



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 23-0853	Date:	March 24, 2023
Prime Sponsors:	Rep. Young; Amabile	Bill Status:	House Public & Behavioral Health
		Fiscal Analyst:	Erin Reynolds 303-866-4146 erin.reynolds@coleg.gov

Bill Topic:	IMPLEMENTATION UPDATES TO BEHAVIORAL HEALTH ADMINISTRATION
--------------------	---

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill delineates certain administrative responsibilities between the recently created Behavioral Health Administration and the Department of Human Services, and makes clarifications and modifications to the administration's statute. It may increase state workload and future costs.

Appropriation Summary:	No appropriation is required.
-------------------------------	-------------------------------

Fiscal Note Status:	The fiscal note reflects the introduced bill.
----------------------------	---

Summary of Legislation

This bill delineates certain administrative responsibilities between the recently created Behavioral Health Administration (BHA) and the Department of Human Services (CDHS). The bill also formally repeals the Office of Behavioral Health, which is now functioning as the recently renamed Office of Civil and Forensic Mental Health in CDHS.

Additionally, the bill makes the following clarifications and modifications, including but not limited to:

- authorizing the BHA to seek, accept, and expend gifts, grants, or donations for the purpose of administering any behavioral health program and service;
- requiring a behavioral health safety net provider to include services that address the necessary language and cultural barriers to serve communities of color and other underserved populations;
- requiring the BHA to create a regional subcommittee structure of the advisory council that is not limited by the behavioral health administrative services organization region;
- requires the BHA to provide, directly or through contract, care navigation services and align the services with the care coordination infrastructure;

- continuously appropriating funding to the 988 crisis hotline cash fund;
- expanding the rights of a person detained by a certified peace officer or emergency medical services provider and transported to an outpatient mental health facility or other facility to any person detained, whether or not the person is transported to a facility;
- codifying that the BHA is a health oversight agency charged with overseeing the behavioral health-care system in Colorado and discharging the BHA's duties; and
- adding BHA representatives to serve on certain boards and commissions.

Background

[House Bill 21-1097](#) required the CDHS to submit a plan for the creation of the BHA. The BHA was established in July 2022 within the Department of Human Services (DHS) upon the passage of [House Bill 22-1278](#).

Assumptions

The fiscal note assumes that any necessary budget adjustments related to the establishment of the BHA will occur through the annual budget process.

State Revenue

The bill may increase state revenue to the BHA from gifts, grants, and donations. This funding is not subject to TABOR.

State Expenditures

Behavioral Health Administration. While no change in appropriations is required, the bill makes the following programmatic clarifications and modifications in BHA:

- rolls care navigation services into care coordination, which might necessitate the creation of a care coordination line item; and
- makes the 988 Crisis Hotline Cash Fund continuously appropriated and removes the repeal date.

Department of Human Services. The bill's delineation of authority for various programs codifies existing practice. No change in appropriations is required.

Department of Law. To the extent that the bill's codification of the BHA as a health oversight agency as defined by federal law generates the need for legal support, those resources will be provided by the Department of Law. The fiscal note assumes existing BHA legal resources are sufficient.

Public Health and Environment. The bill minimally increases CDPHE workload to add a BHA representative to the Health Equity Commission, which is staffed by the Office of Health Equity.

Health Care Policy and Financing. The bill may increase workload and potential costs in HCPF from the bill's requirement to provide services that address the necessary language and cultural barriers to serve communities of color and other underserved populations, as well as data reporting on the usage of navigation services. Resources will be addressed through the annual budget process as potential cost drivers are known.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Behavioral Health Administration
Health Care Policy and Financing
Information Technology
Personnel
Regulatory Agencies

Counties
Human Services
Law
Public Health and Environment