

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

INTRODUCED

LLS NO. 25-0024.01 Shelby Ross x4510

HOUSE BILL 25-1326

HOUSE SPONSORSHIP

Espenoza and Bradley,

SENATE SPONSORSHIP

Ball,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING UPDATING TERMINOLOGY RELATED TO BEHAVIORAL**
102 **HEALTH SAFETY NET PROVIDERS.**

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/>.)

Statutory Revision Committee. The definitions of "community mental health center" and "community mental health clinic" were repealed in House Bill 22-1278; however, references to the repealed definitions are still in statute. The bill changes the obsolete references to the repealed definitions.

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.

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

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

4 **10-3.5-108. Distributions - remittance of portion of proceeds.**

5 (3) (d) The executive director of the department of human services shall
6 direct each certified capital company that reports to the division pursuant
7 to ~~paragraph (b) of this subsection~~ (3) SUBSECTION (3)(b) OF THIS SECTION
8 to transfer to one or more ~~approved community mental health clinics or~~
9 ~~approved community mental health centers, as defined in section~~
10 ~~27-66-101, C.R.S.~~ BEHAVIORAL HEALTH SAFETY NET PROVIDERS, AS
11 DEFINED IN SECTION 27-50-101, an amount of money equal to one-half of
12 the amount identified in ~~such~~ THE report to be used solely for the
13 purposes identified in sections 27-66-103 and 27-66-104 (3), ~~C.R.S.~~;
14 taking into account the standards contained in section 27-66-105. ~~C.R.S.~~

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

17 **12-245-217. Scope of article - exemptions.** (4) The provisions
18 of section 12-245-703 do not apply to ~~employees of community mental~~
19 ~~health centers or clinics as those centers or clinics are defined by section~~
20 ~~27-66-101~~ AN EMPLOYEE OF A BEHAVIORAL HEALTH ENTITY, AS DEFINED
21 IN SECTION 27-50-101, but ~~persons~~ A PERSON practicing outside the scope
22 of employment as ~~employees of a facility defined by section 27-66-101~~
23 ~~are~~ AN EMPLOYEE OF A BEHAVIORAL HEALTH ENTITY IS subject to the
24 provisions of section 12-245-703.

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

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

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

23 **25.5-4-403.1. Providers - comprehensive community**
24 **behavioral health providers - cost reporting.** (1) For the purposes of
25 increased payment methodology transparency, no later than March 15,
26 2023, and each March 15 thereafter, the state department shall:

27 (a) Publish cost reports for ~~community mental health centers~~

1 COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDERS, AS
2 DEFINED IN SECTION 27-50-101;

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

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

8 (a) ~~Community mental health centers or clinics~~ COMPREHENSIVE
9 COMMUNITY BEHAVIORAL HEALTH PROVIDERS, AS DEFINED IN SECTION
10 27-50-101;

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

13 **25.5-6-113. Health home - integrated services - contracting -**
14 **legislative declaration - definitions.** (3) (b) The health home may
15 consist of a multi-disciplinary team, including primary care management
16 providers, behavioral health-care providers, case managers, and providers
17 of long-term services and supports, including, but not limited to, case
18 management agencies, as defined in section 25.5-6-1702, nursing homes,
19 alternative care facilities, day programs for the elderly, home care
20 agencies, ~~community mental health centers~~ COMPREHENSIVE COMMUNITY
21 BEHAVIORAL HEALTH PROVIDERS, AS DEFINED IN SECTION 27-50-101, and
22 hospice and palliative care centers.

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

25 **27-65-118. Right to treatment - rules.** (1) (a) Any person
26 receiving an evaluation or treatment pursuant to this article 65 is entitled
27 to medical and psychiatric care and treatment, with regard to services

1 listed in ~~section 27-66-101~~ SECTION 27-50-301 and services listed in rules
2 authorized by section 27-66-102, suited to meet the person's individual
3 needs, delivered in such a way as to keep the person in the least restrictive
4 environment, and delivered in such a way as to include the opportunity
5 for participation of family members in the person's program of care and
6 treatment, when appropriate. Nothing in this subsection (1)(a) creates any
7 right with respect to any person other than the person receiving an
8 evaluation, care, or treatment. The professional person and the agency or
9 facility providing an evaluation, care, or treatment shall keep records
10 detailing all care and treatment received by the person, and the records
11 must be made available, upon the person's written authorization, to the
12 person's attorney or the person's personal physician. The records are
13 permanent records and must be retained in accordance with section
14 27-65-123 (4).

15 **SECTION 8. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2026 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.