSHIP

(None),

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A FEASIBILITY STUDY TO DETERMINE PATHWAYS TO**
102 **BEHAVIORAL HEALTH CARE FOR PEOPLE WITH SERIOUS MENTAL**
103 **ILLNESS.**

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 requires the state department of human services (state department) to contract with an independent third party to conduct a feasibility study to determine the feasibility of creating a system to support individuals with serious mental illness through a collaboration between Colorado's behavioral health and judicial systems.

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

The bill requires the state department to work with the behavioral health administration, department of local affairs, department of public safety, department of health care policy and financing, judicial department, and other state agencies to determine the eligibility requirements and application process for selecting the independent third party.

The bill requires the state department to submit a report detailing the findings and recommendations from the feasibility study to the general assembly, the governor's office, and impacted state agencies by December 31, 2023.

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

SECTION 1. In Colorado Revised Statutes, **add** 27-60-115 as follows:

27-60-115. Behavioral health care feasibility study - authority to contract - report. (1) THE OFFICE THAT OVERSEES CIVIL AND FORENSIC MENTAL HEALTH IN THE STATE DEPARTMENT SHALL CONTRACT WITH AN INDEPENDENT THIRD PARTY TO CONDUCT A FEASIBILITY STUDY FOCUSING ON THE INTERSECTION OF COLORADO'S BEHAVIORAL HEALTH SERVICE AVAILABILITY AND JUDICIAL SYSTEM TO DETERMINE THE FEASIBILITY OF ESTABLISHING A SYSTEM TO SUPPORT INDIVIDUALS WITH SERIOUS MENTAL ILLNESS' ACCESS TO VOLUNTARY AND INVOLUNTARY BEHAVIORAL HEALTH CARE AND HOUSING SUPPORT SERVICES.

(2) THE STATE DEPARTMENT SHALL AWARD THE CONTRACT PURSUANT TO A REQUEST FOR PROPOSAL AS DESCRIBED IN SECTION 24-103-203. THE STATE DEPARTMENT, IN COORDINATION WITH THE BEHAVIORAL HEALTH ADMINISTRATION, DEPARTMENT OF LOCAL AFFAIRS, DEPARTMENT OF PUBLIC SAFETY, DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, JUDICIAL DEPARTMENT, AND OTHER STATE AGENCIES, AS NEEDED, SHALL DETERMINE THE QUALIFICATIONS FOR THE INDEPENDENT THIRD PARTY AND THE PROCESS FOR INTERESTED INDEPENDENT THIRD

1 PARTIES TO APPLY.

2 (3) AT A MINIMUM, THE STATE DEPARTMENT SHALL CONSIDER AND
3 DETERMINE THE FOLLOWING ON A STATEWIDE BASIS WHEN DEVELOPING
4 CRITERIA FOR THE FEASIBILITY STUDY:

5 (a) THE NUMBER OF UNHOUSED PERSONS LIVING WITH SERIOUS
6 MENTAL ILLNESS;

7 (b) THE CURRENT BED CAPACITY FOR INPATIENT PSYCHIATRIC
8 UNITS;

9 (c) APPROPRIATE READMISSION DATA FOR PEOPLE WHO ARE
10 CYCLING IN AND OUT OF SHORT-TERM PSYCHIATRIC HOSPITAL STAYS;

11 (d) BARRIERS DUE TO PAYMENT SOURCES IN ACCESSING
12 TREATMENT BEDS;

13 (e) CURRENT BED CAPACITY FOR STEP-DOWN FACILITIES,
14 INCLUDING, BUT NOT LIMITED TO, OUTPATIENT UNITS WITH SUPPORTIVE
15 SERVICES FOR PERSONS LIVING WITH SERIOUS MENTAL ILLNESS, INCLUDING
16 PERMANENT SUPPORTIVE HOUSING;

17 (f) CURRENT BEHAVIORAL HEALTH-CARE WORKFORCE SHORTAGE
18 NUMBERS;

19 (g) CURRENT CAPACITY OF COMMUNITY-BASED SERVICES
20 RELEVANT FOR PERSONS LIVING WITH SERIOUS MENTAL ILLNESS;

21 (h) GAPS BETWEEN THE NUMBER OF UNHOUSED PERSONS LIVING
22 WITH SERIOUS MENTAL ILLNESS AND CURRENT STATEWIDE
23 INFRASTRUCTURE CONCERNING THE INFORMATION DESCRIBED IN
24 SUBSECTIONS (3)(a) TO (3)(g) OF THIS SECTION;

25 (i) THE COST TO THE STATE IF THE STATE PROVIDED FUNDING TO
26 ALLOW LONGER TREATMENT STAYS UNDER THE CURRENT BEHAVIORAL
27 HEALTH SYSTEM;

1 (j) THE CAPACITY OF THE JUDICIAL SYSTEM, INCLUDING THE CIVIL
2 SYSTEM, BY JUDICIAL DISTRICT, TO MEET EXISTING DEMAND FOR
3 DIVERSION, COURT-ORDERED CARE PLANS, PETITIONS OF COURT-ORDERED
4 PLANS, AND GUARDIANSHIP PROCEEDINGS;

5 (k) JUDICIAL PROCESSES RELATED TO DIVERSION, COURT-ORDERED
6 CARE PLANS, PETITIONS OF COURT-ORDERED PLANS, GUARDIANSHIP
7 PROCEEDINGS, AND ENSURING CONSTITUTIONAL RIGHTS;

8 (l) CURRENT DEMAND AND CAPACITY FOR STATEWIDE
9 GUARDIANSHIP SERVICES DISAGGREGATED BY PUBLIC AND PRIVATE
10 GUARDIANSHIP;

11 (m) METHODOLOGY THAT ILLUSTRATES POTENTIAL COST SAVINGS
12 AND COST AVOIDANCE ASSOCIATED WITH DIVERSION, TREATMENT,
13 COMMUNITY-BASED SERVICES, AND SUPPORTIVE HOUSING INTERVENTIONS;

14 (n) PERSPECTIVES OF INDIVIDUALS WITH LIVED EXPERIENCES; AND

15 (o) DETAILED INFORMATION ABOUT APPROACHES OTHER STATES
16 ARE TAKING TO REMEDY THE ISSUES AND CONCERNS IDENTIFIED BY
17 EXPLORING THE ITEMS LISTED IN THIS SUBSECTION (3).

18 (4) ON OR BEFORE DECEMBER 31, 2023, THE STATE DEPARTMENT
19 SHALL SUBMIT A REPORT DETAILING THE FINDINGS AND
20 RECOMMENDATIONS FROM THE FEASIBILITY STUDY TO THE GENERAL
21 ASSEMBLY, THE GOVERNOR'S OFFICE, AND ANY IMPACTED STATE AGENCY
22 THAT INCLUDES, BUT IS NOT LIMITED TO, THE BEHAVIORAL HEALTH
23 ADMINISTRATION, DEPARTMENT OF LOCAL AFFAIRS, DEPARTMENT OF
24 PUBLIC SAFETY, AND JUDICIAL DEPARTMENT.

25 **SECTION 2. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.