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HOUSE BILL 25-1326

BY REPRESENTATIVE(S) Espenoza and Bradley, Bacon, Duran, Rydin,
Stewart K.;
also SENATOR(S) Ball, Amabile, Cutter, Michaelson Jenet, Wallace.

CONCERNING UPDATING TERMINOLOGY RELATED TO BEHAVIORAL HEALTH
SAFETY NET PROVIDERS.

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

SECTION 1. In Colorado Revised Statutes, 10-3.5-108, **amend**
(3)(d) as follows:

10-3.5-108. Distributions - remittance of portion of proceeds.

(3) (d) The executive director of the department of human services shall direct each certified capital company that reports to the division pursuant to ~~paragraph (b) of this subsection (3)~~ SUBSECTION (3)(b) OF THIS SECTION to transfer to one or more ~~approved community mental health clinics or approved community mental health centers, as defined in section 27-66-101,~~ BEHAVIORAL HEALTH SAFETY NET PROVIDERS, AS DEFINED IN SECTION 27-50-101, an amount of money equal to one-half of the amount identified in ~~such~~ THE report to be used solely for the purposes identified in sections 27-66-103 and 27-66-104 (3), ~~C.R.S.~~, taking into account the

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

standards contained in section 27-66-105. ~~C.R.S.~~

SECTION 2. In Colorado Revised Statutes, 12-245-217, **amend** (4) as follows:

12-245-217. Scope of article - exemptions. (4) The provisions of section 12-245-703 do not apply to ~~employees of community mental health centers or clinics as those centers or clinics are defined by section 27-66-101~~ AN EMPLOYEE OF A BEHAVIORAL HEALTH ENTITY, AS DEFINED IN SECTION 27-50-101, but ~~persons~~ A PERSON practicing outside the scope of employment as ~~employees of a facility defined by section 27-66-101~~ are AN EMPLOYEE OF A BEHAVIORAL HEALTH ENTITY IS subject to the provisions of section 12-245-703.

SECTION 3. In Colorado Revised Statutes, 25.5-1-132, **amend** (1) as follows:

25.5-1-132. Report of medicaid reimbursement rates paid to comprehensive community behavioral health providers and independent providers - definition. (1) On or before August 15, 2022, the state department shall publish a behavioral health rates report of medicaid reimbursement rates for ~~providers of community mental health centers, as defined in section 27-66-101~~ (2) COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDERS, AS DEFINED IN SECTION 27-50-101, and independent mental health and substance abuse treatment providers, as described in subsection (2) of this section. The state department shall contract with an independent auditor to prepare the behavioral health rates report, as described in this subsection (1). The state department shall prepare, in coordination with the behavioral health rates report, a set of recommendations on creating equitable payment and payment models that minimize inappropriate payment variation in comparable behavioral health services between ~~the providers of community mental health centers~~ COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDERS and independent mental health and substance use treatment providers. The state department shall present the behavioral health rates report and recommendations to the house of representatives ~~public and behavioral health and human services committee~~, or any successor committee.

SECTION 4. In Colorado Revised Statutes, 25.5-4-403.1, **amend** (1)(a) as follows:

25.5-4-403.1. Providers - comprehensive community behavioral health providers - cost reporting. (1) For the purposes of increased payment methodology transparency, no later than March 15, 2023, and each March 15 thereafter, the state department shall:

(a) Publish cost reports for ~~community mental health centers~~ COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDERS, AS DEFINED IN SECTION 27-50-101;

SECTION 5. In Colorado Revised Statutes, 25.5-5-301, **amend** (2)(a) as follows:

25.5-5-301. Clinic services. (2) Under the federal option for clinic services, Colorado has selected clinic services provided by the following:

(a) ~~Community mental health centers or clinics~~ COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDERS, AS DEFINED IN SECTION 27-50-101;

SECTION 6. In Colorado Revised Statutes, 25.5-6-113, **amend** (3)(b) as follows:

25.5-6-113. Health home - integrated services - contracting - legislative declaration - definitions. (3) (b) The health home may consist of a multi-disciplinary team, including primary care management providers, behavioral health-care providers, case managers, and providers of long-term services and supports, including, but not limited to, case management agencies, as defined in section 25.5-6-1702, nursing homes, alternative care facilities, day programs for the elderly, home care agencies, ~~community mental health centers~~ COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDERS, AS DEFINED IN SECTION 27-50-101, and hospice and palliative care centers.

SECTION 7. In Colorado Revised Statutes, 27-65-118, **amend** (1)(a) as follows:

27-65-118. Right to treatment - rules. (1) (a) Any person receiving an evaluation or treatment pursuant to this article 65 is entitled to medical and psychiatric care and treatment, with regard to services listed in ~~section 27-66-101~~ SECTION 27-50-301 and services listed in rules authorized

by section 27-66-102, suited to meet the person's individual needs, delivered in such a way as to keep the person in the least restrictive environment, and delivered in such a way as to include the opportunity for participation of family members in the person's program of care and treatment, when appropriate. Nothing in this subsection (1)(a) creates any right with respect to any person other than the person receiving an evaluation, care, or treatment. The professional person and the agency or facility providing an evaluation, care, or treatment shall keep records detailing all care and treatment received by the person, and the records must be made available, upon the person's written authorization, to the person's attorney or the person's personal physician. The records are permanent records and must be retained in accordance with section 27-65-123 (4).

SECTION 8. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO