

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0258.02 Brita Darling x2241

HOUSE BILL 18-1136

HOUSE SPONSORSHIP

Pettersen, Buck, Kennedy, Singer

SENATE SPONSORSHIP

Priola and Jahn, Aguilar, Lambert, Tate

House Committees
Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING TREATMENT FOR INDIVIDUALS WITH SUBSTANCE USE**
102 **DISORDERS, AND, IN CONNECTION THEREWITH, ADDING**
103 **RESIDENTIAL AND INPATIENT TREATMENT TO THE COLORADO**
104 **MEDICAL ASSISTANCE PROGRAM.**

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/>.)

Opioid and Other Substance Use Disorders Interim Study Committee. The bill adds residential and inpatient substance use disorder services to the Colorado medical assistance program. The benefit is

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

limited to persons who meet nationally recognized, evidence-based level of care criteria for residential and inpatient substance use disorder treatment. The benefit will not be effective until the department of health care policy and financing seeks and receives any federal authorization necessary to secure federal financial participation in the program.

If an enhanced residential and inpatient substance use disorder treatment benefit becomes available, managed care organizations shall reprioritize the use of money allocated from the marijuana tax cash fund to assist in providing treatment, including residential treatment, to persons who are not otherwise covered by public or private insurance.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-202, **add**
3 (1)(x) as follows:

4 **25.5-5-202. Basic services for the categorically needy - optional**
5 **services.** (1) Subject to the provisions of subsection (2) of this section,
6 the following are services for which federal financial participation is
7 available and that Colorado has selected to provide as optional services
8 under the medical assistance program:

9 (x) (I) RESIDENTIAL AND INPATIENT SUBSTANCE USE DISORDER
10 TREATMENT PURSUANT TO SECTION 25.5-5-324.

11 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(x)(I)
12 OF THIS SECTION, RESIDENTIAL AND INPATIENT SUBSTANCE USE DISORDER
13 TREATMENT SHALL NOT TAKE EFFECT UNLESS ALL NECESSARY APPROVALS
14 UNDER FEDERAL LAW AND REGULATION HAVE BEEN OBTAINED TO RECEIVE
15 FEDERAL FINANCIAL PARTICIPATION FOR THE COSTS OF SUCH SERVICES.

16 **SECTION 2.** In Colorado Revised Statutes, **add** 25.5-5-324 as
17 follows:

18 **25.5-5-324. Residential and inpatient substance use disorder**
19 **treatment - federal approval.** (1) SUBJECT TO AVAILABLE
20 APPROPRIATIONS AND TO THE EXTENT PERMITTED UNDER FEDERAL LAW,

1 THE MEDICAL ASSISTANCE PROGRAM PURSUANT TO THIS ARTICLE 5 AND
2 ARTICLES 4 AND 6 OF THIS TITLE 25.5 INCLUDES RESIDENTIAL AND
3 INPATIENT SUBSTANCE USE DISORDER TREATMENT. PARTICIPATION IN THE
4 RESIDENTIAL AND INPATIENT SUBSTANCE USE DISORDER TREATMENT
5 BENEFIT IS LIMITED TO PERSONS WHO MEET NATIONALLY RECOGNIZED,
6 EVIDENCE-BASED, LEVEL OF CARE CRITERIA FOR RESIDENTIAL AND
7 INPATIENT SUBSTANCE USE DISORDER TREATMENT. THE BENEFIT SHALL
8 SERVE PERSONS WITH SUBSTANCE USE DISORDERS, INCLUDING THOSE WITH
9 CO-OCCURRING MENTAL HEALTH DISORDERS.

10 (2) NO LATER THAN OCTOBER 1, 2018, THE STATE DEPARTMENT
11 SHALL SEEK FEDERAL AUTHORIZATION TO PROVIDE RESIDENTIAL AND
12 INPATIENT SUBSTANCE USE DISORDER TREATMENT WITH FULL FEDERAL
13 FINANCIAL PARTICIPATION. RESIDENTIAL AND INPATIENT SUBSTANCE USE
14 DISORDER TREATMENT SHALL NOT TAKE EFFECT UNTIL FEDERAL
15 APPROVAL HAS BEEN OBTAINED.

16 **SECTION 3.** In Colorado Revised Statutes, 27-80-107.5, **amend**
17 (4)(c) as follows:

18 **27-80-107.5. Increasing access to effective substance use**
19 **disorder services act - managed service organizations - substance use**
20 **disorder services - assessment - community action plan - allocations**
21 **- reporting requirements - evaluation.** (4) (c) It is the intent of the
22 general assembly that each designated managed service organization use
23 money allocated to it from the marijuana tax cash fund to cover
24 expenditures for substance use disorder services that are not otherwise
25 covered by public or private insurance. Except as provided in ~~paragraph~~
26 ~~(a) of this subsection~~ (4) SUBSECTION (4)(a) OF THIS SECTION, each
27 managed service organization may use its allocation from the marijuana

1 tax cash fund to implement its community action plan and increase access
2 to substance use disorder services for populations in need of such services
3 that are within its geographic region. IF AN ENHANCED RESIDENTIAL AND
4 INPATIENT SUBSTANCE USE DISORDER TREATMENT BENEFIT BECOMES
5 AVAILABLE UNDER THE COLORADO MEDICAL ASSISTANCE PROGRAM,
6 MANAGED SERVICE ORGANIZATIONS SHALL REPRIORITIZE THE USE OF
7 MONEY ALLOCATED FROM THE MARIJUANA TAX CASH FUND TO ASSIST IN
8 PROVIDING SUBSTANCE USE DISORDER TREATMENT, INCLUDING
9 RESIDENTIAL AND INPATIENT SUBSTANCE USE DISORDER TREATMENT, TO
10 PERSONS WHO ARE NOT OTHERWISE COVERED BY PUBLIC OR PRIVATE
11 INSURANCE.

12 **SECTION 4. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.