

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

PREAMENDED

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

LLS NO. 23-0774.01 Chelsea Princell x4335

HOUSE BILL 23-1153

HOUSE SPONSORSHIP

Armagost and Amabile,

SENATE SPONSORSHIP

Pelton B. and Rodriguez,

House Committees

Public & Behavioral Health & Human Services
Appropriations

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 - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMUNITY-BASED SERVICES" MEANS SERVICES RELATED TO THE TREATMENT OF SERIOUS MENTAL ILLNESS THAT INCLUDES, BUT IS NOT LIMITED TO, PEER-DELIVERED SERVICES, HOUSING OPTIONS, VOCATIONAL SERVICES, SERVICES THAT ADDRESS SOCIAL DETERMINANTS OF HEALTH, AND SERVICES PROVIDED BY PSYCHIATRIC PRESCRIBERS, DROP-IN CENTERS, AND ASSERTIVE COMMUNITY TREATMENT TEAMS.

(b) "SERIOUS MENTAL ILLNESS" MEANS ONE OR MORE SUBSTANTIAL DISORDERS OF COGNITIVE, VOLITIONAL, OR EMOTIONAL PROCESSES THAT GROSSLY IMPAIR JUDGEMENT OR CAPACITY TO RECOGNIZE REALITY OR TO CONTROL BEHAVIOR AND THAT SUBSTANTIALLY INTERFERES WITH THE PERSON'S ABILITY TO MEET THE ORDINARY DEMANDS OF DAILY LIVING. SERIOUS MENTAL ILLNESS INCLUDES, BUT IS NOT LIMITED TO, A PSYCHOTIC DISORDER, BIPOLAR DISORDER, MAJOR DEPRESSIVE DISORDER, OR ANY DIAGNOSED MENTAL

1 DISORDER EXCEPT FOR SUBSTANCE USE DISORDER CURRENTLY
2 ASSOCIATED WITH SERIOUS IMPAIRMENT OF PSYCHOLOGICAL, COGNITIVE,
3 OR BEHAVIORAL FUNCTIONING.

4 (2) THE OFFICE THAT OVERSEES CIVIL AND FORENSIC MENTAL
5 HEALTH IN THE STATE DEPARTMENT SHALL CONTRACT WITH AN
6 INDEPENDENT THIRD PARTY TO CONDUCT A FEASIBILITY STUDY FOCUSING
7 ON THE INTERSECTION OF COLORADO'S BEHAVIORAL HEALTH SERVICE
8 AVAILABILITY AND JUDICIAL SYSTEM TO DETERMINE THE FEASIBILITY OF
9 ESTABLISHING A SYSTEM TO SUPPORT INDIVIDUALS WITH SERIOUS MENTAL
10 ILLNESS' ACCESS TO VOLUNTARY AND INVOLUNTARY BEHAVIORAL HEALTH
11 CARE AND HOUSING SUPPORT SERVICES.

12 (3) THE STATE DEPARTMENT, IN COORDINATION WITH THE
13 BEHAVIORAL HEALTH ADMINISTRATION, DEPARTMENT OF LOCAL AFFAIRS,
14 DEPARTMENT OF PUBLIC SAFETY, DEPARTMENT OF HEALTH CARE POLICY
15 AND FINANCING, JUDICIAL DEPARTMENT, AND OTHER STATE AGENCIES, AS
16 NEEDED, SHALL DETERMINE THE QUALIFICATIONS FOR THE INDEPENDENT
17 THIRD PARTY AND THE PROCESS FOR INTERESTED INDEPENDENT THIRD
18 PARTIES TO APPLY.

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

22 (a) THE NUMBER OF UNHOUSED PERSONS LIVING WITH SERIOUS
23 MENTAL ILLNESS;

24 (b) THE CURRENT BED CAPACITY FOR INPATIENT AND RESIDENTIAL
25 PSYCHIATRIC UNITS;

26 (c) CURRENT MAXIMUM CAPACITY OF FORENSIC AND CIVIL BEDS;

27 (d) CURRENT BED CAPACITY FOR SHORT-TERM HOSPITAL STAYS

- 1 AND LONG-TERM HOSPITAL STAYS;
- 2 (e) CURRENT BED CAPACITY FOR STEP-DOWN FACILITIES AND
3 TRANSITIONAL HOUSING, INCLUDING, BUT NOT LIMITED TO, OUTPATIENT
4 UNITS WITH SUPPORTIVE SERVICES FOR PERSONS LIVING WITH SERIOUS
5 MENTAL ILLNESS, INCLUDING SUPPORTIVE PERMANENT HOUSING;
- 6 (f) THE AVERAGE MONTHLY WAIT LIST FOR EACH BED CATEGORY
7 STATED IN SUBSECTION (3)(b) THROUGH (3)(e) OF THIS SECTION;
- 8 (g) APPROPRIATE READMISSION DATA FOR PEOPLE WHO ARE
9 CYCLING IN AND OUT OF SHORT-TERM PSYCHIATRIC HOSPITAL STAYS;
- 10 (h) BARRIERS DUE TO PAYMENT SOURCES IN ACCESSING
11 TREATMENT BEDS;
- 12
- 13 (i) CURRENT BEHAVIORAL HEALTH-CARE WORKFORCE SHORTAGE
14 NUMBERS;
- 15 (j) CURRENT CAPACITY OF COMMUNITY-BASED SERVICES
16 RELEVANT FOR PERSONS LIVING WITH SERIOUS MENTAL ILLNESS;
- 17 (k) GAPS BETWEEN THE NUMBER OF UNHOUSED PERSONS LIVING
18 WITH SERIOUS MENTAL ILLNESS AND CURRENT STATEWIDE
19 INFRASTRUCTURE CONCERNING THE INFORMATION DESCRIBED IN
20 SUBSECTIONS (4)(a) TO (4)(j) OF THIS SECTION;
- 21 (l) THE COST TO THE STATE IF THE STATE PROVIDES FUNDING TO
22 ALLOW LONGER THAN FIFTEEN-DAY TREATMENT STAYS UNDER THE
23 CURRENT BEHAVIORAL HEALTH SYSTEM, REGARDLESS OF THE
24 INDIVIDUAL'S ABILITY TO PAY;
- 25 (m) THE CAPACITY OF THE JUDICIAL SYSTEM, INCLUDING THE CIVIL
26 SYSTEM, BY JUDICIAL DISTRICT, TO MEET EXISTING DEMAND FOR
27 DIVERSION, COURT-ORDERED CARE PLANS, PETITIONS OF COURT-ORDERED

1 PLANS, AND GUARDIANSHIP PROCEEDINGS;

2 (n) JUDICIAL PROCESSES RELATED TO DIVERSION, COURT-ORDERED
3 CARE PLANS, PETITIONS OF COURT-ORDERED PLANS, GUARDIANSHIP
4 PROCEEDINGS, AND ENSURING CONSTITUTIONAL RIGHTS;

5 (o) CURRENT DEMAND AND CAPACITY FOR STATEWIDE
6 GUARDIANSHIP SERVICES DISAGGREGATED BY PUBLIC AND PRIVATE
7 GUARDIANSHIP;

8 (p) METHODOLOGY THAT ILLUSTRATES POTENTIAL COST SAVINGS
9 AND COST AVOIDANCE ASSOCIATED WITH DIVERSION, TREATMENT,
10 COMMUNITY-BASED SERVICES, AND SUPPORTIVE HOUSING INTERVENTIONS;

11 (q) PERSPECTIVES OF INDIVIDUALS WITH LIVED EXPERIENCES; █

12 (r) DETAILED INFORMATION ABOUT APPROACHES CURRENTLY
13 BEING USED IN COLORADO TO CONNECT UNHOUSED INDIVIDUALS
14 EXPERIENCING SERIOUS MENTAL ILLNESS WITH OUTPATIENT TREATMENT,
15 SUPPORTIVE SERVICES AND HOUSING, SUCH AS CO-RESPONDER PROGRAMS,
16 COMPETENCY COURTS, AND OTHER INTERVENTIONS; AND

17 (s) DETAILED INFORMATION ABOUT APPROACHES OTHER STATES
18 ARE TAKING TO REMEDY THE ISSUES AND CONCERNS IDENTIFIED BY
19 EXPLORING THE ITEMS LISTED IN THIS SUBSECTION (4).

20 (5) ON OR BEFORE MARCH 1, 2024, THE STATE DEPARTMENT
21 SHALL SUBMIT A REPORT DETAILING THE FINDINGS AND
22 RECOMMENDATIONS FROM THE FEASIBILITY STUDY TO THE GENERAL
23 ASSEMBLY, THE GOVERNOR'S OFFICE, AND ANY IMPACTED STATE AGENCY
24 THAT INCLUDES, BUT IS NOT LIMITED TO, THE BEHAVIORAL HEALTH
25 ADMINISTRATION, DEPARTMENT OF LOCAL AFFAIRS, DEPARTMENT OF
26 PUBLIC SAFETY, AND JUDICIAL DEPARTMENT.

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