

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 22-0550.01 Jerry Barry x4341

HOUSE BILL 22-1278

HOUSE SPONSORSHIP

Young and Pelton, Amabile, Benavidez, Bernett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Garnett, Gonzales-Gutierrez, Gray, Herod, Hooton, Jodeh, Kennedy, Kipp, Lindsay, McCluskie, McCormick, Michaelson Jenet, Mullica, Roberts, Sirota, Snyder, Sullivan, Titone, Valdez A., Valdez D., Woodrow

SENATE SPONSORSHIP

Lee and Simpson,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE BEHAVIORAL HEALTH**
102 **ADMINISTRATION, AND, IN CONNECTION THEREWITH, MAKING**
103 **AND REDUCING AN APPROPRIATION.**

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 creates the behavioral health administration (BHA) in the department of human services (department) to create a coordinated, cohesive, and effective behavioral health system in the state. The BHA will handle most of the behavioral health programs that were previously handled by the office of behavioral health in the department. The bill

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.

HOUSE
3rd Reading Unamended
April 12, 2022

HOUSE
Amended 2nd Reading
April 11, 2022

establishes a commissioner as the head of the BHA and authorizes the commissioner and state board of human services to adopt and amend rules that previously were promulgated by the executive director of the department.

By July 1, 2024, the bill requires the BHA to establish:

- A statewide behavioral health grievance system;
- A behavioral health performance monitoring system;
- A comprehensive behavioral health safety net system;
- Regionally-based behavioral health administrative service organizations;
- The BHA as the licensing authority for all behavioral health entities; and
- The BHA advisory council to provide feedback to the BHA on the behavioral health system in the state.

The bill transfers to the department of public health and environment responsibility for community prevention and early intervention programs previously administered by the department.

The bill makes extensive conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 50 to title
3 27 as follows:

4 **ARTICLE 50**

5 **Behavioral Health Administration**

6 **PART 1**

7 **GENERAL PROVISIONS**

8 **27-50-101. Definitions.** AS USED IN THIS ARTICLE 50, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10

11 (1) "BEHAVIORAL HEALTH" REFERS TO AN INDIVIDUAL'S MENTAL
12 ANDEMOITIONAL WELL-BEING AND ACTIONS THAT AFFECT AN INDIVIDUAL'S
13 OVERALL WELLNESS. BEHAVIORAL HEALTH ISSUES AND DISORDERS
14 INCLUDE SUBSTANCE USE DISORDERS, MENTAL HEALTH DISORDERS,
15 SERIOUS PSYCHOLOGICAL DISTRESS, **SERIOUS MENTAL DISTURBANCE**, AND

1 SUICIDE AND RANGE FROM UNHEALTHY STRESS OR SUBCLINICAL
2 CONDITIONS TO DIAGNOSABLE AND TREATABLE DISEASES. "BEHAVIORAL
3 HEALTH" ALSO DESCRIBES SERVICE SYSTEMS THAT ENCOMPASS
4 PROMOTION OF EMOTIONAL HEALTH AND PREVENTION AND TREATMENT
5 SERVICES FOR MENTAL HEALTH DISORDERS AND SUBSTANCE USE
6 DISORDERS.

7 (2) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
8 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
9 27-50-102.

10 (3) "BEHAVIORAL HEALTH DISORDER" MEANS AN ALCOHOL USE
11 DISORDER, A MENTAL HEALTH DISORDER, OR A SUBSTANCE USE DISORDER.

12 (4) "BEHAVIORAL HEALTH ENTITY" MEANS A FACILITY OR
13 PROVIDER ORGANIZATION ENGAGED IN PROVIDING COMMUNITY-BASED
14 HEALTH SERVICES, WHICH MAY INCLUDE SERVICES FOR A BEHAVIORAL
15 HEALTH DISORDER, BUT DOES NOT INCLUDE RESIDENTIAL CHILD CARE
16 FACILITIES, AS DEFINED IN SECTION 26-6-903 (29), DETENTION AND
17 COMMITMENT FACILITIES OPERATED BY THE DIVISION OF YOUTH SERVICES
18 WITHIN THE DEPARTMENT OF HUMAN SERVICES, OR SERVICES PROVIDED BY
19 A LICENSED OR CERTIFIED MENTAL HEALTH-CARE PROVIDER UNDER THE
20 PROVIDER'S INDIVIDUAL PROFESSIONAL PRACTICE ACT ON THE PROVIDER'S
21 OWN PREMISES.

22 (5) "BEHAVIORAL HEALTH PROGRAM" MEANS THE SPECIFIC
23 SERVICES AND ADMINISTRATION OF THOSE SERVICES BY A BEHAVIORAL
24 HEALTH PROVIDER.

25 (6) "BEHAVIORAL HEALTH PROVIDER" MEANS A RECOVERY
26 COMMUNITY ORGANIZATION AS DEFINED IN 27-80-126, RECOVERY
27 SUPPORT SERVICES ORGANIZATION AS DEFINED IN 27-60-108, OR A

1 LICENSED ORGANIZATION OR PROFESSIONAL PROVIDING DIAGNOSTIC,
2 THERAPEUTIC, OR PSYCHOLOGICAL SERVICES FOR BEHAVIORAL HEALTH
3 CONDITIONS. BEHAVIORAL HEALTH PROVIDERS INCLUDE A RESIDENTIAL
4 CHILD CARE FACILITY, AS DEFINED IN SECTION 26-6-903 (29), AND A
5 FEDERALLY QUALIFIED HEALTH CENTER.

6 (7) "BEHAVIORAL HEALTH SAFETY NET PROVIDER" MEANS ANY
7 AND ALL BEHAVIORAL HEALTH SAFETY NET PROVIDERS, INCLUDING
8 COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDERS AND
9 ESSENTIAL BEHAVIORAL HEALTH SAFETY NET PROVIDERS. A COMMUNITY
10 MENTAL HEALTH CENTER PURSUANT TO 42 U.S.C. SEC. 300X-2(C) AND
11 THAT IS LICENSED AS A BEHAVIORAL HEALTH ENTITY MAY APPLY TO BE
12 APPROVED AS A COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH
13 PROVIDER, AN ESSENTIAL BEHAVIORAL HEALTH SAFETY NET PROVIDER, OR
14 BOTH.

15 (8) "BEHAVIORAL HEALTH SAFETY NET SERVICES" MEANS THE
16 SPECIFIC BEHAVIORAL HEALTH SERVICES FOR CHILDREN, YOUTH, AND
17 ADULTS THAT MUST BE PROVIDED STATEWIDE PURSUANT TO PART 3 OF
18 THIS ARTICLE 50.

19 (9) "COMMISSIONER" MEANS THE COMMISSIONER OF THE
20 BEHAVIORAL HEALTH ADMINISTRATION APPOINTED PURSUANT TO
21 27-50-103.

22 (10) "COMMUNITY-BASED" MEANS OUTSIDE OF A HOSPITAL,
23 PSYCHIATRIC HOSPITAL, DETENTION AND COMMITMENT FACILITY
24 OPERATED BY THE DIVISION OF YOUTH SERVICES WITHIN THE DEPARTMENT
25 OF HUMAN SERVICES, OR NURSING HOME.

26 (11) "COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH
27 PROVIDER" MEANS A LICENSED BEHAVIORAL HEALTH ENTITY APPROVED BY

1 THE BEHAVIORAL HEALTH ADMINISTRATION TO PROVIDE THE FOLLOWING
2 BEHAVIORAL HEALTH SAFETY NET SERVICES, EITHER DIRECTLY OR
3 THROUGH FORMAL AGREEMENTS WITH BEHAVIORAL HEALTH PROVIDERS
4 IN THE COMMUNITY OR REGION:

- 5 (a) EMERGENCY AND CRISIS BEHAVIORAL HEALTH SERVICES;
- 6 (b) MENTAL HEALTH AND SUBSTANCE USE OUTPATIENT SERVICES;
- 7 (c) BEHAVIORAL HEALTH HIGH-INTENSITY OUTPATIENT SERVICES;
- 8 (d) CARE MANAGEMENT;
- 9 (e) OUTREACH, EDUCATION, AND ENGAGEMENT SERVICES;
- 10 (f) MENTAL HEALTH AND SUBSTANCE USE RECOVERY SUPPORTS;
- 11 (g) CARE COORDINATION;
- 12 (h) OUTPATIENT COMPETENCY RESTORATION; AND
- 13 (i) SCREENING, ASSESSMENT, AND DIAGNOSIS, INCLUDING RISK
14 ASSESSMENT, CRISIS PLANNING, AND MONITORING TO KEY HEALTH
15 INDICATORS.

16 (12) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN
17 SERVICES CREATED PURSUANT TO SECTION 26-1-105.

18 (13) "ESSENTIAL BEHAVIORAL HEALTH SAFETY NET PROVIDER"
19 MEANS A LICENSED BEHAVIORAL HEALTH ENTITY OR BEHAVIORAL HEALTH
20 PROVIDER APPROVED BY THE BEHAVIORAL HEALTH ADMINISTRATION TO
21 PROVIDE AT LEAST ONE OF THE BEHAVIORAL HEALTH SAFETY NET
22 SERVICES DESCRIBED IN SUBSECTION (11) OF THIS SECTION.

23 (14) "HEALTH INFORMATION ORGANIZATION NETWORK" HAS THE
24 SAME MEANING AS DEFINED IN SECTION 25-3.5-103 (8.5).

25 (15) "MENTAL HEALTH DISORDER" MEANS ONE OR MORE
26 SUBSTANTIAL DISORDERS OF THE COGNITIVE, VOLITIONAL, OR EMOTIONAL
27 PROCESSES THAT GROSSLY IMPAIRS JUDGMENT OR CAPACITY TO

1 RECOGNIZE REALITY OR TO CONTROL BEHAVIOR.

2 (16) "PRIMARY PREVENTION" MEANS ACTIVITIES AND STRATEGIES
3 USED TO INTERVENE BEFORE HEALTH EFFECTS OCCUR THROUGH MEASURES
4 THAT PREVENT THE ONSET OF ADDICTION, DELAY INITIAL USE OF ALCOHOL,
5 MARIJUANA, AND TOBACCO, DETER THE USE OF ILLEGAL DRUGS, AND
6 PROMOTE HEALTH AND WELLNESS.

7 (17) (a) "PRIORITY POPULATIONS" MEANS PEOPLE WHO ARE:

8 (I) UNINSURED, UNDERINSURED, MEDICAID-ELIGIBLE, PUBLICLY
9 INSURED, OR WHOSE INCOME IS BELOW THRESHOLDS ESTABLISHED BY THE
10 BHA; AND

11 (II) PRESENTING WITH ACUTE OR CHRONIC BEHAVIORAL HEALTH
12 NEEDS, INCLUDING BUT NOT LIMITED TO INDIVIDUALS WHO HAVE BEEN
13 DETERMINED INCOMPETENT TO STAND TRIAL, ADULTS WITH SERIOUS
14 MENTAL ILLNESS, AND CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL
15 DISTURBANCE.

16 (b) THE BHA SHALL FURTHER IDENTIFY UNDERSERVED
17 POPULATIONS MEETING THE CRITERIA OF SUBSECTION (17)(a) OF THIS
18 SECTION FOR SPECIFIC PRIORITIZATION ON A REGIONAL OR STATEWIDE
19 BASIS BASED ON HEALTH EQUITY DATA, INCLUDING BUT NOT LIMITED TO
20 PEOPLE EXPERIENCING OR AT RISK OF HOMELESSNESS; CHILDREN AND
21 YOUTH AT RISK OF OUT-OF-HOME PLACEMENT AND THEIR PARENTS;
22 PEOPLE INVOLVED WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM;
23 PEOPLE OF COLOR; AMERICAN INDIANS; ALASKA NATIVES; VETERANS;
24 PEOPLE WHO ARE PREGNANT; PEOPLE WHO ARE LESBIAN, GAY, BISEXUAL,
25 TRANSGENDER, OR QUEER OR QUESTIONING; AND INDIVIDUALS WITH
26 DISABILITIES AS DEFINED BY THE FEDERAL "AMERICANS WITH
27 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED.

1 THE BHA SHALL ALSO CONSIDER INPUT DIRECTLY FROM BEHAVIORAL
2 HEALTH PROVIDERS THAT ARE CULTURALLY AND LINGUISTICALLY
3 REPRESENTATIVE OF THE POPULATIONS THEY SERVE. THE BHA SHALL
4 CONSIDER RECOMMENDATIONS FROM THE BEHAVIORAL HEALTH
5 ADMINISTRATIVE SERVICES ORGANIZATIONS, THE ADVISORY COUNCIL, AND
6 REGIONAL SUBCOMMITTEES IN IDENTIFYING SUBPOPULATIONS.

7 (18) (a) "STATE AGENCY" MEANS ANY STATE DEPARTMENT, STATE
8 OFFICE, OR STATE DIVISION IN COLORADO THAT ADMINISTERS A
9 BEHAVIORAL HEALTH PROGRAM.

10 (b) "STATE AGENCY" DOES NOT INCLUDE THE JUDICIAL BRANCH OF
11 STATE GOVERNMENT.

12 (19) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN
13 SERVICES CREATED PURSUANT TO SECTION 26-1-107.

14 (20) "SUBSTANCE USE DISORDER" MEANS A CHRONIC RELAPSING
15 BRAIN DISEASE, CHARACTERIZED BY RECURRENT USE OF ALCOHOL, DRUGS,
16 OR BOTH, CAUSING CLINICALLY SIGNIFICANT IMPAIRMENT, INCLUDING
17 HEALTH PROBLEMS, DISABILITY, AND FAILURE TO MEET MAJOR
18 RESPONSIBILITIES AT WORK, SCHOOL, OR HOME.

19 (21) "SUBSTANCE USE DISORDER PROGRAM" MEANS A PROGRAM
20 FOR THE DETOXIFICATION, WITHDRAWAL, MAINTENANCE, OR TREATMENT
21 OF A PERSON WITH A SUBSTANCE USE DISORDER.

22 **27-50-102. Behavioral health administration - creation -**
23 **coordination.** (1) THERE IS ESTABLISHED IN THE DEPARTMENT OF HUMAN
24 SERVICES THE BEHAVIORAL HEALTH ADMINISTRATION. NOTHING IN THIS
25 SUBSECTION (1) PRECLUDES ANY FUTURE LEGISLATIVE ACTION TAKEN
26 PURSUANT TO SECTION 27-60-203 (5) REGARDING THE FUTURE LOCATION
27 OF THE BHA.

1 (2) THE BHA IS CHARGED WITH CREATING A COORDINATED,
2 COHESIVE, AND EFFECTIVE BEHAVIORAL HEALTH SYSTEM IN COLORADO.
3 ANY STATE AGENCY THAT ADMINISTERS A BEHAVIORAL HEALTH PROGRAM
4 SHALL COLLABORATE WITH THE BHA TO ACHIEVE THE GOALS AND
5 OBJECTIVES ESTABLISHED BY THE BHA. IN ORDER TO ENSURE REGULAR
6 ENGAGEMENT WITH OTHER STATE AGENCIES AND TO MAINTAIN
7 ALIGNMENT IN STATE PROGRAMS, RESOURCE ALLOCATION, PRIORITIES,
8 AND STRATEGIC PLANNING, THE COMMISSIONER SHALL CHAIR A REGULAR
9 MEETING OF THE EXECUTIVE DIRECTORS OF STATE AGENCIES.

10 **27-50-103. Behavioral health commissioner - appointment -**
11 **powers, duties, and functions - subdivisions of the BHA.** (1) THE
12 GOVERNOR SHALL APPOINT THE COMMISSIONER, WHO IS THE HEAD OF THE
13 BHA. THE COMMISSIONER HAS THE FULL AUTHORITY, WITH THE
14 GOVERNOR, TO LEAD AND DEVELOP THE STATE'S VISION AND STRATEGY
15 FOR BEHAVIORAL HEALTH FOR CHILDREN, YOUTH, AND ADULTS.

16 (2) THE COMMISSIONER SHALL:

17 (a) BE WELL-VERSED IN BEHAVIORAL HEALTH;

18 (b) BE REGISTERED TO VOTE IN COLORADO DURING THE
19 COMMISSIONER'S TERM OF SERVICE; AND

20 (c) HAVE NO PECUNIARY INTEREST, DIRECTLY OR INDIRECTLY, IN
21 ANY BEHAVIORAL HEALTH COMPANY OR AGENCY OTHER THAN AS A
22 BEHAVIORAL HEALTH SERVICES RECIPIENT.

23 (3) THE COMMISSIONER SHALL ENSURE THAT:

24 (a) BEHAVIORAL HEALTH PROGRAMS DELIVERED BY STATE
25 AGENCIES AND COMMERCIAL PAYERS ARE COMPREHENSIVE,
26 EVIDENCE-BASED, AFFORDABLE, HIGH QUALITY, EQUITY-FOCUSED, AND
27 EASILY ACCESSIBLE FOR ALL COLORADANS;

1 (b) BEHAVIORAL HEALTH STRATEGIES, PROGRAM PRIORITIES, AND
2 FUNDING ALLOCATIONS FOR BEHAVIORAL HEALTH ALIGN WITH THE VISION
3 SET FORTH BY THE BHA AND THE GOVERNOR; AND

4 (c) THERE IS A STREAMLINED APPROACH TO USING PUBLIC MONEY
5 TO IMPROVE BEHAVIORAL HEALTH ACROSS THE CONTINUUM OF CARE FROM
6 PREVENTION TO RECOVERY.

7 (4) THE COMMISSIONER SHALL ENGAGE WITH THE LEGISLATIVE
8 AND JUDICIAL BRANCHES OF GOVERNMENT TO ACHIEVE THE STATE'S
9 VISION FOR BEHAVIORAL HEALTH.

10 (5) THE COMMISSIONER MAY ESTABLISH SUBDIVISIONS, SECTIONS,
11 OR UNITS NECESSARY FOR THE PROPER DISCHARGE OF THE POWERS,
12 DUTIES, AND FUNCTIONS OF THE BHA.

13 (6) THE COMMISSIONER SHALL ESTABLISH AN INFRASTRUCTURE TO
14 OVERSEE AND BE ACCOUNTABLE FOR POLICY, STRATEGY, AND SERVICES
15 FOR CHILDREN AND YOUTH.

16 **27-50-104. Powers and duties of the commissioner - rules.**

17 (1) (a) THE COMMISSIONER MAY ADOPT "COMMISSIONER RULES" FOR
18 BEHAVIORAL HEALTH PROGRAMS ADMINISTERED AND SERVICES PROVIDED
19 BY THE BHA AS LISTED IN SECTION 27-50-105 (1). THE RULES MUST BE
20 PROMULGATED IN ACCORDANCE WITH SECTION 24-4-103.

21 (b) ANY RULES ADOPTED BY THE EXECUTIVE DIRECTOR OF THE
22 DEPARTMENT OF HUMAN SERVICES PRIOR TO JULY 1, 2022, TO IMPLEMENT
23 THE BEHAVIORAL HEALTH PROGRAMS TO BE ADMINISTERED AND SERVICES
24 TO BE PROVIDED BY THE BHA LISTED IN SECTION 27-50-105 (1), AND
25 WHOSE CONTENT MEETS THE DEFINITION OF "EXECUTIVE DIRECTOR RULES"
26 PURSUANT TO SECTION 26-1-108, ARE EFFECTIVE UNTIL REVISED,
27 AMENDED, OR REPEALED BY THE COMMISSIONER.

1 (2) "COMMISSIONER RULES" ARE SOLELY WITHIN THE PROVINCE OF
2 THE COMMISSIONER, EXCEPT THOSE DETERMINATIONS PRECLUDED BY
3 AUTHORITY GRANTED TO THE STATE BOARD OF HUMAN SERVICES.

4 "COMMISSIONER RULES" MUST INCLUDE:

5 (a) MATTERS OF INTERNAL ADMINISTRATION IN THE BHA,
6 INCLUDING ORGANIZATION, STAFFING, RECORDS, REPORTS, SYSTEMS, AND
7 PROCEDURES;

8 (b) FISCAL AND PERSONNEL ADMINISTRATION FOR THE BHA; AND

9 (c) ACCOUNTING AND FISCAL REPORTING RULES FOR
10 DISBURSEMENT OF FEDERAL FUNDS, CONTINGENCY FUNDS, AND
11 PRORATION OF AVAILABLE APPROPRIATIONS.

12 (3) WHENEVER A STATUTORY GRANT OF RULE-MAKING AUTHORITY
13 IN THIS TITLE 27 REFERS TO THE BHA, IT MEANS THE BEHAVIORAL HEALTH
14 ADMINISTRATION ACTING THROUGH EITHER THE STATE BOARD OF HUMAN
15 SERVICES, THE COMMISSIONER, OR BOTH. WHEN EXERCISING
16 RULE-MAKING AUTHORITY PURSUANT TO THIS TITLE 27, THE BHA SHALL
17 PROMULGATE RULES CONSISTENT WITH THE POWERS AND THE DISTINCTION
18 BETWEEN "BOARD RULES" AS SET FORTH IN SECTION 26-1-107 AND
19 "COMMISSIONER RULES" AS SET FORTH IN THIS SECTION.

20 (4) THE RULES PROMULGATED BY THE COMMISSIONER PERTAINING
21 TO THIS TITLE 27 ARE BINDING UPON THE BEHAVIORAL HEALTH PROVIDERS,
22 VENDORS, AND AGENTS OF THE BHA. AT ANY PUBLIC HEARING RELATING
23 TO A PROPOSED RULE, INTERESTED PERSONS HAVE THE RIGHT TO PRESENT
24 THE PERSON'S DATA, VIEWS, OR ARGUMENTS ORALLY. PROPOSED RULES OF
25 THE COMMISSIONER ARE SUBJECT TO SECTION 24-4-103.

26 **27-50-105. Administration of behavioral health programs -**
27 **state plan - sole mental health authority.** (1) THE BHA SHALL

1 ADMINISTER AND PROVIDE THE FOLLOWING BEHAVIORAL HEALTH
2 PROGRAMS AND SERVICES:

3 (a) THE REGULATION OF RECOVERY RESIDENCES PURSUANT TO
4 SECTION 25-1.5-108.5;

5 (b) THE BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM CREATED
6 PURSUANT TO SECTION 27-60-103;

7 (c) THE BEHAVIORAL HEALTH CAPACITY TRACKING SYSTEM
8 CREATED PURSUANT TO SECTION 27-60-104.5;

9 (d) THE JAIL-BASED BEHAVIORAL HEALTH SERVICES PROGRAM
10 CREATED PURSUANT TO SECTION 27-60-106;

11 (e) CRIMINAL JUSTICE DIVERSION PROGRAMS PURSUANT TO
12 SECTION 27-60-106.5;

13 (f) PEER SUPPORT PROFESSIONALS AND RECOVERY SUPPORT
14 SERVICES ORGANIZATIONS PURSUANT TO SECTION 27-60-108;

15 (g) THE TEMPORARY YOUTH MENTAL HEALTH SERVICES PROGRAM
16 CREATED PURSUANT TO SECTION 27-60-109;

17 (h) BEHAVIORAL HEALTH-CARE SERVICES FOR RURAL AND
18 AGRICULTURAL COMMUNITIES PURSUANT TO SECTION 27-60-110;

19 (i) THE COUNTY-BASED BEHAVIORAL HEALTH GRANT PROGRAM
20 CREATED PURSUANT TO SECTION 27-60-111;

21 (j) THE BEHAVIORAL HEALTH-CARE WORKFORCE DEVELOPMENT
22 PROGRAM CREATED PURSUANT TO SECTION 27-60-112;

23 (k) THE STATEWIDE CARE COORDINATION INFRASTRUCTURE
24 PURSUANT TO SECTION 27-60-204;

25 (l) HIGH-FIDELITY WRAPAROUND SERVICES FOR CHILDREN AND
26 YOUTH PURSUANT TO ARTICLE 62 OF THIS TITLE 27;

27 (m) THE BEHAVIORAL HEALTH SAFETY NET SYSTEM PURSUANT TO

1 ARTICLE 63 OF THIS TITLE 27;
2 (n) THE 988 CRISIS HOTLINE ENTERPRISE CREATED PURSUANT TO
3 SECTION 27-64-103;
4 (o) THE CARE AND TREATMENT OF PERSONS WITH MENTAL HEALTH
5 DISORDERS PURSUANT TO ARTICLE 65 OF THIS TITLE 27;
6 (p) THE COMMUNITY MENTAL HEALTH SERVICES PURCHASE
7 PROGRAM PURSUANT TO SECTION 27-66-104;
8 (q) THE STANDARDS FOR APPROVAL IN THE COMMUNITY MENTAL
9 HEALTH SERVICES PURCHASE PROGRAM PURSUANT TO SECTION 27-66-105;
10 (r) TRAUMA-INFORMED CARE STANDARDS OF APPROVAL PURSUANT
11 TO SECTION 27-66-110;
12 (s) THE COMMUNITY TRANSITION SPECIALIST PROGRAM CREATED
13 PURSUANT TO ARTICLE 66.5 OF THIS TITLE 27;
14 (t) THE "CHILDREN AND YOUTH MENTAL HEALTH TREATMENT
15 ACT", ARTICLE 67 OF THIS TITLE 27;
16 (u) MEDICATION CONSISTENCY FOR INDIVIDUALS WITH
17 BEHAVIORAL OR MENTAL HEALTH DISORDERS IN THE CRIMINAL AND
18 JUVENILE JUSTICE SYSTEMS PURSUANT TO ARTICLE 70 OF THIS TITLE 27;
19 (v) GRANTS FOR PUBLIC PROGRAMS PURSUANT TO SECTION
20 27-80-103;
21 (w) THE PURCHASE OF PREVENTION AND TREATMENT SERVICES
22 PURSUANT TO SECTION 27-80-106;
23 (x) THE DESIGNATION OF MANAGED SERVICE ORGANIZATIONS
24 PURSUANT TO SECTION 27-80-107;
25 (y) THE "INCREASING ACCESS TO EFFECTIVE SUBSTANCE USE
26 DISORDER SERVICES ACT" PURSUANT TO SECTION 27-80-107.5;
27 (z) THE COORDINATION OF STATE AND FEDERAL FUNDS AND

1 PROGRAMS PURSUANT TO SECTION 27-80-109;

2 (aa) ADDICTION COUNSELOR TRAINING REQUIREMENTS PURSUANT

3 TO SECTION 27-80-111;

4 (bb) THE TREATMENT PROGRAM FOR HIGH-RISK PREGNANT WOMEN

5 CREATED PURSUANT TO SECTION 27-80-112;

6 (cc) THE RURAL ALCOHOL AND SUBSTANCE ABUSE PREVENTION

7 AND TREATMENT PROGRAM CREATED PURSUANT TO SECTION 27-80-117;

8 (dd) THE CARE NAVIGATION PROGRAM PURSUANT TO SECTION

9 27-80-119;

10 (ee) THE BUILDING SUBSTANCE USE DISORDER TREATMENT

11 CAPACITY IN UNDERSERVED COMMUNITIES GRANT PROGRAM CREATED

12 PURSUANT TO SECTION 27-80-120;

13 (ff) THE RECOVERY RESIDENCE CERTIFYING BODY PURSUANT TO

14 SECTION 27-80-122;

15 (gg) THE HIGH-RISK FAMILIES CASH FUND CREATED PURSUANT TO

16 SECTION 27-80-123;

17 

18 (hh) TEMPORARY FINANCIAL HOUSING ASSISTANCE FOR

19 INDIVIDUALS WITH SUBSTANCE USE DISORDERS PURSUANT TO SECTION

20 27-80-125;

21 (ii) THE RECOVERY SUPPORT SERVICES GRANT PROGRAM CREATED

22 PURSUANT TO SECTION 27-80-126;

23 (jj) CONTROLLED SUBSTANCES LICENSING PURSUANT TO PART 2 OF

24 ARTICLE 80 OF THIS TITLE 27;

25 (kk) THE COMPREHENSIVE AND COORDINATED PROGRAM FOR THE

26 TREATMENT OF PERSONS WITH SUBSTANCE USE DISORDERS, PERSONS

27 INTOXICATED BY ALCOHOL, AND PERSONS UNDER THE INFLUENCE OF

1 DRUGS PURSUANT TO SECTION 27-81-105;

2 (ll) THE STANDARDS FOR PUBLIC AND PRIVATE TREATMENT

3 FACILITIES THAT RECEIVE PUBLIC FUNDS PURSUANT TO SECTION

4 27-81-106;

5 (mm) ACCEPTANCE FOR SUBSTANCE USE DISORDER TREATMENT

6 PURSUANT TO SECTION 27-81-108;

7 (nn) VOLUNTARY TREATMENT OF PERSONS WITH SUBSTANCE USE

8 DISORDERS PURSUANT TO SECTION 27-81-109;

9 (oo) VOLUNTARY TREATMENT FOR PERSONS INTOXICATED BY

10 ALCOHOL, UNDER THE INFLUENCE OF DRUGS, OR INCAPACITATED BY

11 SUBSTANCES PURSUANT TO SECTION 27-81-110;

12 (pp) THE EMERGENCY COMMITMENT OF PERSONS PURSUANT TO

13 SECTION 27-81-111;

14 (qq) THE INVOLUNTARY COMMITMENT OF A PERSON WITH A

15 SUBSTANCE USE DISORDER PURSUANT TO SECTION 27-81-112;

16 (rr) EMERGENCY SERVICE PATROLS PURSUANT TO SECTION

17 27-81-115;

18 (ss) PAYMENT FOR TREATMENT PURSUANT TO SECTION 27-81-116;

19 (tt) THE MATERNAL AND CHILD HEALTH PILOT PROGRAM PURSUANT

20 TO PART 2 OF ARTICLE 82 OF THIS TITLE 27;

21 (uu) HUMAN SERVICES REFERRAL SERVICES PURSUANT TO SECTION

22 29-11-203;

23 (vv) DUI TREATMENT PROGRAMS PURSUANT TO ARTICLE 2 OF

24 TITLE 42;

25 (ww) ALCOHOL AND DRUG DRIVING SAFETY EDUCATION OR

26 TREATMENT PURSUANT TO SECTION 42-4-1301.3;

27 (xx) GAMBLING ADDICTION ACCOUNT FUNDING PURSUANT TO

1 SECTION 44-30-1301; AND

2 (yy) SPORTS BETTING FUNDING PURSUANT TO SECTION 44-30-1509.

3 (2) (a) THE BHA SHALL FORMULATE A COMPREHENSIVE STATE

4 PLAN FOR SUBSTANCE USE DISORDER TREATMENT AND MENTAL HEALTH

5 SERVICES PROGRAMS FOR THE PURPOSE OF ADMINISTERING THE FEDERAL

6 BLOCK GRANT FUNDS DESCRIBED IN SUBSECTION (2)(c) OF THIS SECTION.

7 THE BHA SHALL SUBMIT THE STATE PLAN TO THE GOVERNOR AND, UPON

8 THE GOVERNOR'S APPROVAL, SUBMIT THE STATE PLAN TO THE

9 APPROPRIATE UNITED STATES AGENCY FOR REVIEW AND APPROVAL.

10 (b) THE BHA IS DESIGNATED AS THE SOLE ENTITY FOR THE

11 SUPERVISION OF THE ADMINISTRATION OF THE STATE PLAN.

12 (c) THE BHA IS DESIGNATED THE OFFICIAL MENTAL HEALTH

13 AUTHORITY AND IS AUTHORIZED TO RECEIVE AND ADMINISTER:

14 (I) GRANTS-IN-AID FROM THE FEDERAL GOVERNMENT PURSUANT

15 TO 42 U.S.C. SEC. 246; AND

16 (II) OTHER GRANTS FROM THE FEDERAL GOVERNMENT FOR THE

17 PROVISION OF MENTAL HEALTH OR INTEGRATED BEHAVIORAL HEALTH

18 SERVICES.

19 (3) THE BHA MAY PROVIDE CONSULTATION AND CONDUCT

20 TRAINING PROGRAMS AT THE STATE, REGIONAL, OR LOCAL LEVEL TO

21 SUPPORT THE PROFESSIONAL DEVELOPMENT OF LICENSED OR APPROVED

22 BEHAVIORAL HEALTH PROVIDERS. THE BHA MAY REIMBURSE PROVIDERS

23 FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN ATTENDING

24 THE TRAINING PROGRAMS.

25 **27-50-106. Transfer of functions.** (1) THE POWERS, DUTIES, AND

26 FUNCTIONS PREVIOUSLY ADMINISTERED BY THE DEPARTMENT OF PUBLIC

27 HEALTH AND ENVIRONMENT CONCERNING LICENSING BEHAVIORAL HEALTH

1 ENTITIES PURSUANT TO ARTICLE 27.6 OF TITLE 25 SHALL TRANSFER TO THE
2 BHA OVER A PERIOD OF TWO YEARS, WITH ALL FUNCTIONS FULLY
3 TRANSFERRED TO THE BHA BY JULY 1, 2024, AS FOLLOWS:

4 (a) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
5 SHALL CONTINUE ISSUING AND RENEWING BEHAVIORAL HEALTH ENTITY
6 LICENSES UNTIL JUNE 30, 2023, AFTER WHICH DATE THE DEPARTMENT OF
7 PUBLIC HEALTH AND ENVIRONMENT SHALL NOT RENEW OR CONFER ANY
8 NEW BEHAVIORAL HEALTH ENTITY LICENSES. BEHAVIORAL HEALTH
9 ENTITIES THAT ARE LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH
10 AND ENVIRONMENT ARE SUBJECT TO THE RULES AND ORDERS OF THE
11 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT UNTIL SUCH RULES
12 AND ORDERS ARE REVISED, AMENDED, REPEALED, OR NULLIFIED. THE
13 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL CONTINUE
14 COMPLIANCE MONITORING AND ENFORCEMENT ACTIVITIES UNTIL ALL
15 LICENSES THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT HAS
16 CONFERRED ARE EXPIRED, REVOKED, OR SURRENDERED, BUT NOT AFTER
17 JUNE 30, 2024.

18 (b) ON JULY 1, 2023, THE DEPARTMENT OF PUBLIC HEALTH AND
19 ENVIRONMENT SHALL TRANSFER ANY APPLICATIONS PENDING AS OF THAT
20 DATE TO THE BHA FOR DISPOSITION.

21 (c) ON JULY 1, 2023, THE BHA SHALL BEGIN LICENSING
22 FUNCTIONS FOR ALL NEW OR RENEWAL BEHAVIORAL HEALTH ENTITY
23 LICENSES. BEHAVIORAL HEALTH ENTITIES THAT ARE LICENSED BY THE
24 BHA ARE SUBJECT TO THE RULES AND ORDERS OF THE STATE BOARD OF
25 HUMAN SERVICES, INCLUDING THOSE TRANSFERRED AND NOT REPEALED.

26 (d) RULES CONCERNING BEHAVIORAL HEALTH ENTITIES
27 PROMULGATED BY THE STATE BOARD OF HUMAN SERVICES PURSUANT TO

1 THIS SECTION ONLY APPLY TO THOSE BEHAVIORAL HEALTH ENTITIES THAT
2 ARE LICENSED BY THE BHA.

3

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4 (2) NO LATER THAN JULY 1, 2024, ALL BEHAVIORAL HEALTH
5 ENTITIES MUST BE LICENSED BY, AND IN COMPLIANCE WITH THE RULES AND
6 ORDERS OF, THE STATE BOARD OF HUMAN SERVICES.

7 (3) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND
8 THE BHA SHALL COORDINATE TO ENSURE THAT THE OVERSIGHT AND
9 LICENSING OF BEHAVIORAL HEALTH ENTITIES TRANSFERS SMOOTHLY
10 BETWEEN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND
11 THE BHA WITHOUT ANY DELAYS IN OVERSIGHT OR RELATED DUTIES.

12 **27-50-107. State board of human services - rules.** (1) THE
13 STATE BOARD OF HUMAN SERVICES CREATED PURSUANT TO SECTION
14 26-1-107 IS THE **TYPE 1** BOARD FOR PROMULGATING, REVISING, AND
15 REPEALING BHA RULES.

16 (2) ANY RULES PROMULGATED BY THE STATE BOARD OF HUMAN
17 SERVICES TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE 50 OR ANY
18 OTHER BEHAVIORAL HEALTH PROGRAM ADMINISTERED OR SERVICE
19 PROVIDED BY THE DEPARTMENT OF HUMAN SERVICES PRIOR TO JULY 1,
20 2022, ARE EFFECTIVE UNTIL REVISED, AMENDED, OR REPEALED BY THE
21 STATE BOARD OF HUMAN SERVICES.

22 (3) THE STATE BOARD OF HUMAN SERVICES MAY PROMULGATE
23 RULES THAT INCLUDE, BUT ARE NOT LIMITED TO:

24 (a) ANY RULES NECESSARY TO CARRY OUT THE PURPOSES OF A
25 BEHAVIORAL HEALTH PROGRAM ADMINISTERED BY THE BHA AS LISTED IN
26 SECTION 27-50-105, INCLUDING RECORD KEEPING, DATA COLLECTION, AND
27 HEALTH INFORMATION ORGANIZATION NETWORK CONNECTION;

1 (b) CONDITIONS THAT MAY BE IMPOSED ON A BEHAVIORAL HEALTH
2 ENTITY FOR LICENSURE;

3 (c) CONDITIONS THAT MAY BE IMPOSED ON A BEHAVIORAL HEALTH
4 PROGRAM FOR THE PROGRAM TO RECEIVE PUBLIC FUNDS AS PART OF THE
5 BEHAVIORAL HEALTH SAFETY NET SYSTEM CREATED PURSUANT TO PART
6 3 OF THIS ARTICLE 50;

7 (d) REQUIREMENTS FOR PUBLIC AND PRIVATE AGENCIES,
8 ORGANIZATIONS, AND INSTITUTIONS THAT THE BHA MAY PURCHASE
9 SERVICES FROM PURSUANT TO SECTION 27-80-106 (1), WHICH
10 REQUIREMENTS MUST INCLUDE PROHIBITING THE PURCHASE OF SERVICES
11 FROM AGENCIES, ORGANIZATIONS, AND INSTITUTIONS THAT DENY OR
12 PROHIBIT ACCESS TO MEDICAL SERVICES OR SUBSTANCE USE DISORDER
13 TREATMENT AND SERVICES TO A PERSON WHO IS PARTICIPATING IN
14 PRESCRIBED MEDICATION-ASSISTED TREATMENT, AS DEFINED IN SECTION
15 23-21-803, FOR A SUBSTANCE USE DISORDER; AND

16 (e) (I) STANDARDS THAT ADDICTION COUNSELORS MUST MEET TO
17 PARTICIPATE IN BEHAVIORAL HEALTH PROGRAMS OR TO PROVIDE
18 PURCHASED SERVICES, AND REQUIREMENTS NECESSARY FOR ADDICTION
19 COUNSELORS TO BE CERTIFIED BY THE STATE BOARD OF ADDICTION
20 COUNSELOR EXAMINERS, PURSUANT TO PART 8 OF ARTICLE 245 OF TITLE
21 12.

22 (II) THE RULES PROMULGATED PURSUANT TO SUBSECTION (3)(e)(I)
23 OF THIS SECTION MUST INCLUDE EDUCATION REQUIREMENTS FOR
24 CERTIFIED ADDICTION TECHNICIANS, CERTIFIED ADDICTION SPECIALISTS,
25 AND LICENSED ADDICTION COUNSELORS.

26 **27-50-108. Systemwide behavioral health grievance system.**

27 (1) (a) ON OR BEFORE JULY 1, 2024, THE BHA SHALL CREATE AND

1 IMPLEMENT A PROCESS FOR COLLECTING, ANALYZING, AND ADDRESSING
2 BEHAVIORAL HEALTH SYSTEM GRIEVANCES ACROSS PAYERS, BEHAVIORAL
3 HEALTH ADMINISTRATIVE SERVICES ORGANIZATIONS, MANAGED CARE
4 ENTITIES, AND PROVIDERS AT A SYSTEMIC LEVEL THAT LEVERAGES AND
5 DOES NOT DUPLICATE EXISTING GRIEVANCE RESOLUTION PROGRAMS. THE
6 BHA SHALL ANALYZE GRIEVANCES TO IDENTIFY AND ADDRESS SERVICE
7 DELIVERY GAPS AND TO INFORM STATEWIDE BEHAVIORAL HEALTH SYSTEM
8 POLICY.

9 (b) THE BHA SHALL, AT A MINIMUM, TRACK GRIEVANCES BY
10 BEHAVIORAL HEALTH PROVIDER, TOPIC, REGION, MANAGED CARE ENTITY,
11 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATIONS, PAYER
12 SOURCE, SERVICE, OR DIAGNOSIS AND AGGREGATE DEMOGRAPHIC DATA.
13 IN ORDER TO PROMOTE TRANSPARENCY, ACCOUNTABILITY, AND SYSTEM
14 COLLABORATION, THE BHA SHALL PUBLISH, AT LEAST ANNUALLY,
15 AGGREGATED AND ANONYMIZED DATA ON GRIEVANCES ON A
16 PUBLIC-FACING WEBSITE.

17 (c) THE BHA SHALL IMPLEMENT A PLAN TO STREAMLINE
18 GRIEVANCE RESOLUTION PROGRAMS, PROMOTE TRANSPARENCY, IMPROVE
19 CONSUMER EXPERIENCE, AND PROMOTE CLARITY AND TRANSPARENCY.

20 (2) ON OR BEFORE JULY 1, 2024, THE BHA SHALL SOLICIT INPUT
21 FROM THE BEHAVIORAL HEALTH ADMINISTRATION ADVISORY COUNCIL
22 CREATED PURSUANT TO SECTION 27-50-701, THE SUB-COMMITTEES
23 CREATED PURSUANT TO SECTION 27-50-703, AND DEMOGRAPHICALLY
24 DIVERSE STAKEHOLDERS TO DEVELOP A PROCESS FOR ADDRESSING
25 INDIVIDUAL GRIEVANCES WHEN TRADITIONAL GRIEVANCE PROGRAMS FAIL.

26 (3) THE BHA MAY REFER INDIVIDUAL GRIEVANCES TO THE OFFICE
27 OF THE OMBUDSMAN FOR BEHAVIORAL HEALTH ACCESS TO CARE, CREATED

1 PURSUANT TO SECTION 27-80-303, WHEN AN INDIVIDUAL MAY REQUIRE
2 FURTHER INTERVENTION OR SUPPORT TO RESOLVE THE GRIEVANCE IN
3 ACCORDANCE WITH THE CHARGE OF THE OMBUDSMAN.

4 (4) ON OR BEFORE JULY 1, 2024, THE BHA AND STATE AGENCIES
5 SHALLEXECUTE FORMAL DATA-SHARING AGREEMENTS ADDRESSING DATA
6 SHARING CONSISTENT WITH STATE AND FEDERAL REQUIREMENTS,
7 COOPERATION BETWEEN THE BHA AND STATE AGENCIES, AND ANY OTHER
8 PROVISIONS NECESSARY TO IMPLEMENT THIS SECTION. AT A MINIMUM, THE
9 BHA AND THE FOLLOWING ENTITIES SHALL EXECUTE SUCH AGREEMENTS:

10 (a) THE OMBUDSMAN FOR MEDICAID MANAGED CARE,
11 ESTABLISHED IN SECTION 25.5-5-406.1;

12 (b) THE OMBUDSMAN FOR BEHAVIORAL HEALTH ACCESS TO CARE,
13 DESIGNATED PURSUANT TO SECTION 27-80-303; AND

14 (c) THE CHILD PROTECTION OMBUDSMAN, APPOINTED PURSUANT
15 TO SECTION 19-3.3-103. ALL DATA RELEASED BY THE OMBUDSMAN SHALL
16 COMPLY WITH SECTIONS 19-3.3-103 (1)(a)(I)(B) AND (3).

17 (5) THE BHA MAY PROMULGATE RULES AS NEEDED TO IMPLEMENT
18 THIS SECTION.

19 PART 2

20 BEHAVIORAL HEALTH SYSTEM MONITORING

21 **27-50-201. Behavioral health system monitoring - capacity -**
22 **safety net performance.** (1) ON OR BEFORE JULY 1, 2024, THE BHA
23 SHALL ESTABLISH A PERFORMANCE MONITORING SYSTEM TO TRACK
24 CAPACITY AND PERFORMANCE OF ALL BEHAVIORAL HEALTH PROVIDERS,
25 INCLUDING THOSE THAT CONTRACT WITH MANAGED CARE ENTITIES OR
26 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATIONS, AND
27 INFORM NEEDED CHANGES TO THE PUBLIC AND PRIVATE BEHAVIORAL

1 HEALTH SYSTEM IN THE STATE.

2 (2) THE BHA SHALL SET MINIMUM PERFORMANCE STANDARDS FOR
3 TREATMENT OF CHILDREN, YOUTH, AND ADULTS. THAT ADDRESS KEY
4 METRICS FOR BEHAVIORAL HEALTH PROVIDERS AND BEHAVIORAL HEALTH
5 ADMINISTRATIVE SERVICES ORGANIZATIONS LICENSED BY THE BHA
6 PURSUANT TO PART 5 OF THIS ARTICLE 50, INCLUDING BUT NOT LIMITED
7 TO:

8 (a) ACCESSIBILITY OF CARE, INCLUDING:

9 (I) AVAILABILITY OF SERVICES;

10 (II) TIMELINESS OF SERVICE DELIVERY; AND

11 (III) CAPACITY TRACKING CONSISTENT WITH SECTION 27-60-104.5;

12 AND

13 (b) QUALITY OF CARE, INCLUDING APPROPRIATE TRIAGE AND
14 ACCESS BASED ON CLIENT NEED AND FOR PRIORITY POPULATIONS.

15 (3) IN SETTING MINIMUM PERFORMANCE STANDARDS, THE BHA
16 SHALL COLLABORATE WITH STATE AGENCIES TO CONSIDER:

17 (a) EVIDENCE-BASED AND PROMISING PRACTICES;

18 (b) THEMES IDENTIFIED THROUGH GRIEVANCES PURSUANT TO
19 SECTION 27-50-108;

20 (c) INPUT FROM THE BEHAVIORAL HEALTH ADMINISTRATION
21 ADVISORY COUNCIL CREATED PURSUANT TO SECTION 27-50-701;

22 (d) ALIGNMENT WITH EXISTING STATE AND FEDERAL
23 REQUIREMENTS;

24 (e) ALIGNMENT WITH THE BHA'S COMPREHENSIVE STATE PLAN
25 DEVELOPED PURSUANT TO SECTION 27-50-105 (2); AND

26 (f) REDUCING THE ADMINISTRATIVE BURDEN OF DATA COLLECTION
27 AND REPORTING FOR BEHAVIORAL HEALTH PROVIDERS.

1 (4) THE BHA AND THE DEPARTMENT OF HEALTH CARE POLICY AND
2 FINANCING SHALL COLLABORATE TO ALIGN PERFORMANCE METRICS AND
3 STANDARDS FOR PROVIDERS, MANAGED CARE ENTITIES, AND BEHAVIORAL
4 HEALTH ADMINISTRATIVE SERVICES ORGANIZATIONS TO THE GREATEST
5 EXTENT POSSIBLE.

6 (5) THE BHA SHALL COLLABORATE WITH THE DEPARTMENT OF
7 HEALTH CARE POLICY AND FINANCING TO ESTABLISH DATA COLLECTION
8 AND REPORTING REQUIREMENTS THAT ALIGN WITH THE PERFORMANCE
9 STANDARDS ESTABLISHED IN THIS SECTION AND THAT ARE OF A HIGH
10 VALUE IN PROMOTING SYSTEMIC IMPROVEMENTS. IN ESTABLISHING DATA
11 COLLECTION AND REPORTING REQUIREMENTS, THE BHA MUST CONSIDER
12 THE IMPACT ON BEHAVIORAL HEALTH PROVIDERS AND CLIENTS AND STATE
13 INFORMATION TECHNOLOGY SYSTEMS.

14 (6) COMPLIANCE WITH THE REQUIREMENTS DESCRIBED IN THIS
15 SECTION SHALL BE ENFORCED THROUGH:

16 (a) THE UNIVERSAL CONTRACTING PROVISIONS DEVELOPED
17 PURSUANT TO SECTION 27-50-203;

18 (b) DESIGNATION OF BEHAVIORAL HEALTH ADMINISTRATIVE
19 SERVICES ORGANIZATIONS PURSUANT TO SECTION 27-50-402; AND

20 (c) APPLICABLE LICENSING STANDARDS, INCLUDING LICENSING
21 BEHAVIORAL HEALTH ENTITIES PURSUANT TO PART 5 OF THIS ARTICLE 50.

22 (7) THE BHA SHALL ANALYZE THE DATA COLLECTED PURSUANT
23 TO THIS SECTION AND CREATE PUBLIC-FACING SYSTEM ACCOUNTABILITY
24 PLATFORMS TO REPORT ON PERFORMANCE STANDARDS FOR BEHAVIORAL
25 HEALTH PROVIDERS, BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
26 ORGANIZATIONS, AND MANAGED CARE ENTITIES.

27 (8) THE BHA SHALL DOCUMENT HOW THE BHA'S ACTIVITIES

1 CONDUCTED PURSUANT TO THIS SECTION COMPLY WITH STATE AND
2 FEDERAL PRIVACY LAWS AND STANDARDS.

3 **27-50-202. Formal agreements - state agencies and tribal**
4 **governments.** (1) ON OR BEFORE JULY 1, 2023, THE COMMISSIONER
5 SHALL COLLABORATE WITH STATE AGENCIES AND TRIBAL GOVERNMENTS,
6 WHILE RESPECTING TRIBAL SOVEREIGNTY, TO IMPLEMENT FORMAL
7 AGREEMENTS BETWEEN THE BHA AND STATE AGENCIES, AND THE BHA
8 AND TRIBAL GOVERNMENTS THAT HAVE INITIATIVES, FUNDING, PROGRAMS,
9 OR SERVICES RELATED TO BEHAVIORAL HEALTH. THE FORMAL
10 AGREEMENTS MUST PROVIDE THE STRUCTURE FOR IMPLEMENTING
11 BEHAVIORAL HEALTH STANDARDS BY FORMALIZING EXPECTATIONS
12 SPECIFIC TO:

13 (a) COLLABORATIVE PROBLEM SOLVING FOR CHALLENGES THAT
14 ARISE IN THE BEHAVIORAL HEALTH SYSTEM;

15 (b) CONSIDERATION OF BHA FUNDING AND RESOURCE
16 ALLOCATION PRIORITIES ACROSS THE BEHAVIORAL HEALTH CONTINUUM
17 OF CARE, INCLUDING PRIMARY PREVENTION AND HARM REDUCTION, AS
18 WELL AS RECOMMENDATIONS FOR OTHER STATE AGENCIES' AND TRIBAL
19 GOVERNMENTS' FUNDING PRIORITIES, TO ENSURE A COORDINATED
20 STATEWIDE EFFORT TO ALIGN BEHAVIORAL HEALTH FUNDING WITH THE
21 BHA'S VISION, DEMONSTRATED GAPS IN FUNDING OR RESOURCE
22 ALLOCATION, AND GOVERNOR PRIORITIES;

23 (c) DATA SHARING AND HEALTH INFORMATION SHARING,
24 INCLUDING A PROCESS FOR DATA SHARING AND ANALYSIS THAT:

25 (I) PRIORITIZES PROTECTION OF PATIENT PRIVACY AND, TO THE
26 EXTENT POSSIBLE, ELIMINATES ANY SHARING OF PERSONALLY
27 IDENTIFIABLE INFORMATION AND PERSONAL HEALTH INFORMATION; AND

1 (II) MUST BE TRANSPARENTLY DISCLOSED TO ALL RELEVANT
2 PARTIES;

3 (d) REQUIRING, WHEN APPLICABLE, THE USE OF THE UNIVERSAL
4 CONTRACTING PROVISIONS GENERATED IN COLLABORATION WITH STATE
5 AGENCIES PURSUANT TO SECTION 25-50-203 AND THE USE OF BEHAVIORAL
6 HEALTH ADMINISTRATIVE SERVICES ORGANIZATIONS PURSUANT TO PART
7 4 OF THIS ARTICLE 50;

8 (e) REPORTING AND DATA SHARING TO THE BHA, INCLUDING
9 BEHAVIORAL-HEALTH-RELATED METRICS, TO ENSURE STATE AGENCIES
10 AND TRIBAL GOVERNMENTS SHARE DATA;

11 (f) MANAGED CARE ENTITY STANDARDS, SUCH AS USE OF
12 NATIONALLY RECOGNIZED PRACTICE GUIDELINES FOR UTILIZATION
13 MANAGEMENT APPROVED BY THE BHA AND SHARED PARAMETERS FOR
14 NETWORK ADEQUACY;

15 (g) PARITY MONITORING AND COMPLIANCE TO SUPPORT THE
16 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING'S AND THE
17 DIVISION OF INSURANCE'S ENFORCEMENT OF PARITY PROVISIONS; AND

18 (h) A METHOD FOR THE STATE AGENCIES AND TRIBAL
19 GOVERNMENTS TO INFORM THE BHA OF PROBLEMS THAT NEED
20 RESOLUTION AND TO COLLABORATE WITH THE BHA TO ADDRESS THOSE
21 PROBLEMS.

22 (2) THE COMMISSIONER, IN COLLABORATION WITH STATE AGENCIES
23 AND TRIBAL GOVERNMENTS, SHALL ANNUALLY REVIEW THE FORMAL
24 AGREEMENTS AND UPDATE THE FORMAL AGREEMENTS AS NECESSARY.
25 FORMAL AGREEMENTS MAY BE EXPANDED TO OTHER STATE AGENCIES AND
26 BRANCHES OF GOVERNMENT AS NEEDED AND APPROPRIATE.

27 **27-50-203. Universal contracting provisions - requirements.**

1 (1) ON OR BEFORE JULY 1, 2023, THE BHA SHALL WORK WITH THE
2 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, IN
3 COLLABORATION WITH RELEVANT STAKEHOLDERS AND OTHER STATE
4 AGENCIES, TO DEVELOP UNIVERSAL CONTRACTING PROVISIONS TO BE
5 USED BY STATE AGENCIES ☐ ☐ WHEN CONTRACTING FOR BEHAVIORAL
6 HEALTH SERVICES IN THE STATE. THE UNIVERSAL CONTRACTING
7 PROVISIONS SHALL PROVIDE CLEAR, STANDARDIZED REQUIREMENTS
8 ADDRESSING AT LEAST THE FOLLOWING:

9 (a) MINIMUM DATA COLLECTION AND REPORTING, INCLUDING
10 ELECTRONIC DATA AND PARTICIPATION IN HEALTH INFORMATION
11 ORGANIZATION NETWORKS;

12 (b) GRIEVANCE AND OCCURRENCE REPORTING, INCLUDING TO THE
13 BHA;

14 (c) COLLABORATION WITH OTHER STATE AGENCIES;

15 (d) USE OF EVIDENCE-BASED PRACTICES;

16 (e) ACCESS TO CARE AND QUALITY OF CARE STANDARDS,
17 INCLUDING ACCOUNTABILITY TO THE PERFORMANCE STANDARDS
18 DEVELOPED PURSUANT TO SECTION 27-50-201;

19 (f) PROGRAMMATIC AND FINANCIAL REPORTING;

20 (g) CONSEQUENCES FOR NOT MEETING CONTRACT REQUIREMENTS;

21 (h) STANDARD PAYMENT METHODOLOGIES, BASED ON PROVIDER
22 TYPE OR OTHER FACTORS, AS DETERMINED BY THE BHA;

23 (i) CLAIMS SUBMISSIONS AND BILLING PROCEDURES AND
24 GUIDELINES;

25 (j) LIMITATIONS OF LIABILITY;

26 (k) COMPLIANCE WITH BEHAVIORAL HEALTH SAFETY NET
27 STANDARDS, INCLUDING PROVISION OF SERVICES FOR PRIORITY

- 1 POPULATIONS;
- 2 (l) UTILIZATION MANAGEMENT;
- 3 (m) UTILIZATION OF REQUIRED TOOLS OR PROGRAMS THAT
- 4 IMPROVE QUALITY OUTCOMES, ACCESSIBILITY OF SOCIAL DETERMINANTS
- 5 OF HEALTH SUPPORTS, AFFORDABILITY, REFERRAL EFFICIENCY, OR OTHER
- 6 STATE PRIORITIES;
- 7 (n) POLICIES ON ACCEPTING, DISCHARGING, TRIAGING, AND
- 8 DENYING SERVICES TO CLIENTS CONSISTENT WITH SECTIONS 27-50-302
- 9 AND 27-50-303;
- 10 (o) STANDARDS FOR SERVING PRIORITY POPULATIONS AND
- 11 HIGH-ACUITY CLIENTS BASED ON STATE NEED AND PROVIDER TYPE; AND
- 12 (p) COMPLIANCE WITH ALL APPLICABLE FEDERAL STATUTES AND
- 13 REGULATIONS, INCLUDING ANTI-DISCRIMINATION LAWS.
- 14 (2) THE UNIVERSAL CONTRACTING PROVISIONS MAY INCLUDE
- 15 ALTERNATE STANDARDIZED PROVISIONS, DEPENDING ON ITS APPLICATION,
- 16 SUCH AS WHETHER THE PROVIDER IS A COMPREHENSIVE COMMUNITY
- 17 BEHAVIORAL HEALTH PROVIDER OR AN ESSENTIAL BEHAVIORAL HEALTH
- 18 SAFETY NET PROVIDER, THE SERVICE TYPE, OR OTHER FACTORS.
- 19 (3) ADDITIONAL TERMS NOT INCLUDED IN THE UNIVERSAL
- 20 CONTRACT MAY BE NEGOTIATED AND ADDED BY THE CONTRACTING
- 21 PARTIES.

22 **27-50-204. Reporting.** (1) BEGINNING OCTOBER 1, 2022, AND

23 EACH OCTOBER 1 THEREAFTER, THE BHA SHALL PREPARE AND SUBMIT A

24 REPORT, KNOWN AS THE BEHAVIORAL HEALTH SYSTEM PLAN, TO THE JOINT

25 BUDGET COMMITTEE AND THE PUBLIC AND BEHAVIORAL HEALTH AND

26 HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND

27 THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY

1 SUCCESSOR COMMITTEES. AT A MINIMUM, THE REPORT MUST INCLUDE A
2 DESCRIPTION OF THE BHA'S VISION AND STRATEGY FOR THE BEHAVIORAL
3 HEALTH SYSTEM, UPDATES ON PERFORMANCE STANDARDS DEVELOPED
4 PURSUANT TO SECTION 27-50-201 (2), ANALYSIS OF THE GRIEVANCES
5 COLLECTED PURSUANT TO SECTION 27-50-108, UPDATES ON FORMAL
6 AGREEMENTS AND COLLABORATIONS WITH STATE AGENCIES PURSUANT TO
7 THIS ARTICLE 50, OPPORTUNITIES TO IMPROVE REIMBURSEMENT FOR
8 INTEGRATED PHYSICAL AND MENTAL HEALTH SERVICES, UPDATES ON CARE
9 COORDINATION PURSUANT TO SECTION 27-50-301 (3), AND THE REPORT OF
10 THE ADVISORY COUNCIL CREATED PURSUANT TO SECTION 27-50-701.

11 (2) BEGINNING JANUARY 1, 2023, AND EACH JANUARY 1
12 THEREAFTER, THE BHA SHALL PRESENT THE REPORT PREPARED PURSUANT
13 TO SUBSECTION (1) OF THIS SECTION AS PART OF ITS "STATE
14 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT
15 (SMART) GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203.

16 PART 3

17 BEHAVIORAL HEALTH SAFETY NET SYSTEM

18 **27-50-301. Behavioral health safety net system**
19 **implementation.** (1) NO LATER THAN JULY 1, 2024, THE BHA, IN
20 COLLABORATION WITH THE DEPARTMENT OF HEALTH CARE POLICY AND
21 FINANCING AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,
22 SHALL ESTABLISH A COMPREHENSIVE AND STANDARDIZED BEHAVIORAL
23 HEALTH SAFETY NET SYSTEM THROUGHOUT THE STATE THAT MUST
24 INCLUDE BEHAVIORAL HEALTH SAFETY NET SERVICES FOR CHILDREN,
25 YOUTH, AND ADULTS ALONG A CONTINUUM OF CARE.

26 (2) THE BHA SHALL ENSURE THAT ALL COLORADANS HAVE
27 ACCESS TO THE BEHAVIORAL HEALTH SAFETY NET SYSTEM, WHICH MUST:

- 1 (a) PROACTIVELY ENGAGE PRIORITY POPULATIONS WITH
2 ADEQUATE CASE MANAGEMENT AND CARE COORDINATION THROUGHOUT
3 THE CARE CONTINUUM;
- 4 (b) PROMOTE COMPETENCY IN DE-ESCALATION TECHNIQUES;
- 5 (c) DEVELOP, MAINTAIN, AND UTILIZE ADEQUATE NETWORKS FOR
6 TIMELY ACCESS TO TREATMENT, INCLUDING HIGH-INTENSITY BEHAVIORAL
7 HEALTH TREATMENT AND COMMUNITY-BASED TREATMENT FOR CHILDREN,
8 YOUTH, AND ADULTS;
- 9 (d) REQUIRE COLLABORATION WITH ALL STATE AND LOCAL LAW
10 ENFORCEMENT JURISDICTIONS AND COUNTIES IN THE SERVICE AREA,
11 INCLUDING JUDICIAL DISTRICTS AND COUNTY DEPARTMENTS OF HUMAN OR
12 SOCIAL SERVICES;
- 13 (e) TRIAGE INDIVIDUALS WHO NEED SERVICES OUTSIDE THE SCOPE
14 OF THE BEHAVIORAL HEALTH SAFETY NET SYSTEM;
- 15 (f) INCORPORATE AND DEMONSTRATE TRAUMA-INFORMED CARE
16 PRACTICES;
- 17 (g) PROMOTE PATIENT-CENTERED CARE AND CULTURAL
18 AWARENESS;
- 19 (h) UPDATE INFORMATION AS REQUESTED BY THE BHA ABOUT
20 AVAILABLE TREATMENT OPTIONS AND OUTCOMES IN EACH REGION OF THE
21 STATE;
- 22 (i) PRIORITIZE RELEVANT PROGRAMS OR SERVICES ELIGIBLE FOR
23 FEDERAL GRANTS OR REIMBURSEMENT, INCLUDING RELEVANT PROGRAMS
24 OR SERVICES IDENTIFIED IN THE FEDERAL TITLE IV-E PREVENTION
25 SERVICES CLEARINGHOUSE;
- 26 (j) UTILIZE EVIDENCE-BASED OR EVIDENCE-INFORMED
27 PROGRAMMING TO PROMOTE QUALITY SERVICES; AND

1 (k) MEET ANY OTHER CRITERIA ESTABLISHED BY THE BHA.

2 (3) IN ESTABLISHING THE STANDARDIZED AND COMPREHENSIVE

3 BEHAVIORAL HEALTH SAFETY NET SYSTEM, THE BHA SHALL:

4 (a) IN COLLABORATION WITH STATE AGENCIES AND THE ADVISORY

5 COUNCIL CREATED PURSUANT TO SECTION 27-50-701, ESTABLISH AND

6 ROUTINELY ASSESS WHAT TYPES OF BEHAVIORAL HEALTH SERVICES ARE

7 PROVIDED ON A COMMUNITY, REGIONAL, AND STATEWIDE BASIS FOR

8 CHILDREN, YOUTH, AND ADULTS. THE BHA SHALL ENSURE THAT, AT A

9 MINIMUM, THE FOLLOWING BEHAVIORAL HEALTH SAFETY NET SERVICES

10 ARE AVAILABLE FOR CHILDREN, YOUTH, AND ADULTS STATEWIDE:

11 (I) EMERGENCY OR CRISIS BEHAVIORAL HEALTH SERVICES;

12 (II) MENTAL HEALTH AND SUBSTANCE USE OUTPATIENT SERVICES;

13 (III) BEHAVIORAL HEALTH HIGH-INTENSITY OUTPATIENT SERVICES;

14 (IV) BEHAVIORAL HEALTH RESIDENTIAL SERVICES;

15 (V) WITHDRAWAL MANAGEMENT SERVICES;

16 (VI) BEHAVIORAL HEALTH INPATIENT SERVICES;

17 (VII) MENTAL HEALTH AND SUBSTANCE USE RECOVERY SUPPORTS;

18 (VIII) INTEGRATED CARE SERVICES;

19 (IX) CARE MANAGEMENT;

20 (X) OUTREACH, EDUCATION, AND ENGAGEMENT SERVICES;

21

22 (XI) OUTPATIENT COMPETENCY RESTORATION;

23 (XII) CARE COORDINATION;

24 (XIII) HOSPITAL ALTERNATIVES;

25 (XIV) SCREENING, ASSESSMENT, AND DIAGNOSIS, INCLUDING RISK

26 ASSESSMENT, CRISIS PLANNING, AND MONITORING TO KEY HEALTH

27 INDICATORS; AND

1 (XV) ADDITIONAL SERVICES THAT THE BHA DETERMINES ARE
2 NECESSARY IN A REGION OR THROUGHOUT THE STATE.

3 (b) WHEN ROUTINELY ASSESSING THE SERVICES AVAILABLE
4 REGIONALLY AND STATEWIDE, AS REQUIRED IN SUBSECTION (3)(a) OF THIS
5 SECTION, THE BHA SHALL ASSESS ADEQUACY OF FUNDING AND
6 RESOURCES NECESSARY TO IMPLEMENT THE BEHAVIORAL HEALTH SYSTEM
7 PLAN PURSUANT TO SECTION 27-50-204.

8 (c) SET CLINICAL AND PRACTICE STANDARDS AND HEALTH,
9 SAFETY, AND WELFARE STANDARDS, INCLUDING STANDARDS SPECIFIC TO
10 CHILDREN AND YOUTH, WHEN APPROPRIATE, THROUGH THE LICENSING OF
11 BEHAVIORAL HEALTH ENTITIES AND THE APPROVAL OF BEHAVIORAL
12 HEALTH SAFETY NET PROVIDERS;

13 (d) ESTABLISH STATEWIDE, REGIONAL, AND LOCAL BEHAVIORAL
14 HEALTH NETWORK ADEQUACY STANDARDS, INCLUDING STANDARDS
15 SPECIFIC TO CHILDREN AND YOUTH, WHEN APPROPRIATE; AND

16 (e) IMPLEMENT A BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
17 ORGANIZATION STRUCTURE PURSUANT TO PART 4 OF THIS ARTICLE 50.

18 (4) EXCEPT AS PROVIDED IN SECTION 27-50-303, BEHAVIORAL
19 HEALTH SAFETY NET PROVIDERS SHALL NOT REFUSE TO TREAT AN
20 INDIVIDUAL BASED ON THE INDIVIDUAL'S:

21 (a) INSURANCE COVERAGE, LACK OF INSURANCE COVERAGE, OR
22 ABILITY TO PAY;

23 (b) CLINICAL ACUITY LEVEL RELATED TO THE INDIVIDUAL'S
24 BEHAVIORAL HEALTH CONDITION OR CONDITIONS, INCLUDING WHETHER
25 THE INDIVIDUAL HAS BEEN CERTIFIED FOR SHORT-TERM TREATMENT OR
26 LONG-TERM CARE AND TREATMENT PURSUANT TO ARTICLE 65 OF THIS
27 TITLE 27;

1 (c) READINESS TO TRANSITION OUT OF THE COLORADO MENTAL
2 HEALTH INSTITUTE AT PUEBLO, THE COLORADO MENTAL HEALTH
3 INSTITUTE AT FORT LOGAN, OR ANY OTHER MENTAL HEALTH INSTITUTE OR
4 LICENSED FACILITY PROVIDING INPATIENT PSYCHIATRIC SERVICES OR
5 ACUTE CARE HOSPITAL PROVIDING STABILIZATION BECAUSE THE
6 INDIVIDUAL NO LONGER REQUIRES INPATIENT CARE AND TREATMENT;

7 (d) INVOLVEMENT IN THE CRIMINAL OR JUVENILE JUSTICE SYSTEM;

8 (e) CURRENT INVOLVEMENT IN THE CHILD WELFARE SYSTEM;

9 (f) Co-occurring mental health and substance use
10 disorders, physical disability, or intellectual or developmental
11 disability, irrespective of primary diagnosis, co-occurring
12 conditions, or if an individual requires assistance with activities
13 of daily living or instrumental activities of daily living, as
14 defined in section 12-270-104 (6);

15 (g) Displays of aggressive behavior, or history of
16 aggressive behavior, as a symptom of a diagnosed mental health
17 disorder or substance use disorder;

18 (h) Clinical presentation or behavioral presentation in
19 any previous interaction with a provider;

20 (i) Place of residence; or

21 (j) Disability, age, race, creed, color, sex, sexual
22 orientation, gender identity, gender expression, marital status,
23 national origin, ancestry, or tribal affiliation.

24 (5) The BHA may promulgate rules or determine other
25 appropriate processes to approve behavioral health providers as
26 behavioral health safety net providers. Behavioral health
27 providers that do not hold a license from the BHA but are

1 OTHERWISE LICENSED OR AUTHORIZED TO PROVIDE BEHAVIORAL HEALTH
2 SERVICES IN THE STATE OF COLORADO ARE ELIGIBLE TO BE APPROVED AS
3 BEHAVIORAL HEALTH SAFETY NET PROVIDERS.

4
5 **27-50-302. Requirement to serve priority populations -**
6 **screening and triage for individuals in need of behavioral health**
7 **services - referrals.** (1) EXCEPT AS PROVIDED IN THIS SECTION,
8 COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDERS MUST
9 PROVIDE THE SAFETY NET SERVICES LISTED IN SECTION 27-50-101 (11) TO
10 PRIORITY POPULATIONS.

11 (2) EXCEPT AS PROVIDED IN SECTION 27-50-303, ESSENTIAL
12 BEHAVIORAL HEALTH SAFETY NET PROVIDERS SHALL PROVIDE THE SAFETY
13 NET SERVICE OR SERVICES THAT THEY CONTRACT WITH THE BEHAVIORAL
14 HEALTH ADMINISTRATIVE SERVICES ORGANIZATION OR MANAGED CARE
15 ENTITY TO PROVIDE TO PRIORITY POPULATIONS.

16 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO
17 THE CONTRARY, EMERGENCY AND CRISIS SERVICES MUST BE AVAILABLE
18 TO ANY INDIVIDUAL WHO IS EXPERIENCING A BEHAVIORAL HEALTH CRISIS,
19 REGARDLESS OF WHETHER THE INDIVIDUAL IS A PRIORITY POPULATION;

20 (4) (a) WHEN A PRIORITY POPULATION CLIENT INITIATES
21 TREATMENT WITH A BEHAVIORAL HEALTH SAFETY NET PROVIDER, PRIOR
22 TO THE INTAKE THE PROVIDER SHALL COMPLETE AN INITIAL SCREENING
23 AND TRIAGE PROCESS TO DETERMINE URGENCY AND APPROPRIATENESS OF
24 CARE WITH THE PROVIDER.

25 (b) THE BEHAVIORAL HEALTH SAFETY NET PROVIDER SHALL USE
26 STANDARD CRITERIA, AS DETERMINED BY THE BHA, FOR DETERMINING
27 WHETHER A CLIENT'S NEEDS EXCEED THE CLINICAL EXPERTISE OF THE

1 PROVIDER.

2 (c) IF A PRIORITY POPULATION CLIENT'S NEEDS EXCEED THE
3 TREATMENT CAPACITY OR CLINICAL EXPERTISE OF AN ESSENTIAL
4 BEHAVIORAL HEALTH SAFETY NET PROVIDER, THE PROVIDER SHALL REFER
5 THE CLIENT TO ANOTHER APPROPRIATE PROVIDER.

6 (d) IF A PRIORITY POPULATION CLIENT'S NEEDS EXCEED THE
7 TREATMENT CAPACITY OR CLINICAL EXPERTISE OF A COMPREHENSIVE
8 COMMUNITY BEHAVIORAL HEALTH PROVIDER, THE PROVIDER MUST
9 ENSURE THAT THE CLIENT HAS ACCESS TO INTERIM BEHAVIORAL HEALTH
10 SERVICES IN A TIMELY MANNER UNTIL THE CLIENT IS CONNECTED TO THE
11 MOST APPROPRIATE PROVIDER FOR ONGOING CARE. THIS MAY INCLUDE USE
12 OF PROVIDERS WITHIN THE NETWORK OF THE BEHAVIORAL HEALTH
13 ADMINISTRATIVE SERVICES ORGANIZATION OR THE REGIONAL MANAGED
14 CARE ENTITY.

15 (e) THE COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH
16 PROVIDER SHALL OBTAIN APPROVAL FROM THE BEHAVIORAL HEALTH
17 ADMINISTRATIVE SERVICES ORGANIZATION UNDER WHICH THE PROVIDER
18 IS OPERATING, OR THE REGIONAL MANAGED CARE ENTITY FOR MEDICAID
19 CLIENTS, PRIOR TO REFERRING A PRIORITY POPULATION CLIENT TO
20 ALTERNATIVE SERVICES; EXCEPT THAT AN INDIVIDUAL EXPERIENCING A
21 BEHAVIORAL HEALTH CRISIS MAY BE REFERRED TO EMERGENCY OR CRISIS
22 SERVICES WITHOUT PRIOR APPROVAL.

23 (5) WHEN REFERRING A CLIENT TO ALTERNATIVE SERVICES, A
24 BEHAVIORAL HEALTH SAFETY NET PROVIDER SHALL ASSIST THE CLIENT IN
25 IDENTIFYING AND INITIATING SERVICES WITH AN APPROPRIATE PROVIDER
26 FOR ONGOING CARE. AS APPROPRIATE, THE BEHAVIORAL HEALTH SAFETY
27 NET PROVIDER SHALL USE THE BEHAVIORAL HEALTH ADMINISTRATIVE

1 SERVICES ORGANIZATION OR, FOR MEDICAID CLIENTS, THE REGIONAL
2 MANAGED CARE ENTITY FOR CARE COORDINATION.

3 (6)(a) BEHAVIORAL HEALTH SAFETY NET PROVIDERS SHALL TRACK
4 THE FOLLOWING INFORMATION FOR ALL INDIVIDUALS WHO WERE
5 REFERRED TO ALTERNATIVE SERVICES PURSUANT TO THIS SECTION:

6 (I) CLIENT DEMOGRAPHICS;

7 (II) STANDARDIZED DESCRIPTIONS OF THE NEEDS OF THE CLIENT
8 THAT COULD NOT BE MET AND REQUIRE THE CLIENT TO BE REFERRED TO
9 ANOTHER PROVIDER;

10 (III) THE OUTCOME AND TIMELINESS OF THE REFERRAL; AND

11 (IV) ANY OTHER INFORMATION REQUIRED BY THE BHA.

12 (b) THE PROVIDER SHALL PROVIDE THE REPORT AT REGULAR
13 INTERVALS TO THE BHA AND TO EITHER THE BEHAVIORAL HEALTH
14 ADMINISTRATIVE SERVICES ORGANIZATION UNDER WHICH THE PROVIDER
15 IS OPERATING OR, FOR MEDICAID CLIENTS, TO THE MANAGED CARE ENTITY.

16 **27-50-303. Essential behavioral health safety net providers -**
17 **approval to serve limited priority populations.** (1) ESSENTIAL
18 BEHAVIORAL HEALTH SAFETY NET PROVIDERS MUST SERVE ALL PRIORITY
19 POPULATIONS UNLESS THE UNIVERSAL CONTRACTING PROVISIONS WITH
20 THE BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATION
21 LIMIT THE PROVIDER'S SCOPE AND RESPONSIBILITY TO A SPECIFIC
22 UNDERSERVED POPULATION PURSUANT TO SUBSECTION (2) OF THIS
23 SECTION.

24 (2) BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
25 ORGANIZATIONS MAY CONTRACT WITH AN ESSENTIAL BEHAVIORAL
26 HEALTH SAFETY NET PROVIDER TO PROVIDE A SAFETY NET SERVICE OR
27 SERVICES, INCLUDING THOSE DETERMINED NECESSARY PURSUANT TO

1 SECTION 27-50-301 (3)(a)(XV), TO ONLY ONE OR MORE SPECIFIC
2 UNDERSERVED POPULATIONS WITHIN THE PRIORITY POPULATIONS.

3 **27-50-304. Behavioral health safety net provider network -**
4 **incentives - preferred status - rules.** (1) THE BHA SHALL ENSURE THAT
5 EACH REGION IN THE STATE INCLUDES A NETWORK OF BEHAVIORAL
6 HEALTH SAFETY NET PROVIDERS THAT COLLECTIVELY OFFER A FULL
7 CONTINUUM OF BEHAVIORAL HEALTH SERVICES.

8 (2) THE BHA SHALL PROVIDE STATEWIDE TECHNICAL ASSISTANCE
9 SPECIFIC TO STRENGTHENING AND EXPANDING THE BEHAVIORAL HEALTH
10 SAFETY NET SYSTEM AND INCREASING PROVIDER PARTICIPATION WITHIN
11 THE PUBLICLY FUNDED BEHAVIORAL HEALTH SAFETY NET PROVIDER
12 NETWORK.

13 (3) THE BHA AND STATE AGENCIES, THROUGH THE BEHAVIORAL
14 HEALTH ADMINISTRATIVE SERVICES ORGANIZATIONS ESTABLISHED
15 PURSUANT TO PART 4 OF THIS ARTICLE 50 AND MANAGED CARE ENTITIES
16 AS DEFINED IN SECTION 25.5-5-403, SHALL:

17 (a) SUBJECT TO PERFORMANCE AND AVAILABLE FUNDS, PROVIDE
18 BEHAVIORAL HEALTH SAFETY NET PROVIDERS WITH OPPORTUNITIES FOR
19 QUALITY INCENTIVES, VALUE-BASED PAYMENT, OR OTHER ENHANCED
20 PAYMENTS OR PREFERRED CONTRACT STATUSES;

21 (b) PRIORITIZE COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH
22 PROVIDERS IN AWARDING CONTRACTS FOR BEHAVIORAL HEALTH SERVICES;
23 AND

24 
25 (c) CONSIDER, UPON APPLICATION, BEHAVIORAL HEALTH SAFETY
26 NET PROVIDERS FOR STATE-ADMINISTERED AND COUNTY-ADMINISTERED
27 GRANT FUNDS RELATED TO THE PREVENTION, TREATMENT, RECOVERY,

1 AND HARM REDUCTION FOR BEHAVIORAL HEALTH SERVICES.

2 (4) TO BE ELIGIBLE FOR ENHANCED SERVICE PAYMENTS,
3 BEHAVIORAL HEALTH SAFETY NET PROVIDERS MUST MEET SPECIFIC BHA
4 LICENSING OR APPROVAL STANDARDS, PURSUANT TO PART 5 OF THIS
5 ARTICLE 50.

6 (5) TO MEET THE REQUIREMENT IN SUBSECTION (1) OF THIS
7 SECTION, THE BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
8 ORGANIZATIONS AND MANAGED CARE ENTITIES MAY CONTRACT WITH
9 POTENTIAL AND EXISTING APPROVED SAFETY NET PROVIDERS TO EXPAND
10 SERVICE CAPACITY IN A SPECIFIC REGION OF THE STATE.

11 (6) NOTHING IN THIS SECTION LIMITS THE ABILITY OF STATE
12 AGENCIES TO AWARD CONTRACTS OR GRANTS FOR THE PROCUREMENT OF
13 BEHAVIORAL HEALTH SERVICES DIRECTLY TO ANY COUNTY, CITY AND
14 COUNTY, MUNICIPALITY, SCHOOL DISTRICT, HEALTH SERVICE DISTRICT, OR
15 OTHER POLITICAL SUBDIVISION OF THE STATE OR ANY COUNTY, CITY AND
16 COUNTY, DISTRICT, OR JUVENILE COURT, OR TO ANY NONPROFIT OR
17 FOR-PROFIT ORGANIZATION IN ACCORDANCE WITH APPLICABLE LAW.

18 (7) THE BHA MAY PROMULGATE RULES AS NECESSARY TO
19 IMPLEMENT THIS SECTION.

20 PART 4

21 BEHAVIORAL HEALTH ADMINISTRATIVE

22 SERVICES ORGANIZATIONS

23 **27-50-401. Regional behavioral health administrative services**
24 **organizations - establishment.** (1) NO LATER THAN JULY 1, 2024, THE
25 COMMISSIONER SHALL SELECT AND CONTRACT WITH REGIONALLY BASED
26 BEHAVIORAL HEALTH ORGANIZATIONS TO ESTABLISH, ADMINISTER, AND
27 MAINTAIN ADEQUATE NETWORKS OF BEHAVIORAL HEALTH SAFETY NET

1 SERVICES AND CARE COORDINATION, AS DESCRIBED IN PART 3 OF THIS
2 ARTICLE 50.

3 (2) THE COMMISSIONER SHALL DESIGNATE REGIONS OF THE STATE
4 FOR BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATIONS TO
5 OPERATE. IN ESTABLISHING REGIONS, THE COMMISSIONER SHALL CONSULT
6 WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO
7 ENSURE CONSIDERATION OF THE REGIONAL STRUCTURE THAT SERVES THE
8 MEDICAID POPULATION.

9 **27-50-402. Behavioral health administrative services**
10 **organizations - application - designation - denial - revocation.** (1) AT
11 LEAST ONCE EVERY FIVE YEARS, THE COMMISSIONER SHALL SOLICIT
12 APPLICATIONS THROUGH A COMPETITIVE BID PROCESS PURSUANT TO THE
13 "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, FOR ENTITIES
14 TO APPLY TO BE A BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
15 ORGANIZATION. ANY QUALIFIED PUBLIC OR PRIVATE CORPORATION;
16 FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATION; OR PUBLIC OR PRIVATE
17 AGENCY, ORGANIZATION, OR INSTITUTION MAY APPLY IN THE FORM AND
18 MANNER DETERMINED BY THE BHA'S RULES. THE BHA IS AUTHORIZED TO
19 AWARD CONTRACTS TO MORE THAN ONE APPLICANT. THE BHA SHALL USE
20 COMPETITIVE BIDDING PROCEDURES TO ENCOURAGE COMPETITION AND
21 IMPROVE THE QUALITY OF SERVICES.

22 (2) THE COMMISSIONER SHALL SELECT A BEHAVIORAL HEALTH
23 ADMINISTRATIVE SERVICES ORGANIZATION BASED ON FACTORS
24 ESTABLISHED BY BHA RULES AND THE "PROCUREMENT CODE", ARTICLES
25 101 TO 112 OF TITLE 24. THE FACTORS FOR SELECTION MUST INCLUDE, BUT
26 ARE NOT LIMITED TO, THE FOLLOWING:

27 (a) THE APPLICANT'S EXPERIENCE WORKING WITH PUBLICLY

1 FUNDED CLIENTS, INCLUDING EXPERTISE IN TREATING PRIORITY
2 POPULATIONS DETERMINED BY THE BHA;

3 (b) THE APPLICANT'S EXPERIENCE WORKING WITH AND ENGAGING
4 RELEVANT STAKEHOLDERS IN THE SERVICE AREA, INCLUDING BEHAVIORAL
5 HEALTH PROVIDERS; STATE AND LOCAL AGENCIES; AND THE LOCAL
6 COMMUNITY, INCLUDING ADVOCACY ORGANIZATIONS AND CLIENTS OF
7 BEHAVIORAL HEALTH SERVICES;

8 (c) THE EXTENT TO WHICH REAL OR PERCEIVED CONFLICTS OF
9 INTEREST BETWEEN THE APPLICANT AND BEHAVIORAL HEALTH FACILITIES
10 OR BEHAVIORAL HEALTH PROVIDERS ARE MITIGATED; AND

11 (d) THE EXTENT TO WHICH THE APPLICANT'S BOARD COMPLIES
12 WITH CONFLICT OF INTEREST POLICIES, INCLUDING TO THE FOLLOWING:

13 (I) THE BOARD SHALL NOT HAVE MORE THAN FIFTY PERCENT OF
14 CONTRACTED PROVIDERS AS BOARD MEMBERS;

15 (II) PROVIDERS WHO HAVE OWNERSHIP OR BOARD MEMBERSHIP IN
16 A BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATION SHALL
17 NOT HAVE CONTROL OR DECISION-MAKING AUTHORITY IN THE
18 ESTABLISHMENT OF PROVIDER NETWORKS; AND

19 (III) AN EMPLOYEE OF A CONTRACTED PROVIDER OF A
20 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATION SHALL
21 NOT ALSO BE AN EMPLOYEE OF THE BEHAVIORAL HEALTH ADMINISTRATIVE
22 SERVICES ORGANIZATION UNLESS THE EMPLOYEE IS THE A CLINICAL
23 OFFICER OR UTILIZATION MANAGEMENT DIRECTOR OF THE BEHAVIORAL
24 HEALTH ADMINISTRATIVE SERVICES ORGANIZATION. IF THE INDIVIDUAL IS
25 ALSO AN EMPLOYEE OF A PROVIDER THAT HAS BOARD MEMBERSHIP OR
26 OWNERSHIP IN THE BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
27 ORGANIZATION, THE BEHAVIORAL HEALTH SERVICES ORGANIZATION SHALL

1 DEVELOP POLICIES APPROVED BY THE COMMISSIONER TO MITIGATE ANY
2 CONFLICT OF INTEREST THE EMPLOYEE MAY HAVE; AND

3 (e) THE EXTENT TO WHICH THE APPLICANT'S BOARD MEMBERSHIP
4 REFLECTS THE DIVERSITY AND INTERESTS OF RELEVANT STAKEHOLDERS,
5 INCLUDING, BUT NOT LIMITED TO, REPRESENTATION BY INDIVIDUALS WITH
6 LIVED BEHAVIORAL HEALTH EXPERIENCE AND FAMILY OF INDIVIDUALS
7 WITH LIVED BEHAVIORAL HEALTH EXPERIENCE.

8

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9 **27-50-403. Behavioral health administrative services**
10 **organizations - contract requirements - individual access - care**
11 **coordination.** (1) THE BHA SHALL DEVELOP A CONTRACT FOR
12 DESIGNATED BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
13 ORGANIZATIONS, WHICH MUST INCLUDE, BUT IS NOT LIMITED TO, THE
14 FOLLOWING:

15 (a) REQUIREMENTS TO ESTABLISH AND MAINTAIN A CONTINUUM OF
16 CARE AND NETWORK ADEQUACY IN THE SERVICE AREA CONSISTENT WITH
17 PART 3 OF THIS ARTICLE 50, INCLUDING BUT NOT LIMITED TO PROVIDING
18 ALL BEHAVIORAL HEALTH SAFETY NET SERVICES DESCRIBED IN SECTION
19 27-50-301;

20 (b) EXPECTATIONS FOR SUBCONTRACTING WITH BEHAVIORAL
21 HEALTH SAFETY NET PROVIDERS AND OTHER PROVIDERS, CONSISTENT
22 WITH PART 3 OF THIS ARTICLE 50, INCLUDING PRIORITIZATION OF
23 COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDERS;

24 (c) EXPECTATIONS FOR ADHERENCE TO THE UNIVERSAL
25 CONTRACTING PROVISIONS DEVELOPED PURSUANT TO SECTION 27-50-203
26 AND USE OF THE UNIVERSAL CONTRACTING PROVISIONS WITH ALL
27 RELEVANT SUBCONTRACTORS;

1 (d) REPORTING REQUIREMENTS RELATED TO CLAIMING FEDERAL
2 FUNDING FOR ELIGIBLE SERVICES AND PROGRAMS;

3 (e) PROHIBITIONS ON DENYING OR PROHIBITING ACCESS TO ANY
4 MEDICALLY NECESSARY BEHAVIORAL HEALTH SERVICE, INCLUDING
5 MEDICATION-ASSISTED TREATMENT, AS DEFINED IN SECTION 23-21-803,
6 FOR A SUBSTANCE USE DISORDER;

7 (f) REQUIREMENTS TO SERVE ALL INDIVIDUALS IN NEED OF
8 SERVICES AND A SPECIFIC PROHIBITION ON DENIAL OF SERVICES FOR ANY
9 OF THE REASONS PROVIDED IN SECTION 27-50-301 (4);

10 (g) AGREEMENTS ON DATA COLLECTION AND REPORTING,
11 INCLUDING ANY PROVISIONS NECESSARY TO IMPLEMENT SECTION
12 27-50-201;

13 (h) PROCEDURES RELATED TO CORRECTIVE ACTIONS PURSUANT TO
14 SECTION 27-50-402;

15 (i) ANY PROVISIONS NECESSARY TO ENSURE THE BEHAVIORAL
16 HEALTH ADMINISTRATIVE SERVICES ORGANIZATION FULFILLS THE
17 FUNCTIONS PROVIDED IN SUBSECTION (2) OF THIS SECTION; AND

18 (j) REQUIREMENTS FOR CALCULATING AND REPORTING THE
19 ANNUAL ADMINISTRATIVE COSTS. THE BHA SHALL ESTABLISH AND
20 ENFORCE THE MAXIMUM ALLOWABLE ADMINISTRATIVE COST RATIOS FOR
21 THE BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATIONS
22 AND REPORT THE ACTUAL PERFORMANCE OF EACH BEHAVIORAL HEALTH
23 ADMINISTRATIVE SERVICES ORGANIZATION ANNUALLY.

24 (2) A BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
25 ORGANIZATION SHALL:

26 (a) PROACTIVELY ENGAGE HARD-TO-SERVE INDIVIDUALS WITH
27 ADEQUATE CASE MANAGEMENT AND CARE COORDINATION THROUGHOUT

- 1 THE CARE CONTINUUM;
- 2 (b) IMPLEMENT TRAUMA-INFORMED CARE PRACTICES;
- 3 (c) ACCEPT AND PROVIDE BEHAVIORAL HEALTH SAFETY NET
- 4 SERVICES TO INDIVIDUALS OUTSIDE OF THE BEHAVIORAL HEALTH
- 5 ADMINISTRATIVE SERVICES ORGANIZATION'S REGION;
- 6 (d) PROMOTE COMPETENCY IN DE-ESCALATION TECHNIQUES;
- 7 (e) THROUGH NETWORK ADEQUACY AND OTHER METHODS, ENSURE
- 8 TIMELY ACCESS TO TREATMENT, INCLUDING HIGH-INTENSITY BEHAVIORAL
- 9 HEALTH TREATMENT AND COMMUNITY-BASED TREATMENT FOR ALL
- 10 INDIVIDUALS INCLUDING CHILDREN, YOUTH, AND ADULTS;
- 11 (f) REQUIRE COLLABORATION WITH ALL LOCAL LAW ENFORCEMENT
- 12 AND COUNTY AGENCIES IN THE SERVICE AREA, INCLUDING COUNTY
- 13 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES;
- 14 (g) TRIAGE INDIVIDUALS WHO NEED ALTERNATIVE SERVICES
- 15 OUTSIDE THE SCOPE OF THE BEHAVIORAL HEALTH SAFETY NET SYSTEM;
- 16 (h) PROMOTE PATIENT-CENTERED CARE, CULTURAL AWARENESS,
- 17 AND COORDINATION OF CARE TO APPROPRIATE BEHAVIORAL HEALTH
- 18 SAFETY NET PROVIDERS;
- 19 (i) COLLABORATE WITH SCHOOLS AND SCHOOL DISTRICTS IN THE
- 20 SERVICE AREA TO IDENTIFY GAPS IN SERVICES AND TO PROMOTE STUDENT
- 21 ACCESS TO BEHAVIORAL HEALTH SERVICES AT SCHOOL AND IN THE
- 22 CONTRACTING WITH PROVIDERS TO BUILD THE NETWORK OF BEHAVIORAL
- 23 HEALTH SAFETY NET SERVICES, INCLUSION OF RELEVANT PROGRAMS OR
- 24 SERVICES ELIGIBLE FOR FEDERAL GRANTS OR REIMBURSEMENT, INCLUDING
- 25 RELEVANT PROGRAMS OR SERVICES IDENTIFIED IN THE FEDERAL TITLE
- 26 IV-E PREVENTION SERVICES CLEARINGHOUSE; AND
- 27 (j) UPDATE INFORMATION AS REQUESTED BY THE BHA ABOUT

1 AVAILABLE TREATMENT OPTIONS AND OUTCOMES IN EACH REGION OF THE
2 STATE;

3 (k) UTILIZE EVIDENCE-BASED OR EVIDENCE-INFORMED
4 PROGRAMMING TO PROMOTE QUALITY SERVICES; [REDACTED]

5 (l) CONSIDER, WHEN CONTRACTING WITH PROVIDERS TO BUILD THE
6 NETWORK OF BEHAVIORAL HEALTH SAFETY NET SERVICES, INCLUSION OF
7 RELEVANT PROGRAMS OR SERVICES ELIGIBLE FOR FEDERAL GRANTS OR
8 REIMBURSEMENT, INCLUDING RELEVANT PROGRAMS OR SERVICES
9 IDENTIFIED IN THE FEDERAL TITLE IV-E PREVENTION SERVICES
10 CLEARINGHOUSE; AND

11 (m) MEET ANY OTHER CRITERIA ESTABLISHED BY THE BHA.

12 **27-50-404. Care coordination - responsibilities of behavioral**
13 **health administrative services organizations - coordination with**
14 **managed care entities. (1) (a) BEHAVIORAL HEALTH ADMINISTRATIVE**
15 **SERVICES ORGANIZATIONS AND MANAGED CARE ENTITIES HAVE THE**
16 **SHARED RESPONSIBILITY OF PROVIDING CARE COORDINATION SERVICES IN**
17 **A MANNER CONSISTENT WITH ARTICLE 60 OF THIS TITLE 27 FOR**
18 **INDIVIDUALS UTILIZING THE BEHAVIORAL HEALTH SAFETY NET SYSTEM.**

19 **(b) MANAGED CARE ENTITIES ARE RESPONSIBLE FOR PROVIDING**
20 **CARE COORDINATION SERVICES, AS REQUIRED BY SECTION 25.5-5-419, TO**
21 **INDIVIDUALS ENROLLED IN THE STATE MEDICAL ASSISTANCE PROGRAM.**

22 **(c) BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES**
23 **ORGANIZATIONS ARE RESPONSIBLE FOR PROVIDING CARE COORDINATION**
24 **SERVICES, WHETHER DIRECTLY OR THROUGH CONTRACT WITH**
25 **BEHAVIORAL HEALTH SAFETY NET PROVIDERS, TO INDIVIDUALS WHO ARE**
26 **NOT CURRENTLY ENROLLED IN THE STATE MEDICAL ASSISTANCE PROGRAM,**
27 **WITH ACCESS FOR PRIORITY POPULATIONS AS REQUIRED BY PART 3 OF THIS**

1 ARTICLE 50.

2 (2) THE BHA SHALL ESTABLISH OBJECTIVE AND STANDARDIZED

3 PROCESSES FOR CARE COORDINATION, INCLUDING:

4 (a) COORDINATION BETWEEN BEHAVIORAL HEALTH

5 ADMINISTRATIVE SERVICES ORGANIZATIONS AND OTHER CARE

6 COORDINATION ENTITIES, INCLUDING MANAGED CARE ENTITIES, CASE

7 MANAGEMENT AGENCIES, COUNTIES, AND OTHER BEHAVIORAL HEALTH

8 ADMINISTRATIVE SERVICES ORGANIZATIONS, TO ENSURE CONTINUITY OF

9 CARE ACROSS SHARED POPULATIONS CONSISTENT WITH SUBSECTION (1) OF

10 THIS SECTION;

11 (b) REFERRAL PROCESSES BETWEEN ENTITIES, INCLUDING A

12 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATION'S

13 RESPONSIBILITY TO PROVIDE CARE COORDINATION TO AN INDIVIDUAL

14 PENDING COMMENCEMENT OF CARE COORDINATION SERVICES BY ANOTHER

15 ENTITY; AND

16 (c) PROCESSES TO ENSURE EFFICIENT AND PERSON-CENTERED CARE

17 COORDINATION SERVICES FOR INDIVIDUALS WHO HAVE ACUTE AND

18 COMPLEX NEEDS, INCLUDING INDIVIDUALS INVOLVED IN THE CIVIL

19 INVOLUNTARY TREATMENT SYSTEM PURSUANT TO ARTICLES 65 AND 81 OF

20 THIS TITLE 27; INDIVIDUALS TRANSITIONING OUT OF TREATMENT SETTINGS

21 OR ACUTE CARE SETTINGS; AND INDIVIDUALS INVOLVED IN THE CHILD

22 WELFARE, JUVENILE JUSTICE, OR CRIMINAL JUSTICE SYSTEMS.

23 (3) A BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES

24 ORGANIZATION SHALL ENSURE CARE COORDINATION SERVICES THROUGH

25 ITS NETWORK AND INCLUDE LOCAL PARTNERS, WHEN APPROPRIATE, SUCH

26 AS COUNTIES AND SCHOOL DISTRICTS.

27 **27-50-405. Behavioral health administrative services**

1 **organizations - stakeholder input - report - rules.** (1) EACH
2 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATION SHALL
3 DEVELOP A PROCESS TO SOLICIT AND RESPOND TO INPUT FROM
4 STAKEHOLDERS ABOUT BEHAVIORAL HEALTH SERVICES AND GAPS IN THE
5 SERVICE AREA. A BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
6 ORGANIZATION SHALL PUBLICLY POST AN ANNUAL REPORT THAT
7 INCLUDES:

8 (a) A REPORT ON THE STAKEHOLDER INPUT RECEIVED IN THE PRIOR
9 YEAR, ANONYMIZED AND AGGREGATED TO PROTECT INDIVIDUAL PRIVACY;

10 (b) DESCRIPTIONS OF HOW THE BEHAVIORAL HEALTH
11 ADMINISTRATIVE SERVICES ORGANIZATION HAS RESPONDED TO, OR PLANS
12 TO RESPOND TO, STAKEHOLDER INPUT FROM THE PRIOR YEAR, INCLUDING
13 DESCRIPTIONS OF POLICY OR PRACTICE CHANGES OR EXPLANATIONS OF
14 WHY NO CHANGES WERE MADE; AND

15 (c) THE PLAN FOR STAKEHOLDER ENGAGEMENT FOR THE
16 UPCOMING YEAR.

17 (2) IN SOLICITING AND RESPONDING TO INPUT FROM
18 STAKEHOLDERS PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE
19 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATION SHALL,
20 AT A MINIMUM, ENGAGE THE FOLLOWING STAKEHOLDERS WITHIN THE
21 SERVICE AREA:

22 (a) CLIENTS OF BEHAVIORAL HEALTH SERVICES AND THEIR
23 FAMILIES;

24 (b) BEHAVIORAL HEALTH SAFETY NET PROVIDERS;

25 (c) COUNTIES;

26 (d) LAW ENFORCEMENT;

27 (e) HOSPITALS AND PHYSICAL HEALTH PROVIDERS; AND

1 (f) JUDICIAL DISTRICTS.

2 (3) THE BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
3 ORGANIZATION MAY ALSO ENGAGE STAKEHOLDERS IN NEIGHBORING
4 SERVICE AREAS, AS APPROPRIATE.

5 (4) THE BHA MAY PROMULGATE RULES AS NECESSARY TO
6 IMPLEMENT THIS SECTION.

7 PART 5

8 BEHAVIORAL HEALTH ENTITIES

9 **27-50-501. Behavioral health entities - license required -**
10 **criminal and civil penalties.** (1) (a) ON AND AFTER JULY 1, 2024, IT IS
11 UNLAWFUL FOR ANY PERSON, PARTNERSHIP, ASSOCIATION, OR
12 CORPORATION TO CONDUCT OR MAINTAIN A BEHAVIORAL HEALTH ENTITY,
13 INCLUDING A SUBSTANCE USE DISORDER PROGRAM OR ALCOHOL USE
14 DISORDER PROGRAM, WITHOUT HAVING OBTAINED A LICENSE FROM THE
15 BHA.

16 (b) ON AND AFTER JULY 1, 2023, AN ENTITY SEEKING INITIAL
17 LICENSURE AS A BEHAVIORAL HEALTH ENTITY SHALL APPLY FOR A
18 BEHAVIORAL HEALTH ENTITY LICENSE FROM THE BHA IF THE ENTITY
19 WOULD PREVIOUSLY HAVE BEEN LICENSED OR SUBJECT TO ANY OF THE
20 FOLLOWING:

21 (I) BEHAVIORAL HEALTH ENTITY LICENSURE BY THE DEPARTMENT
22 OF PUBLIC HEALTH AND ENVIRONMENT;

23 (II) APPROVAL OR DESIGNATION BY THE OFFICE OF BEHAVIORAL
24 HEALTH, AS IT EXISTED BEFORE THE EFFECTIVE DATE OF THIS SECTION, OR
25 THE BHA PURSUANT TO THIS ARTICLE 50 OR ARTICLE 66 OF THIS TITLE 27;
26 OR

27 (III) APPROVAL BY THE OFFICE OF BEHAVIORAL HEALTH, AS IT

1 EXISTED BEFORE THE EFFECTIVE DATE OF THIS SECTION, OR THE BHA
2 PURSUANT TO SECTION 27-81-106 AS AN APPROVED TREATMENT PROGRAM
3 FOR ■ SUBSTANCE USE DISORDERS.

4 (c) A FACILITY WITH A LICENSE OR APPROVAL ON OR BEFORE JUNE
5 30, 2023, AS A BEHAVIORAL HEALTH ENTITY OR A SUBSTANCE USE
6 DISORDER PROGRAM, ■ SHALL APPLY FOR A BEHAVIORAL HEALTH ENTITY
7 LICENSE PRIOR TO THE EXPIRATION OF THE FACILITY'S CURRENT LICENSE
8 OR APPROVAL. SUCH A FACILITY IS SUBJECT TO THE STANDARDS UNDER
9 WHICH IT IS LICENSED OR APPROVED AS OF JULY 1, 2023, UNTIL SUCH TIME
10 AS THE BHA'S BEHAVIORAL HEALTH ENTITY LICENSE IS ISSUED OR DENIED.

11 (2) ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION
12 IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL
13 BE PUNISHED BY A FINE OF NOT LESS THAN FIFTY DOLLARS BUT NOT MORE
14 THAN FIVE HUNDRED DOLLARS AND MAY BE SUBJECT TO A CIVIL PENALTY
15 ASSESSED BY THE BHA OF NOT LESS THAN FIFTY DOLLARS BUT NOT MORE
16 THAN ONE HUNDRED DOLLARS FOR EACH DAY THE PERSON IS IN VIOLATION
17 OF THIS SECTION. THE ASSESSED PENALTY ACCRUES FROM THE DATE THE
18 BHA FINDS THAT THE PERSON IS IN VIOLATION OF THIS SECTION. THE BHA
19 SHALL ASSESS, ENFORCE, AND COLLECT THE PENALTY IN ACCORDANCE
20 WITH ARTICLE 4 OF TITLE 24 AND CREDIT THE MONEY TO THE GENERAL
21 FUND. ENFORCEMENT AND COLLECTION OF THE PENALTY OCCURS
22 FOLLOWING THE DECISION REACHED IN ACCORDANCE WITH PROCEDURES
23 SET FORTH IN SECTION 24-4-105.

24 (3) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
25 CONTRARY, THE BHA SHALL NOT ISSUE OR RENEW ANY LICENSE
26 DESCRIBED IN THIS PART 5 UNLESS THE BHA RECEIVES A CERTIFICATE OF
27 COMPLIANCE FOR THE APPLICANT'S BUILDING OR STRUCTURE FROM THE

1 DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF
2 PUBLIC SAFETY IN ACCORDANCE WITH PART 12 OF ARTICLE 33.5 OF TITLE
3 24.

4 (b) THE BHA SHALL TAKE ACTION ON AN APPLICATION FOR
5 LICENSURE WITHIN THIRTY DAYS AFTER THE DATE THAT THE BHA
6 RECEIVES FROM THE APPLICANT ALL OF THE NECESSARY INFORMATION
7 AND DOCUMENTATION REQUIRED FOR LICENSURE, INCLUDING A
8 CERTIFICATE OF COMPLIANCE FROM THE DIVISION OF FIRE PREVENTION
9 AND CONTROL.

10 **27-50-502. Behavioral health entities - minimum standard -**
11 **rules.** (1) NO LATER THAN APRIL 30, 2023, THE BHA SHALL
12 PROMULGATE RULES PURSUANT TO SECTION 24-4-103 PROVIDING
13 MINIMUM STANDARDS FOR THE OPERATION OF BEHAVIORAL HEALTH
14 ENTITIES WITHIN THE STATE, INCLUDING THE FOLLOWING:

15 (a) REQUIREMENTS TO BE MET BY ALL BEHAVIORAL HEALTH
16 ENTITIES TO ENSURE THE HEALTH, SAFETY, AND WELFARE OF ALL
17 BEHAVIORAL HEALTH ENTITY CONSUMERS, INCLUDING, AT A MINIMUM:

18 (I) REQUIREMENTS FOR CONSUMER ASSESSMENT, TREATMENT,
19 CARE COORDINATION, PATIENT RIGHTS, AND CONSUMER NOTICE;

20 (II) ADMINISTRATIVE AND OPERATIONAL STANDARDS FOR
21 GOVERNANCE; CONSUMER RECORDS AND RECORD RETENTION; PERSONNEL;
22 ADMISSION AND DISCHARGE CRITERIA; POLICIES AND PROCEDURES TO
23 ENSURE COMPLIANCE WITH REGULATORY AND CONTRACT REQUIREMENTS;
24 AND QUALITY MANAGEMENT;

25 (III) DATA REPORTING REQUIREMENTS;

26 (IV) PHYSICAL PLANT STANDARDS, INCLUDING INFECTION
27 CONTROL; AND

1 (V) OCCURRENCE REPORTING REQUIREMENTS PURSUANT TO
2 SECTION 27-50-510;

3 (b) SERVICE-SPECIFIC REQUIREMENTS THAT APPLY ONLY TO
4 BEHAVIORAL HEALTH ENTITIES ELECTING TO PROVIDE THAT SERVICE OR
5 SET OF SERVICES, INCLUDING, AT A MINIMUM, STANDARDS FOR THE
6 SPECIFIC TYPES OF BEHAVIORAL HEALTH SAFETY NET SERVICES AND OTHER
7 BEHAVIORAL HEALTH SERVICES ALONG THE CONTINUUM OF CARE CREATED
8 BY THE BHA PURSUANT TO PART 3 OF THIS ARTICLE 50, INCLUDING BUT
9 NOT LIMITED TO:

10 (I) ESSENTIAL BEHAVIORAL HEALTH SAFETY NET PROVIDER
11 STANDARDS; AND

12 (II) COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDER
13 STANDARDS;

14 (c) PROCEDURES FOR MANDATORY BHA INSPECTIONS OF
15 BEHAVIORAL HEALTH ENTITIES;

16 (d) PROCEDURES FOR WRITTEN PLANS FOR A BEHAVIORAL HEALTH
17 ENTITY TO CORRECT VIOLATIONS FOUND AS A RESULT OF INSPECTIONS;

18 (e) INTERMEDIATE ENFORCEMENT REMEDIES;

19 (f) FACTORS FOR BEHAVIORAL HEALTH ENTITIES TO CONSIDER
20 WHEN DETERMINING WHETHER AN APPLICANT'S CONVICTION OF OR PLEA
21 OF GUILTY OR NOLO CONTENDERE TO AN OFFENSE DISQUALIFIES THE
22 APPLICANT FROM EMPLOYMENT WITH THE BEHAVIORAL HEALTH ENTITY.
23 THE STATE BOARD OF HUMAN SERVICES MAY DETERMINE WHICH OFFENSES
24 REQUIRE CONSIDERATION OF THESE FACTORS.

25 (g) TIMELINES FOR COMPLIANCE WITH BEHAVIORAL HEALTH
26 ENTITY STANDARDS THAT EXCEED THE STANDARDS UNDER WHICH A
27 BEHAVIORAL HEALTH ENTITY WAS PREVIOUSLY LICENSED OR APPROVED.

1 (2) IN APPROVING OR REJECTING AN ESSENTIAL BEHAVIORAL
2 HEALTH SAFETY NET PROVIDER FOR ELIGIBILITY FOR ENHANCED SERVICE
3 DELIVERY PAYMENT, THE COMMISSIONER SHALL:

4 (a) REQUIRE TRAINING ON AND PROVISION OF CULTURALLY
5 COMPETENT AND TRAUMA-INFORMED SERVICES;

6 (b) CONSIDER THE ADEQUACY AND QUALITY OF THE SERVICES
7 PROVIDED, TAKING INTO CONSIDERATION FACTORS SUCH AS GEOGRAPHIC
8 LOCATION, LOCAL COMMUNITY NEED, AND AVAILABILITY OF WORKFORCE;

9 (c) REQUIRE WRITTEN POLICIES AND PROCEDURES ON ADMITTING,
10 DISCHARGING, TRIAGING, AND DENYING SERVICES TO CLIENTS IN
11 ALIGNMENT WITH THE STANDARDS DETERMINED BY THE BHA PURSUANT
12 TO SECTIONS 27-50-302 AND 27-50-303;

13 (d) REQUIRE THAT OVERALL RESPONSIBILITY FOR THE
14 ADMINISTRATION OF AN ESSENTIAL BEHAVIORAL HEALTH SAFETY NET
15 PROVIDER BE VESTED IN A DIRECTOR WHO IS A PHYSICIAN OR A MEMBER OF
16 ONE OF THE LICENSED MENTAL HEALTH PROFESSIONS, UNLESS THE
17 PROVIDER IS ONLY PROVIDING RECOVERY SUPPORT SERVICES. IF THE
18 DIRECTOR IS NOT A LICENSED PHYSICIAN OR LICENSED MENTAL HEALTH
19 PROFESSIONAL, THE PROVIDER SHALL EMPLOY OR CONTRACT WITH AT
20 LEAST ONE LICENSED PHYSICIAN OR LICENSED MENTAL HEALTH
21 PROFESSIONAL TO ADVISE THE DIRECTOR ON CLINICAL DECISIONS.

22 (e) REQUIRE THAT ESSENTIAL BEHAVIORAL HEALTH SAFETY NET
23 PROVIDER STAFF INCLUDE, WHEREVER FEASIBLE AND APPROPRIATE IN THE
24 DISCRETION OF THE COMMISSIONER, MEDICAL STAFF ABLE TO PROVIDE
25 MEDICAL CLEARANCE ON SITE, AND OTHER PROFESSIONAL STAFF WORKERS
26 SUCH AS PSYCHOLOGISTS, SOCIAL WORKERS, EDUCATIONAL CONSULTANTS,
27 PEERS, COMMUNITY HEALTH WORKERS, AND NURSES, WITH SUCH

1 QUALIFICATIONS, RESPONSIBILITIES, AND EXPERIENCE THAT CORRESPONDS
2 WITH THE SIZE AND CAPACITY OF THE PROVIDER; AND

3 (f) REQUIRE THAT EACH ESSENTIAL BEHAVIORAL HEALTH SAFETY
4 NET PROVIDER FROM WHICH SERVICES MAY BE PURCHASED:

5 (I) BE UNDER THE CONTROL AND DIRECTION OF A COUNTY OR
6 LOCAL BOARD OF HEALTH, A BOARD OF DIRECTORS OR BOARD OF TRUSTEES
7 OF A CORPORATION, A FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATION, A
8 REGIONAL MENTAL HEALTH BOARD, OR A POLITICAL SUBDIVISION OF THE
9 STATE;

10 (II) BE FREE OF CONFLICTS OF INTEREST; AND

11 (III) ENTER INTO A CONTRACT DEVELOPED PURSUANT TO SECTION
12 27-50-203 AND ACCEPT PUBLICLY FUNDED CLIENTS.

13 (3) IN APPROVING OR REJECTING A COMPREHENSIVE COMMUNITY
14 BEHAVIORAL HEALTH PROVIDER FOR ELIGIBILITY FOR ENHANCED SERVICE
15 DELIVERY PAYMENT, THE COMMISSIONER SHALL ADHERE TO THE
16 STANDARDS FOR ESSENTIAL BEHAVIORAL HEALTH SAFETY NET PROVIDERS
17 ESTABLISHED IN SUBSECTION (2) OF THIS SECTION, AND THE
18 COMMISSIONER SHALL ALSO:

19 (a) REQUIRE THAT TREATMENT PROGRAMS OF THE
20 COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDER BE VESTED
21 IN A DIRECTOR WHO IS A PHYSICIAN OR A MEMBER OF ONE OF THE
22 LICENSED MENTAL HEALTH PROFESSIONS. THE DIRECTOR IS NOT REQUIRED
23 TO PROVIDE OVERSIGHT OR DIRECTION FOR RECOVERY SERVICES. IF THE
24 DIRECTOR IS NOT A PHYSICIAN OR LICENSED MENTAL HEALTH
25 PROFESSIONAL, THE PROVIDER SHALL CONTRACT WITH AT LEAST ONE
26 LICENSED PHYSICIAN OR LICENSED MENTAL HEALTH PROFESSIONAL TO
27 ADVISE THE DIRECTOR ON CLINICAL DECISIONS.

1 (b) CONSIDER WHETHER THE COMPREHENSIVE COMMUNITY
2 BEHAVIORAL HEALTH PROVIDER HAS HISTORICALLY SERVED MEDICALLY
3 NEEDY OR MEDICALLY INDIGENT PATIENTS AND DEMONSTRATES A
4 COMMITMENT TO SERVE LOW-INCOME AND MEDICALLY INDIGENT
5 POPULATIONS OR, IN THE CASE OF A SOLE COMMUNITY PROVIDER, SERVES
6 THE MEDICALLY INDIGENT PATIENTS WITHIN ITS MEDICAL CAPABILITY;

7 (c) REQUIRE THE COMPREHENSIVE COMMUNITY BEHAVIORAL
8 HEALTH PROVIDER TO WAIVE CHARGES OR CHARGE FOR SERVICES ON A
9 SLIDING SCALE BASED ON INCOME AND REQUIRE THAT THE PROVIDER NOT
10 RESTRICT ACCESS OR SERVICES BECAUSE OF AN INDIVIDUAL'S FINANCIAL
11 LIMITATIONS;

12 (d) REQUIRE THE COMPREHENSIVE COMMUNITY BEHAVIORAL
13 HEALTH PROVIDER TO SERVE PRIORITY POPULATIONS; [REDACTED]

14 (e) ENCOURAGE THE COMPREHENSIVE COMMUNITY BEHAVIORAL
15 HEALTH PROVIDER TO EMPHASIZE THE CARE AND TREATMENT OF
16 INDIVIDUALS RECENTLY RELEASED FROM INCARCERATION AND HOSPITALS
17 OR FACILITIES DIRECTED TOWARD ASSISTING INDIVIDUALS WITH
18 BEHAVIORAL OR MENTAL HEALTH DISORDERS IN THE INDIVIDUAL'S
19 ADJUSTMENT TO AND FUNCTIONING IN THE COMMUNITY;

20 [REDACTED]

21 (f) REQUIRE A PROCESS FOR TRACKING AND REPORTING DENIALS
22 OF CARE; AND

23 (g) REQUIRE THAT THE BOARD IN CONTROL AND DIRECTION OF THE
24 COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDER INCLUDE
25 VOTING MEMBERS THAT HAVE LIVED EXPERIENCE WITH MENTAL HEALTH
26 DISORDERS AND SUBSTANCE USE DISORDERS AND PARENTS OF CHILDREN
27 WITH MENTAL HEALTH DISORDERS AND SUBSTANCE USE DISORDERS.

1 (4) IN APPROVING OR REJECTING LOCAL GENERAL OR PSYCHIATRIC
2 HOSPITALS, NONTRADITIONAL FACILITIES, INNOVATIVE CARE MODELS, AND
3 OTHER BEHAVIORAL HEALTH FACILITIES OR PROGRAMS FOR THE PURCHASE
4 OR DESIGNATION OF SERVICES NOT PROVIDED BY ESSENTIAL OR
5 COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDERS, THE
6 COMMISSIONER SHALL CONSIDER THE FOLLOWING FACTORS:

7 (a) THE GENERAL QUALITY OF CARE PROVIDED TO PATIENTS BY
8 SUCH AGENCIES;

9 (b) THE ORGANIZATION OF THE MEDICAL STAFF TO PROVIDE FOR
10 THE INTEGRATION AND COORDINATION OF THE PSYCHIATRIC TREATMENT
11 PROGRAM;

12 (c) THE PROVISIONS FOR THE AVAILABILITY OF NURSING,
13 PSYCHOLOGICAL, AND SOCIAL SERVICES AND THE EXISTENCE OF AN
14 ORGANIZED PROGRAM OF ACTIVITIES UNDER THE DIRECTION OF AN
15 OCCUPATIONAL THERAPIST OR ANOTHER QUALIFIED PERSON;

16 (d) THE LICENSURE OF SUCH ENTITY BY THE DEPARTMENT OF
17 PUBLIC HEALTH AND ENVIRONMENT OR ANOTHER STATE AGENCY WHERE
18 APPLICABLE;

19 (e) THE METHODS BY WHICH THE AGENCY COORDINATES ITS
20 SERVICES WITH THOSE RENDERED BY OTHER AGENCIES TO ENSURE AN
21 UNINTERRUPTED CONTINUUM OF CARE TO INDIVIDUALS WITH BEHAVIORAL
22 OR MENTAL HEALTH DISORDERS; AND

23 (f) THE AVAILABILITY OF SUCH SERVICES TO THE GENERAL PUBLIC.

24 (5) IN APPROVING OR REJECTING BEHAVIORAL HEALTH SAFETY NET
25 PROVIDERS PURSUANT TO SUBSECTIONS (2) AND (3) OF THIS SECTION, OR
26 OTHER AGENCIES PURSUANT TO SUBSECTION (4) OF THIS SECTION, FOR THE
27 PURCHASE OF SERVICES, THE COMMISSIONER SHALL ENSURE THE

1 BEHAVIORAL HEALTH SAFETY NET PROVIDERS AND AGENCIES COMPLY
2 WITH FEDERAL FINANCIAL PARTICIPATION REQUIREMENTS FOR
3 DEPARTMENT-ADMINISTERED PROGRAMS.

4 (6) IN ADDITION TO THESE DUTIES, THE BHA MAY PROMULGATE
5 RULES RELATED TO ADDITIONAL COMPETENCIES RELATED TO SERVING
6 PRIORITY POPULATIONS. BEHAVIORAL HEALTH SAFETY NET PROVIDERS
7 APPROVED BY THE BHA AS DEMONSTRATING THESE ADDITIONAL
8 COMPETENCIES MAY BE ELIGIBLE FOR ENHANCED RATES. STATE AGENCIES
9 SHALL CONSIDER SUCH APPROVED STATUS IN DETERMINING PAYMENT
10 METHODOLOGIES FOR SERVICES PROVIDED.

11 **27-50-503. Licenses - application - inspection - issuance.**

12 (1) AN APPLICATION FOR A LICENSE TO OPERATE A BEHAVIORAL HEALTH
13 ENTITY MUST BE SUBMITTED TO THE BHA ANNUALLY IN THE FORM AND
14 MANNER PRESCRIBED BY THE BHA.

15 (2)(a) THE BHA SHALL INVESTIGATE AND REVIEW EACH ORIGINAL
16 APPLICATION AND EACH RENEWAL APPLICATION FOR A LICENSE TO
17 OPERATE A BEHAVIORAL HEALTH ENTITY. THE BHA SHALL DETERMINE AN
18 APPLICANT'S COMPLIANCE WITH THIS ARTICLE 50 AND THE RULES ADOPTED
19 PURSUANT TO SECTION 27-50-504 BEFORE THE BHA ISSUES A LICENSE.

20 (b) THE BHA SHALL INSPECT THE APPLICANT'S FACILITIES AS IT
21 DEEMS NECESSARY TO ENSURE THAT THE HEALTH, SAFETY, AND WELFARE
22 OF THE BEHAVIORAL HEALTH ENTITY'S CONSUMERS ARE PROTECTED. THE
23 BEHAVIORAL HEALTH ENTITY SHALL SUBMIT IN WRITING, IN A FORM
24 PRESCRIBED BY THE BHA, A PLAN DETAILING THE MEASURES THAT THE
25 BEHAVIORAL HEALTH ENTITY WILL TAKE TO CORRECT ANY VIOLATIONS
26 FOUND BY THE BHA AS A RESULT OF INSPECTIONS UNDERTAKEN
27 PURSUANT TO THIS SUBSECTION (2).

1 (3) THE BHA SHALL KEEP ALL HEALTH-CARE INFORMATION OR
2 DOCUMENTS OBTAINED DURING AN INSPECTION OR INVESTIGATION OF A
3 BEHAVIORAL HEALTH ENTITY PURSUANT TO SUBSECTION (2) OF THIS
4 SECTION CONFIDENTIAL. ANY SUCH RECORDS, INFORMATION, OR
5 DOCUMENTS OBTAINED ARE EXEMPT FROM DISCLOSURE PURSUANT TO
6 SECTIONS 24-72-204 AND 27-50-510.

7 (4) (a) WITH THE SUBMISSION OF AN APPLICATION FOR A LICENSE
8 TO OPERATE A BEHAVIORAL HEALTH ENTITY, OR WITHIN TEN DAYS AFTER
9 A CHANGE IN OWNERSHIP OR MANAGEMENT OF A BEHAVIORAL HEALTH
10 ENTITY, EACH OWNER AND MANAGER SHALL SUBMIT A COMPLETE SET OF
11 THE OWNER'S OR MANAGER'S FINGERPRINTS TO THE COLORADO BUREAU
12 OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
13 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
14 BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE
15 FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
16 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. EACH OWNER
17 AND EACH MANAGER SHALL PAY THE COLORADO BUREAU OF
18 INVESTIGATION THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED
19 CRIMINAL HISTORY RECORD CHECK. UPON COMPLETION OF THE CRIMINAL
20 HISTORY RECORD CHECK, THE COLORADO BUREAU OF INVESTIGATION
21 SHALL FORWARD THE RESULTS TO THE BHA. THE BHA MAY ACQUIRE A
22 NAME-BASED CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT WHO
23 HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY
24 RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE.

25 (b) THE BHA SHALL USE THE INFORMATION FROM THE CRIMINAL
26 HISTORY RECORD CHECKS PERFORMED PURSUANT TO SUBSECTION (4)(a)
27 OF THIS SECTION TO DETERMINE WHETHER THE PERSON APPLYING FOR

1 LICENSURE HAS BEEN CONVICTED OF A CRIME THAT INVOLVES CONDUCT
2 THAT THE BHA DETERMINES COULD POSE A RISK TO THE HEALTH, SAFETY,
3 OR WELFARE OF A BEHAVIORAL HEALTH ENTITY'S CONSUMERS. THE BHA
4 SHALL CONSIDER THAT PERSONS IN RECOVERY MAY HAVE A HISTORY OF
5 CRIMINAL JUSTICE INVOLVEMENT AND THAT CRIMINAL HISTORY DOES NOT
6 REQUIRE A DISMISSAL OF AN APPLICATION FOR A LICENSE. THE BHA
7 SHALL KEEP INFORMATION OBTAINED IN ACCORDANCE WITH THIS
8 SUBSECTION (4) CONFIDENTIAL.

9 (5) THE BHA SHALL NOT ISSUE A LICENSE TO OPERATE A
10 BEHAVIORAL HEALTH ENTITY IF THE OWNER OR MANAGER OF THE
11 BEHAVIORAL HEALTH ENTITY HAS BEEN CONVICTED OF A FELONY OR
12 MISDEMEANOR THAT INVOLVES CONDUCT THAT THE BHA DETERMINES
13 COULD POSE A RISK TO THE HEALTH, SAFETY, OR WELFARE OF THE
14 BEHAVIORAL HEALTH ENTITY'S CONSUMERS.

15 (6) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7) OF THIS
16 SECTION, THE BHA SHALL ISSUE OR RENEW A LICENSE TO OPERATE A
17 BEHAVIORAL HEALTH ENTITY WHEN IT IS SATISFIED THAT THE APPLICANT
18 OR LICENSEE IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN
19 THIS ARTICLE 50 AND THE RULES PROMULGATED PURSUANT TO THIS
20 ARTICLE 50. EXCEPT FOR PROVISIONAL LICENSES ISSUED IN ACCORDANCE
21 WITH SUBSECTION (7) OF THIS SECTION, A LICENSE ISSUED OR RENEWED
22 PURSUANT TO THIS SECTION EXPIRES ONE YEAR AFTER THE DATE OF
23 ISSUANCE OR RENEWAL.

24 (7) (a) THE BHA MAY ISSUE A PROVISIONAL LICENSE TO OPERATE
25 A BEHAVIORAL HEALTH ENTITY TO AN APPLICANT FOR THE PURPOSE OF
26 OPERATING A BEHAVIORAL HEALTH ENTITY FOR A PERIOD OF NINETY DAYS
27 IF THE APPLICANT IS TEMPORARILY UNABLE TO CONFORM TO ALL OF THE

1 MINIMUM STANDARDS REQUIRED PURSUANT TO THIS ARTICLE 50; EXCEPT
2 THAT THE BHA SHALL NOT ISSUE A PROVISIONAL LICENSE TO AN
3 APPLICANT IF THE OPERATION OF THE BEHAVIORAL HEALTH ENTITY WILL
4 ADVERSELY AFFECT THE HEALTH, SAFETY, OR WELFARE OF THE
5 BEHAVIORAL HEALTH ENTITY'S CONSUMERS.

6 (b) AS A CONDITION OF OBTAINING A PROVISIONAL LICENSE, THE
7 APPLICANT SHALL SHOW PROOF TO THE BHA THAT ATTEMPTS ARE BEING
8 MADE TO CONFORM AND COMPLY WITH THE APPLICABLE STANDARDS
9 REQUIRED PURSUANT TO THIS ARTICLE 50.

10 (c) THE BHA SHALL NOT GRANT A PROVISIONAL LICENSE PRIOR TO
11 THE COMPLETION OF A CRIMINAL HISTORY BACKGROUND CHECK IN
12 ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION AND A
13 DETERMINATION IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION.

14 (d) A SECOND PROVISIONAL LICENSE MAY BE ISSUED, FOR A LIKE
15 TERM AND FEE, TO EFFECT COMPLIANCE. NO FURTHER PROVISIONAL
16 LICENSES MAY BE ISSUED FOR THE CURRENT YEAR AFTER THE SECOND
17 ISSUANCE PURSUANT TO THIS SUBSECTION (7)(d).

18 **27-50-504. License fees - rules.** (1) (a) BY APRIL 30, 2023, THE
19 COMMISSIONER SHALL PROMULGATE RULES ESTABLISHING A SCHEDULE OF
20 FEES SUFFICIENT TO MEET THE DIRECT AND INDIRECT COSTS OF
21 ADMINISTRATION AND ENFORCEMENT OF THIS PART 5.

22 (b) THE BHA SHALL ASSESS AND COLLECT, FROM BEHAVIORAL
23 HEALTH ENTITIES SUBJECT TO LICENSURE PURSUANT TO SECTION
24 27-50-503, FEES IN ACCORDANCE WITH THE FEE SCHEDULE ESTABLISHED
25 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION.

26 (2) THE BHA SHALL TRANSMIT FEES COLLECTED PURSUANT TO
27 SUBSECTION (1) OF THIS SECTION TO THE STATE TREASURER, WHO SHALL

1 CREDIT THE MONEY TO THE BEHAVIORAL HEALTH LICENSING CASH FUND
2 CREATED PURSUANT TO SECTION 27-50-506.

3 (3) FEES COLLECTED PURSUANT TO SUBSECTION (1) OF THIS
4 SECTION MAY BE USED BY THE BHA TO PROVIDE TECHNICAL ASSISTANCE
5 AND EDUCATION TO BEHAVIORAL HEALTH ENTITIES RELATED TO
6 COMPLIANCE WITH COLORADO LAW, IN ADDITION TO REGULATORY AND
7 ADMINISTRATIVE FUNCTIONS. THE BHA MAY CONTRACT WITH PRIVATE
8 ENTITIES TO ASSIST THE BHA IN PROVIDING TECHNICAL ASSISTANCE AND
9 EDUCATION.

10 **27-50-505. License - denial - suspension - revocation.**

11 (1) WHEN AN APPLICATION FOR AN INITIAL LICENSE TO OPERATE A
12 BEHAVIORAL HEALTH ENTITY PURSUANT TO SECTION 27-50-503 HAS BEEN
13 DENIED BY THE BHA, THE BHA SHALL NOTIFY THE APPLICANT IN WRITING
14 OF THE DENIAL BY MAILING A NOTICE TO THE APPLICANT AT THE ADDRESS
15 SHOWN ON THE APPLICATION. ANY APPLICANT AGGRIEVED BY A DENIAL
16 MAY PURSUE A REVIEW AS PROVIDED IN ARTICLE 4 OF TITLE 24, AND THE
17 BHA SHALL FOLLOW THE PROVISIONS AND PROCEDURES SPECIFIED IN
18 ARTICLE 4 OF TITLE 24.

19 (2) THE BHA MAY SUSPEND, REVOKE, OR REFUSE TO RENEW THE
20 LICENSE OF ANY BEHAVIORAL HEALTH ENTITY THAT IS OUT OF
21 COMPLIANCE WITH THE REQUIREMENTS OF THIS PART 5 OR THE RULES
22 PROMULGATED PURSUANT TO THIS PART 5. SUSPENSION, REVOCATION, OR
23 REFUSAL MUST NOT OCCUR UNTIL AFTER A HEARING AND IN COMPLIANCE
24 WITH THE PROVISIONS AND PROCEDURES SPECIFIED IN ARTICLE 4 OF TITLE
25 24.

26 (3) THE BHA MAY IMPOSE INTERMEDIATE RESTRICTIONS OR
27 CONDITIONS ON A BEHAVIORAL HEALTH ENTITY THAT MAY INCLUDE AT

1 LEAST ONE OF THE FOLLOWING:

2 (a) RETAINING A CONSULTANT TO ADDRESS CORRECTIVE
3 MEASURES;

4 (b) MONITORING BY THE BHA FOR A SPECIFIC PERIOD;

5 (c) PROVIDING ADDITIONAL TRAINING TO EMPLOYEES, OWNERS, OR
6 OPERATORS OF THE BEHAVIORAL HEALTH ENTITY;

7 (d) COMPLYING WITH A DIRECTED WRITTEN PLAN TO CORRECT THE
8 VIOLATION; OR

9 (e) (I) PAYING A CIVIL FINE NOT TO EXCEED TWO THOUSAND
10 DOLLARS IN A CALENDAR YEAR.

11 (II) THE ASSESSMENT OF CIVIL FINES SHALL FOLLOW THE
12 PROCEDURES SET FORTH IN SECTION 26.5-5-323.

13 (4) IF THE BHA ASSESSES A CIVIL FINE PURSUANT TO SUBSECTION
14 (3)(e) OF THIS SECTION, THE BHA SHALL TRANSMIT THE MONEY TO THE
15 STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE GENERAL
16 FUND.

17 **27-50-506. Behavioral health licensing cash fund - creation.**

18 THE BEHAVIORAL HEALTH LICENSING CASH FUND, REFERRED TO IN THIS
19 SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND
20 CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SECTION
21 27-50-504 (2). THE MONEY IN THE FUND IS SUBJECT TO ANNUAL
22 APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
23 INDIRECT COSTS OF THE BHA IN PERFORMING ITS DUTIES PURSUANT TO
24 THIS PART 5. AT THE END OF ANY STATE FISCAL YEAR, ALL UNEXPENDED
25 AND UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND
26 MUST NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY
27 OTHER FUND.

1 **27-50-507. Employee and contracted service provider -**
2 **criminal history record check.** A BEHAVIORAL HEALTH ENTITY SHALL
3 REQUIRE AN APPLICANT SEEKING EMPLOYMENT WITH, OR SEEKING TO
4 CONTRACT TO PROVIDE SERVICES FOR, THE BEHAVIORAL HEALTH ENTITY
5 TO SUBMIT TO A CRIMINAL HISTORY RECORD CHECK BEFORE EMPLOYMENT
6 OR EXECUTION OF A CONTRACT. THE BEHAVIORAL HEALTH ENTITY SHALL
7 PAY THE COSTS OF THE CRIMINAL HISTORY RECORD CHECK. THE CRIMINAL
8 HISTORY RECORD CHECK MUST BE CONDUCTED NOT MORE THAN NINETY
9 DAYS BEFORE THE EMPLOYMENT OF OR CONTRACT WITH THE APPLICANT.

10 **27-50-508. Enforcement.** THE BHA IS RESPONSIBLE FOR THE
11 ENFORCEMENT OF THIS ARTICLE 50 AND THE RULES ADOPTED PURSUANT
12 TO THIS ARTICLE 50.

13 **27-50-509. Purchase of services by courts, counties,**
14 **municipalities, school districts, and other political subdivisions.** ANY
15 COUNTY, CITY AND COUNTY, MUNICIPALITY, SCHOOL DISTRICT, HEALTH
16 SERVICE DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE OR
17 ANY COUNTY, CITY AND COUNTY, DISTRICT, OR JUVENILE COURT MAY
18 ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH ANY COUNTY,
19 MUNICIPALITY, SCHOOL DISTRICT, HEALTH SERVICE DISTRICT, OR OTHER
20 POLITICAL SUBDIVISION OF THE STATE OR MAY ENTER INTO CONTRACTUAL
21 AGREEMENTS WITH ANY PROVIDER LICENSED BY THE BHA FOR THE
22 PURCHASE OF BEHAVIORAL HEALTH SERVICES. FOR THE PURCHASE OF
23 BEHAVIORAL HEALTH SERVICES BY COUNTIES OR CITIES AND COUNTIES AS
24 AUTHORIZED BY THIS SECTION, THE BOARD OF COUNTY COMMISSIONERS
25 OF ANY COUNTY OR THE CITY COUNCIL OF ANY CITY AND COUNTY MAY
26 LEVY A TAX NOT TO EXCEED TWO MILLS UPON REAL PROPERTY WITHIN THE
27 COUNTY OR CITY AND COUNTY IF THE BOARD FIRST SUBMITS THE QUESTION

1 OF THE LEVY TO A VOTE OF THE QUALIFIED ELECTORS AT A GENERAL
2 ELECTION AND RECEIVES THE ELECTORS' APPROVAL OF THE LEVY.

3 **27-50-510. Behavioral health entities - consumer information**
4 **- reporting - release - rules.** (1) EACH BEHAVIORAL HEALTH ENTITY
5 LICENSED, APPROVED, OR DESIGNATED PURSUANT TO THIS PART 5 SHALL
6 REPORT TO THE BHA ALL OF THE FOLLOWING OCCURRENCES:

7 (a) ANY OCCURRENCE THAT RESULTS IN THE DEATH OF A PATIENT
8 OR RESIDENT OF THE FACILITY AND IS REQUIRED TO BE REPORTED TO THE
9 CORONER PURSUANT TO SECTION 30-10-606, AS ARISING FROM AN
10 UNEXPLAINED CAUSE OR UNDER SUSPICIOUS CIRCUMSTANCES;

11 (b) ANY OCCURRENCE THAT RESULTS IN ANY OF THE FOLLOWING
12 SERIOUS INJURIES TO A PATIENT OR RESIDENT:

13 (I) BRAIN OR SPINAL CORD INJURIES;

14 (II) LIFE-THREATENING COMPLICATIONS OF ANESTHESIA OR
15 LIFE-THREATENING TRANSFUSION ERRORS OR REACTIONS; OR

16 (III) SECOND- OR THIRD-DEGREE BURNS INVOLVING TWENTY
17 PERCENT OR MORE OF THE BODY SURFACE AREA OF AN ADULT PATIENT OR
18 RESIDENT OR FIFTEEN PERCENT OR MORE OF THE BODY SURFACE AREA OF
19 A CHILD PATIENT OR RESIDENT;

20 (c) ANY OCCURRENCE WHEN A PATIENT OR RESIDENT OF THE
21 FACILITY CANNOT BE LOCATED FOLLOWING A SEARCH OF THE FACILITY,
22 THE FACILITY GROUNDS, AND THE AREA SURROUNDING THE FACILITY, AND:

23 (I) THERE ARE CIRCUMSTANCES THAT PLACE THE PATIENT'S OR
24 RESIDENT'S HEALTH, SAFETY, OR WELFARE AT RISK; OR

25 (II) THE PATIENT OR RESIDENT HAS BEEN MISSING FOR EIGHT
26 HOURS;

27 (d) ANY OCCURRENCE INVOLVING PHYSICAL, SEXUAL, OR VERBAL

1 ABUSE OF A PATIENT OR RESIDENT, AS DESCRIBED IN SECTION 18-3-202,
2 18-3-203, 18-3-204, 18-3-206, 18-3-402, 18-3-404, OR 18-3-405, BY
3 ANOTHER PATIENT OR RESIDENT, AN EMPLOYEE OF THE FACILITY, OR A
4 VISITOR TO THE FACILITY;

5 (e) ANY OCCURRENCE INVOLVING CARETAKER NEGLECT OF A
6 PATIENT OR RESIDENT, AS DEFINED IN SECTION 26-3.1-101 (2.3);

7 (f) ANY OCCURRENCE INVOLVING MISAPPROPRIATION OF A
8 PATIENT'S OR RESIDENT'S PROPERTY. AS USED IN THIS SUBSECTION (1)(f),
9 "MISAPPROPRIATION OF A PATIENT'S OR RESIDENT'S PROPERTY" MEANS A
10 PATTERN OF OR DELIBERATELY MISPLACING, EXPLOITING, OR
11 WRONGFULLY USING, EITHER TEMPORARILY OR PERMANENTLY, A
12 PATIENT'S OR RESIDENT'S BELONGINGS OR MONEY WITHOUT THE PATIENT'S
13 OR RESIDENT'S CONSENT.

14 (g) ANY OCCURRENCE IN WHICH DRUGS INTENDED FOR USE BY
15 PATIENTS OR RESIDENTS ARE DIVERTED TO USE BY OTHER PERSONS. IF THE
16 DIVERTED DRUGS ARE INJECTABLE, THE BEHAVIORAL HEALTH ENTITY
17 SHALL ALSO REPORT THE FULL NAME AND DATE OF BIRTH OF ANY
18 INDIVIDUAL WHO DIVERTED THE INJECTABLE DRUGS, IF KNOWN.

19 (h) ANY OCCURRENCE INVOLVING THE MALFUNCTION OR
20 INTENTIONAL OR ACCIDENTAL MISUSE OF PATIENT OR RESIDENT CARE
21 EQUIPMENT THAT OCCURS DURING TREATMENT OR DIAGNOSIS OF A
22 PATIENT OR RESIDENT AND THAT SIGNIFICANTLY ADVERSELY AFFECTS OR,
23 IF NOT AVERTED, WOULD HAVE SIGNIFICANTLY ADVERSELY AFFECTED A
24 PATIENT OR RESIDENT OF THE FACILITY.

25

26 (2) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE
27 RULES SPECIFYING THE MANNER, TIME PERIOD, AND FORM IN WHICH THE

1 REPORTS REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST
2 BE MADE.

3 (3) ANY REPORT SUBMITTED PURSUANT TO SUBSECTION (1) OF THIS
4 SECTION IS STRICTLY CONFIDENTIAL; EXCEPT THAT INFORMATION IN ANY
5 SUCH REPORT MAY BE TRANSMITTED TO AN APPROPRIATE REGULATORY
6 AGENCY HAVING JURISDICTION FOR DISCIPLINARY OR LICENSE SANCTIONS.
7 THE INFORMATION IN SUCH REPORTS SHALL NOT BE MADE PUBLIC UPON
8 SUBPOENA, SEARCH WARRANT, DISCOVERY PROCEEDINGS, OR OTHERWISE,
9 EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION.

10 (4) THE BHA SHALL INVESTIGATE EACH REPORT SUBMITTED
11 PURSUANT TO SUBSECTION (1) OF THIS SECTION THAT THE BHA
12 DETERMINES WAS APPROPRIATELY SUBMITTED. FOR EACH REPORT
13 INVESTIGATED, THE BHA SHALL PREPARE A SUMMARY OF ITS FINDINGS,
14 INCLUDING THE BHA'S CONCLUSIONS AND WHETHER THERE WAS A
15 VIOLATION OF LICENSING OR APPROVAL STANDARDS OR A DEFICIENCY AND
16 WHETHER THE FACILITY ACTED APPROPRIATELY IN RESPONSE TO THE
17 OCCURRENCE. IF THE INVESTIGATION IS NOT CONDUCTED ON SITE, THE
18 BHA SHALL SPECIFY IN THE SUMMARY HOW THE INVESTIGATION WAS
19 CONDUCTED. ANY INVESTIGATION CONDUCTED PURSUANT TO THIS
20 SUBSECTION (4) IS IN ADDITION TO AND NOT IN LIEU OF ANY INSPECTION
21 REQUIRED TO BE CONDUCTED PURSUANT TO SECTION 27-50-503 (2) WITH
22 REGARD TO LICENSING.

23 (5) (a) THE BHA SHALL MAKE THE FOLLOWING INFORMATION
24 AVAILABLE TO THE PUBLIC:

25 (I) ANY INVESTIGATION SUMMARIES PREPARED PURSUANT TO
26 SUBSECTION (4) OF THIS SECTION;

27 (II) ANY COMPLAINTS AGAINST A BEHAVIORAL HEALTH ENTITY

1 THAT HAVE BEEN FILED WITH THE BHA AND THAT THE BHA HAS
2 INVESTIGATED, INCLUDING THE CONCLUSIONS REACHED BY THE BHA AND
3 WHETHER THERE WAS A VIOLATION OF LICENSING OR APPROVAL
4 STANDARDS OR A DEFICIENCY AND WHETHER THE FACILITY ACTED
5 APPROPRIATELY IN RESPONSE TO THE SUBJECT OF THE COMPLAINT; AND

6 (III) A LISTING OF ANY DEFICIENCY CITATIONS ISSUED AGAINST
7 EACH BEHAVIORAL HEALTH ENTITY.

8 (b) THE INFORMATION RELEASED PURSUANT TO THIS SUBSECTION
9 (5) SHALL NOT IDENTIFY THE PATIENT OR RESIDENT OR THE HEALTH-CARE
10 PROFESSIONAL INVOLVED IN THE REPORT.

11 (6) PRIOR TO THE COMPLETION OF AN INVESTIGATION PURSUANT
12 TO THIS SECTION, THE BHA MAY RESPOND TO ANY INQUIRY REGARDING
13 A REPORT RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION BY
14 CONFIRMING THAT IT HAS RECEIVED SUCH REPORT AND THAT AN
15 INVESTIGATION IS PENDING.

16 (7) IN ADDITION TO THE REPORT TO THE BHA FOR AN OCCURRENCE
17 DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION, THE OCCURRENCE
18 MUST BE REPORTED TO A LAW ENFORCEMENT AGENCY.

19 PART 6
20 NETWORK STANDARDS

21 **27-50-601. Department of health care policy and financing -**
22 **behavioral health network standards.** (1) THE STATEWIDE MANAGED
23 CARE SYSTEM, CREATED PURSUANT TO PART 4 OF ARTICLE 5 OF TITLE 25.5
24 AND IMPLEMENTED BY THE DEPARTMENT OF HEALTH CARE POLICY AND
25 FINANCING, SHALL USE HEALTH FACILITIES LICENSED BY THE DEPARTMENT
26 OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO ARTICLE 1.5 OF TITLE
27 25 OR LICENSED BY THE BHA PURSUANT TO PART 5 OF THIS ARTICLE 50

1 AND INDIVIDUAL BEHAVIORAL HEALTH PRACTITIONERS LICENSED BY THE
2 DEPARTMENT OF REGULATORY AGENCIES AND FEDERALLY QUALIFIED
3 HEALTH CENTERS, AS DEFINED IN THE FEDERAL "SOCIAL SECURITY ACT",
4 42 U.S.C. SEC. 1395x (aa)(4), WHEN CREATING STATEWIDE OR REGIONAL
5 BEHAVIORAL HEALTH NETWORKS.

6 (2) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
7 SHALL ALIGN ALL COMMUNITY-BASED BEHAVIORAL HEALTH PROGRAMS
8 AND NETWORKS WITH THE BEHAVIORAL HEALTH CONTINUUM OF CARE,
9 BEHAVIORAL HEALTH SAFETY NET SERVICES, AND CARE COORDINATION
10 PROVIDER STANDARDS CREATED BY THE BHA PURSUANT TO PART 3 OF
11 THIS ARTICLE 50.

12 (3) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
13 SHALL REQUIRE THAT ALL BEHAVIORAL HEALTH PROVIDERS ENTER INTO
14 A CONTRACT DEVELOPED PURSUANT TO SECTION 27-50-203 WHEN
15 CONTRACTING FOR COMMUNITY-BASED BEHAVIORAL HEALTH SERVICES IN
16 THE STATE.

17 (4) THE BHA SHALL COLLABORATE WITH THE DEPARTMENT OF
18 HEALTH CARE POLICY AND FINANCING TO SUPPORT THE EARLY AND
19 PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT BENEFIT ACCESS AND
20 PROVIDER NETWORK.

21 **27-50-602. Division of insurance behavioral health network**
22 **standards.** THE COMMISSIONER OF THE DIVISION OF INSURANCE IN THE
23 DEPARTMENT OF REGULATORY AGENCIES, WHILE ASSESSING AND
24 STANDARDIZING PROVIDER NETWORKS IN THIS STATE PURSUANT TO
25 SECTION 10-1-108, SHALL ENSURE COMMUNITY-BASED BEHAVIORAL
26 HEALTH NETWORKS ALIGN WITH THE BEHAVIORAL HEALTH CONTINUUM OF
27 CARE, BEHAVIORAL HEALTH SAFETY NET SERVICES, AND CARE

1 COORDINATION PROVIDER STANDARDS CREATED BY THE BHA PURSUANT
2 TO PART 3 OF THIS ARTICLE 50.

3 **27-50-603. State agency behavioral health network and**
4 **program standards.** (1) ALL STATE AGENCIES ADMINISTERING
5 COMMUNITY-BASED BEHAVIORAL HEALTH PROGRAMS SHALL ENSURE THE
6 COMMUNITY-BASED BEHAVIORAL HEALTH PROGRAMS ALIGN WITH THE
7 BEHAVIORAL HEALTH CONTINUUM OF CARE, BEHAVIORAL HEALTH SAFETY
8 NET SERVICES, AND CARE COORDINATION PROVIDER STANDARDS CREATED
9 BY THE BHA PURSUANT TO PART 3 OF THIS ARTICLE 50.

10 (2) ALL STATE AGENCIES SHALL USE THE UNIVERSAL
11 CONTRACTING PROVISIONS DEVELOPED PURSUANT TO SECTION 27-50-203
12 WHEN CONTRACTING FOR COMMUNITY-BASED BEHAVIORAL HEALTH
13 SERVICES IN THE STATE.

14 PART 7

15 BEHAVIORAL HEALTH ADMINISTRATION

16 ADVISORY COUNCIL

17 **27-50-701. Behavioral health administration advisory council**
18 **- creation.** (1) THERE IS CREATED IN THE BEHAVIORAL HEALTH
19 ADMINISTRATION THE BEHAVIORAL HEALTH ADMINISTRATION ADVISORY
20 COUNCIL, REFERRED TO IN THIS PART 7 AS THE "ADVISORY COUNCIL", FOR
21 THE PURPOSE OF MAKING RECOMMENDATIONS TO THE COMMISSIONER AND
22 THE STATE BOARD OF HUMAN SERVICES TO IMPROVE THE BEHAVIORAL
23 HEALTH SYSTEM FOR CHILDREN, YOUTH, AND ADULTS THROUGHOUT
24 COLORADO.

25 (2) THE ADVISORY COUNCIL SHALL RECEIVE ROUTINE BRIEFINGS
26 FROM THE COMMISSIONER ON THE PROGRESS OF THE BHA AND
27 BEHAVIORAL HEALTH REFORM EFFORTS, INCLUDING UPDATES RELATED TO

1 PERFORMANCE DATA COLLECTED PURSUANT TO SECTION 27-50-201 AND
2 RELATED TO FORMAL AGREEMENTS AND COLLABORATIONS WITH STATE
3 AGENCIES PURSUANT TO THIS ARTICLE 50, AND MAY PROVIDE FEEDBACK
4 AS A METHOD TO ENSURE ACCOUNTABILITY AND TRANSPARENCY. OTHER
5 ADVISORY COUNCIL DUTIES INCLUDE:

6 (a) PROVIDING DIVERSE COMMUNITY INPUT ON CHALLENGES, GAPS,
7 AND POTENTIAL SOLUTIONS TO INFORM THE BHA'S VISION AND STRATEGIC
8 PLAN;

9 (b) ESTABLISHING WORKING GROUPS TO SUPPORT THE BHA IN
10 PROBLEM SOLVING AND DEVELOPING SOLUTIONS; ==

11 (c) ENSURING THERE IS PUBLIC ACCOUNTABILITY AND
12 TRANSPARENCY THROUGH REVIEWING THE BHA'S PUBLIC-FACING
13 TRANSPARENCY ACTIVITIES, INCLUDING THE PERFORMANCE DATA
14 COLLECTED PURSUANT TO SECTION 27-50-201; AND

15 (d) PREPARING AN ANNUAL REPORT OF RECOMMENDATIONS AND
16 SUBMITTING IT TO THE BHA BY SEPTEMBER 1 OF EACH YEAR; THE REPORT
17 SHALL BE INCLUDED IN THE BHA'S ANNUAL BEHAVIORAL HEALTH SYSTEM
18 PLAN PURSUANT TO SECTION 27-50-204 (1).

19 **27-50-702. Advisory council - membership.** (1) THE ADVISORY
20 COUNCIL MEMBERSHIP MUST BE REFLECTIVE OF THE DEMOGRAPHIC AND
21 GEOGRAPHIC POPULATIONS OF THIS STATE TO ENSURE ONGOING
22 STAKEHOLDER INPUT AND INVOLVEMENT.

23 (2) (a) THE ADVISORY COUNCIL CONSISTS OF NOT LESS THAN
24 FIFTEEN MEMBERS AND NOT MORE THAN TWENTY MEMBERS APPOINTED BY
25 THE COMMISSIONER FOR THREE-YEAR TERMS; EXCEPT THAT SOME OF THE
26 INITIAL TERMS MAY BE FOR TWO YEARS. IN ADDITION TO MAINTAINING A
27 MAJORITY OF MEMBERS WHO REPRESENT INDIVIDUALS WITH LIVED

1 BEHAVIORAL HEALTH EXPERIENCE OR FAMILIES OF INDIVIDUALS WITH
2 LIVED BEHAVIORAL HEALTH EXPERIENCE, THE COMMISSIONER SHALL
3 APPOINT AT LEAST ONE MEMBER THAT REPRESENTS:

4 (I) RURAL COMMUNITIES;

5 (II) EACH TRIBAL GOVERNMENT WITHIN COLORADO;

6 (III) COUNTY GOVERNMENTS;

7 (IV) PERSONS WITH DISABILITIES, AS DEFINED IN SECTION
8 24-34-301 (2.5), A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR
9 AN ADVOCACY ORGANIZATION FOR PERSONS WITH DISABILITIES;

10 (V) THE COLORADO STATE JUDICIAL BRANCH, IN CONSULTATION
11 WITH THE STATE COURT ADMINISTRATOR'S OFFICE;

12 (VI) BEHAVIORAL HEALTH SAFETY NET PROVIDERS; ==

13 (VII) PERSONS WITH EXPERTISE IN THE BEHAVIORAL HEALTH
14 NEEDS OF CHILDREN AND YOUTH; AND

15 (VIII) PERSONS WITH EXPERTISE IN CRIME VICTIMIZATION,
16 TRAUMA, OR ADVERSE CHILDHOOD EXPERIENCES AS THEY IMPACT THE
17 VICTIM'S LIFETIME.

18 (b) IN MAKING APPOINTMENTS TO THE ADVISORY COUNCIL, THE
19 COMMISSIONER SHALL CONSIDER INCLUDING MEMBERS THAT REPRESENT
20 THE RACIAL AND ETHNIC DIVERSITY OF THE STATE; THAT REPRESENT THE
21 LESBIAN, GAY, BISEXUAL, TRANSGENDER, OR QUEER OR QUESTIONING
22 COMMUNITY; THAT ARE INVOLVED IN THE CRIMINAL OR JUVENILE JUSTICE
23 SYSTEM; AND THAT REPRESENT OTHER POPULATIONS WITH HEALTH
24 DISPARITIES.

25 **27-50-703. Advisory council - regional subcommittees -**
26 **subcommittees - working groups. (1) THE BHA SHALL CREATE ONE**
27 **REGIONAL SUBCOMMITTEE OF THE ADVISORY COUNCIL FOR EACH**

1 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATION REGION
2 ESTABLISHED PURSUANT TO SECTION 27-50-401. REGIONAL
3 SUBCOMMITTEE MEMBERS ARE APPOINTED BY THE COMMISSIONER FOR
4 THREE-YEAR TERMS; EXCEPT THAT INITIAL TERMS MAY BE FOR TWO
5 YEARS. EACH REGIONAL SUBCOMMITTEE CONSISTS OF FIVE MEMBERS.
6 MEMBERSHIP OF THE REGIONAL SUBCOMMITTEES MUST INCLUDE:

7 (a) AT LEAST ONE INDIVIDUAL WITH EXPERTISE IN THE
8 BEHAVIORAL HEALTH NEEDS OF CHILDREN AND YOUTH;

9 (b) AT LEAST ONE INDIVIDUAL WHO REPRESENTS A BEHAVIORAL
10 HEALTH SAFETY NET PROVIDER THAT OPERATES WITHIN THE REGION; AND

11 (c) A COUNTY COMMISSIONER OF A COUNTY SITUATED WITHIN THE
12 REGION.

13 (2) THE BHA MAY CREATE COMMITTEES WITHIN THE ADVISORY
14 COUNCIL TO MEET OTHER STATE AND FEDERAL BOARD OR ADVISORY
15 COUNCIL REQUIREMENTS, WHICH MAY INCLUDE:

16 (a) THE BEHAVIORAL HEALTH PLANNING AND ADVISORY COUNCIL,
17 AUTHORIZED PURSUANT TO 42 U.S.C. SEC. 300x-3;

18 (b) THE MENTAL HEALTH ADVISORY BOARD FOR SERVICE
19 STANDARDS AND RULES CREATED PURSUANT TO SECTION 27-65-131; AND

20 (c) THE CHILD AND YOUTH MENTAL HEALTH SERVICES STANDARDS
21 ADVISORY BOARD CREATED PURSUANT TO SECTION 27-67-109.

22 (3) EACH COMMITTEE MEMBERSHIP SHALL MAINTAIN A MAJORITY
23 OF MEMBERS WHO REPRESENT INDIVIDUALS WITH LIVED BEHAVIORAL
24 HEALTH EXPERIENCE OR FAMILIES OF INDIVIDUALS WITH LIVED
25 BEHAVIORAL HEALTH EXPERIENCE.

26 (4) THE ADVISORY COUNCIL HAS THE AUTHORITY TO CREATE
27 ADVISORY COUNCIL WORKGROUPS FOCUSED ON TOPICS OF NEED AS

1 DETERMINED BY THE ADVISORY COUNCIL IN COLLABORATION WITH THE
2 BHA.

3 PART 8
4 MENTAL HEALTH PROGRAMS

5 **27-50-801. Veteran suicide prevention pilot program - rules -**
6 **report - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (a) "PILOT PROGRAM" MEANS THE VETERAN SUICIDE PREVENTION
9 PILOT PROGRAM DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

10 (b) "VETERAN" HAS THE SAME MEANING SET FORTH IN SECTION
11 28-5-100.3.

12 (2) (a) THE BEHAVIORAL HEALTH ADMINISTRATION SHALL
13 ESTABLISH A VETERAN SUICIDE PREVENTION PILOT PROGRAM TO REDUCE
14 THE SUICIDE RATE AND SUICIDAL IDEATION AMONG VETERANS BY
15 PROVIDING NO-COST, STIGMA-FREE, CONFIDENTIAL, AND EFFECTIVE
16 BEHAVIORAL HEALTH TREATMENT FOR VETERANS AND THEIR FAMILIES.

17 (b) THE BHA SHALL ESTABLISH THE PILOT PROGRAM TO PROVIDE
18 SERVICES FOR SEVEN HUNDRED VETERANS IN EL PASO COUNTY. SUBJECT
19 TO AVAILABLE APPROPRIATIONS, THE BHA MAY, AT ANY TIME, EXPAND
20 THE PILOT PROGRAM TO SERVE MORE THAN SEVEN HUNDRED VETERANS OR
21 TO OTHER AREAS OF THE STATE.

22 (3) (a) THE PILOT PROGRAM MUST:

23 (I) PROVIDE A SINGLE PHONE NUMBER OR OFFER ELECTRONIC
24 MEANS OF CONTACTING THE PILOT PROGRAM, INCLUDING E-MAIL OR AN
25 ELECTRONIC FORM ON THE PILOT PROGRAM'S WEBSITE, THAT A VETERAN
26 MAY USE TO CONTACT THE PILOT PROGRAM TO MAKE INQUIRIES ABOUT
27 AVAILABLE SERVICES AND SCHEDULE CONSULTATIONS AND TREATMENT

1 APPOINTMENTS;

2 (II) PROVIDE TREATMENT FOR CONDITIONS EXPERIENCED BY
3 VETERANS THAT MAY CONTRIBUTE TO SUICIDAL IDEATION, INCLUDING,
4 BUT NOT LIMITED TO, POST-TRAUMATIC STRESS DISORDER, DEPRESSION,
5 MILITARY SEXUAL TRAUMA, SUBSTANCE USE DISORDER, AND SYMPTOMS
6 OF TRAUMATIC BRAIN INJURY; AND

7 (III) DEVELOP AN INDIVIDUALIZED TREATMENT PLAN FOR EACH
8 VETERAN WHO IS RECEIVING TREATMENT.

9 (b) THE PILOT PROGRAM MAY ENTER INTO AGREEMENTS WITH
10 TREATMENT PROVIDERS IN THE PILOT PROGRAM AREA TO PROVIDE THE
11 SERVICES DESCRIBED IN SUBSECTIONS (3)(a)(II) AND (3)(a)(III) OF THIS
12 SECTION.

13 (4) THE BHA SHALL ADOPT RULES NECESSARY FOR THE
14 ADMINISTRATION OF THIS SECTION.

15 (5) THE BHA MAY ENTER INTO AN AGREEMENT WITH A NONPROFIT
16 OR EDUCATIONAL ORGANIZATION TO ADMINISTER THE PILOT PROGRAM.
17 THE NONPROFIT OR EDUCATIONAL ORGANIZATION MUST HAVE AT LEAST
18 FIVE YEARS' EXPERIENCE PROVIDING SERVICES DESCRIBED IN THIS SECTION
19 TO VETERANS AND SATISFY ANY ADDITIONAL QUALIFICATIONS
20 ESTABLISHED BY THE BHA. THE BHA SHALL ADOPT RULES TO ESTABLISH
21 ADDITIONAL QUALIFICATIONS FOR A NONPROFIT OR EDUCATIONAL
22 ORGANIZATION TO ENSURE EFFICIENT AND EFFECTIVE ADMINISTRATION OF
23 THE PILOT PROGRAM AND A PROCESS FOR SELECTING A NONPROFIT OR
24 EDUCATIONAL ORGANIZATION TO ADMINISTER THE PILOT PROGRAM.

25 (6) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE
26 PURSUANT TO SECTION 2-7-203, THE BHA SHALL INCLUDE INFORMATION
27 CONCERNING THE PILOT PROGRAM AND WHETHER ANY CHANGES SHOULD

1 BE MADE TO THE PILOT PROGRAM THAT WOULD INCREASE ITS
2 EFFECTIVENESS. IN ITS FINAL REPORT PRIOR TO THE REPEAL OF THIS
3 SECTION, THE BHA SHALL INCLUDE A RECOMMENDATION OF WHETHER
4 THE PILOT PROGRAM SHOULD BE CONTINUED.

5 (7) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2025.

6 **SECTION 2.** In Colorado Revised Statutes, **add with amended**
7 **and relocated provisions** part 14 to article 20.5 of title 25 as follows:

8 PART 14

9 COMMUNITY PREVENTION AND
10 EARLY INTERVENTION PROGRAMS

11 **25-20.5-1401. Transfer of functions - employees - property -**
12 **records.** (1) AS OF JULY 1, 2022, THE DEPARTMENT OF PUBLIC HEALTH
13 AND ENVIRONMENT SHALL EXECUTE, ADMINISTER, PERFORM, AND
14 ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS OF
15 THE COMMUNITY PREVENTION AND EARLY INTERVENTION PROGRAMS
16 AUTHORIZED PURSUANT TO SECTIONS 27-80-103 (2)(d), 27-80-106,
17 27-80-117, AND 27-80-124 PREVIOUSLY ADMINISTERED BY THE
18 DEPARTMENT OF HUMAN SERVICES.

19 (2) (a) AS OF JULY 1, 2022, ALL EMPLOYEES OF THE DEPARTMENT
20 OF HUMAN SERVICES WHOSE DUTIES AND FUNCTIONS CONCERNED THE
21 DUTIES AND FUNCTIONS ASSUMED BY THE DEPARTMENT OF PUBLIC HEALTH
22 AND ENVIRONMENT PURSUANT TO THIS SECTION, AND WHOSE
23 EMPLOYMENT IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
24 IS DEEMED NECESSARY TO CARRY OUT THE PURPOSES OF THE COMMUNITY
25 PREVENTION AND EARLY INTERVENTION PROGRAMS FOR THE
26 DEPARTMENT, ARE TRANSFERRED TO THE DEPARTMENT OF PUBLIC HEALTH
27 AND ENVIRONMENT AND BECOME EMPLOYEES OF THE DEPARTMENT OF

1 PUBLIC HEALTH AND ENVIRONMENT.

2 (b) ANY EMPLOYEES TRANSFERRED TO THE DEPARTMENT OF
3 PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO THIS SECTION WHO ARE
4 CLASSIFIED EMPLOYEES IN THE STATE PERSONNEL SYSTEM RETAIN ALL
5 RIGHTS TO THE PERSONNEL SYSTEM AND RETIREMENT BENEFITS PURSUANT
6 TO THE LAWS OF THIS STATE, AND THEIR SERVICE IS DEEMED TO HAVE
7 BEEN CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS
8 IN THE STATE PERSONNEL SYSTEM MUST BE MADE AND PROCESSED IN
9 ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND RULES.

10 (3) AS OF JULY 1, 2022, ALL ITEMS OF PROPERTY, REAL AND
11 PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,
12 DOCUMENTS, AND RECORDS OF THE DEPARTMENT OF HUMAN SERVICES
13 PERTAINING TO THE DUTIES AND FUNCTIONS TRANSFERRED PURSUANT TO
14 THIS SECTION ARE TRANSFERRED TO THE DEPARTMENT OF PUBLIC HEALTH
15 AND ENVIRONMENT AND SHALL BECOME THE PROPERTY OF THE
16 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

17 (4) AS OF JULY 1, 2022, WHENEVER THE DEPARTMENT OF HUMAN
18 SERVICES OR DEPARTMENT IS REFERRED TO OR DESIGNATED BY ANY
19 CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE DUTIES AND
20 FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF PUBLIC HEALTH AND
21 ENVIRONMENT, SUCH REFERENCE OR DESIGNATION IS DEEMED TO APPLY
22 TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. ALL
23 CONTRACTS ENTERED INTO BY THE DEPARTMENTS PRIOR TO JULY 1, 2022,
24 IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE
25 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ARE HEREBY
26 VALIDATED, WITH THE DEPARTMENT OF PUBLIC HEALTH AND
27 ENVIRONMENT SUCCEEDING TO ALL RIGHTS AND OBLIGATIONS UNDER

1 SUCH CONTRACTS. AS OF JULY 1, 2022, ANY CASH FUNDS, CUSTODIAL
2 FUNDS, TRUSTS, GRANTS, AND APPROPRIATIONS OF FUNDS FROM PRIOR
3 STATE FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED UNDER
4 SUCH CONTRACTS ARE TRANSFERRED AND APPROPRIATED TO THE
5 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE PAYMENT
6 OF SUCH OBLIGATIONS.

7 (5) ON AND AFTER JULY 1, 2022, UNLESS OTHERWISE SPECIFIED,
8 WHENEVER ANY PROVISION OF LAW REFERS TO THE DEPARTMENT OF
9 HUMAN SERVICES IN CONNECTION WITH THE DUTIES AND FUNCTIONS
10 TRANSFERRED TO THE DEPARTMENT OF PUBLIC HEALTH AND
11 ENVIRONMENT, SUCH LAW MUST BE CONSTRUED AS REFERRING TO THE
12 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

13 (6) AS OF JULY 1, 2022, ALL RULES AND ORDERS OF THE
14 DEPARTMENT OF HUMAN SERVICES ADOPTED IN CONNECTION WITH THE
15 POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF
16 PUBLIC HEALTH AND ENVIRONMENT SHALL CONTINUE TO BE EFFECTIVE
17 UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW.

18 **25-20.5-1402. [Formerly 27-80-124] Colorado substance use**
19 **disorders prevention collaborative - created - mission -**
20 **administration - report - repeal.** (1) ~~The office of behavioral health~~
21 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT shall convene and
22 administer a Colorado substance use disorders prevention collaborative
23 with institutions of higher education, nonprofit agencies, and state
24 agencies, referred to in this section as the "collaborative", for the purpose
25 of gathering feedback from local public health agencies, institutions of
26 higher education, nonprofit agencies, and state agencies concerning
27 evidence-based prevention practices to fulfill the mission stated in

1 subsection (2) of this section.

2 (2) The mission of the collaborative is to:

3 (a) Coordinate with and assist state agencies and communities to
4 strengthen Colorado's prevention infrastructure and to implement a
5 statewide strategic plan for primary prevention of substance use disorders
6 for state fiscal years 2021-22 through 2024-25;

7 (b) Advance the use of tested and effective prevention programs
8 and practices through education, outreach, advocacy, and technical
9 assistance, with an emphasis on addressing the needs of underserved
10 populations and communities;

11 (c) Direct efforts to raise public awareness of the cost savings of
12 prevention measures;

13 (d) Provide direct training and technical assistance to communities
14 regarding selection, implementation, and sustainment of tested and
15 effective primary prevention programs;

16 (e) Pursue local and state policy changes that enhance the use of
17 tested and effective primary prevention programs;

18 (f) Advise state agencies and communities regarding new and
19 innovative primary prevention programs and practices;

20 (g) Support funding efforts in order to align funding and services
21 and communicate with communities about funding strategies;

22 (h) Work with key state and community stakeholders to establish
23 a minimum standard for primary prevention programs in Colorado; and

24 (i) Work with prevention specialists and existing training agencies
25 to provide and support training to strengthen Colorado's prevention
26 workforce.

27 (3) ~~The office of behavioral health~~ DEPARTMENT OF PUBLIC

- 1 HEALTH AND ENVIRONMENT and the collaborative shall:
- 2 (a) Establish community-based prevention coalitions and delivery
3 systems to reduce substance misuse;
- 4 (b) Implement effective primary prevention programs in Colorado
5 communities with the goal of increasing the number of programs to reach
6 those in need statewide; and
- 7 (c) Coordinate with designated state agencies and other
8 organizations to provide prevention science training to systemize, update,
9 expand, and strengthen prevention certification training and provide
10 continuing education to prevention specialists.
- 11 (4) In order to implement and provide sustainability to the
12 collaborative, for state fiscal years 2021-22 through 2024-25, the general
13 assembly shall appropriate money from the marijuana tax cash fund
14 created in section 39-28.8-501 (1) to the ~~office of behavioral health~~
15 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT to accomplish the
16 mission of the collaborative.
- 17 (5) ~~The office of behavioral health~~ DEPARTMENT OF PUBLIC
18 HEALTH AND ENVIRONMENT shall report its progress to the general
19 assembly on or before September 1, 2022, and each September 1 through
20 September 1, 2025.
- 21 (6) This section is repealed, effective September 30, 2025.

22 **SECTION 3.** In Colorado Revised Statutes, 2-7-202, **amend** (1)
23 and (5)(a); and **add** (1.5) as follows:

24 **2-7-202. Definitions.** As used in this part 2, unless the context
25 otherwise requires:

26 (1) "~~Colorado commission on criminal and juvenile justice~~" means
27 ~~the Colorado commission on criminal and juvenile justice created in~~

1 ~~section 16-11.3-102, C.R.S.~~ "BEHAVIORAL HEALTH ADMINISTRATION"
2 MEANS THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN
3 SECTION 27-50-102.

4 (1.5) "COLORADO COMMISSION ON CRIMINAL AND JUVENILE
5 JUSTICE" MEANS THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE
6 JUSTICE CREATED IN SECTION 16-11.3-102.

7 (5) (a) "Department" means the judicial department, the office of
8 state public defender, the office of alternate defense counsel, the office
9 of the child's representative, the office of the child protection
10 ombudsman, the public employees' retirement association, the Colorado
11 energy office, the office of economic development, THE BEHAVIORAL
12 HEALTH ADMINISTRATION, and the principal departments of the executive
13 branch of state government as specified in section 24-1-110, ~~C.R.S.~~,
14 including any division, office, agency, or other unit created within a
15 principal department.

16 **SECTION 4.** In Colorado Revised Statutes, 10-16-104, **amend**
17 (5.5)(a)(I)(B) as follows:

18 **10-16-104. Mandatory coverage provisions - definitions -**
19 **rules. (5.5) Behavioral, mental health, and substance use disorders**
20 **- rules. (a) (I)** Every health benefit plan subject to part 2, 3, or 4 of this
21 article 16, except those described in section 10-16-102 (32)(b), must
22 provide coverage:

23 (B) At a minimum, for the treatment of substance use disorders in
24 accordance with the American Society of Addiction Medicine criteria for
25 placement, medical necessity, and utilization management determinations
26 as set forth in the most recent edition of "The ASAM Criteria for
27 Addictive, Substance-related, and Co-occurring Conditions"; except that

1 the commissioner may identify by rule, in consultation with the
2 department of health care policy and financing and the ~~office of~~
3 behavioral health ADMINISTRATION in the department of human services,
4 an alternate nationally recognized and evidence-based
5 substance-use-disorder-specific criteria for placement, medical necessity,
6 or utilization management, if American Society of Addiction Medicine
7 criteria are no longer available, relevant, or do not follow best practices
8 for substance use disorder treatment.

9 **SECTION 5.** In Colorado Revised Statutes, 12-245-203.5,
10 **amend** (1), (2), (3), (4), and (7); and **repeal** (8) as follows:

11 **12-245-203.5. Minors - consent for outpatient psychotherapy**
12 **services - immunity - definition.** (1) As used in this section, unless the
13 context otherwise requires, "mental health professional" includes a
14 professional person as defined in section 27-65-102; (17); a mental health
15 professional licensed pursuant to part 3, 4, 5, 6, or 8 of this article 245; a
16 licensed professional counselor candidate; a psychologist candidate; ~~or a~~
17 ~~school social worker licensed by the department of education~~ A CLINICAL
18 SOCIAL WORKER CANDIDATE; A MARRIAGE AND FAMILY THERAPIST
19 CANDIDATE; OR AN ADDICTION COUNSELOR CANDIDATE.

20 (2) (a) Notwithstanding any other provision of law, a mental
21 health professional ~~described in subsection (1) of this section~~ may provide
22 psychotherapy services, as defined in section 12-245-202 (14)(a), to a
23 minor who is twelve years of age or older, ~~with or~~ without the consent of
24 the minor's parent or legal guardian, if the mental health professional
25 determines that:

26 (a) (I) The minor is knowingly and voluntarily seeking such
27 services; and

1 (b) (II) The provision of psychotherapy services is clinically
2 indicated and necessary to the minor's well-being.

3 (b) A MINOR MAY NOT REFUSE PSYCHOTHERAPY SERVICES WHEN
4 A MENTAL HEALTH PROFESSIONAL AND THE MINOR'S PARENT OR LEGAL
5 GUARDIAN AGREE PSYCHOTHERAPY SERVICES ARE IN THE BEST INTEREST
6 OF THE MINOR.

7 (3) IF A MINOR VOLUNTARILY SEEKS PSYCHOTHERAPY SERVICES ON
8 THE MINOR'S OWN BEHALF PURSUANT TO SUBSECTION (2)(a) OF THIS
9 SECTION:

10 (a) The mental health professional may notify the minor's parent
11 or legal guardian of the psychotherapy services given or needed, with the
12 minor's consent, unless notifying the parent or legal guardian would be
13 inappropriate or detrimental to the minor's care and treatment;

14 (b) The mental health professional shall engage the minor in a
15 discussion about the importance of involving and notifying the minor's
16 parent or legal guardian and shall encourage such notification to help
17 support the minor's care and treatment; AND

18 (c) Notwithstanding the provisions of subsection (3)(a) of this
19 section, a mental health professional may notify the minor's parent or
20 legal guardian of the psychotherapy services given or needed, without the
21 minor's consent, if, in the professional opinion of the mental health
22 professional, the minor is unable to manage the minor's care or treatment.

23 (4) A mental health professional ~~described in subsection (1) of~~
24 ~~this section~~ shall fully document when the mental health professional
25 attempts to contact or notify the minor's parent or legal guardian, and
26 whether the attempt was successful or unsuccessful, or the reason why,
27 in the mental health professional's opinion, it would be inappropriate to

1 contact or notify the minor's parent or legal guardian. If A MINOR SEEKS
2 PSYCHOTHERAPY SERVICES ON THE MINOR'S OWN BEHALF PURSUANT TO
3 SUBSECTION (2)(a) OF THIS SECTION, documentation must be included in
4 the minor's clinical record, along with a written statement signed by the
5 minor indicating that the minor is voluntarily seeking psychotherapy
6 services.

7 (7) If a minor who is receiving psychotherapy services pursuant
8 to this section communicates ~~a clear and imminent intent or threat to~~
9 ~~inflict serious bodily harm on themselves or others~~ A SERIOUS THREAT OF
10 IMMINENT PHYSICAL VIOLENCE AGAINST A SPECIFIC PERSON OR PERSONS,
11 INCLUDING A PERSON WHO IS IDENTIFIABLE BY THE PERSON'S ASSOCIATION
12 WITH A SPECIFIC LOCATION OR ENTITY, the mental health professional
13 ~~described in subsection (1) of this section~~ is subject to the notification
14 provisions of section 13-21-117 (2) AND SHALL NOTIFY THE MINOR'S
15 PARENT OR LEGAL GUARDIAN UNLESS NOTIFYING THE PARENT OR LEGAL
16 GUARDIAN WOULD BE INAPPROPRIATE OR DETRIMENTAL TO THE MINOR'S
17 CARE AND TREATMENT.

18 (8) ~~If a minor who is receiving psychotherapy services pursuant~~
19 ~~to subsections (2) and (3) of this section communicates an intent to~~
20 ~~commit suicide, the mental health professional described in subsection (1)~~
21 ~~of this section shall notify the minor's parent or legal guardian of such~~
22 ~~suicidal ideation.~~

23 **SECTION 6.** In Colorado Revised Statutes, 12-245-216, **amend**
24 (4)(d) as follows:

25 **12-245-216. Mandatory disclosure of information to clients.**

26 (4) The disclosure of information required by subsection (1) of this
27 section is not required when psychotherapy is being administered in any

1 of the following circumstances:

2 (d) The client is in the physical custody of ~~either~~ the department
3 of corrections, ~~or~~ the department of human services, OR THE BEHAVIORAL
4 HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES, and
5 such department OR ADMINISTRATION has developed an alternative
6 program to provide similar information to the client and the program has
7 been established through rule;

8 **SECTION 7.** In Colorado Revised Statutes, 12-245-217, **amend**
9 (2) introductory portion and (2)(b) as follows:

10 **12-245-217. Scope of article - exemptions.** (2) The provisions
11 of this article 245 ~~shall~~ DO not apply to:

12 (b) Employees of the ~~state~~ department of human services OR THE
13 BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN
14 SERVICES; employees of county departments of human or social services;
15 or personnel under the direct supervision and control of the state
16 department of human services, THE BEHAVIORAL HEALTH
17 ADMINISTRATION, or any county department of human or social services
18 for work undertaken as part of their employment;

19 **SECTION 8.** In Colorado Revised Statutes, **amend** 12-245-409
20 as follows:

21 **12-245-409. Employees of social services.** (1) Notwithstanding
22 the exemption in section 12-245-217 (2)(b), an employee of the ~~state~~
23 department of human services OR THE BEHAVIORAL HEALTH
24 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES, AN employee
25 of a county department of human or social services, or personnel under
26 the direct control or supervision of those departments OR
27 ADMINISTRATION shall not state that ~~he or she~~ THE PERSON is engaged in

1 the practice of social work as a social worker or refer to himself or herself
2 THE PERSON'S SELF as a social worker unless the person is licensed
3 pursuant to this part 4 or has completed an earned social work degree, as
4 specified in section 12-245-401 (9).

5 (2) Notwithstanding the exemption in section 12-245-217 (2)(b),
6 any employee licensed pursuant to this article 245 who is terminated from
7 employment by the ~~state~~ department of human services, THE BEHAVIORAL
8 HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES, or a
9 county department of human or social services is subject to review and
10 disciplinary action by the board that licenses or regulates the employee.

11 (3) An employee of the ~~state~~ department of human services, THE
12 BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN
13 SERVICES, or a county department of human or social services who has
14 completed a bachelor's or master's degree in social work may apply to the
15 board, for purposes related to licensure under this part 4, for approval for
16 supervision by a person other than a licensed clinical social worker. The
17 board shall consider input from representatives of the ~~state~~ department of
18 human services, THE BEHAVIORAL HEALTH ADMINISTRATION IN THE
19 DEPARTMENT OF HUMAN SERVICES, and the county departments of human
20 or social services when promulgating the rule concerning what
21 qualifications or experience a person is required to possess in order to
22 supervise an employee pursuant to this subsection (3).

23 **SECTION 9.** In Colorado Revised Statutes, 13-5-142, **amend**
24 (1)(b) and (3)(b)(II) as follows:

25 **13-5-142. National instant criminal background check system**
26 **- reporting.** (1) On and after March 20, 2013, the state court
27 administrator shall send electronically the following information to the

1 Colorado bureau of investigation created pursuant to section 24-33.5-401,
2 referred to in this section as the "bureau":

3 (b) The name of each person who has been committed by order of
4 the court to the custody of the ~~office of~~ behavioral health
5 ADMINISTRATION in the department of human services pursuant to section
6 27-81-112; and

7 (3) The state court administrator shall take all necessary steps to
8 cancel a record made by the state court administrator in the national
9 instant criminal background check system if:

10 (b) No less than three years before the date of the written request:

11 (II) The period of certification or commitment of the most recent
12 order of certification, commitment, recertification, or recommitment
13 expired, or a court entered an order terminating the person's incapacity or
14 discharging the person from certification or commitment in the nature of
15 habeas corpus, if the record in the national instant criminal background
16 check system is based on an order of certification or commitment to the
17 custody of the ~~office of~~ behavioral health ADMINISTRATION in the
18 department of human services; except that the state court administrator
19 shall not cancel any record pertaining to a person with respect to whom
20 two recommitment orders have been entered pursuant to section
21 27-81-112 (7) and (8), or who was discharged from treatment pursuant to
22 section 27-81-112 (11) on the grounds that further treatment is not likely
23 to bring about significant improvement in the person's condition; or

24 **SECTION 10.** In Colorado Revised Statutes, 13-5-142.5, **amend**
25 (2)(a)(II) as follows:

26 **13-5-142.5. National instant criminal background check**
27 **system - judicial process for awarding relief from federal**

1 **prohibitions - legislative declaration. (2) Eligibility.** A person may
2 petition for relief pursuant to this section if:

3 (a) (II) ~~He or she~~ THE PERSON has been committed by order of the
4 court to the custody of the ~~office of~~ behavioral health ADMINISTRATION
5 in the department of human services pursuant to section 27-81-112; or

6 **SECTION 11.** In Colorado Revised Statutes, 13-9-123, **amend**
7 (1)(b) and (3)(b)(II) as follows:

8 **13-9-123. National instant criminal background check system**
9 **- reporting.** (1) On and after March 20, 2013, the state court
10 administrator shall send electronically the following information to the
11 Colorado bureau of investigation created pursuant to section 24-33.5-401,
12 referred to in this section as the "bureau":

13 (b) The name of each person who has been committed by order of
14 the court to the custody of the ~~office of~~ behavioral health
15 ADMINISTRATION in the department of human services pursuant to section
16 27-81-112; and

17 (3) The state court administrator shall take all necessary steps to
18 cancel a record made by the state court administrator in the national
19 instant criminal background check system if:

20 (b) No less than three years before the date of the written request:

21 (II) The period of certification or commitment of the most recent
22 order of certification, commitment, recertification, or recommitment
23 expired, or the court entered an order terminating the person's incapacity
24 or discharging the person from certification or commitment in the nature
25 of habeas corpus, if the record in the national instant criminal background
26 check system is based on an order of certification or commitment to the
27 custody of the ~~office of~~ behavioral health ADMINISTRATION in the

1 department of human services; except that the state court administrator
2 shall not cancel any record pertaining to a person with respect to whom
3 two recommitment orders have been entered pursuant to section
4 27-81-112 (7) and (8), or who was discharged from treatment pursuant to
5 section 27-81-112 (11), on the grounds that further treatment is not likely
6 to bring about significant improvement in the person's condition; or

7 **SECTION 12.** In Colorado Revised Statutes, 13-9-124, **amend**
8 (2)(a)(II) as follows:

9 **13-9-124. National instant criminal background check system**
10 **- judicial process for awarding relief from federal prohibitions -**
11 **legislative declaration. (2) Eligibility.** A person may petition for relief
12 pursuant to this section if:

13 (a) (II) ~~He or she~~ THE PERSON has been committed by order of the
14 court to the custody of the ~~office of~~ behavioral health ADMINISTRATION
15 in the department of human services pursuant to section 27-81-112; or

16 **SECTION 13.** In Colorado Revised Statutes, 13-20-401, **amend**
17 (2) as follows:

18 **13-20-401. Definitions.** As used in this part 4, unless the context
19 otherwise requires:

20 (2) "Patient" means the person upon whom a proposed
21 electroconvulsive treatment is to be performed; except that nothing in this
22 part 4 supersedes the provisions of article 65 of title 27 or any rule
23 adopted by the BEHAVIORAL HEALTH ADMINISTRATION IN THE department
24 of human services pursuant to section 27-65-116 (2) with regard to the
25 care and treatment of any person unable to exercise written informed
26 consent or of a person with a mental health disorder.

27 **SECTION 14.** In Colorado Revised Statutes, 16-8.5-111, **amend**

1 (2)(b)(II)(B) as follows:

2 **16-8.5-111. Procedure after determination of competency or**
3 **incompetency.** (2) If the final determination made pursuant to section
4 16-8.5-103 is that the defendant is incompetent to proceed, the court has
5 the following options:

6 (b) (II) (B) As a condition of bond, the court shall order that the
7 restoration take place on an outpatient basis. Pursuant to section
8 27-60-105, ~~the department through the office of~~ THE behavioral health
9 ADMINISTRATION IN THE DEPARTMENT is the entity responsible for the
10 oversight of restoration education and coordination of all competency
11 restoration services. As a condition of release for outpatient restoration
12 services, the court may require pretrial services, if available, to work with
13 ~~the department~~ BEHAVIORAL HEALTH ADMINISTRATION and the restoration
14 services provider under contract with the ~~department~~ BEHAVIORAL
15 HEALTH ADMINISTRATION to assist in securing appropriate support and
16 care management services, which may include housing resources. The
17 individual agency responsible for providing outpatient restoration
18 services for the defendant shall notify the court or other designated
19 agency within twenty-one days if restoration services have not
20 commenced.

21 **SECTION 15.** In Colorado Revised Statutes, 16-11.9-102,
22 **amend** (1) introductory portion and (2) introductory portion as follows:

23 **16-11.9-102. Screening for behavioral or mental health**
24 **disorders - standardized process - development.** (1) The director of the
25 division of criminal justice ~~within~~ IN the department of public safety is
26 responsible for ensuring that the head of the department of psychiatry at
27 the university of Colorado health sciences center, the judicial department,

1 the department of corrections, the state board of parole, the division of
2 criminal justice ~~within~~ IN the department of public safety, THE
3 BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN
4 SERVICES, and the ~~office of behavioral health~~ UNITS RESPONSIBLE FOR THE
5 MENTAL HEALTH INSTITUTES AND FORENSIC SERVICES in the department
6 of human services meet and cooperate to develop a standardized
7 screening procedure for the assessment of behavioral or mental health
8 disorders in persons who are involved in the adult criminal justice system.
9 The standardized screening procedure must include, but is not limited to:

10 (2) In conjunction with the development of a standardized
11 behavioral or mental health disorder screening procedure for the adult
12 criminal justice system as specified in subsection (1) of this section, the
13 judicial department, the division of youth services ~~within~~ IN the
14 department of human services, the unit responsible for child welfare
15 services ~~within~~ IN the department of human services, the ~~office of~~
16 behavioral health ADMINISTRATION in the department of human services,
17 THE UNITS RESPONSIBLE FOR THE MENTAL HEALTH INSTITUTES AND
18 FORENSIC SERVICES IN THE DEPARTMENT OF HUMAN SERVICES, the
19 division of criminal justice ~~within~~ IN the department of public safety, and
20 the department of corrections shall cooperate to develop a standardized
21 screening procedure for the assessment of behavioral or mental health
22 disorders in juveniles who are involved in the juvenile justice system. The
23 standardized screening procedure must include, but is not limited to:

24 **SECTION 16.** In Colorado Revised Statutes, **amend** 16-11.9-105
25 as follows:

26 **16-11.9-105. Periodic review.** On or before October 1, 2004, and
27 on or before October 1 every two years thereafter, the judicial department,

1 the department of corrections, the state board of parole, the division of
2 criminal justice ~~within~~ IN the department of public safety, and the
3 BEHAVIORAL HEALTH ADMINISTRATION IN THE department of human
4 services shall jointly review the implementation of the standardized
5 procedures and the use of the standardized screening instruments
6 developed pursuant to this ~~article~~ ARTICLE 11.9.

7 **SECTION 17.** In Colorado Revised Statutes, 16-11.9-204,
8 **amend** (1)(f)(III) introductory portion as follows:

9 **16-11.9-204. Behavioral health court liaisons - duties and**
10 **responsibilities - consultation and collaboration.** (1) A court liaison
11 hired pursuant to this part 2 has the following duties and responsibilities:

12 (f) Identifying existing programs and resources that are already
13 available in the community, including but not limited to:

14 (III) Community mental health centers and other local community
15 behavioral health providers that receive state funding through the ~~office~~
16 ~~of~~ behavioral health ADMINISTRATION IN THE DEPARTMENT OF HUMAN
17 SERVICES for services such as:

18 **SECTION 18.** In Colorado Revised Statutes, 16-13-311, **amend**
19 (3)(a)(VII) introductory portion and (3)(a)(VII)(B) as follows:

20 **16-13-311. Disposition of seized personal property.** (3) (a) If
21 the prosecution prevails in the forfeiture action, the court shall order the
22 property forfeited. Such order perfects the state's right and interest in and
23 title to such property and relates back to the date when title to the property
24 vested in the state pursuant to section 16-13-316. Except as otherwise
25 provided in subsection (3)(c) of this section, the court shall also order
26 such property to be sold at a public sale by the law enforcement agency
27 in possession of the property in the manner provided for sales on

1 execution, or in another commercially reasonable manner. Property
2 forfeited pursuant to this section or proceeds therefrom must be
3 distributed or applied in the following order:

4 (VII) The balance ~~shall~~ MUST be delivered, upon order of the
5 court, as follows:

6 (B) Twenty-five percent to the managed service organization
7 contracting with the ~~office of~~ behavioral health ADMINISTRATION in the
8 department of human services serving the judicial district where the
9 forfeiture proceeding was prosecuted to fund detoxification and substance
10 use disorder treatment. Money appropriated to the managed service
11 organization must be in addition to, and not be used to supplant, other
12 funding appropriated to the ~~office of~~ behavioral health ADMINISTRATION;
13 and

14 **SECTION 19.** In Colorado Revised Statutes, 16-13-701, **repeal**
15 (9) as follows:

16 **16-13-701. Reports related to seizures and forfeitures -**
17 **legislative declaration - definitions.** (9) ~~(a) The office of behavioral~~
18 ~~health shall prepare an annual accounting report of money received by the~~
19 ~~managed service organization pursuant to section 16-13-311~~
20 ~~(3)(a)(VII)(B), including revenues, expenditures, beginning and ending~~
21 ~~balances, and services provided. The office of behavioral health shall~~
22 ~~provide this report to the health and human services committee of the~~
23 ~~senate and the public health care and human services committee of the~~
24 ~~house of representatives, or any successor committees.~~

25 ~~(b) Pursuant to section 24-1-136 (11)(a)(I), the report required in~~
26 ~~this subsection (9) expires on February 1, 2021.~~

27 **SECTION 20.** In Colorado Revised Statutes, 17-1-103, **amend**

1 (1)(r) as follows:

2 **17-1-103. Duties of the executive director.** (1) The duties of the
3 executive director are:

4 (r) In consultation with the ~~offices of~~ behavioral health
5 ADMINISTRATION and THE OFFICE OF economic security in the department
6 of human services, the department of health care policy and financing, the
7 department of local affairs, and local service providers, to develop
8 resources for inmates post-release that provide information to help
9 prepare inmates for release and successful reintegration into their
10 communities. The resources must reflect the needs of diverse and
11 underserved populations and communities.

12 **SECTION 21.** In Colorado Revised Statutes, 17-2-201, **amend**
13 (5.7)(a) and (5.7)(d) as follows:

14 **17-2-201. State board of parole - duties - definitions.** (5.7) If,
15 as a condition of parole, an offender is required to undergo counseling or
16 treatment, unless the parole board determines that treatment at another
17 facility or with another person is warranted, the treatment or counseling
18 must be at a facility or with a person:

19 (a) Approved by the ~~office of~~ behavioral health ADMINISTRATION
20 in the department of human services ~~established in article 80 of title 27,~~
21 if the treatment is for alcohol or drug abuse;

22 (d) Licensed or certified by the division of adult parole in the
23 department of corrections, the department of regulatory agencies, the
24 ~~office of~~ behavioral health ADMINISTRATION in the department of human
25 services, the state board of nursing, or the Colorado medical board,
26 whichever is appropriate for the required treatment or counseling.

27 **SECTION 22.** In Colorado Revised Statutes, 17-26-140, **amend**

1 (1)(b) as follows:

2 **17-26-140. Continuity of care for persons released from jail.**

3 (1) If a person is treated for a substance use disorder throughout the
4 person's incarceration, the county jail shall, at a minimum, conduct the
5 following before releasing the person from the county jail's custody:

6 (b) Provide a list of available substance use providers, to the
7 extent the ~~office of~~ behavioral health ADMINISTRATION in the ~~state~~
8 department OF HUMAN SERVICES has such a list available.

9 **SECTION 23.** In Colorado Revised Statutes, 17-27.1-101,
10 **amend** (5)(a)(I) and (5)(a)(IV) as follows:

11 **17-27.1-101. Nongovernmental facilities for offenders -**
12 **registration - notifications - penalties - definitions.** (5) A private
13 treatment program in Colorado shall not admit or accept a supervised or
14 unsupervised person into the program unless the program:

15 (a) Is registered with the compact administrator, and, if the person
16 is a supervised person, the private treatment program is:

17 (I) Approved by the ~~office of~~ behavioral health ADMINISTRATION
18 in the department of human services ~~established in article 80 of title 27,~~
19 if the program provides alcohol or drug abuse treatment;

20 (IV) Licensed or certified by the division of adult parole in the
21 department of corrections, the department of regulatory agencies, the
22 ~~office of~~ behavioral health ADMINISTRATION in the department of human
23 services, the state board of nursing, or the Colorado medical board if the
24 program provides treatment that requires certification or licensure;

25 **SECTION 24.** In Colorado Revised Statutes, 17-27.9-102,
26 **amend** (1) as follows:

27 **17-27.9-102. Specialized restitution and community service**

1 **programs - contract with treatment providers - division of criminal**
2 **justice.** (1) The director of the division of criminal justice ~~of~~ IN the
3 department of public safety may, pursuant to section 17-27-108, contract
4 with one or more public or private providers or community corrections
5 boards, as defined in section 17-27-102 (2), who operate restitution and
6 community service facilities, to provide specialized restitution and
7 community service programs that meet the requirements of this section.
8 As used in this article 27.9, such providers are referred to as "providers".
9 The ~~office of~~ behavioral health ADMINISTRATION in the department of
10 human services shall approve any entity that provides treatment for
11 substance use disorders pursuant to article 80 of title 27.

12 **SECTION 25.** In Colorado Revised Statutes, 18-1.3-204, **amend**
13 (2)(c)(I) and (2)(c)(IV) as follows:

14 **18-1.3-204. Conditions of probation - interstate compact**
15 **probation transfer cash fund - creation.** (2) (c) If the court orders
16 counseling or treatment as a condition of probation, unless the court
17 makes a specific finding that treatment in another facility or with another
18 person is warranted, the court shall order that the treatment or counseling
19 be at a facility or with a person:

20 (I) Approved by the ~~office of~~ behavioral health ADMINISTRATION
21 in the department of human services ~~established in article 80 of title 27,~~
22 if the treatment is for alcohol or drug abuse;

23 (IV) Licensed or certified by the division of adult parole in the
24 department of corrections, the department of regulatory agencies, the
25 ~~office of~~ behavioral health ADMINISTRATION in the department of human
26 services, the state board of nursing, or the Colorado medical board,
27 whichever is appropriate for the required treatment or counseling.

1 **SECTION 26.** In Colorado Revised Statutes, **amend** 18-1.3-210
2 as follows:

3 **18-1.3-210. Counseling or treatment for alcohol or drug abuse**
4 **or substance use disorder.** (1) In any case in which treatment or
5 counseling for alcohol or drug abuse or a substance use disorder is
6 authorized in connection with a deferred prosecution, deferred judgment
7 and sentence, or probation, the court may require the defendant to obtain
8 counseling or treatment for the condition. If the court orders the
9 counseling or treatment, the court shall order that the counseling or
10 treatment is obtained from a treatment facility or person approved by the
11 ~~office of behavioral health ADMINISTRATION~~ in the department of human
12 services, ~~established in article 80 of title 27~~, unless the court makes a
13 finding that counseling or treatment in another facility or with another
14 person is warranted. If the defendant voluntarily submits ~~himself or~~
15 ~~herself~~ THE DEFENDANT'S SELF for treatment or counseling, the district
16 attorney and the court may consider ~~his or her~~ THE DEFENDANT'S
17 willingness to correct ~~his or her~~ THE DEFENDANT'S condition as a basis for
18 granting deferred prosecution or deferred judgment and sentence.

19 (2) Notwithstanding the provisions of subsection (1) of this
20 section, in any case in which treatment or counseling for alcohol or drug
21 abuse or a substance use disorder is authorized and ordered by the court
22 in connection with a deferred prosecution, deferred judgment and
23 sentence, or probation for an offense involving unlawful sexual behavior,
24 as defined in section 16-22-102 (9), the court shall order that the
25 counseling or treatment is obtained from a treatment facility or person
26 approved by the ~~office of behavioral health ADMINISTRATION~~ in the
27 department of human services. ~~established in article 80 of title 27.~~

1 **SECTION 27.** In Colorado Revised Statutes, **amend** 18-1.3-211
2 as follows:

3 **18-1.3-211. Sentencing of felons - parole of felons - treatment**
4 **and testing based upon assessment required.** (1) Each person
5 sentenced by the court for a felony committed on or after July 1, 1992, is
6 required, as a part of any sentence to probation, community corrections,
7 or incarceration with the department of corrections, to undergo periodic
8 testing and treatment for substance abuse that is appropriate to the felon
9 based upon the recommendations of the assessment made pursuant to
10 section 18-1.3-209, or based upon any subsequent recommendations by
11 the department of corrections, the judicial department, or the division of
12 criminal justice ~~of~~ IN the department of public safety, whichever is
13 appropriate. Any testing or treatment must be at a facility or with a person
14 approved by the ~~office of~~ behavioral health ADMINISTRATION in the
15 department of human services ~~established in article 80 of title 27~~, and at
16 the felon's own expense, unless ~~he or she~~ THE FELON is indigent.

17 (2) Each person placed on parole by the state board of parole on
18 or after July 1, 1992, is required, as a condition of parole, to undergo
19 periodic testing and treatment for substance abuse that is appropriate to
20 the parolee based upon the recommendations of the assessment made
21 pursuant to section 18-1.3-209 or any assessment or subsequent
22 reassessment made regarding the parolee during ~~his or her~~ THE PAROLEE'S
23 incarceration or any period of parole. Any testing or treatment must be at
24 a facility or with a person approved by the ~~office of~~ behavioral health
25 ADMINISTRATION in the department of human services ~~established in~~
26 ~~article 80 of title 27~~, and at the parolee's own expense, unless ~~he or she~~
27 THE PAROLEE is indigent.

1 **SECTION 28.** In Colorado Revised Statutes, 18-1.9-104, **amend**
2 (1)(c)(IV)(A) as follows:

3 **18-1.9-104. Task force concerning the treatment of persons**
4 **with mental health disorders in the criminal and juvenile justice**
5 **systems - creation - membership - duties.** (1) **Creation.** (c) The chair
6 and vice-chair of the committee shall appoint twenty-nine members as
7 follows:

8 (IV) Five members who represent the department of human
9 services, as follows:

10 (A) One member who represents the ~~office of~~ behavioral health
11 ADMINISTRATION in the department of human services;

12 **SECTION 29.** In Colorado Revised Statutes, **amend** 18-1.9-105
13 as follows:

14 **18-1.9-105. Task force funding - staff support.** (1) The division
15 of criminal justice ~~of~~ IN the department of public safety, the ~~office of~~
16 behavioral health ADMINISTRATION in the department of human services,
17 and any state department or agency with an active representative on the
18 task force are authorized to receive and expend gifts, grants, and
19 donations, including donations of in-kind services for staff support, from
20 any public or private entity for any direct or indirect costs associated with
21 the duties of the task force.

22 (2) The director of research of the legislative council, the director
23 of the office of legislative legal services, the director of the division of
24 criminal justice ~~within~~ IN the department of public safety, the ~~director of~~
25 ~~the office of~~ COMMISSIONER OF THE behavioral health ADMINISTRATION
26 IN THE DEPARTMENT OF HUMAN SERVICES, and the executive directors of
27 the departments represented on the task force may supply staff assistance

1 to the task force as they deem appropriate within existing appropriations
2 or if money is credited to the treatment of persons with mental health
3 disorders in the criminal and juvenile justice systems fund created in
4 section 18-1.9-106 for the purpose of and in an amount sufficient to fund
5 staff assistance. The task force may also accept donations of in-kind
6 services for staff support from the private sector.

7 **SECTION 30.** In Colorado Revised Statutes, 18-13-122, **amend**
8 (4)(a), (4)(b)(I), (4)(b)(II), (4)(c)(I), and (18) as follows:

9 **18-13-122. Illegal possession or consumption of ethyl alcohol**
10 **or marijuana by an underage person - illegal possession of marijuana**
11 **paraphernalia by an underage person - adolescent substance abuse**
12 **prevention and treatment fund - legislative declaration - definitions.**

13 (4) (a) Upon conviction of a first offense of subsection (3) of this section,
14 the court shall sentence the underage person to a fine of not more than
15 one hundred dollars, or the court shall order that the underage person
16 complete a substance abuse education program approved by the ~~office of~~
17 behavioral health ADMINISTRATION in the department of human services,
18 or both.

19 (b) Upon conviction of a second offense of subsection (3) of this
20 section, the court shall sentence the underage person to a fine of not more
21 than one hundred dollars, and the court shall order the underage person
22 to:

23 (I) Complete a substance abuse education program approved by
24 the ~~office of~~ behavioral health ADMINISTRATION in the department of
25 human services;

26 (II) If determined necessary and appropriate, submit to a substance
27 abuse assessment approved by the ~~office of~~ behavioral health

1 ADMINISTRATION in the department of human services and complete any
2 treatment recommended by the assessment; and

3 (c) Upon conviction of a third or subsequent offense of subsection
4 (3) of this section, the court shall sentence the defendant to a fine of up
5 to two hundred fifty dollars, and the court shall order the underage person
6 to:

7 (I) Submit to a substance abuse assessment approved by the ~~office~~
8 ~~of behavioral health~~ ADMINISTRATION in the department of human
9 services and complete any treatment recommended by the assessment;
10 and

11 (18) **Cash fund.** The surcharge collected pursuant to subsection
12 (4)(e) of this section must be transmitted to the state treasurer, who shall
13 credit the ~~same~~ MONEY to the adolescent substance abuse prevention and
14 treatment fund, which is created and referred to in this section as the
15 "fund". Money in the fund is subject to annual appropriation by the
16 general assembly to the ~~office of behavioral health~~ ADMINISTRATION in
17 the department of human services ~~established in article 80 of title 27~~, for
18 adolescent substance abuse prevention and treatment programs. The
19 ~~office of behavioral health~~ ADMINISTRATION is authorized to seek and
20 accept gifts, grants, or donations from private or public sources for the
21 purposes of this section. All private and public money received through
22 gifts, grants, or donations must be transmitted to the state treasurer, who
23 shall credit the ~~same~~ MONEY to the fund. Any unexpended money in the
24 fund may be invested by the state treasurer as provided by law. All
25 interest and income derived from the investment and deposit of money in
26 the fund must be credited to the fund. Any unexpended and
27 unencumbered money remaining in the fund at the end of a fiscal year

1 remains in the fund and must not be credited or transferred to the general
2 fund or another fund.

3 **SECTION 31.** In Colorado Revised Statutes, 18-18-102, **amend**
4 (32); **repeal** (8); and **add** (3.2) as follows:

5 **18-18-102. Definitions.** As used in this article 18:

6 (3.2) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
7 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
8 27-50-102.

9 (8) ~~"Department" means the department of human services.~~

10 (32) "Researcher" means any person licensed by the ~~department~~
11 BHA pursuant to this ~~article~~ ARTICLE 18 to experiment with, study, or test
12 any controlled substance within this state and includes analytical
13 laboratories.

14 **SECTION 32.** In Colorado Revised Statutes, **amend** 18-18-301
15 as follows:

16 **18-18-301. Rules.** The board or the ~~department~~ BHA may adopt
17 rules and charge reasonable fees relating to the registration and control of
18 the manufacture, distribution, and dispensing of controlled substances
19 within this state.

20 **SECTION 33.** In Colorado Revised Statutes, 18-18-302, **amend**
21 (1), (2), (4), and (5) as follows:

22 **18-18-302. Registration requirements - definitions.** (1) Every
23 person who manufactures, distributes, or dispenses any controlled
24 substance within this state, or who proposes to engage in the manufacture,
25 distribution, or dispensing of any controlled substance within this state,
26 shall obtain annually or biannually, if applicable, a registration, issued by
27 the respective licensing board or the ~~department~~ BHA in accordance with

1 rules adopted by such board or by the ~~department~~ BHA. For purposes of
2 this section and this article 18, "registration" or "registered" means the
3 registering of manufacturers, pharmacists, pharmacies, and humane
4 societies located in this state, and distributors located in or doing business
5 in this state, by the state board of pharmacy, as set forth in article 280 of
6 title 12, the licensing of physicians by the Colorado medical board, as set
7 forth in article 240 of title 12, the licensing of podiatrists by the Colorado
8 podiatry board, as set forth in article 290 of title 12, the licensing of
9 dentists by the Colorado dental board, as set forth in article 220 of title
10 12, the licensing of optometrists by the state board of optometry, as set
11 forth in article 275 of title 12, the licensing of veterinarians by the state
12 board of veterinary medicine, as set forth in article 315 of title 12, and the
13 licensing of researchers and CERTIFIED addiction ~~programs~~ COUNSELORS
14 by the ~~department of human services~~ BHA, as set forth in part 2 of article
15 80 of title 27.

16 (2) A person registered by the board or the ~~department~~ BHA under
17 this part 3 to manufacture, distribute, dispense, or conduct research with
18 controlled substances may possess, manufacture, distribute, dispense, or
19 conduct research with those substances to the extent authorized by the
20 registration and in conformity with this article 18 and with article 280 of
21 title 12.

22 (4) The board or ~~department~~ BHA may waive by rule the
23 requirement for registration of certain manufacturers, distributors, or
24 dispensers upon finding it consistent with the public health and safety.

25 (5) The board or ~~department~~ BHA may inspect the establishment
26 of a registrant or applicant for registration of those persons they are
27 authorized to register under this part 3 in accordance with rules adopted

1 by the board or ~~department~~ BHA.

2 **SECTION 34.** In Colorado Revised Statutes, 18-18-303, **amend**
3 (1) introductory portion and (3) as follows:

4 **18-18-303. Registration.** (1) The board or ~~department~~ BHA shall
5 register an applicant to manufacture or distribute substances included in
6 schedules I through V unless the board or ~~department~~ BHA determines
7 that the issuance of that registration would be inconsistent with the public
8 interest. In determining the public interest, the board or ~~department~~ BHA
9 shall consider the following factors:

10 (3) A practitioner must be registered with the board or ~~department~~
11 BHA before dispensing a controlled substance or conducting research
12 with respect to a controlled substance included in schedules II through V.
13 The ~~department~~ BHA need not require separate registration under this
14 ~~article~~ ARTICLE 18 for practitioners engaging in research with nonnarcotic
15 substances included in schedules II through V where the registrant is
16 already registered under this ~~article~~ ARTICLE 18 in another capacity.
17 Practitioners registered under federal law to conduct research with
18 substances included in schedule I may conduct research with substances
19 included in schedule I within this state upon furnishing the ~~department~~
20 BHA evidence of that federal registration.

21 **SECTION 35.** In Colorado Revised Statutes, **amend** 18-18-304
22 as follows:

23 **18-18-304. Suspension or revocation of registration.** (1) The
24 board or ~~department~~ BHA may suspend or revoke a registration under
25 section 18-18-303 to manufacture, distribute, or dispense a controlled
26 substance upon finding that the registrant has:

27 (a) Furnished false or fraudulent material information in any

1 application filed under this part 3;

2 (b) Been convicted of a felony under any state or federal law
3 relating to any controlled substance;

4 (c) Had the registrant's federal registration suspended or revoked
5 and is no longer authorized by federal law to manufacture, distribute, or
6 dispense controlled substances; or

7 (d) Committed acts that would render registration under section
8 18-18-303 inconsistent with the public interest as determined under that
9 section.

10 (2) The board or ~~department~~ BHA may deny, suspend, revoke, or
11 take other authorized disciplinary action to limit the authority of any
12 registrant to prescribe, distribute, dispense, or administer controlled
13 substances, or any classification thereof, within this state if grounds for
14 denial, suspension, or revocation exist. These proceedings ~~shall~~ MUST be
15 conducted in accordance with the provisions of article 4 of title 24. ~~C.R.S.~~

16 (3) If a registration is suspended or revoked, the board or
17 ~~department~~ BHA may place under seal all controlled substances owned
18 or possessed by the registrant at the time of suspension or the effective
19 date of the revocation order. No disposition may be made of substances
20 under seal until the time for taking an appeal has elapsed or until all
21 appeals have been concluded unless a court, upon application, orders the
22 sale of perishable substances and the deposit of the proceeds of the sale
23 with the court. When a revocation order becomes final, the court may
24 order the controlled substances forfeited to the state.

25 (4) The board or ~~department~~ BHA may seize or place under seal
26 any controlled substance owned or possessed by a registrant whose
27 registration has expired or who has ceased to practice or do business in

1 the manner contemplated by the registration. The controlled substance
2 must be held for the benefit of the registrant or the registrant's successor
3 in interest. The board or ~~department~~ BHA shall notify a registrant, or the
4 registrant's successor in interest, whose controlled substance is seized or
5 placed under seal, of the procedures to be followed to secure the return
6 of the controlled substance and the conditions under which it will be
7 returned. The board or ~~department~~ BHA may not dispose of any
8 controlled substance seized or placed under seal under this subsection (4)
9 until the expiration of one hundred eighty days after the controlled
10 substance was seized or placed under seal. The costs incurred by the
11 board or ~~department~~ BHA in seizing, placing under seal, maintaining
12 custody, and disposing of any controlled substance under this subsection
13 (4) may be recovered from the registrant, any proceeds obtained from the
14 disposition of the controlled substance, or from both. Any balance
15 remaining after the costs have been recovered from the proceeds of any
16 disposition must be delivered to the registrant or the registrant's successor
17 in interest.

18 (5) The board or ~~department~~ BHA shall promptly notify the drug
19 enforcement administration of all orders restricting, suspending, or
20 revoking registration and all forfeitures of controlled substances.

21 **SECTION 36.** In Colorado Revised Statutes, **amend** 18-18-305
22 as follows:

23 **18-18-305. Order to show cause.** (1) Before denying,
24 suspending, or revoking a registration, or refusing a renewal of
25 registration, the board or ~~department~~ BHA shall serve upon the applicant
26 or registrant an order to show cause why registration should not be
27 denied, revoked, or suspended, or the renewal refused. The order must

1 state its grounds and direct the applicant or registrant to appear before the
2 board or ~~department~~ BHA at a specified time and place not less than thirty
3 days after the date of service of the order. In case of a refusal to renew a
4 registration, the order must be served not later than thirty days before the
5 expiration of the registration. These proceedings must be conducted in
6 accordance with section 24-4-105. ~~C.R.S.~~ The proceedings do not
7 preclude any criminal prosecution or other proceeding. A proceeding to
8 refuse to renew a registration does not affect the existing registration,
9 which remains in effect until completion of the proceeding.

10 (2) The board or ~~department~~ BHA may suspend, without an order
11 to show cause, any registration simultaneously with the institution of
12 proceedings under section 18-18-304, or where renewal of registration is
13 refused, upon finding that there is an imminent danger to the public health
14 or safety ~~which~~ THAT warrants this action. The suspension continues in
15 effect until the conclusion of the proceedings, including judicial review
16 thereof, unless sooner withdrawn by the board or ~~department~~ BHA or
17 dissolved by a court of competent jurisdiction.

18 **SECTION 37.** In Colorado Revised Statutes, **amend** 18-18-306
19 as follows:

20 **18-18-306. Records of registrants.** Persons registered to
21 manufacture, distribute, or dispense controlled substances under this part
22 3 shall keep records and maintain inventories in conformance with the
23 record keeping and inventory requirements of federal law and with any
24 additional rules adopted by the board or ~~department~~ BHA.

25 **SECTION 38.** In Colorado Revised Statutes, 18-18-309, **amend**
26 (2) and (3) as follows:

27 **18-18-309. Diversion prevention and control.** (2) The

1 ~~department~~ BHA shall regularly prepare and make available to other state
2 regulatory, licensing, and law enforcement agencies a report on the
3 patterns and trends of actual distribution, diversion, and abuse of
4 controlled substances.

5 (3) The ~~department~~ BHA shall enter into written agreements with
6 local, state, and federal agencies for the purpose of improving
7 identification of sources of diversion and to improve enforcement of and
8 compliance with this ~~article~~ ARTICLE 18 and other laws and ~~regulations~~
9 RULES pertaining to unlawful conduct involving controlled substances. An
10 agreement must specify the roles and responsibilities of each agency that
11 has information or authority to identify, prevent, and control drug
12 diversion and drug abuse. The ~~department~~ BHA shall convene periodic
13 meetings to coordinate a state diversion prevention and control program.
14 The ~~department~~ BHA shall arrange for cooperation and exchange of
15 information among agencies and with neighboring states and the federal
16 government.

17 **SECTION 39.** In Colorado Revised Statutes, 18-18-418, **amend**
18 (1) introductory portion and (1)(c) as follows:

19 **18-18-418. Exemptions.** (1) The provisions of section 18-18-414
20 ~~shall~~ DO not apply to:

21 (c) A student who is in possession of an immediate precursor who
22 is enrolled in a chemistry class for credit at an institution of higher
23 education, or a work study student, a teaching assistant, a graduate
24 assistant, or a laboratory assistant, if such student's or ~~technician's~~
25 ASSISTANT'S use of the immediate precursor is for a bona fide educational
26 purpose or research purpose and if the chemistry department of the
27 institution of higher education otherwise possesses all the necessary

1 licenses required by the ~~department~~ BHA.

2 **SECTION 40.** In Colorado Revised Statutes, 18-18-501, **amend**
3 (3) introductory portion, (3)(a), and (3)(b) introductory portion as follows:

4 **18-18-501. Administrative inspections and warrants.** (3) The
5 board or ~~department~~ BHA may ~~make~~ CONDUCT administrative inspections
6 of controlled premises of those persons they are authorized to register
7 under this ~~article~~ ARTICLE 18 in accordance with the following provisions:

8 (a) If authorized by an administrative inspection warrant issued
9 pursuant to subsection (2) of this section, an officer or employee
10 designated by the board or ~~department~~ BHA, upon presenting the warrant
11 and appropriate credentials to the owner, operator, or agent in charge,
12 may enter controlled premises for the purpose of conducting an
13 administrative inspection.

14 (b) If authorized by an administrative inspection warrant, an
15 officer or employee designated by the board or ~~department~~ BHA may:

16 **SECTION 41.** In Colorado Revised Statutes, 18-18-503, **amend**
17 (1) introductory portion, (2), and (3) as follows:

18 **18-18-503. Cooperative arrangements and confidentiality.**

19 (1) The board and the ~~department~~ BHA shall cooperate with federal and
20 other state agencies in discharging the board's and the ~~department's~~
21 BHA's responsibilities concerning controlled substances and in
22 controlling the abuse of controlled substances. To this end, the
23 ~~department~~ BHA may:

24 (2) Results, information, and evidence received from the drug
25 enforcement administration relating to the regulatory functions of this
26 ~~article~~ ARTICLE 18, including results of inspections conducted by ~~it~~ THE
27 DRUG ENFORCEMENT ADMINISTRATION, may be relied and acted upon by

1 the board or ~~department~~ BHA in the exercise of the regulatory functions
2 under this ~~article~~ ARTICLE 18.

3 (3) A practitioner engaged in medical practice or research is not
4 required or compelled to furnish the name or identity of a patient or
5 research subject to the board or ~~department~~ BHA, nor may the
6 practitioner be compelled in any state or local civil, criminal,
7 administrative, legislative, or other proceedings to furnish the name or
8 identity of an individual that the practitioner is obligated to keep
9 confidential.

10 **SECTION 42.** In Colorado Revised Statutes, **amend** 18-18-505
11 as follows:

12 **18-18-505. Judicial review.** All final determinations, findings,
13 and conclusions of the board or ~~department~~ BHA under this ~~article~~
14 ARTICLE 18 are subject to judicial review pursuant to section 24-4-106.
15 ~~C.R.S.~~

16 **SECTION 43.** In Colorado Revised Statutes, 18-18-506, **amend**
17 (1) introductory portion, (2) introductory portion, (3), (4), and (5) as
18 follows:

19 **18-18-506. Education and research.** (1) The ~~department~~ BHA
20 shall carry out educational programs designed to prevent and deter misuse
21 and abuse of controlled substances. In connection with these programs,
22 the ~~department~~ BHA may:

23 (2) The ~~department~~ BHA shall encourage research on misuse and
24 abuse of controlled substances. In connection with the research, and in
25 furtherance of the enforcement of this ~~article~~, ~~the department~~ ARTICLE 18,
26 THE BHA may:

27 (3) The ~~department~~ BHA may enter into contracts for educational

1 and research activities.

2 (4) The ~~department~~ BHA may authorize persons engaged in
3 research on the use and effects of controlled substances to withhold the
4 names and other identifying characteristics of individuals who are the
5 subjects of the research. Persons who obtain this authorization are not
6 compelled in any civil, criminal, administrative, legislative, or other
7 proceeding to identify the individuals who are the subjects of research for
8 which the authorization was obtained.

9 (5) The ~~department~~ BHA may authorize the possession and
10 distribution of controlled substances by persons engaged in research.
11 Persons who obtain this authorization are exempt from state prosecution
12 for possession and distribution of controlled substances to the extent of
13 the authorization.

14 **SECTION 44.** In Colorado Revised Statutes, 18-18-601, **repeal**
15 (4) as follows:

16 **18-18-601. Pending proceedings - applicability.** (4) ~~The board~~
17 ~~or department shall initially permit persons to register who own or operate~~
18 ~~any establishment engaged in the manufacture, distribution, or dispensing~~
19 ~~of any controlled substance prior to July 1, 1992, and who are registered~~
20 ~~or licensed by the state.~~

21 **SECTION 45.** In Colorado Revised Statutes, 18-18-607, **amend**
22 (2) as follows:

23 **18-18-607. Safe stations - disposal of controlled substances -**
24 **medical evaluation - definition.** (2) Reasonable efforts should be taken
25 by safe station personnel to determine if the person is in need of
26 immediate medical attention and facilitate transportation to an appropriate
27 medical facility, if necessary. If the person does not require immediate

1 medical attention, the safe station personnel shall provide the person with
2 information about the behavioral health crisis response system, created in
3 section 27-60-103, to help identify available treatment options and, if
4 practicable, provide transportation for the person to the most appropriate
5 facility for treatment of a substance use disorder. Information about the
6 crisis hotline must be developed by the ~~office of behavioral health in the~~
7 ~~state department~~ BHA and be provided to safe stations for distribution.

8 **SECTION 46.** In Colorado Revised Statutes, 18-18.5-103,
9 **amend** (2) introductory portion and (2)(b)(XXII) as follows:

10 **18-18.5-103. State substance abuse trend and response task**
11 **force - creation - membership - duties - report.** (2) The task force ~~shall~~
12 ~~consist~~ CONSISTS of the following members:

13 (b) Twenty-two members appointed by the task force chair and
14 vice-chairs as follows:

15 (XXII) A representative of the ~~office of~~ behavioral health
16 ADMINISTRATION in the ~~Colorado~~ department of human services.

17 **SECTION 47.** In Colorado Revised Statutes, 18-19-103, **amend**
18 (5)(b)(IV) as follows:

19 **18-19-103. Source of revenues - allocation of money.**

20 (5) (b) The board consists of:

21 (IV) The ~~executive director~~ COMMISSIONER of THE BEHAVIORAL
22 HEALTH ADMINISTRATION in the department of human services or ~~his or~~
23 ~~her~~ THE COMMISSIONER'S designee. If the ~~executive director~~
24 COMMISSIONER appoints a designee, the ~~executive director~~ COMMISSIONER
25 is encouraged to select someone with expertise in substance use disorder
26 counseling and substance abuse issues.

27 **SECTION 48.** In Colorado Revised Statutes, 19-2.5-704, **amend**

1 (2)(b) as follows:

2 **19-2.5-704. Procedure after determination of competency or**
3 **incompetency.** (2) (b) Pursuant to section 27-60-105, the office of
4 behavioral health ADMINISTRATION in the department of human services
5 is the entity responsible for the oversight of restoration education and
6 coordination of services necessary to competency restoration.

7 **SECTION 49.** In Colorado Revised Statutes, 24-1-120, **amend**
8 (6)(d); and **add** (6)(f) as follows:

9 **24-1-120. Department of human services - creation.** (6) The
10 department consists of the following divisions, units, and offices:

11 (d) The office of behavioral health in the department of human
12 services created pursuant to article 80 of title 27. ~~The office of behavioral~~
13 ~~health and its powers, duties, and functions, including the powers, duties,~~
14 ~~and functions relating to the alcohol and drug driving safety program~~
15 ~~specified in section 42-4-1301.3, are transferred by a type 2 transfer to~~
16 ~~the department of human services.~~

17 (f) THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN
18 ARTICLE 50 OF TITLE 27. THE BEHAVIORAL HEALTH ADMINISTRATION AND
19 ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A TYPE 2
20 TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

21 **SECTION 50.** In Colorado Revised Statutes, 24-34-104, **amend**
22 (26)(a)(IV) and (27)(a)(XI) as follows:

23 **24-34-104. General assembly review of regulatory agencies**
24 **and functions for repeal, continuation, or reestablishment - legislative**
25 **declaration - repeal.** (26) (a) The following agencies, functions, or both,
26 are scheduled for repeal on September 1, 2025:

27 (IV) The rural alcohol and substance abuse prevention and

1 treatment program created pursuant to section 27-80-117 in the office of
2 behavioral health ADMINISTRATION in the department of human services;

3 (27) (a) The following agencies, functions, or both, are scheduled
4 for repeal on September 1, 2026:

5 (XI) The record-keeping, licensing, and central registry functions
6 of the BEHAVIORAL HEALTH ADMINISTRATION IN THE department of
7 human services relating to substance use disorder treatment programs
8 under which controlled substances are compounded, administered, or
9 dispensed in accordance with part 2 of article 80 of title 27;

10 **SECTION 51.** In Colorado Revised Statutes, 24-33.5-1202,
11 **amend** (7.7) as follows:

12 **24-33.5-1202. Definitions.** As used in this part 12, unless the
13 context otherwise requires:

14 (7.7) "Health facility" means a general hospital, hospital unit as
15 defined in section 25-3-101 (2), ~~C.R.S.~~, psychiatric hospital, community
16 clinic, rehabilitation center, convalescent center, ~~community mental~~
17 ~~health center, acute treatment unit,~~ BEHAVIORAL HEALTH ENTITY AS
18 DEFINED IN SECTION 27-50-101 (4), facility for persons with
19 developmental disabilities, habilitation center for children with brain
20 damage, chiropractic center and hospital, maternity hospital, nursing care
21 facility, rehabilitative nursing facility, hospice care facility, dialysis
22 treatment clinic, ambulatory surgical center, birthing center, home care
23 agency, assisted living residence, or other facility of a like nature; except
24 that "health facility" does not include a facility at which health services
25 are not provided to individuals.

26 **SECTION 52.** In Colorado Revised Statutes, 25-1.5-103, **repeal**
27 (3.5).

1 **SECTION 53.** In Colorado Revised Statutes, 25-1.5-108.5,
2 **amend** (1)(b)(III), (3)(a), (4), and (5)(a)(III) as follows:

3 **25-1.5-108.5. Regulation of recovery residences - definition -**
4 **rules.** (1) (b) "Recovery residence" does not include:

5 (III) A facility approved for residential treatment by the ~~office of~~
6 behavioral health ADMINISTRATION in the department of human services;
7 or

8 (3) Effective January 1, 2020, a person shall not operate a facility
9 using the term "recovery residence", "sober living facility", "sober home",
10 or a substantially similar term, and a licensed, registered, or certified
11 health-care provider or a licensed health facility shall not refer an
12 individual in need of recovery support services to a facility, unless the
13 facility:

14 (a) Is certified by a recovery residence certifying body approved
15 by the ~~office of~~ behavioral health ADMINISTRATION in the department of
16 human services as specified in subsection (4) of this section;

17 (4) The ~~office of~~ behavioral health ADMINISTRATION in the
18 department of human services shall, by rule, determine the requirements
19 for a recovery residence certifying body seeking approval for purposes of
20 subsection (3)(a) of this section, which rules must include a requirement
21 that a recovery residence certifying body include a representative from the
22 ~~office~~ BEHAVIORAL HEALTH ADMINISTRATION on its board.

23 (5) A recovery residence owner, employee, or administrator, or an
24 individual related to a recovery residence owner, employee, or
25 administrator, shall not directly or indirectly:

26 (a) Solicit, accept, or receive a commission, payment, trade, fee,
27 or anything of monetary or material value, excluding the supportive

1 services required to place the resident:

2 (III) From a facility approved for residential treatment by the
3 ~~office of behavioral health~~ ADMINISTRATION in the department of human
4 services;

5 **SECTION 54.** In Colorado Revised Statutes, 25-1.5-111, **amend**
6 (2)(a)(II) and (3) as follows:

7 **25-1.5-111. Suicide prevention commission - created -**
8 **responsibilities - gifts, grants, or donations - definition - repeal.**

9 (2) (a) Within sixty days after May 29, 2014, the executive director of the
10 department of public health and environment shall appoint to the
11 commission no more than twenty-six members, including:

12 (II) A representative from the ~~office of~~ behavioral health
13 ADMINISTRATION in the department of human services;

14 (3) The department shall provide to the commission support that
15 includes the coordination of all commission activities, including: Meeting
16 logistics, agenda development, and follow-up; organizing and orienting
17 commission members; working closely with the co-chairpersons to set
18 priorities, recruit members, oversee all commission initiatives, coordinate
19 activities, and implement any commission-directed initiatives; and any
20 other duties assigned by the co-chairpersons. The ~~director of the office of~~
21 COMMISSIONER OF THE behavioral health ADMINISTRATION in the
22 department of human services, a representative from the university of
23 Colorado depression center, and a representative of the suicide prevention
24 coalition of Colorado may also provide support to the commission.

25 **SECTION 55.** In Colorado Revised Statutes, 25-1.5-112, **amend**
26 (2) introductory portion and (5) as follows:

27 **25-1.5-112. Colorado suicide prevention plan - established -**

1 **goals - responsibilities - funding - definition.** (2) The suicide
2 prevention commission, together with the office of suicide prevention, the
3 ~~office of~~ behavioral health ADMINISTRATION IN THE DEPARTMENT OF
4 HUMAN SERVICES, the department, and the department of health care
5 policy and financing, is strongly encouraged to collaborate with criminal
6 justice and health-care systems, mental and behavioral health systems,
7 primary care providers, physical and mental health clinics in educational
8 institutions, community mental health centers, advocacy groups,
9 emergency medical services professionals and responders, public and
10 private insurers, hospital chaplains, and faith-based organizations to
11 develop and implement:

12 (5) The office of suicide prevention shall include a summary of
13 the Colorado plan in a report submitted to the ~~office of~~ behavioral health
14 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES, as well as the
15 report submitted annually to the general assembly pursuant to section
16 25-1.5-101 (1)(w)(III)(A) and as part of its annual presentation to the
17 general assembly pursuant to the "State Measurement for Accountable,
18 Responsive, and Transparent (SMART) Government Act", part 2 of
19 article 7 of title 2. ~~C.R.S.~~

20 **SECTION 56.** In Colorado Revised Statutes, 25-3-103.1, **amend**
21 (2) as follows:

22 **25-3-103.1. Health facilities general licensure cash fund.**

23 (2) The general assembly shall make annual appropriations from the
24 health facilities general licensure cash fund to partially reimburse the
25 department of public health and environment for the direct and indirect
26 costs of the department incurred in the performance of its duties ~~under~~
27 ~~this article and for the purposes of section 25-1.5-103 (3.5) PURSUANT TO~~

1 THIS ARTICLE 3. No appropriation shall be made out of the cash fund for
2 expenditures incurred by the department pursuant to section 25-1.5-103
3 (1)(a)(II) in carrying out duties relating to health facilities wholly owned
4 and operated by a governmental unit or agency.

5 SECTION 57. In Colorado Revised Statutes, 25-3.5-103, amend
6 (3.3), (11.4)(b)(I), and (11.4)(b)(III)(B) as follows:

7 25-3.5-103. Definitions. As used in this article 3.5, unless the
8 context otherwise requires:

9 (3.3) "Behavioral health" has the same meaning as set forth in
10 ~~section 25-27.6-102 (4)~~ SECTION 27-50-101 (1).

11 (11.4) (b) Secure transportation includes:

12 (I) For an individual being transported pursuant to section
13 27-65-103 or 27-65-105 (1), transportation from the community to a
14 facility designated by the ~~executive director of~~ COMMISSIONER OF THE
15 BEHAVIORAL HEALTH ADMINISTRATION IN the department of human
16 services for treatment and evaluation pursuant to article 65 of title 27;

17 (III) For an individual who is receiving transportation across
18 levels of care or to a higher level of care, transportation between any of
19 the following types of facilities:

20 (B) A facility designated by the ~~executive director of~~
21 COMMISSIONER OF THE BEHAVIORAL HEALTH ADMINISTRATION IN the
22 department of human services for treatment and evaluation pursuant to
23 article 65 of title 27;

24 SECTION 58. In Colorado Revised Statutes, 25-3.5-309, amend
25 (2) as follows:

26 25-3.5-309. Secure transportation - license required - fees -
27 exceptions. (2) Ambulance agencies, transportation services provided by

1 ~~the office of behavioral health within the state~~ department of human
2 services, emergency service patrols established pursuant to section
3 27-81-115, and law enforcement may provide secure transportation
4 services to an individual in need of urgent behavioral health care.

5 **SECTION 59.** In Colorado Revised Statutes, 25-20.5-406,
6 **amend** (2)(b)(III) as follows:

7 **25-20.5-406. State review team - creation - membership -**
8 **vacancies.** (2) (b) The executive director of the department of human
9 services shall appoint six voting members, as follows:

10 (III) Two members who represent the ~~office of behavioral health~~
11 ADMINISTRATION in the department of human services;

12 **SECTION 60.** In Colorado Revised Statutes, 25-20.5-1202,
13 **amend** (2) as follows:

14 **25-20.5-1202. Office of gun violence prevention - created -**
15 **director - staff - collaboration.** (2) In order to effectively carry out its
16 responsibilities, the office may collaborate with other state agencies,
17 including the address confidentiality program created in section
18 24-30-2104; the office of suicide prevention established in section
19 25-1.5-101 (1)(w); the safe2tell program created in section 24-31-606; the
20 school safety resource center created in section 24-33.5-1803; the
21 department of education; ~~the office of behavioral health within the~~
22 ~~department of human services;~~ the behavioral health administration ~~upon~~
23 ~~its creation in 2022 pursuant to part 2 of article 60 of title 27~~ IN THE
24 DEPARTMENT OF HUMAN SERVICES; the office of the attorney general; and
25 the division of criminal justice ~~within~~ IN the department of public safety.
26 The office may also collaborate with individuals, educational institutions,
27 health-care providers, and organizations with expertise in gun violence

1 prevention and gun safety, including gun dealers, shooting ranges, and
2 firearms safety instructors.

3 **SECTION 61.** In Colorado Revised Statutes, 25-27.6-101,
4 **amend** (4) as follows:

5 **25-27.6-101. Legislative declaration.** (4) It is the intent of the
6 general assembly that the behavioral health entity license is implemented
7 ~~in two separate phases as follows:~~

8 ~~(a) Phase one implementation includes the incorporation of SO~~
9 ~~THAT a facility currently licensed or previously eligible for licensure as~~
10 ~~an acute treatment unit or as a community mental health center,~~
11 ~~community mental health clinic, or crisis stabilization unit that was~~
12 ~~licensed as a community clinic. Such a facility will transition to the~~
13 ~~behavioral health entity license no later than July 1, 2022. in accordance~~
14 ~~with section 25-27.6-104 (1).~~

15 ~~(b) Phase two implementation includes the incorporation of~~
16 ~~behavioral health entities that provide behavioral health services for the~~
17 ~~treatment of alcohol use disorders and substance use disorders; except~~
18 ~~that phase two shall not include controlled substance licenses currently~~
19 ~~issued by the department of human services, which shall be studied by the~~
20 ~~behavioral health entity implementation and advisory committee~~
21 ~~established pursuant to section 25-27.6-103. Such entities shall apply for~~
22 ~~licensure as behavioral health entities no later than July 1, 2024, in~~
23 ~~accordance with section 25-27.6-104 (1).~~

24 **SECTION 62.** In Colorado Revised Statutes, 25-27.6-104, **repeal**
25 **(2); and repeal as it will become effective July 1, 2022, (1)** as follows:

26 **25-27.6-104. License required - criminal and civil penalties.**
27 ~~(1) (a) On or after July 1, 2024, it is unlawful for any person, partnership,~~

1 ~~association, or corporation to conduct or maintain a behavioral health~~
2 ~~entity, including a substance use disorder program or alcohol use disorder~~
3 ~~program, without having obtained a license therefor from the department.~~

4 ~~(b) On or after July 1, 2023, an entity seeking initial licensure as~~
5 ~~a behavioral health entity shall apply for a behavioral health entity license~~
6 ~~if the entity would previously have been licensed or subject to approval~~
7 ~~by the office of behavioral health in the department of human services~~
8 ~~pursuant to section 27-81-106 as an approved treatment program for~~
9 ~~alcohol use disorders or substance use disorders.~~

10 ~~(c) A facility with a license or approval on or before June 30,~~
11 ~~2023, as a behavioral health entity, a substance use disorder program, or~~
12 ~~an alcohol use disorder program shall apply for a behavioral health entity~~
13 ~~license prior to the expiration of the facility's current license or approval.~~
14 ~~Such a facility is subject to the standards under which it is licensed or~~
15 ~~approved as of July 1, 2023, until such time as the behavioral health entity~~
16 ~~license is issued.~~

17 ~~(2) Any person who violates the provisions of this section is guilty~~
18 ~~of a misdemeanor, and upon conviction thereof, shall be punished by a~~
19 ~~fine of not less than fifty dollars nor more than five hundred dollars and~~
20 ~~may be subject to a civil penalty assessed by the department of not less~~
21 ~~than fifty dollars nor more than one hundred dollars for each day the~~
22 ~~person is in violation of this section. The assessed penalty accrues from~~
23 ~~the date the department finds that the person is in violation of this section.~~
24 ~~The department shall assess, enforce, and collect the penalty in~~
25 ~~accordance with article 4 of title 24 and credit the money to the general~~
26 ~~fund. Enforcement and collection of the penalty occurs following the~~
27 ~~decision reached in accordance with procedures set forth in section~~

1 ~~24-4-105.~~

2 ■ ■

3 **SECTION 63.** In Colorado Revised Statutes, **amend** 25-27.6-108
4 as follows:

5 **25-27.6-108. Behavioral health entity cash fund - created.**

6 (1) The behavioral health entity cash fund, referred to in this section as
7 the "fund", is created in the state treasury. The fund consists of money
8 credited to the fund pursuant to section 25-27.6-107. The money in the
9 fund is subject to annual appropriation by the general assembly for the
10 direct and indirect costs of the department in performing its duties
11 pursuant to this article 27.6. At the end of any fiscal year, all unexpended
12 and unencumbered money in the fund remains in the fund and must not
13 be credited or transferred to the general fund or any other fund.

14 (2) ON JUNE 30, 2024, THE STATE TREASURER SHALL TRANSFER
15 ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND TO THE
16 BEHAVIORAL HEALTH LICENSING CASH FUND CREATED PURSUANT TO
17 SECTION 27-50-506.

18 **SECTION 64.** In Colorado Revised Statutes, **add** 25-27.6-112 as
19 follows:

20 **25-27.6-112. Repeal of article.** THE ARTICLE 27.6 IS REPEALED,
21 EFFECTIVE JULY 1, 2024.

22 **SECTION 65.** In Colorado Revised Statutes, **amend** 25.5-3-110
23 as follows:

24 **25.5-3-110. Effect of part 1.** This part 1 ~~shall~~ DOES not affect the
25 ~~department of human services'~~ responsibilities OF THE BEHAVIORAL
26 HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES for
27 the provision of mental health care in accordance with article 66 of title

1 27, ~~C.R.S.~~, and this part 1 ~~shall~~ DOES not affect any provisions of article
2 22 of title 23 ~~C.R.S.~~, or any other provisions of law relating to the
3 university of Colorado psychiatric hospital.

4 **SECTION 66.** In Colorado Revised Statutes, 25.5-4-103, **amend**
5 **as it exists until July 1, 2024**, (3) as follows:

6 **25.5-4-103. Definitions.** As used in this article 4 and articles 5
7 and 6 of this title 25.5, unless the context otherwise requires:

8 (3) "Case management services" means services provided by
9 community-centered boards, as defined ~~by~~ IN section 25.5-10-202;
10 COMPREHENSIVE AND ESSENTIAL BEHAVIORAL HEALTH SAFETY NET
11 PROVIDERS, AS DEFINED IN SECTION 27-50-101; and community mental
12 health centers and community mental health clinics, as defined ~~by~~ IN
13 section 27-66-101, to assist persons with intellectual and developmental
14 disabilities, as defined ~~by~~ IN section 25.5-10-202, and persons with mental
15 health disorders, as defined ~~by~~ IN section 27-65-102, (11.5), by case
16 management agencies, as defined in section 25.5-6-303 (5), providing
17 case management services, as defined in sections 25.5-6-104 (2)(b) and
18 25.5-6-303 (6), to persons with a disability, persons who are elderly or
19 blind, and long-term care clients, in gaining access to needed medical,
20 social, educational, and other services.

21 **SECTION 67.** In Colorado Revised Statutes, 25.5-4-401.2,
22 **amend** (1)(d) as follows:

23 **25.5-4-401.2. Performance-based payments - reporting -**
24 **repeal.** (1) To improve health outcomes and lower health-care costs, the
25 state department may develop payments to providers that are based on
26 quantifiable performance or measures of quality of care. These
27 performance-based payments may include, but are not limited to,

1 payments to:

2 (d) Behavioral health providers, including, but not limited to:

3 (I) (A) Community mental health centers, as defined in section
4 27-66-101. and

5 (B) THIS SUBSECTION (1)(d)(I) IS REPEALED, EFFECTIVE JULY 1,
6 2024.

7 (II) BEHAVIORAL HEALTH SAFETY NET PROVIDERS, AS DEFINED IN
8 SECTION 27-50-101; AND

9 (H) (III) Entities contracted with the state department to
10 administer the statewide system of community behavioral health care
11 established in section 25.5-5-402.

12 **SECTION 68.** In Colorado Revised Statutes, **amend** 25.5-4-403
13 as follows:

14 **25.5-4-403. Providers - behavioral health safety net providers**
15 **- reimbursement.** (1) For the purpose of reimbursing ~~community mental~~
16 ~~health center and clinic~~ ESSENTIAL BEHAVIORAL HEALTH SAFETY NET AND
17 COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH providers, AS
18 DEFINED IN SECTION 27-50-101, EXCEPT FOR THOSE THAT ARE ALSO
19 FEDERALLY QUALIFIED HEALTH CENTERS, AS DEFINED IN FEDERAL "SOCIAL
20 SECURITY ACT", 42 U.S.C. SEC. 1395x(aa)(4), WHICH HAVE PAYMENT
21 METHODOLOGY PURSUANT TO 25.5-5-408, the state department shall
22 establish ~~a price schedule~~ AN APPROPRIATE COST ACCOUNTING
23 METHODOLOGY annually with the BEHAVIORAL HEALTH ADMINISTRATION
24 IN THE department of human services in order to ~~reimburse each provider~~
25 ~~for its actual or reasonable cost of services~~ SUPPORT SUSTAINABLE ACCESS
26 TO BEHAVIORAL HEALTH SAFETY NET SERVICES, AS DEFINED IN SECTION
27 27-50-101. IN ESTABLISHING THE PAYMENT METHODOLOGY, THE STATE

1 DEPARTMENT SHALL CONSIDER:

2 (a) ACTUAL COSTS OF SERVICES, INCLUDING SERVICES TO ADDRESS
3 LANGUAGE AND CULTURAL BARRIERS NECESSARY TO SERVE COMMUNITIES
4 OF COLOR AND OTHER UNDERSERVED POPULATIONS;

5 (b) COSTS THAT ARE REASONABLE, AS DETERMINED BY THE STATE
6 DEPARTMENT IN COLLABORATION WITH THE BEHAVIORAL HEALTH
7 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES;

8 (c) QUALITY AND ACCESSIBILITY OF BEHAVIORAL HEALTH SAFETY
9 NET CARE PROVIDED, AS DETERMINED BY THE STATE DEPARTMENT, IN
10 COLLABORATION WITH THE BEHAVIORAL HEALTH ADMINISTRATION IN THE
11 DEPARTMENT OF HUMAN SERVICES, BY RULE;

12 (d) HEALTH EQUITY;

13 (e) ACCESS BY PRIORITY POPULATIONS AS DETERMINED BY THE
14 BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN
15 SERVICES; AND

16 (f) VALUE-BASED PAYMENT APPROACHES THAT INCENTIVIZE
17 PROVIDERS TO EXPAND ACCESS TO COST-EFFECTIVE BEHAVIORAL HEALTH
18 SERVICES TO SERVE THE BEHAVIORAL HEALTH SAFETY NET.

19 (2) THE STANDARDS AND PROCESSES FOR DETERMINING THE
20 PAYMENT METHODOLOGY WILL BE DETERMINED BY AN AUDITING AND
21 ACCOUNTING COMMITTEE. THE MEMBERS OF THE COMMITTEE ARE
22 SELECTED BY THE STATE DEPARTMENT TO INCLUDE BEHAVIORAL HEALTH
23 ADMINISTRATIVE SERVICE ORGANIZATIONS, MANAGED CARE ENTITIES,
24 BEHAVIORAL HEALTH SAFETY NET PROVIDERS AS DEFINED IN SECTION
25 27-50-101, INDEPENDENT AUDITORS, ACTUARIES, CONSUMER AND FAMILY
26 ADVOCATES, LOCAL GOVERNMENT REPRESENTATIVES, OTHER STATE
27 AGENCIES, AND OTHER RELEVANT STAKEHOLDERS.

1 **SECTION 69.** In Colorado Revised Statutes, 25.5-5-202, **amend**
2 (4) as follows:

3 **25.5-5-202. Basic services for the categorically needy - optional**
4 **services.** (4) The state department and the ~~office of~~ behavioral health
5 ADMINISTRATION in the department of human services, in collaboration
6 with community mental health services providers and substance use
7 disorder providers, shall establish rules that standardize utilization
8 management authority timelines for the nonpharmaceutical components
9 of medication-assisted treatment for substance use disorders.

10 **SECTION 70.** In Colorado Revised Statutes, 25.5-5-301, **amend**
11 (4) as follows:

12 **25.5-5-301. Clinic services.** (4) "Clinic services" also means
13 preventive, diagnostic, therapeutic, rehabilitative, or palliative items or
14 services furnished to a pregnant woman who is enrolled or eligible for
15 services pursuant to section 25.5-5-101 (1)(c) or 25.5-5-201 (1)(m.5) in
16 a facility that is not a part of a hospital but is organized and operated as
17 a freestanding substance use disorder treatment program approved and
18 licensed by the ~~office of~~ behavioral health ADMINISTRATION in the
19 department of human services pursuant to section 27-80-108 (1)(c).

20 **SECTION 71.** In Colorado Revised Statutes, 25.5-5-309, **amend**
21 (1) as follows:

22 **25.5-5-309. Pregnant women - needs assessment - referral to**
23 **treatment program - definition.** (1) The health-care practitioner for
24 each pregnant woman who is enrolled or eligible for services pursuant to
25 section 25.5-5-101 (1)(c) or 25.5-5-201 (1)(m.5) is encouraged to identify
26 as soon as possible after the woman is determined to be pregnant whether
27 the woman is at risk of a poor birth outcome due to substance use during

1 the prenatal period and in need of special assistance in order to reduce the
2 risk. If the health-care practitioner makes such determination regarding
3 any pregnant woman, the health-care practitioner is encouraged to refer
4 the woman to any entity approved and licensed by THE BEHAVIORAL
5 HEALTH ADMINISTRATION IN the department of human services for the
6 performance of a needs assessment. Any county department of human or
7 social services may refer an eligible woman for a needs assessment, or
8 any pregnant woman who is eligible for services pursuant to section
9 25.5-5-201 (1)(m.5) may refer herself for a needs assessment.

10 **SECTION 72.** In Colorado Revised Statutes, 25.5-5-310, **amend**
11 (1)(b) and (2) as follows:

12 **25.5-5-310. Treatment program for high-risk pregnant and**
13 **parenting women - cooperation with private entities - definition.**

14 (1) (b) The state department, ~~and~~ THE BEHAVIORAL HEALTH
15 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES, the
16 ~~departments~~ DEPARTMENT of human services, and THE DEPARTMENT OF
17 public health and environment shall cooperate with any organizations that
18 desire to assist the departments AND THE ADMINISTRATION in the
19 provision of services connected with the treatment program for high-risk
20 pregnant and parenting women. Organizations may provide services that
21 are not provided to persons pursuant to this article 5 or article 4 or 6 of
22 this title 25.5 or article 2 of title 26, which services may include but are
23 not limited to needs assessment services, preventive services,
24 rehabilitative services, care coordination, nutrition assessment,
25 psychosocial counseling, intensive health education, home visits,
26 transportation, development of provider training, child care, child care
27 navigation, and other necessary components of residential or outpatient

1 treatment or care.

2 (2)(a) Health-care practitioners and county departments of human
3 or social services are encouraged to identify any pregnant or parenting
4 woman. If a practitioner or county department of human or social services
5 makes such determination regarding any pregnant or parenting woman up
6 to one year postpartum, the practitioner or county department of human
7 or social services is encouraged to refer the woman to any entity approved
8 and licensed by THE BEHAVIORAL HEALTH ADMINISTRATION IN the
9 department of human services for a needs assessment in order to improve
10 outcomes for the pregnant or parenting woman and child and reduce the
11 likelihood of out-of-home placement. Any pregnant or parenting woman
12 up to one year postpartum may also refer herself for a needs assessment.

13 (b) The BEHAVIORAL HEALTH ADMINISTRATION IN THE department
14 of human services is authorized to use state money to provide services to
15 women, including women enrolled in the medical assistance program
16 established pursuant to this article 5 and articles 4 and 6 of this title 25.5,
17 who enroll, up to one year postpartum, in residential substance use
18 disorder treatment and recovery services, until such time as those services
19 are covered by the medical assistance program. The BEHAVIORAL HEALTH
20 ADMINISTRATION IN THE department of human services may continue to
21 use state money to enroll parenting women in residential services who
22 qualify as indigent but who are not eligible for services under the medical
23 assistance program.

24 (c) Facilities approved and licensed by the ~~office of~~ behavioral
25 health ADMINISTRATION ~~within~~ IN the department of human services to
26 provide substance use disorder services to high-risk pregnant and
27 parenting women and that offer child care services must allow a woman

1 to begin treatment without first presenting up-to-date health records for
2 her child, including those referenced in section 25-4-902. The parenting
3 woman in treatment must present up-to-date health records for her child,
4 including those referenced in section 25-4-902, within thirty days after
5 commencing treatment.

6 **SECTION 73.** In Colorado Revised Statutes, **amend** 25.5-5-311
7 as follows:

8 **25.5-5-311. Treatment program for high-risk pregnant and**
9 **parenting women - data collection.** The state department, in cooperation
10 with the BEHAVIORAL HEALTH ADMINISTRATION IN THE department of
11 human services, shall create a data collection mechanism regarding
12 persons receiving services pursuant to the treatment program for high-risk
13 pregnant and parenting women that includes the collection of any data
14 that the ~~departments~~ STATE DEPARTMENT AND BEHAVIORAL HEALTH
15 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES deem
16 appropriate.

17 **SECTION 74.** In Colorado Revised Statutes, 25.5-5-325, **amend**
18 (2)(b)(I) as follows:

19 **25.5-5-325. Residential and inpatient substance use disorder**
20 **treatment - medical detoxification services - federal approval -**
21 **performance review report.** (2) (b) Prior to seeking federal approval
22 pursuant to subsection (2)(a) of this section, the state department shall
23 seek input from relevant stakeholders, including existing providers of
24 substance use disorder treatment and medical detoxification services and
25 managed service organizations. The state department shall seek input and
26 involve stakeholders in decisions regarding:

27 (I) The coordination of benefits with managed service

1 organizations and the ~~office of~~ behavioral health ADMINISTRATION in the
2 department of human services;

3 **SECTION 75.** In Colorado Revised Statutes, 25.5-5-328, **amend**
4 (1) as follows:

5 **25.5-5-328. Secure transportation for behavioral health crises**
6 **- benefit - funding.** (1) On or before January 1, 2023, the state
7 department shall create a benefit for secure transportation services, as ~~that~~
8 ~~term is~~ defined in section 25-3.5-103 (11.4). The state department shall
9 research and create a plan to establish secure transportation services,
10 which may include supplemental and coordinated community response
11 services, to be implemented on or before July 1, 2023. The state
12 department shall collaborate with the ~~office of~~ behavioral health
13 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES in its research
14 and planning efforts to determine how this benefit may align with
15 co-responder, mobile crisis, and emergency crisis dispatch.

16 
17 **SECTION 76.** In Colorado Revised Statutes, 25.5-5-424, **amend**
18 (1) and (4)(a) introductory portion as follows:

19 **25.5-5-424. Residential and inpatient substance use disorder**
20 **treatment - MCE standardized utilization management process -**
21 **medical necessity - report.** (1) On or before October 1, 2021, the state
22 department shall consult with the ~~office of~~ behavioral health
23 ADMINISTRATION in the department of human services, residential
24 treatment providers, and MCEs to develop standardized utilization
25 management processes to determine medical necessity for residential and
26 inpatient substance use disorder treatment. The processes must
27 incorporate the most recent edition of "The ASAM Criteria for Addictive,

1 Substance-related, and Co-occurring Conditions" and align with federal
2 medicaid payment requirements.

3 (4) (a) Beginning October 1, 2021, and quarterly thereafter, the
4 state department shall collaborate with the ~~office of~~ behavioral health
5 ADMINISTRATION in the department of human services, residential
6 treatment providers, and MCEs to develop a report on the residential and
7 inpatient substance use disorder utilization management statistics. At a
8 minimum, the report must include:

9 **SECTION 77.** In Colorado Revised Statutes, **amend** 25.5-5-803
10 as follows:

11 **25.5-5-803. High-fidelity wraparound services for children**
12 **and youth - federal approval - reporting.** (1) Subject to available
13 appropriations, the state department shall seek federal authorization from
14 the federal centers for medicare and medicaid services to provide
15 wraparound services for eligible children and youth who are at risk of
16 out-of-home placement or in an out-of-home placement. Prior to seeking
17 federal authorization, the state department shall seek input from relevant
18 stakeholders including counties, managed care entities participating in the
19 statewide managed care system, families of children and youth with
20 behavioral health disorders, communities that have previously
21 implemented wraparound services, mental health professionals, THE
22 BEHAVIORAL HEALTH ADMINISTRATION AND THE OFFICE OF BEHAVIORAL
23 HEALTH IN THE DEPARTMENT OF HUMAN SERVICES, and other relevant
24 departments. The state department shall consider tiered care coordination
25 as an approach when developing the wraparound model.

26 (2) Upon federal authorization, and subject to available
27 appropriations, the state department shall require managed care entities

1 to implement wraparound services, which may be contracted out to a third
2 party. Subject to available appropriations, the state department shall
3 contract with the department of human services and ~~office of~~ THE
4 behavioral health ADMINISTRATION IN THE DEPARTMENT OF HUMAN
5 SERVICES to ensure care coordinators and those responsible for
6 implementing wraparound services have adequate training and resources
7 to support children and youth who may have co-occurring diagnoses,
8 including behavioral health disorders and physical or intellectual or
9 developmental disabilities. Attention must also be given to the geographic
10 diversity of the state in designing this program in rural communities.

11 (3) Upon implementation of the wraparound services, the state
12 department, THE DEPARTMENT OF HUMAN SERVICES, and THE BEHAVIORAL
13 HEALTH ADMINISTRATION IN the department of human services shall
14 monitor and report the annual cost savings associated with eligible
15 children and youth receiving wraparound services to the public through
16 the annual hearing, pursuant to the "State Measurement for Accountable,
17 Responsive, and Transparent (SMART) Government Act", part 2 of
18 article 7 of title 2. The STATE department ~~of health care policy and~~
19 ~~financing~~ shall require managed care entities to report data on the
20 utilization and effectiveness of wraparound services.

21 (4) Subject to available appropriations, the state department shall
22 work collaboratively with THE DEPARTMENT OF HUMAN SERVICES, THE
23 BEHAVIORAL HEALTH ADMINISTRATION IN the department of human
24 services, counties, and other departments, as appropriate, to develop and
25 implement wraparound services for children and youth at risk of
26 out-of-home placement or in an out-of-home placement. The BEHAVIORAL
27 HEALTH ADMINISTRATION IN THE department of human services shall

1 oversee that the wraparound services are delivered with fidelity to the
2 model. As part of routine collaboration, and subject to available
3 appropriations, the state department shall develop a model of sustainable
4 funding for wraparound services in consultation with THE DEPARTMENT
5 OF HUMAN SERVICES AND THE BEHAVIORAL HEALTH ADMINISTRATION IN
6 the department of human services. Wraparound services provided to
7 eligible children and youth pursuant to this section must be covered under
8 the "Colorado Medical Assistance Act", articles 4, 5, and 6 of this title
9 25.5, subject to available appropriations. The state department may use
10 targeting criteria to ramp up wraparound services as service capacity
11 increases, or temporarily, as necessary, to meet certain federal financial
12 participation requirements.

13 **SECTION 78.** In Colorado Revised Statutes, **amend** 25.5-5-804
14 as follows:

15 **25.5-5-804. Integrated funding pilot.** Subject to available
16 appropriations, the state department, in conjunction with THE
17 BEHAVIORAL HEALTH ADMINISTRATION IN the department of human
18 services, counties, and other relevant departments, shall design and
19 recommend a child and youth behavioral health delivery system pilot
20 program that addresses the challenges of fragmentation and duplication
21 of behavioral health services. The pilot program shall integrate funding
22 for behavioral health intervention and treatment services across the state
23 to serve children and youth with behavioral health disorders. To
24 implement the provisions of this section, the state department shall
25 collaborate with the BEHAVIORAL HEALTH ADMINISTRATION IN THE
26 department of human services and other relevant stakeholders, including
27 counties, managed care entities, and families.

1 **SECTION 79.** In Colorado Revised Statutes, 26-1-107, **amend**
2 **as amended by Senate Bill 22-013** (1)(b)(III); and **add** (1)(b)(II.5) as
3 follows:

4 **26-1-107. State board of human services - rules.** (1) (b) The
5 board consists of:

6 (II.5) (A) ONE MEMBER WHO IS A PERSON WITH LIVED EXPERIENCE
7 WITH BEHAVIORAL HEALTH DISORDERS, A FAMILY MEMBER OF A PERSON
8 WITH BEHAVIORAL HEALTH DISORDERS, A MEMBER OF AN ADVOCACY
9 GROUP FOR PERSONS EXPERIENCING BEHAVIORAL HEALTH DISORDERS, OR
10 A PHYSICIAN OR A MEMBER OF ONE OF THE LICENSED MENTAL HEALTH
11 PROFESSIONS.

12 (B) A PHYSICIAN OR A MEMBER OF ONE OF THE LICENSED MENTAL
13 HEALTH PROFESSIONS, IN THEIR ROLE AS A BOARD MEMBER, SHALL NOT
14 VOTE ON ANY MATTER COMING BEFORE THE BOARD THAT AFFECTS THEIR
15 EMPLOYER OR PRIVATE PRACTICE IN A MANNER DIFFERENT FROM OTHER
16 EMPLOYERS OR PRIVATE PRACTICES OF THE SAME PROFESSIONS.

17 (III) ~~Five~~ Four members who are from the public at large.

18 **SECTION 80.** In Colorado Revised Statutes, 26-1-108, **amend**
19 (1.7) and (1.8) as follows:

20 **26-1-108. Powers and duties of the executive director - rules.**

21 (1.7) (a) The executive director ~~shall have~~ HAS THE authority to adopt
22 "executive director rules" for programs administered and services
23 provided by the state department as set forth in this ~~title and in title 27,~~
24 ~~C.R.S.~~ TITLE 26. Such rules shall be promulgated in accordance with the
25 provisions of section 24-4-103. ~~C.R.S.~~

26 (b) Any rules adopted by the state board to implement the
27 provisions of this ~~title or title 27, C.R.S.,~~ TITLE 26 prior to March 25,

1 2009, whose content meets the definition of "executive director rules"
2 shall continue to be effective until revised, amended, or repealed by the
3 executive director.

4 (1.8) Whenever a statutory grant of rule-making authority in this
5 ~~title or title 27, C.R.S.~~, TITLE 26 refers to the state department or the
6 department of human services, it ~~shall mean~~ MEANS the state department
7 acting through either the state board or the executive director or both.
8 When exercising rule-making authority under this ~~title or title 27, C.R.S.~~
9 TITLE 26, the state department, either acting through the state board or the
10 executive director, shall establish rules consistent with the powers and the
11 distinction between "board rules" as set forth in section 26-1-107 and
12 "executive director rules" as set forth in this section.

13 **SECTION 81.** In Colorado Revised Statutes, 26-1-111, **repeal** (5)
14 as follows:

15 **26-1-111. Activities of the state department under the**
16 **supervision of the executive director - cash fund - report - rules -**
17 **statewide adoption resource registry.** (5) ~~The state department, through~~
18 ~~the office of behavioral health in the state department, shall administer~~
19 ~~substance use disorder treatment programs set forth in articles 80, 81, and~~
20 ~~82 of title 27.~~

21 **SECTION 82.** In Colorado Revised Statutes, **repeal** 26-1-142.

22 **SECTION 83.** In Colorado Revised Statutes, 26-1-201, **repeal**
23 (1)(a), (1)(b), and (1)(c) as follows:

24 **26-1-201. Programs administered - services provided -**
25 **department of human services.** (1) This section specifies the programs
26 to be administered and the services to be provided by the department of
27 human services. These programs and services include the following:

1 (a) ~~Programs related to substance abuse and substance use~~
2 ~~disorders, as specified in article 80 of title 27;~~

3 (b) ~~Programs related to alcohol abuse and alcohol use disorders,~~
4 ~~as specified in article 81 of title 27;~~

5 (c) ~~Programs related to prevention, education, and treatment for~~
6 ~~substance abuse and substance use disorders, as specified in article 82 of~~
7 ~~title 27;~~

8 **SECTION 84.** In Colorado Revised Statutes, 26-2-111, **amend**
9 (4)(e) introductory portion and (4)(e)(I) as follows:

10 **26-2-111. Eligibility for public assistance - rules - repeal.**

11 (4) **Aid to the needy disabled.** Public assistance in the form of aid to the
12 needy disabled must be granted to any person who meets the requirements
13 of subsection (1) of this section and all of the following requirements:

14 (e) If the applicant is disabled as a result of a primary diagnosis
15 of a substance use disorder, ~~he or she~~ THE APPLICANT, as conditions of
16 eligibility, ~~shall be~~ IS required to:

17 (I) Participate in treatment services approved by the ~~office of~~
18 behavioral health ADMINISTRATION in the state department; and

19 ==

20 **SECTION 85.** In Colorado Revised Statutes, 26-20-103, **amend**
21 (3) as follows:

22 **26-20-103. Basis for use of restraint or seclusion.** (3) In
23 addition to the circumstances described in subsection (1) of this section,
24 a facility, as defined in section 27-65-102 (7), that is designated by the
25 ~~executive director of~~ COMMISSIONER OF THE BEHAVIORAL HEALTH
26 ADMINISTRATION in the state department to provide treatment pursuant to
27 section 27-65-105, 27-65-106, 27-65-107, or 27-65-109 to an individual

1 with a mental health disorder, as defined in section 27-65-102 (11.5), may
2 use seclusion to restrain an individual with a mental health disorder when
3 the seclusion is necessary to eliminate a continuous and serious disruption
4 of the treatment environment.

5 **SECTION 86.** In Colorado Revised Statutes, 26-20-110, **amend**
6 (1)(d) as follows:

7 **26-20-110. Youth restraint and seclusion working group -**
8 **membership - purpose - repeal.** (1) There is established within the
9 division of youth services a youth restraint and seclusion working group,
10 referred to in this section as the "working group". The working group
11 consists of:

12 (d) The ~~director~~ COMMISSIONER of the ~~office of~~ behavioral health
13 ~~within~~ ADMINISTRATION in the state department, or ~~his or her~~ THE
14 COMMISSIONER'S designee;

15 **SECTION 87.** In Colorado Revised Statutes, 27-60-100.3, **repeal**
16 (4.7); and **add** (1.1) and (1.3) as follows:

17 **27-60-100.3. Definitions - repeal.** As used in this article 60,
18 unless the context otherwise requires:

19 (1.1) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
20 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
21 27-50-102.

22 (1.3) "COMMISSIONER" MEANS THE COMMISSIONER OF THE
23 BEHAVIORAL HEALTH ADMINISTRATION.

24 (4.7) ~~"Office" means the office of behavioral health in the~~
25 ~~department of human services.~~

26 **SECTION 88.** In Colorado Revised Statutes, 27-60-103, **amend**
27 (1)(a) introductory portion, (2) introductory portion, (3), (4)(a), and

1 (6)(a); and **repeal** (6)(b) and (6)(c) as follows:

2 **27-60-103. Behavioral health crisis response system - services**

3 **- request for proposals - criteria - reporting - rules.** (1) (a) ~~On or~~

4 ~~before September 1, 2013, the state department shall~~ THE BHA MAY issue

5 a statewide request for proposals to entities with the capacity to create a

6 coordinated and seamless behavioral health crisis response system to

7 provide crisis intervention services for communities throughout the state.

8 Separate proposals may be solicited and accepted for each of the five

9 components listed in subsection (1)(b) of this section. The crisis response

10 system created through this request for proposals process must be based

11 on the following principles:

12 (2) ~~The state department~~ BHA shall collaborate with the

13 committee of interested stakeholders established in subsection (3) of this

14 section to develop the request for proposals, including eligibility and

15 award criteria. Priority may be given to entities that have demonstrated

16 partnerships with Colorado-based resources. Proposals will be evaluated

17 on, at a minimum, an applicant's ability, relative to the specific

18 component involved, to:

19 (3) ~~The state department~~ BHA shall establish a committee of

20 interested stakeholders that will be responsible for reviewing the

21 proposals and awarding contracts pursuant to this section.

22 ~~Representations~~ REPRESENTATIVES from the state department of health

23 care policy and financing must be included in the committee of interested

24 stakeholders. A stakeholder participating in the committee must not have

25 a financial or other conflict of interest that would prevent ~~him or her~~ THE

26 STAKEHOLDER from impartially reviewing proposals.

27 (4) (a) ~~The state department shall issue the initial request for~~

1 ~~proposals on or before September 1, 2013, subject to available~~
2 ~~appropriations. Pursuant to the state procurement code, articles 101 and~~
3 ~~102 of title 24, the state department shall make awards on or before~~
4 ~~January 1, 2014. If additional money is appropriated, the state department~~
5 ~~BHA may issue additional requests for proposals consistent with this~~
6 ~~section and the state procurement code, articles 101 and 102 of title 24.~~

7 (6) (a) Beginning in January 2014, and every January thereafter,
8 ~~the state department~~ BHA shall report progress on the implementation of
9 the crisis response system, as well as information about and updates to the
10 system, as part of its "State Measurement for Accountable, Responsive,
11 and Transparent (SMART) Government Act" hearing required by section
12 2-7-203.

13 (b) ~~On or before November 1, 2017, the office of behavioral~~
14 ~~health within the state department shall prepare a report and submit such~~
15 ~~report to the joint judiciary committee; the joint health and human~~
16 ~~services committee; the joint budget committee; the governor; and the~~
17 ~~commission on criminal and juvenile justice, established in section~~
18 ~~16-11.3-102. At a minimum, the report must include details concerning~~
19 ~~the current status of funding and the implementation of the expansion of~~
20 ~~behavioral health crisis services.~~

21 (c) ~~On or before May 1, 2018, but after January 31, 2018, the~~
22 ~~office of behavioral health within the state department shall present a~~
23 ~~report to the joint judiciary committee and the joint committee on health~~
24 ~~and human services concerning the current status of funding and the~~
25 ~~implementation of the expansion of behavioral health crisis services.~~

26 **SECTION 89.** In Colorado Revised Statutes, 27-60-104, **amend**
27 (2), (3)(a), (5), (7) introductory portion, (7)(b), (8), and (9); and **amend**

1 as it will become effective July 1, 2022, (6) introductory portion as
2 follows:

3 **27-60-104. Behavioral health crisis response system - crisis**
4 **service facilities - walk-in centers - mobile response units - report.**

5 (2) (a) ~~On or before January 1, 2018, the state department~~ THE BHA shall
6 ensure that mobile response units are available to respond to a behavioral
7 health crisis anywhere in the state within no more than two hours, either
8 face-to-face or using telehealth operations, for mobile crisis evaluations.

9 (b) Mobile crisis services may be delivered by criminal justice
10 diversion programs approved by the ~~state department~~ BHA or a crisis
11 response system contractor.

12 (3) (a) ~~On or before January 1, 2018,~~ All walk-in centers
13 throughout the state's crisis response system must be appropriately
14 designated by the ~~executive director~~ COMMISSIONER for a
15 seventy-two-hour treatment and evaluation, adequately prepared, and
16 properly staffed to accept an individual through the emergency mental
17 health procedure outlined in section 27-65-105 or a voluntary application
18 for mental health services pursuant to section 27-65-103. Priority for
19 individuals receiving emergency placement pursuant to section 27-65-105
20 is on treating high-acuity individuals in the least restrictive environment
21 without the use of law enforcement.

22 (5) The ~~state department~~ BHA shall encourage crisis response
23 system contractors in each region to develop partnerships with the broad
24 array of crisis intervention services through mobile response units and
25 telehealth-capable walk-in centers in rural communities that offer care
26 twenty-four hours a day, seven days a week.

27 (6) The ~~state department~~ BHA shall ensure crisis response system

1 contractors are responsible for community engagement, coordination, and
2 system navigation for key partners, including criminal justice agencies,
3 emergency departments, hospitals, primary care facilities, behavioral
4 health entities, walk-in centers, and other crisis service facilities. The
5 goals of community coordination are to:

6 (7) The ~~state department~~ BHA shall explore solutions for
7 addressing secure transportation, as defined in section 25-3.5-103 (11.4),
8 of individuals placed on a seventy-two-hour treatment and evaluation
9 hold pursuant to article 65 of this title 27, and shall include the following
10 information as part of its 2023 "State Measurement for Accountable,
11 Responsive, and Transparent (SMART) Government Act" presentation
12 required pursuant to section 2-7-203:

13 (b) How the ~~state department~~ BHA has supported and encouraged
14 crisis contractors to include secure transportation in the behavioral health
15 crisis response system.

16 (8) The ~~state department~~ BHA shall ensure consistent training for
17 professionals who have regular contact with individuals experiencing a
18 behavioral health crisis.

19 (9) The ~~state department~~ BHA shall conduct an assessment of
20 need and capacity of the statewide crisis response system to better
21 understand the state's needs for crisis response and service gaps across the
22 state.

23 **SECTION 90.** In Colorado Revised Statutes, 27-60-104.5,
24 **amend** (3) introductory portion, (4), (8), and (10); and **repeal** (7) as
25 follows:

26 **27-60-104.5. Behavioral health capacity tracking system -**
27 **rules - legislative declaration - definitions.** (3) Pursuant to subsection

1 (8) of this section, the ~~state department~~ BHA shall implement a
2 behavioral health capacity tracking system, which must include the
3 following:

4 (4) In addition to reporting by those facilities listed in subsection
5 (3)(e) of this section, the tracking system may allow any medical provider
6 providing behavioral health treatment as part of the provider's medical
7 practice to participate in the tracking system with prior approval by the
8 ~~state department~~ BHA.

9 ~~(7) Prior to contracting for components of the tracking system or~~
10 ~~its implementation, the state department shall convene a stakeholder~~
11 ~~process to identify an efficient and effective tracking system design. The~~
12 ~~state department shall receive input relating to existing information and~~
13 ~~reporting systems that may be expanded upon for the tracking system,~~
14 ~~issues relating to data collection and input by facilities and treatment~~
15 ~~providers, and the most effective interface for tracking system users. In~~
16 ~~addition to any persons or organizations identified by the state~~
17 ~~department, the stakeholder process must include input from the~~
18 ~~department of public health and environment, emergency medical service~~
19 ~~providers, contractors operating existing information and reporting~~
20 ~~systems in the state, and facilities required to provide information for the~~
21 ~~tracking system. The state department shall report to the opioid and other~~
22 ~~substance use disorders study committee during the legislative interim~~
23 ~~preceding the 2020 legislative session concerning the results of the~~
24 ~~stakeholder process.~~

25 (8) Subject to available appropriations, the ~~state department~~ BHA
26 shall implement a centralized, web-based tracking system as described in
27 this section and shall ensure that appropriate tracking system information

1 is available to the public. The contractor of the twenty-four-hour
2 telephone crisis services provided pursuant to section 27-60-103 shall use
3 the tracking system as an available service resource locator.

4 (10) The state ~~department~~ BOARD may adopt rules, as necessary,
5 to implement this section.

6 **SECTION 91.** In Colorado Revised Statutes, 27-60-105, **amend**
7 (2), (3), (4) introductory portion, (5) introductory portion, (5)(b), and (6)
8 as follows:

9 **27-60-105. Outpatient restoration to competency services -**
10 **jail-based behavioral health services - responsible entity - duties -**
11 **report - legislative declaration.** (2) ~~The office of behavioral health~~
12 **STATE DEPARTMENT** serves as a central organizing structure and
13 responsible entity for the provision of competency restoration education
14 services, coordination of competency restoration services ordered by the
15 court pursuant to section 16-8.5-111 (2)(b) or 19-2.5-704 (2), and
16 jail-based behavioral health services pursuant to section 27-60-106.

17 (3) ~~On or before December 1, 2017, the office~~ **THE STATE**
18 **DEPARTMENT** shall develop standardized juvenile and adult curricula for
19 the educational component of competency restoration services. The
20 curricula must have a content and delivery mechanism that allows ~~it~~ **THE**
21 **CURRICULA** to be tailored to meet individual needs, including those of
22 persons with intellectual and developmental disabilities.

23 (4) Beginning July 1, 2019, the ~~office~~ **STATE DEPARTMENT** has the
24 following duties and responsibilities, subject to available appropriations:

25 (5) Notwithstanding section 24-1-136 (11)(a)(I), on or before
26 January 1, 2019, and every January 1 thereafter, the ~~office~~ **STATE**
27 **DEPARTMENT** shall submit an annual written report to the general

1 assembly summarizing the ~~office's~~ STATE DEPARTMENT'S provision of
2 competency restoration education, its efforts toward the coordination of
3 competency restoration education with other existing services, and the
4 results of the jail-based behavioral health services program created in
5 section 27-60-106. The report must include:

6 (b) A description of the ~~office's~~ STATE DEPARTMENT'S engagement
7 with community partners to coordinate competency restoration services
8 in an effective and efficient manner;

9 (6) In addition to subsection (4) of this section and subject to
10 available appropriations, the ~~office~~ STATE DEPARTMENT shall require any
11 county jail to assist in the provision of interim mental health services for
12 individuals who have been court-ordered for inpatient competency
13 restoration and who are waiting admission for an inpatient bed. This
14 section does not toll or otherwise modify the time frames for the ~~STATE~~
15 ~~department~~ to offer inpatient admission pursuant to the provisions of
16 section 16-8.5-111.

17 **SECTION 92.** In Colorado Revised Statutes, 27-60-106, **amend**
18 (1), (3), (4) introductory portion, (4)(a), (4)(g), (4)(h), (5)(a), and (6) as
19 follows:

20 **27-60-106. Jail-based behavioral health services program -**
21 **purpose - created - funding.** (1) There is created in the ~~office~~
22 BEHAVIORAL HEALTH ADMINISTRATION the jail-based behavioral health
23 services program, referred to in this section as the "program". The
24 program may receive money from the correctional treatment cash fund
25 pursuant to section 18-19-103 (5)(c)(V).

26 (3) The ~~office~~ BHA shall prioritize jails with minimal behavioral
27 health services, including but not limited to rural and frontier jails.

1 (4) Subject to available appropriations, the ~~office~~ BHA may
2 require a county jail that receives funding through the program to:

3 (a) Screen all individuals booked into the jail facility with
4 standardized evidence-based screening tools, as determined by the ~~office~~
5 BHA, for mental health disorders, substance use disorders, and suicide
6 risk;

7 (g) Track performance outcomes for measures developed by the
8 ~~office~~ BHA, including behavioral health disorder prevalence and service
9 data through information-sharing processes, as defined by the ~~office~~
10 BHA; and

11 (h) Partner with the ~~office~~ BHA to develop feasible health
12 information exchange strategies for medical and behavioral health
13 records.

14 (5) (a) The ~~office~~ BHA shall require a county jail that receives
15 funding through the program to have a policy in place on or before
16 January 1, 2020, that describes how medication-assisted treatment, as it
17 ~~is~~ defined in section 23-21-803, will be provided, when necessary, to
18 individuals confined in the county jail.

19 (6) Subject to available appropriations, nothing in this section
20 prohibits program funds from being used to meet the requirements
21 outlined in sections 17-26-303 and 17-26-304 for local jails, as defined
22 in section 17-26-302 (2), by providing additional staffing, training, robust
23 behavioral health services and supports, or facility changes. Any facility
24 changes must be approved by the ~~office of behavioral health~~ BHA before
25 funds may be expended.

26 **SECTION 93.** In Colorado Revised Statutes, 27-60-106.5,
27 **amend** (1) and (2) as follows:

1 **27-60-106.5. Criminal justice diversion programs - report -**
2 **rules.** (1) (a) ~~The office of behavioral health in the state department~~
3 BHA may contract with cities and counties for the creation, maintenance,
4 or expansion of criminal justice diversion programs. The goal of each
5 program created pursuant to this section should be to connect ~~law~~
6 ~~enforcement officers~~ FIRST RESPONDERS with behavioral health providers
7 to assist individuals in need of behavioral health intervention or to divert
8 individuals from the criminal justice system.

9 (b) ~~The office of behavioral health in the state department~~ BHA
10 may require criminal justice diversion programs contracted pursuant to
11 subsection (1)(a) of this section to participate as a mobile crisis service in
12 the behavioral health crisis response system, created pursuant to section
13 27-60-103.

14 (2) On or before November 1, 2021, and on or before each
15 November 1 thereafter, ~~the state department~~ BHA shall include an update
16 regarding the current status of funding and the criminal justice diversion
17 programs implemented pursuant to this section in its report to the
18 judiciary committees of the senate and the house of representatives, the
19 health and human services committee of the senate, the public AND
20 BEHAVIORAL health ~~care~~ and human services committee of the house of
21 representatives, or any successor committees, as part of its "State
22 Measurement for Accountable, Responsive, and Transparent (SMART)
23 Government Act" presentation required by section 2-7-203.

24 **SECTION 94.** In Colorado Revised Statutes, **repeal** 27-60-107.

25 **SECTION 95.** In Colorado Revised Statutes, 27-60-108, **amend**
26 (2)(c), (3)(a) introductory portion, (3)(a)(III)(B), (3)(c), (4), (5), (6)(d),
27 and (7) as follows:

1 **27-60-108. Peer support professionals - cash fund - fees -**
2 **requirements - legislative declaration - rules - definitions.** (2) As used
3 in this section, unless the context otherwise requires:

4 (c) "Recovery support services organization" means an
5 independent entity led and governed by representatives of local
6 communities of recovery and approved by the ~~executive director of the~~
7 ~~state department~~ COMMISSIONER pursuant to subsection (3)(a) of this
8 section.

9 (3) (a) On or before July 1, 2022, the ~~state department~~ BHA shall
10 develop a procedure for recovery support services organizations to be
11 approved by the ~~executive director of the state department~~ COMMISSIONER
12 for reimbursement pursuant to this section. The procedures must ensure
13 that the recovery support services organization:

14 (III) Employs or contracts with peer support professionals who
15 must:

16 (B) Have successfully completed formal training covering all
17 content areas outlined in the core competencies for peer support
18 professionals established by either the ~~state department~~ BHA or the
19 substance abuse and mental health services administration of the United
20 States department of health and human services; and

21 (c) The ~~executive director of the state department~~ COMMISSIONER,
22 in collaboration with the department of health care policy and financing,
23 may promulgate rules establishing minimum standards that recovery
24 support services organizations must meet.

25 (4) The ~~state department~~ BHA may charge a fee for recovery
26 support services organizations seeking approval pursuant to subsection
27 (3)(a) of this section. If the ~~executive director of the state department~~

1 COMMISSIONER charges a fee to recovery support services organizations,
2 the ~~executive director~~ COMMISSIONER shall promulgate rules to establish
3 the fee ~~at~~ IN an amount not to substantially exceed the amount charged to
4 other behavioral health providers seeking approval from the ~~state~~
5 ~~department~~. The ~~state department~~ BHA. THE BHA shall deposit any fees
6 collected into the peer support professional workforce cash fund created
7 in subsection (6) of this section.

8 (5) The ~~state department~~ BHA may seek, accept, and expend gifts,
9 grants, or donations from private or public sources for the purposes of this
10 section. The ~~state department~~ BHA shall transfer each gift, grant, and
11 donation to the state treasurer, who shall credit the same to the peer
12 support professional workforce cash fund created in subsection (6) of this
13 section.

14 (6) (d) Subject to annual appropriation by the general assembly,
15 the ~~state department~~ BHA may expend state money from the fund for the
16 purpose of implementing this section.

17 (7) A peer-run recovery service provider shall not be compelled
18 to seek approval from the ~~state department~~ BHA to become a recovery
19 support services organization. Expanded service funding available for
20 recovery services through recovery support services organizations is
21 intended to supplement existing state investment in the recovery system
22 infrastructure. The ~~state department~~ BHA shall fund recovery services,
23 within existing appropriations, including peer-run organizations that do
24 not seek to be recovery support services organizations.

25 **SECTION 96.** In Colorado Revised Statutes, 27-60-109, **amend**
26 (2)(a), (2)(b), (3)(a) introductory portion, (3)(a)(III), (3)(b), and (4)(a)
27 introductory portion as follows:

1 **27-60-109. Temporary youth mental health services program**

2 **- established report - rules - definitions - repeal.** (2) (a) There is

3 established in the ~~office~~ BEHAVIORAL HEALTH ADMINISTRATION the
4 temporary youth mental health services program to facilitate access to
5 mental health services, including substance use disorder services, for
6 youth to respond to mental health needs identified in an initial mental
7 health screening through the portal, including those needs that may have
8 resulted from the COVID-19 pandemic. The program reimburses
9 providers for up to three mental health sessions with a youth.

10 (b) The ~~office~~ BHA shall reimburse providers who participate in
11 the program for each mental health session with a youth, either in-person
12 or by telehealth, up to a maximum of three sessions per youth client;
13 except that subject to available money, the ~~state department~~ BHA may
14 reimburse a provider for additional sessions. To be eligible for
15 reimbursement from the program, a provider must be available to provide
16 three mental health sessions to each youth the provider accepts as a client.

17 (3) (a) The ~~office~~ BHA shall:

18 (III) Implement a statewide public awareness and outreach
19 campaign about the program. The general assembly encourages the ~~office~~
20 BHA to involve schools, neighborhood youth organizations, health-care
21 providers, faith-based organizations, and any other community-based
22 organizations that interact with youth on the local level in disseminating
23 information about the program.

24 (b) The ~~state department~~ BOARD may promulgate rules necessary
25 for the administration of this section, including rules to protect the
26 privacy of youth who receive services through the program.

27 (4) (a) ~~As soon as practicable, but no later than August 1, 2021,~~

1 ~~the state department~~ THE BHA shall enter into an agreement with a
2 vendor to create, or use an existing, website or web-based application as
3 a portal available to youth and providers to facilitate the program. The
4 portal must:

5 **SECTION 97.** In Colorado Revised Statutes, 27-60-110, **amend**
6 (1) as follows:

7 **27-60-110. Behavioral health-care services for rural and**
8 **agricultural communities - vouchers - contract - appropriation.**

9 (1) No later than one hundred eighty days after June 28, 2021, the ~~state~~
10 ~~department~~ BHA, in collaboration with the department of agriculture,
11 shall contract with a nonprofit organization primarily focused on serving
12 agricultural and rural communities in Colorado, as identified by the ~~state~~
13 ~~department~~ BHA, to provide vouchers to individuals living in rural and
14 frontier communities in need of behavioral health-care services.

15 **SECTION 98.** In Colorado Revised Statutes, 27-60-111, **amend**
16 (1), (2)(o), (3), (4), (6), (7), (8), and (9) as follows:

17 **27-60-111. County-based behavioral health grant program -**
18 **created - report - rules - repeal.** (1) There is created in the ~~office~~
19 BEHAVIORAL HEALTH ADMINISTRATION the county-based behavioral
20 health grant program, referred to in this section as the "grant program",
21 to provide matching grants to county departments of human or social
22 services for the expansion or improvement of local or regional behavioral
23 health disorder treatment programs.

24 (2) Grant recipients may use the money received through the grant
25 program for the following purposes:

26 (o) Any other purpose the ~~office~~ BHA identifies that will expand
27 or improve local or regional behavioral health disorder treatment

1 programs.

2 (3) The ~~office~~ BHA shall administer the grant program and shall
3 award grants as provided in this section.

4 (4) The ~~office~~ BHA shall implement the grant program in
5 accordance with this section. At a minimum, the ~~office~~ BHA shall specify
6 the time frames for applying for grants, the form of the grant program
7 application, and the time frames for distributing grant money.

8 (6) To receive a grant, a county department of human or social
9 services shall submit an application to the ~~office~~ BHA. The ~~office~~ BHA
10 shall give priority to applications that demonstrate innovation and
11 collaboration or include rural or frontier communities; address a
12 demonstrated need, as identified by community input and local planning
13 efforts; and demonstrate the ability to rapidly distribute the grant money
14 into the community. The ~~office~~ BHA shall award grant money equitably
15 to reflect the geographic diversity of the state.

16 (7) Subject to available appropriations, beginning January 1, 2022,
17 and on or before January 1 each year thereafter for the duration of the
18 grant program, the ~~office~~ BHA shall award grants as provided in this
19 section. The ~~office~~ BHA shall distribute the grant money within ninety
20 days after the ~~office~~ BHA awards the grants.

21 (8) (a) On or before February 1, 2023, and on or before February
22 1 each year thereafter for the duration of the grant program, each county
23 department of human or social services that receives a grant through the
24 grant program shall submit a report to the ~~office~~ BHA on the use of the
25 grant money received pursuant to this section, including the total number
26 of individuals served, disaggregated by race, ethnicity, and age.

27 (b) On or before April 1, 2023, and on or before April 1 each year

1 thereafter for the duration of the grant program, the ~~state department~~
2 BHA shall submit a summarized report of the information received
3 pursuant to subsection (8)(a) of this section to the joint budget committee,
4 the health and insurance committee and the public and behavioral health
5 and human services committee of the house of representatives, and the
6 health and human services committee of the senate, or any successor
7 committees, on the grant program.

8 (9) For the 2021-22 state fiscal year, the general assembly shall
9 appropriate nine million dollars from the behavioral and mental health
10 cash fund created in section 24-75-230 to the STATE department of ~~human~~
11 ~~services~~ for use by the ~~office~~ BHA for the purposes of this section. If any
12 unexpended or unencumbered money remains at the end of the fiscal year,
13 the ~~office~~ BHA may expend the money for the same purposes in the next
14 fiscal year without further appropriation.

15 **SECTION 99.** In Colorado Revised Statutes, 27-60-112, **amend**
16 (1), (2) introductory portion, (2)(e), (3), and (4) as follows:

17 **27-60-112. Behavioral health-care workforce development**
18 **program - creation - report - rules.** (1) There is created in the ~~office~~
19 BEHAVIORAL HEALTH ADMINISTRATION the behavioral health-care
20 workforce development program, referred to in this section as the
21 "program". The purpose of the program is to increase the behavioral
22 health-care workforce's ability to treat individuals, including youth, with
23 severe behavioral health disorders.

24 (2) To implement the program, the ~~office~~ BHA shall:

25 (e) Provide capacity-building grants to diversify the safety net
26 provider workforce and meet the requirements of ~~section 27-63-103~~ PART
27 3 OF ARTICLE 50 OF THIS TITLE 27.

1 (3) The state ~~department~~ BOARD may promulgate rules as
2 necessary for the implementation of this section.

3 (4) For the state fiscal year 2021-22 and each state fiscal year
4 thereafter for which the program receives funding, the ~~state department~~
5 BHA shall report a summary of the expenditures from the program, the
6 impact of the expenditures in increasing the behavioral health-care
7 workforce, and any recommendations to strengthen and improve the
8 behavioral health-care workforce as part of its annual presentation to the
9 general assembly required under the "State Measurement for
10 Accountable, Responsive, and Transparent (SMART) Government Act",
11 part 2 of article 7 of title 2.

12 **SECTION 100.** In Colorado Revised Statutes, 27-60-113, **amend**
13 (2), (3), (4)(a) introductory portion, (4)(a)(II), (4)(b), (4)(c), (4)(d), (5),
14 (6), and (8); and **repeal** (7) as follows:

15 **27-60-113. Out-of-home placement for children and youth**
16 **with mental or behavioral needs - rules - report - legislative**
17 **declaration - definitions - repeal.** (2) ~~On or before August 1, 2021, the~~
18 ~~state department shall develop a program to~~ THE BHA SHALL provide
19 emergency resources to licensed providers to help remove barriers such
20 providers face in serving children and youth whose behavioral or mental
21 health needs require services and treatment in a residential child care
22 facility. Any such licensed provider shall meet the requirements of a
23 qualified residential treatment program, as defined in section 26-5.4-102,
24 a psychiatric residential treatment facility, as defined in section
25 26-5.4-103 (19.5), or therapeutic foster care, as defined in **section**
26 **26-6-102 (39).** **SECTION 26-6-903.**

27 (3) The state ~~department~~ BOARD may promulgate rules concerning

1 the placement of a child or youth in the program. The rules may address
2 quality assurance monitoring, admissions, discharge planning, appropriate
3 length of stay, an appeals process for children and youth who are
4 determined ineligible for the program, and compliance with applicable
5 federal law, including the federal "Family First Prevention Services Act";
6 except that rules concerning the placement of a child or youth who is not
7 in the custody of a state or county department of human or social services
8 shall not inappropriately apply compliance with such act.

9 (4) (a) ~~On or before December 31, 2021, the state department~~ THE
10 BHA shall contract with licensed providers for the delivery of services to
11 children and youth who are determined eligible for and placed in the
12 program. A provider that contracts with the ~~state department~~ BHA shall
13 not:

14 (II) Discharge a child or youth based on the severity or complexity
15 of the ~~child~~ CHILD'S or youth's physical, behavioral, or mental health
16 needs; except that the ~~state department~~ BHA may arrange for the
17 placement of a child or youth with an alternate contracted provider if the
18 placement with the alternate provider is better suited to deliver services
19 that meet the needs of the child or youth.

20 (b) The ~~state department~~ BHA shall reimburse a provider directly
21 for the costs associated with the placement of a child or youth in the
22 program for the duration of the treatment, including the costs the provider
23 demonstrates are necessary in order for the provider to operate
24 continuously during this period.

25 (c) The ~~state department~~ BHA shall coordinate with the
26 department of health care policy and financing to support continuity of
27 care and payment for services for any children or youth placed in the

1 program.

2 (d) The ~~state department~~ BHA shall reimburse the provider one
3 hundred percent of the cost of unutilized beds in the program to ensure
4 available space for emergency residential out-of-home placements.

5 (5) (a) A hospital, health-care provider, provider of case
6 management services, school district, managed care entity, or state or
7 county department of human or social services may refer a family for the
8 placement of a child or youth in the program. The entity referring a child
9 or youth for placement in the program shall submit or assist the family
10 with submitting an application to the ~~state department~~ BHA for review.
11 The ~~state department~~ BHA shall consider each application as space
12 becomes available. The ~~state department~~ BHA shall approve admissions
13 into the program and determine admission and discharge criteria for
14 placement.

15 (b) The ~~state department~~ BHA shall develop a discharge plan for
16 each child or youth placed in the program. The plan must include the
17 eligible period of placement of the child or youth and shall identify the
18 entity that will be responsible for the placement costs if the child or youth
19 remains with the provider beyond the date of eligibility identified in the
20 plan.

21 (c) The entity or family that places the child or youth in the
22 program retains the right to remove the child or youth from the program
23 any time prior to the discharge date specified by the ~~state department~~
24 BHA.

25 (6) ~~Within seven days after submitting an application to the state~~
26 ~~department for placing a child or youth in the program, the state~~
27 ~~department shall work with the referring entity and the child's or youth's~~

1 ~~parents or legal guardians to ensure the child or youth is assessed for~~
2 ~~eligibility for enrollment into the state medical assistance program. A~~
3 ~~child or youth who is eligible for enrollment into the state medical~~
4 ~~assistance program shall be enrolled. Enrollment of a child or youth into~~
5 ~~the state medical assistance program does not constitute automatic~~
6 ~~placement into the program. AS USED IN THIS SECTION, UNLESS THE~~
7 ~~CONTEXT OTHERWISE REQUIRES:~~

8 (a) "FAMILY ADVOCATE" MEANS A PARENT OR PRIMARY
9 CAREGIVER WHO:

10 (I) HAS BEEN TRAINED IN A SYSTEM-OF-CARE APPROACH TO ASSIST
11 FAMILIES IN ACCESSING AND RECEIVING SERVICES AND SUPPORTS;

12 (II) HAS RAISED OR CARED FOR A CHILD OR ADOLESCENT WITH A
13 MENTAL HEALTH OR CO-OCCURRING DISORDER; AND

14 (III) HAS WORKED WITH MULTIPLE AGENCIES AND PROVIDERS,
15 SUCH AS MENTAL HEALTH, PHYSICAL HEALTH, SUBSTANCE ABUSE,
16 JUVENILE JUSTICE, DEVELOPMENTAL DISABILITIES, EDUCATION, AND
17 OTHER STATE AND LOCAL SERVICE SYSTEMS.

18 (b) "FAMILY SYSTEMS NAVIGATOR" MEANS AN INDIVIDUAL WHO:

19 (I) HAS BEEN TRAINED IN A SYSTEM-OF-CARE APPROACH TO ASSIST
20 FAMILIES IN ACCESSING AND RECEIVING SERVICES AND SUPPORTS;

21 (II) HAS THE SKILLS, EXPERIENCE, AND KNOWLEDGE TO WORK
22 WITH CHILDREN AND YOUTH WITH MENTAL HEALTH OR CO-OCCURRING
23 DISORDERS; AND

24 (III) HAS WORKED WITH MULTIPLE AGENCIES AND PROVIDERS,
25 INCLUDING MENTAL HEALTH, PHYSICAL HEALTH, SUBSTANCE ABUSE,
26 JUVENILE JUSTICE, DEVELOPMENTAL DISABILITIES, EDUCATION, AND
27 OTHER STATE AND LOCAL SERVICE SYSTEMS.

1 ~~(7) No later than November 1, 2022, 2023, and 2024, the state~~
2 ~~department shall submit a written report to the house of representatives~~
3 ~~public and behavioral health and human services committee, the senate~~
4 ~~health and human services committee, or their successor committees, and~~
5 ~~the joint budget committee. At a minimum, the report must include:~~

6 ~~(a) The number of applications received for placement of children~~
7 ~~and youth in the program;~~

8 ~~(b) The number of children and youth accepted for placement in~~
9 ~~the program;~~

10 ~~(c) The duration of each placement; and~~

11 ~~(d) The daily rate paid to each provider for placement of children~~
12 ~~and youth.~~

13 (8) This section is intended to provide enhanced emergency
14 services resulting from the increased need for services due to the
15 COVID-19 pandemic. No later than September 30, 2024, the ~~state~~
16 ~~department~~ BHA shall submit recommendations to the house of
17 representatives public and behavioral health and human services
18 committee, the senate health and human services committee, or their
19 successor committees, and the joint budget committee about how to
20 provide necessary services for children and youth in need of residential
21 care, including hospital step-down services on an ongoing basis.

22 **SECTION 101.** In Colorado Revised Statutes, 27-60-202, **amend**
23 **(2); and repeal (3)** as follows:

24 **27-60-202. Definitions.** As used in this part 2, unless the context
25 otherwise requires:

26 (2) "Behavioral health administration" or "BHA" means the
27 behavioral health administration established in ~~section 27-60-203~~

1 SECTION 27-50-102.

2 (3) ~~"Plan" means the proposed plan, as described in section~~
3 ~~27-60-203, for the creation of the behavioral health administration.~~

4 **SECTION 102.** In Colorado Revised Statutes, 27-60-203, **repeal**
5 (1), (2), (3), and (4) as follows:

6 **27-60-203. Behavioral health administration - timeline.**

7 (1) (a) ~~On or before November 1, 2021, based on the September 2020~~
8 ~~recommendations from the Colorado behavioral health task force, the~~
9 ~~state department shall develop a plan for the creation of the behavioral~~
10 ~~health administration. The plan must include strategies to streamline and~~
11 ~~improve efforts that address behavioral health needs in the state and~~
12 ~~reduce behavioral health disparities.~~

13 (b) ~~The state department shall solicit feedback from and engage~~
14 ~~with demographically diverse community stakeholders in the~~
15 ~~development of the plan described in this section. This includes, but is not~~
16 ~~limited to, direct engagement of consumers and consumers' advocates,~~
17 ~~county governments, municipal governments, tribal governments,~~
18 ~~managed service organizations, health care providers, managed care~~
19 ~~entities, insurance carriers, community mental health centers, and~~
20 ~~substance use disorder services providers.~~

21 (c) ~~On or before November 1, 2021, the state department shall~~
22 ~~provide the plan as a written report to the joint budget committee, the~~
23 ~~public and behavioral and human services committee of the house of~~
24 ~~representatives, and the health and human services committee of the~~
25 ~~senate, or any successor committees.~~

26 (2) ~~The plan must include, but is not limited to, the following:~~

27 (a) ~~Recommendations for funding and legislation necessary to~~

1 appropriately implement the plan and address initial start-up as well as
2 ongoing operational costs for the BHA;

3 (b) ~~A list and description of which state programs, both statutory~~
4 ~~and nonstatutory, along with the associated funding streams and~~
5 ~~personnel, that should be included or managed by the BHA. The list must~~
6 ~~specifically address all the functions currently overseen by the office of~~
7 ~~behavioral health in the state department of human services.~~

8 (c) ~~The governance structure of the BHA, including a~~
9 ~~recommendation for infrastructure within any governance structure to~~
10 ~~oversee and be accountable for policy, strategy, and services for all~~
11 ~~children and youth;~~

12 (d) ~~Potential opportunities for collaboration with local~~
13 ~~municipalities, counties, and tribes;~~

14 (e) ~~Recommendations for a plan of action regarding grievances,~~
15 ~~appeals, and ombudsman services within the BHA;~~

16 (f) ~~A data integration plan to create a data and information sharing~~
17 ~~and legal framework to support an agreed-upon approach and specific use~~
18 ~~case for information sharing that leverages existing infrastructure, such~~
19 ~~as health information exchanges, reusable architecture, and data standards~~
20 ~~to enable and advance coordinated care and services and behavioral~~
21 ~~health equity while maintaining tribal sovereignty;~~

22 (g) ~~A description of how the BHA will ensure the availability of~~
23 ~~services and establish a standard of care across Colorado; and~~

24 (h) ~~Specific recommendations as follows:~~

25 (I) ~~Recommendations for the department of health care policy and~~
26 ~~financing, developed in collaboration with community stakeholders, on~~
27 ~~how medical assistance programs for behavioral health should be aligned~~

1 or integrated with the BHA in such a way that consumers of behavioral
2 health services have seamless access to needed services regardless of
3 payer. The recommendations must include a description of how the BHA
4 will ensure that access to services deemed medically necessary pursuant
5 to the early and period screening, diagnostic, and treatment benefit is
6 arranged for eligible children and youth.

7 (H) Recommendations for the division of insurance within the
8 department of regulatory agencies, developed in collaboration with the
9 community stakeholders, concerning how private insurance efforts that
10 are specific to behavioral health should be aligned or integrated with the
11 BHA; and

12 (HH) Recommendations for the department of public health and
13 environment, developed in collaboration with the community
14 stakeholders, concerning how prevention and preventive services should
15 be aligned or integrated with the BHA and the extent to which the BHA
16 will engage in population health.

17 (3) The duties of the BHA, once established and fully operational,
18 must include, but are not limited to:

19 (a) Serving as the single state agency responsible for state
20 behavioral health programs that were identified as appropriate to
21 transition into the BHA;

22 (b) Receiving, coordinating, and distributing appropriate
23 community behavioral health funding throughout the state;

24 (c) Monitoring, evaluating, and reporting behavioral health
25 outcomes across the state and within various jurisdictions, while
26 maintaining tribal sovereignty; and

27 (d) Promoting a behavioral health system that supports a

1 whole-person approach to ensure Coloradans have the best chance to
2 achieve and maintain wellness. This approach includes:

3 (I) ~~Promoting an integrated approach to mental health and~~
4 ~~substance use treatment;~~

5 (II) ~~Strengthening the integration of behavioral and physical care;~~

6 (III) ~~Enhancing programmatic and funding opportunities in~~
7 ~~support of the overall well-being of the individual or family;~~

8 (IV) ~~Promoting culturally responsive, trauma-informed, and~~
9 ~~equitable behavioral health care; and~~

10 (V) ~~Promoting coordination of supportive services outside of the~~
11 ~~behavioral health system to address social determinants of health, and to~~
12 ~~connect people to services such as housing, transportation, and~~
13 ~~employment.~~

14 (4) ~~The state department shall work collaboratively with the~~
15 ~~department of health care policy and financing, community stakeholders,~~
16 ~~and other state departments, as appropriate, to promulgate rules for the~~
17 ~~BHA to provide adequate oversight of the quality of services and set~~
18 ~~standards of care for services for adults as well as children and youth.~~

19 **SECTION 103.** In Colorado Revised Statutes, 27-60-204, **amend**
20 (1)(a), (1)(b), (1)(d), and (2) as follows:

21 **27-60-204. Care coordination infrastructure.** (1) (a) The state
22 department BHA, in collaboration with the department of health care
23 policy and financing, shall develop a statewide care coordination
24 infrastructure to drive accountability and more effective behavioral health
25 navigation to care that builds upon and collaborates with existing care
26 coordination services. The infrastructure must include a website and
27 mobile application that serves as a centralized gateway for information

1 for patients, providers, and care coordination and that facilities access and
2 navigation of behavioral health-care services and support.

3 (b) The ~~state department~~ BHA shall convene a working group of
4 geographically and demographically diverse partners and stakeholders,
5 including those with lived and professional experience, to provide
6 feedback and recommendations that inform and guide the development
7 of the statewide care coordination infrastructure developed pursuant to
8 subsection (1)(a) of this section.

9 (d) The ~~state department~~ BHA shall implement, directly or
10 through a contractor, a comprehensive and robust marketing and outreach
11 plan to make Coloradans aware of the website and mobile application and
12 associated care coordination services developed pursuant to subsection
13 (1)(a) of this section.

14 (2) On or before July 1, 2022, the statewide care coordination
15 infrastructure developed pursuant to subsection (1)(a) of this section is
16 the responsibility of the ~~behavioral health administration established in~~
17 ~~section 27-60-203~~ BHA.

18 **SECTION 104.** In Colorado Revised Statutes, 27-62-101, **repeal**
19 (8); and **add** (1.5) and (3.5) as follows:

20 **27-62-101. Definitions.** As used in this article 62, unless the
21 context otherwise requires:

22 (1.5) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
23 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
24 27-50-102.

25 (3.5) "COMMISSIONER" MEANS THE COMMISSIONER OF THE
26 BEHAVIORAL HEALTH ADMINISTRATION.

27 (8) ~~"State department" means the department of human services~~

1 ~~created pursuant to section 26-1-105.~~

2 **SECTION 105.** In Colorado Revised Statutes, **amend** 27-62-102
3 as follows:

4 **27-62-102. High-fidelity wraparound services for children and**
5 **youth - interagency coordination - reporting.** (1) Pursuant to section
6 25.5-5-803 (4), the ~~department of human services~~ BHA shall work
7 collaboratively with the department of health care policy and financing,
8 counties, and other relevant departments, as appropriate, to develop and
9 oversee wraparound services for children and youth at risk of
10 out-of-home placement or in an out-of-home placement. As part of
11 routine collaboration, the ~~department of human services~~ BHA shall assist
12 the department of health care policy and financing in developing a model
13 of sustainable funding for wraparound services. The ~~department of human~~
14 ~~services~~ BHA and the department of health care policy and financing
15 shall monitor and report the annual cost savings associated with eligible
16 children and youth receiving wraparound services to the public through
17 the annual hearing, pursuant to the "State Measurement for Accountable,
18 Responsive, and Transparent (SMART) Government Act", part 2 of
19 article 7 of title 2.

20 (2) Subject to available appropriations, two full-time staff persons
21 shall be appointed by the ~~executive director of the department of human~~
22 ~~services~~ COMMISSIONER to support and facilitate interagency coordination
23 pursuant to this article 62, part 8 of article 5 of title 25.5, and any other
24 related interagency behavioral health efforts as determined by the
25 ~~executive director of the department of human services~~ COMMISSIONER.

26 **SECTION 106.** In Colorado Revised Statutes, **amend** 27-62-103
27 as follows:

1 **27-62-103. Standardized assessment tool - standardized**
2 **screening tools - interagency coordination - single referral and entry**
3 **point. (1) Standardized assessment tool.** Subject to available
4 appropriations, the ~~state department~~ BHA shall select a single
5 standardized assessment tool to facilitate identification of behavioral
6 health issues and other related needs in children and youth and to develop
7 a plan to implement the tool for programmatic utilization. The ~~state~~
8 ~~department~~ BHA shall consult with the department of health care policy
9 and financing, managed care entities, counties, stakeholders, and other
10 relevant departments, as appropriate, prior to selecting the tool.

11 **(2) Standardized screening tools.** Subject to available
12 appropriations, the ~~state department~~ BHA shall select developmentally
13 appropriate and culturally competent statewide behavioral health
14 standardized screening tools for primary care providers serving children,
15 youth, and caregivers in the perinatal period, including postpartum
16 women. The ~~state department~~ BHA and the department of human services
17 may make the tools available electronically for health-care professionals
18 and the public. Prior to the adoption of the standardized assessment tool
19 described in subsection (1) of this section, and the standardized screening
20 tools described in this subsection (2), the ~~state department~~ BHA shall lead
21 a public consultation process involving relevant stakeholders, including
22 health-care professionals and managed care entities, with input from the
23 department of health care policy and financing, the department of public
24 health and environment, and the division of insurance.

25 **(3) Single statewide referral and entry point.** Subject to
26 available appropriations, the ~~state department~~ BHA, in conjunction with
27 the department of health care policy and financing, the department of

1 public health and environment, and other relevant departments and
2 counties, as necessary, shall develop a plan for establishing a single
3 statewide referral and entry point for children and youth who have a
4 positive behavioral health screening or whose needs are identified
5 through a standardized assessment. In developing the single statewide
6 referral and entry point plan, the ~~state department~~ BHA shall seek input
7 from relevant stakeholders, including counties, managed care entities
8 participating in the statewide managed care system, families of children
9 and youth with behavioral health disorders, communities that have
10 previously implemented wraparound services, mental health
11 professionals, and other relevant departments.

12 **SECTION 107.** In Colorado Revised Statutes, 27-63-101, **repeal**
13 (2); and **add** (3) as follows:

14 **27-63-101. Definitions.** As used in the article 63, unless the
15 context otherwise requires:

16 (2) ~~"Department" means the department of human services.~~

17 (3) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
18 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
19 27-50-102.

20 **SECTION 108.** In Colorado Revised Statutes, **repeal** 27-63-102,
21 27-63-103, and 27-63-104.

22

23 **SECTION 109.** In Colorado Revised Statutes, 27-63-105, **amend**
24 (1) introductory portion, (1)(b)(VII), (1)(b)(IX), and (2) as follows:

25 **27-63-105. Safety net system implementation - safety net**
26 **system criteria.** (1) No later than January 1, 2024, the ~~department~~ BHA
27 shall implement the comprehensive ~~proposal, and the funding model~~

1 ~~developed pursuant to section 27-63-104 (2),~~ which shall MUST meet the
2 following criteria:

3 (b) The safety net system must:

4 (VII) Update information as requested by the ~~department~~ BHA
5 about available treatment options and outcomes in each region of the
6 state;

7 (IX) Meet any other criteria established by the ~~department~~ BHA.

8 (2) The safety net system must have a network of behavioral
9 health-care providers that collectively offer a full continuum of services
10 to ensure individuals with severe behavioral health disorders are triaged
11 in a timely manner to the appropriate care setting if an individual
12 behavioral health-care provider is unable to provide ongoing care and
13 treatment for the individual. The ~~department~~ BHA shall consider
14 community mental health centers, managed service organizations,
15 contractors for the statewide behavioral health crisis response system, and
16 other behavioral health community providers as key elements in the
17 behavioral health safety net system.

18 **SECTION 110.** In Colorado Revised Statutes, **amend** 27-63-106
19 as follows:

20 **27-63-106. Safety net system - effectiveness - report.** (1) From
21 January 1, 2022, until July 1, 2024, the ~~department~~ BHA shall provide an
22 annual report on the progress made by the ~~department~~ BHA on the
23 behavioral health safety net system to the public through the annual
24 hearing, pursuant to the "State Measurement for Accountable,
25 Responsive, and Transparent (SMART) Government Act", part 2 of
26 article 7 of title 2.

27 (2) Notwithstanding section 24-1-136 (11)(a)(I), no later than

1 January 1, 2025, the ~~department~~ BHA shall provide an annual report to
2 the joint budget committee of the general assembly related to the
3 expenditures, outcomes, and effectiveness of the safety net system by
4 service area region, including any recommendations to improve the
5 system and the transparency of the system.

6 **SECTION 111.** In Colorado Revised Statutes, 27-64-102, **add**
7 (1.5) as follows:

8 **27-64-102. Definitions.** As used in this article 64, unless the
9 context otherwise requires:

10 (1.5) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
11 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
12 27-50-102.

13 **SECTION 112.** In Colorado Revised Statutes, 27-64-103, **amend**
14 (1) and (4)(d)(III) as follows:

15 **27-64-103. 988 crisis hotline enterprise - creation - powers and**
16 **duties.** (1) There is created in the ~~department of human services~~
17 BEHAVIORAL HEALTH ADMINISTRATION the 988 crisis hotline enterprise.
18 The enterprise is and operates as a government-owned business within the
19 ~~department of human services~~ BHA for the business purpose of imposing
20 charges pursuant to subsections (4)(a) and (4)(b) of this section, and
21 utilizing the charges' revenue to fund the 988 crisis hotline and provide
22 crisis outreach, stabilization, and acute care to individuals calling the 988
23 crisis hotline. The enterprise exercises its power and performs its duties
24 as if the same were transferred by a **type 1** transfer, as defined in section
25 24-1-105, to the ~~state department~~ BHA.

26 (4) The enterprise's primary powers and duties are to:

27 (d) (III) The ~~department of human services~~ BHA shall provide

1 office space and administrative staff to the enterprise pursuant to a
2 contract entered into pursuant to subsection (4)(d)(II) of this section.

3 **SECTION 113.** In Colorado Revised Statutes, 27-64-105, **amend**
4 (1) introductory portion as follows:

5 **27-64-105. Reports.** (1) Beginning January 1, 2023, and each
6 January 1 thereafter, the ~~department of human services~~ BHA shall:

7 **SECTION 114.** In Colorado Revised Statutes, 27-65-102, **amend**
8 (5.5) and (18); **repeal** (6); and **add** (1.3) and (2.5) as follows:

9 **27-65-102. Definitions.** As used in this article 65, unless the
10 context otherwise requires:

11 (1.3) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
12 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
13 27-50-102.

14 (2.5) "COMMISSIONER" MEANS THE COMMISSIONER OF THE
15 BEHAVIORAL HEALTH ADMINISTRATION.

16 (5.5) "Emergency medical services facility" means a facility
17 licensed pursuant to part 1 of article 3 of title 25 or certified pursuant to
18 section 25-1.5-103, or any other licensed and certified facility that
19 provides emergency medical services. An emergency medical services
20 facility is not required to be, but may elect to become, a facility
21 designated or approved by the ~~executive director~~ COMMISSIONER for a
22 seventy-two-hour treatment and evaluation pursuant to section 27-65-105.

23 (6) ~~"Executive director" means the executive director of the~~
24 ~~department of human services.~~

25 (18) "Residential child care facility" means a facility licensed by
26 the ~~state department of human services~~ pursuant to article 6 of title 26
27 ~~C.R.S.~~, to provide group care and treatment for children as such facility

1 is defined in ~~section 26-6-102 (33)~~. SECTION 26-6-903 (29). C.R.S. A
2 residential child care facility may be eligible for designation by the
3 ~~executive director of the department of human services~~ COMMISSIONER
4 pursuant to this ~~article~~ ARTICLE 65.

5 **SECTION 115.** In Colorado Revised Statutes, 27-65-105, **amend**
6 (1)(a)(I), (1)(a)(I.5), (1)(b), (1)(c), (3), (7)(a) introductory portion, and
7 (7)(b)(I) as follows:

8 **27-65-105. Emergency procedure.** (1) Emergency procedure
9 may be invoked under one of the following conditions:

10 (a) (I) When any person appears to have a mental health disorder
11 and, as a result of such mental health disorder, appears to be an imminent
12 danger to others or to himself or herself or appears to be gravely disabled,
13 then an intervening professional, as specified in subsection (1)(a)(II) of
14 this section, upon probable cause and with such assistance as may be
15 required, may take the person into custody, or cause the person to be
16 taken into custody, and placed in a facility designated or approved by the
17 ~~executive director~~ COMMISSIONER for a seventy-two-hour treatment and
18 evaluation. If such a facility is not available, the person may be taken to
19 an emergency medical services facility.

20 (I.5) When any person appears to have a mental health disorder
21 and, as a result of such mental health disorder, is in need of immediate
22 evaluation for treatment in order to prevent physical or psychiatric harm
23 to others or to himself or herself, then an intervening professional, as
24 specified in subsection (1)(a)(II) of this section, upon probable cause and
25 with such assistance as may be required, may immediately transport the
26 person to an outpatient mental health facility or other clinically
27 appropriate facility designated or approved by the ~~executive director~~

1 COMMISSIONER. If such a facility is not available, the person may be taken
2 to an emergency medical services facility.

3 (b) Upon an affidavit sworn to or affirmed before a judge that
4 relates sufficient facts to establish that a person appears to have a mental
5 health disorder and, as a result of the mental health disorder, appears to
6 be an imminent danger to others or to himself or herself or appears to be
7 gravely disabled, the court may order the person described in the affidavit
8 to be taken into custody and placed in a facility designated or approved
9 by the ~~executive director~~ COMMISSIONER for a seventy-two-hour treatment
10 and evaluation. Whenever in this article 65 a facility is to be designated
11 or approved by the ~~executive director~~ COMMISSIONER, hospitals, if
12 available, must be approved or designated in each county before other
13 facilities are approved or designated. Whenever in this article 65 a facility
14 is to be designated or approved by the ~~executive director~~ COMMISSIONER
15 as a facility for a stated purpose and the facility to be designated or
16 approved is a private facility, the consent of the private facility to the
17 enforcement of standards set by the ~~executive director~~ COMMISSIONER is
18 a prerequisite to the designation or approval.

19 (c) Upon an affidavit sworn to or affirmed before a judge that
20 relates sufficient facts to establish that a person appears to have a mental
21 health disorder and, as a result of the mental health disorder, is in need of
22 immediate evaluation for treatment to prevent physical or psychiatric
23 harm to others or to himself or herself, the court may order the person
24 described in the affidavit to be transported to an outpatient mental health
25 facility or other clinically appropriate facility designated or approved by
26 the ~~executive director~~ COMMISSIONER.

27 (3) When a person is taken into emergency custody by an

1 intervening professional pursuant to subsection (1) of this section and is
2 presented to an emergency medical services facility or a facility that is
3 designated or approved by the ~~executive director~~ COMMISSIONER, the
4 facility shall require an application in writing, stating the circumstances
5 under which the person's condition was called to the attention of the
6 intervening professional and further stating sufficient facts, obtained from
7 the intervening professional's personal observations or obtained from
8 others whom he or she reasonably believes to be reliable, to establish that
9 the person has a mental health disorder and, as a result of the mental
10 health disorder, is an imminent danger to others or to himself or herself,
11 is gravely disabled, or is in need of immediate evaluation for treatment.
12 The application must indicate when the person was taken into custody and
13 who brought the person's condition to the attention of the intervening
14 professional. A copy of the application must be furnished to the person
15 being evaluated, and the application must be retained in accordance with
16 the provisions of section 27-65-121 (4).

17 (7) (a) On or before July 1, 2019, and each July 1 thereafter, each
18 emergency medical services facility that has treated a person pursuant to
19 this section shall provide an annual report to the ~~department~~ BHA that
20 includes only aggregate and nonidentifying information concerning
21 persons who were treated at an emergency medical services facility
22 pursuant to this section. The report must comply with the provisions of
23 section 24-1-136 (9) and is exempt from the provisions of section
24 24-1-136 (11)(a)(I). The report must contain the following:

25 (b) (I) Any information aggregated and provided to the
26 ~~department~~ BHA pursuant to this subsection (7) is privileged and
27 confidential. Such information must not be made available to the public

1 except in an aggregate format that cannot be used to identify an individual
2 facility. The information is not subject to civil subpoena and is not
3 discoverable or admissible in any civil, criminal, or administrative
4 proceeding against an emergency medical services facility or health-care
5 professional. The information must be used only to assess statewide
6 behavioral health services needs and to plan for sufficient levels of
7 statewide behavioral health services. In the collection of data to
8 accomplish the requirements of this subsection (7), the ~~department~~ BHA
9 shall protect the confidentiality of patient records, in accordance with
10 state and federal laws, and shall not disclose any public identifying or
11 proprietary information of any hospital, hospital administrator,
12 health-care professional, or employee of a health-care facility.

13 **SECTION 116.** In Colorado Revised Statutes, 27-65-106, **amend**
14 (4) and (6) as follows:

15 **27-65-106. Court-ordered evaluation for persons with mental**
16 **health disorders.** (4) Upon receipt of a petition satisfying the
17 requirements of subsection (3) of this section, the court shall designate a
18 facility, approved by the ~~executive director~~ COMMISSIONER, or a
19 professional person to provide screening of the respondent to determine
20 whether there is probable cause to believe the allegations.

21 (6) Whenever it appears, by petition and screening pursuant to this
22 section, to the satisfaction of the court that probable cause exists to
23 believe that the respondent has a mental health disorder and, as a result
24 of the mental health disorder, is a danger to others or to himself or herself
25 or is gravely disabled and that efforts have been made to secure the
26 cooperation of the respondent, who has refused or failed to accept
27 evaluation voluntarily, the court shall issue an order for evaluation

1 authorizing a certified peace officer to take the respondent into custody
2 and place ~~him or her~~ THE RESPONDENT in a facility designated by the
3 ~~executive director~~ COMMISSIONER for seventy-two-hour treatment and
4 evaluation. At the time of taking the respondent into custody, a copy of
5 the petition and the order for evaluation must be given to the respondent,
6 and promptly thereafter to any one person designated by the respondent
7 and to the person in charge of the seventy-two-hour treatment and
8 evaluation facility named in the order or ~~his or her~~ THE RESPONDENT'S
9 designee.

10 **SECTION 117.** In Colorado Revised Statutes, 27-65-107, **amend**
11 (1)(c) as follows:

12 **27-65-107. Certification for short-term treatment - procedure.**

13 (1) If a person detained for seventy-two hours pursuant to the provisions
14 of section 27-65-105 or a respondent under court order for evaluation
15 pursuant to section 27-65-106 has received an evaluation, he or she may
16 be certified for not more than three months of short-term treatment under
17 the following conditions:

18 (c) The facility ~~which~~ THAT will provide short-term treatment has
19 been designated or approved by the ~~executive director~~ COMMISSIONER to
20 provide such treatment.

21 **SECTION 118.** In Colorado Revised Statutes, 27-65-109, **amend**
22 (1)(c) and (4) as follows:

23 **27-65-109. Long-term care and treatment of persons with**
24 **mental health disorders - procedure.** (1) Whenever a respondent has
25 received short-term treatment for five consecutive months pursuant to the
26 provisions of sections 27-65-107 and 27-65-108, the professional person
27 in charge of the evaluation and treatment may file a petition with the court

1 for long-term care and treatment of the respondent under the following
2 conditions:

3 (c) The facility that will provide long-term care and treatment has
4 been designated or approved by the ~~executive director~~ COMMISSIONER to
5 provide the care and treatment.

6 (4) The court or jury shall determine whether the conditions of
7 subsection (1) of this section are met and whether the respondent has a
8 mental health disorder and, as a result of the mental health disorder, is a
9 danger to others or to himself or herself or is gravely disabled. The court
10 shall thereupon issue an order of long-term care and treatment for a term
11 not to exceed six months, or it shall discharge the respondent for whom
12 long-term care and treatment was sought, or it shall enter any other
13 appropriate order, subject to available appropriations. An order for
14 long-term care and treatment must grant custody of the respondent to the
15 ~~department~~ BHA for placement with an agency or facility designated by
16 the ~~executive director~~ COMMISSIONER to provide long-term care and
17 treatment. When a petition contains a request that a specific legal
18 disability be imposed or that a specific legal right be deprived, the court
19 may order the disability imposed or the right deprived if the court or a
20 jury has determined that the respondent has a mental health disorder or is
21 gravely disabled and that, by reason thereof, the person is unable to
22 competently exercise said right or perform the function as to which the
23 disability is sought to be imposed. Any interested person may ask leave
24 of the court to intervene as a copetitioner for the purpose of seeking the
25 imposition of a legal disability or the deprivation of a legal right.

26 **SECTION 119.** In Colorado Revised Statutes, 27-65-116, **amend**
27 (2) introductory portion, (2)(a), and (2)(d) as follows:

1 **27-65-116. Right to treatment - rules.** (2) The ~~department~~ BHA
2 shall adopt ~~regulations~~ RULES to assure that each agency or facility
3 providing evaluation, care, or treatment shall require the following:

4 (a) Consent for specific therapies and major medical treatment in
5 the nature of surgery. The nature of the consent, by whom it is given, and
6 under what conditions, shall be determined by rules of the ~~department~~
7 BHA.

8 (d) Conduct according to the guidelines contained in the
9 regulations of the federal government and the ~~department~~ RULES OF THE
10 BHA with regard to clinical investigations, research, experimentation,
11 and testing of any kind; and

12 **SECTION 120.** In Colorado Revised Statutes, **amend** 27-65-118
13 as follows:

14 **27-65-118. Administration or monitoring of medications to**
15 **persons receiving care.** The ~~executive director~~ COMMISSIONER has the
16 power to direct the administration or monitoring of medications in
17 conformity with part 3 of article 1.5 of title 25 ~~C.R.S.~~, to persons
18 receiving treatment in facilities created pursuant to this ~~article~~ ARTICLE
19 65.

20 **SECTION 121.** In Colorado Revised Statutes, **amend** 27-65-119
21 as follows:

22 **27-65-119. Employment of persons in a facility - rules.** The
23 ~~department~~ BHA shall adopt rules governing the employment and
24 compensation therefor of persons receiving care or treatment under any
25 provision of this ~~article~~ ARTICLE 65. The ~~department~~ BHA shall establish
26 standards for reasonable compensation for such employment.

27 **SECTION 122.** In Colorado Revised Statutes, 27-65-121, **amend**

1 (1)(d) as follows:

2 **27-65-121. Records.** (1) Except as provided in subsection (2) of
3 this section, all information obtained and records prepared in the course
4 of providing any services pursuant to this article 65 to individuals
5 pursuant to any provision of this article 65 are confidential and privileged
6 matter. The information and records may be disclosed only:

7 (d) If the ~~department~~ BHA has promulgated rules for the conduct
8 of research. Such rules shall include, but not be limited to, the
9 requirement that all researchers must sign an oath of confidentiality. All
10 identifying information concerning individual patients, including names,
11 addresses, telephone numbers, and social security numbers, shall not be
12 disclosed for research purposes.

13 **SECTION 123.** In Colorado Revised Statutes, **amend** 27-65-128
14 as follows:

15 **27-65-128. Administration - rules.** The ~~department~~ BHA shall
16 make such rules as will consistently enforce the provisions of this ~~article~~
17 ARTICLE 65.

18 **SECTION 124.** In Colorado Revised Statutes, **amend as**
19 **amended by Senate Bill 22-013** 27-65-131 (1)(a) and (1)(c)(I) as
20 **follows:**

21 **27-65-131. Advisory board - service standards and rules.**
22 **(1) (a) There is created in the department the mental health advisory**
23 **board for service standards and rules, referred to as the "board" in this**
24 **section, for the purpose of assisting and advising the ~~executive director~~**
25 **COMMISSIONER in accordance with section 27-65-130 in the development**
26 **of service standards and rules.**

27 **(c) The board includes:**

1 (I) One representative each from the office of behavioral health
2 ADMINISTRATION, the department of human services, the department of
3 public health and environment, the university of Colorado health sciences
4 center, and a leading professional association of psychiatrists in this state;

5 **SECTION 125.** In Colorado Revised Statutes, 27-66-101, **repeal**
6 (4), (5), and (6); and **add** (1.3) and (1.7) as follows:

7 **27-66-101. Definitions.** As used in this article 66, unless the
8 context otherwise requires:

9 (1.3) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
10 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
11 27-50-102.

12 (1.7) "COMMISSIONER" MEANS THE COMMISSIONER OF THE
13 BEHAVIORAL HEALTH ADMINISTRATION.

14 (4) ~~"Department" means the department of human services created~~
15 ~~in section 26-1-105, C.R.S.~~

16 (5) ~~"Executive director" means the executive director of the~~
17 ~~department of human services.~~

18 (6) ~~"Office of behavioral health" means the office of behavioral~~
19 ~~health in the department.~~

20 **SECTION 126.** In Colorado Revised Statutes, **amend** 27-66-102
21 as follows:

22 **27-66-102. Administration - rules.** (1) The ~~executive director~~
23 COMMISSIONER has the power and duty to administer and enforce the
24 provisions of this ~~article~~ ARTICLE 66.

25 (2) The ~~department~~ STATE BOARD OF HUMAN SERVICES may adopt
26 reasonable and proper rules to implement this ~~article~~ ARTICLE 66 in
27 accordance with the provisions of section 24-4-103 C.R.S., and consistent

1 with sections 27-90-102 and 27-90-103.

2 **SECTION 127.** In Colorado Revised Statutes, **amend** 27-66-103
3 as follows:

4 **27-66-103. Community mental health services - purchase**
5 **program.** In order to encourage the development of preventive,
6 treatment, and rehabilitative services through new community mental
7 health programs, the improvement and expansion of existing community
8 mental health services, and the integration of community with state
9 mental health services, there is established a program to purchase
10 community mental health services by the ~~department~~ BHA.

11 **SECTION 128.** In Colorado Revised Statutes, 27-66-104, **amend**
12 (5); and **amend as they will become effective July 1, 2022,** (1), (2)(b),
13 and (3) as follows:

14 **27-66-104. Types of services purchased - limitation on**
15 **payments.** (1) Community mental health services may be purchased
16 from behavioral health entities, clinics, community mental health centers,
17 local general or psychiatric hospitals, and other agencies that have been
18 approved by the ~~executive director~~ COMMISSIONER.

19 (2) (b) The money appropriated for the purposes of this subsection
20 (2) shall be distributed by the ~~executive director~~ COMMISSIONER to
21 approved behavioral health entities, community mental health centers, and
22 other agencies on the basis of need and in accordance with the services
23 provided.

24 (3) Each year the general assembly may appropriate money in
25 addition to the money appropriated for purposes of subsection (2) of this
26 section, which money may be used by the ~~executive director~~
27 COMMISSIONER to assist behavioral health entities and community mental

1 health clinics and centers in instituting innovative programs, in providing
2 mental health services to impoverished areas, and in dealing with crisis
3 situations. The ~~executive director~~ COMMISSIONER shall require that any
4 innovative or crisis programs for which money is allocated pursuant to
5 this subsection (3) be clearly defined in terms of services to be rendered,
6 program objectives, scope and duration of the program, and the maximum
7 amount of money to be provided.

8 (5) If there is a reduction in the financial support of local
9 governmental bodies for community mental health services, the ~~executive~~
10 ~~director~~ COMMISSIONER is authorized to reduce state payments for
11 services in an amount proportional to the reduction in such local financial
12 support.

13 **SECTION 129.** In Colorado Revised Statutes, 27-66-105, **amend**
14 (1) introductory portion and (1)(d); **amend as they will become effective**
15 **July 1, 2022,** (2) introductory portion, (3), and (4); **repeal as it will**
16 **become effective July 1, 2022,** (1)(g); and **add (5)** as follows:

17 **27-66-105. Standards for approval - repeal.** (1) In approving
18 or rejecting community mental health clinics for the purchase of
19 behavioral or mental health services, the ~~executive director~~
20 COMMISSIONER shall:

21 (d) Require that the clinic staff include, wherever feasible, other
22 professional staff workers, such as psychologists, social workers,
23 educational consultants, and nurses, with such qualifications,
24 responsibilities, and time on the job as correspond with the size and
25 capacity of the clinic. The clinic staff may include, with the approval of
26 the ~~executive director~~ COMMISSIONER, such other nonprofessional persons
27 as may be deemed necessary by the clinic board for the proper discharge

1 of its functions.

2 (g) ~~On and after July 1, 2022, require licensure by the department~~
3 ~~of public health and environment pursuant to section 25-27.6-104.~~

4 (2) In approving or rejecting local general or psychiatric hospitals,
5 behavioral health entities, community mental health centers, acute
6 treatment units, and other agencies for the purchase of services not
7 provided by local mental health clinics, including, but not limited to,
8 twenty-four-hour and partial hospitalization, the ~~executive director~~
9 COMMISSIONER shall consider the following factors:

10 (3) In the purchase of services from behavioral health entities or
11 community mental health centers, the ~~executive director~~ COMMISSIONER
12 shall specify levels and types of inpatient, outpatient, consultation,
13 education, and training services and expenditures and shall establish
14 minimum standards for other programs of such centers that are to be
15 supported with state funds.

16 (4) In approving or rejecting behavioral health entities,
17 community mental health clinics, community mental health centers, acute
18 treatment units, local general or psychiatric hospitals, and other agencies
19 for the purchase of services, the ~~executive director~~ COMMISSIONER shall
20 ensure the agencies comply with federal financial participation
21 requirements for ~~department-administered~~ BHA-ADMINISTERED
22 programs.

23 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

24 **SECTION 130.** In Colorado Revised Statutes, **repeal** 27-66-108;
25 and **repeal as they will become effective July 1, 2022**, 27-66-106 and
26 27-66-107.

27 **SECTION 131.** In Colorado Revised Statutes, **amend** 27-66-110

1 as follows:

2 **27-66-110. Trauma-informed care standards of approval.** The
3 ~~office of behavioral health~~ BHA shall establish care standards and an
4 approval process that a qualified residential treatment program, as defined
5 in ~~section 26-6-102 (30.5);~~ SECTION 26-6-903 (26). must meet to ensure
6 that qualified residential treatment programs have a trauma-informed
7 treatment model that addresses the needs of children and youth with
8 serious emotional or behavioral health disorders or disturbances.

9 **SECTION 132.** In Colorado Revised Statutes, 27-66.5-102,
10 **amend** (1) and (2); and **repeal** (4) as follows:

11 **27-66.5-102. Definitions.** As used in this article 66.5, unless the
12 context otherwise requires:

13 (1) ~~"Department" means the Colorado department of human~~
14 ~~services created in section 26-1-105~~ "BEHAVIORAL HEALTH
15 ADMINISTRATION" OR "BHA" MEANS THE BEHAVIORAL HEALTH
16 ADMINISTRATION ESTABLISHED IN SECTION 27-50-102.

17 (2) ~~"Director" means the director of the office of behavioral health~~
18 "COMMISSIONER" MEANS THE COMMISSIONER OF THE BEHAVIORAL
19 HEALTH ADMINISTRATION.

20 (4) ~~"Office" means the office of behavioral health in the~~
21 ~~department of human services.~~

22 **SECTION 133.** In Colorado Revised Statutes, 27-66.5-103,
23 **amend** (1), (5), and (6) as follows:

24 **27-66.5-103. Community transition specialist program -**
25 **program requirements - acceptance of referrals - contract for**
26 **services - rules.** (1) The community transition specialist program is
27 established in the ~~office of behavioral health~~ BEHAVIORAL HEALTH

1 ADMINISTRATION. The program coordinates referrals of high-risk
2 individuals from withdrawal management facilities, facilities providing
3 acute treatment services, facilities providing crisis stabilization services,
4 and hospitals or emergency departments to appropriate transition
5 specialists.

6 (5) The ~~office~~ BHA may contract with a vendor to provide the
7 referral and coordination services required by this article 66.5.

8 (6) The ~~department~~ STATE BOARD OF HUMAN SERVICES may
9 promulgate rules necessary for the implementation of this article 66.5.

10 **SECTION 134.** In Colorado Revised Statutes, 27-66.5-104,
11 **amend** (1) introductory portion and (2) as follows:

12 **27-66.5-104. Data collection and recommendations.** (1) The
13 ~~office~~ BHA shall collect information on the following:

14 (2) On or before January 1, 2020, and on or before January 1 each
15 year thereafter, the ~~office~~ BHA shall analyze the data collected in
16 accordance with subsection (1) of this section and prepare
17 recommendations to increase access to, and coordination of, transition
18 specialist services for high-risk individuals. The recommendations ~~shall~~
19 ~~MUST~~ be reported to the ~~executive director of the department~~
20 COMMISSIONER and ~~shall be~~ included in the reporting requirements in
21 section 27-66.5-105.

22 **SECTION 135.** In Colorado Revised Statutes, **amend**
23 27-66.5-105 as follows:

24 **27-66.5-105. Reporting requirements - "State Measurement**
25 **for Accountable, Responsive, and Transparent (SMART)**
26 **Government Act" report.** The ~~office~~ BHA shall report information on
27 the community transition specialist program in the ~~department's~~ BHA's

1 annual presentation to the general assembly required under the "State
2 Measurement for Accountable, Responsive, and Transparent (SMART)
3 Government Act", part 2 of article 7 of title 2.

4 **SECTION 136.** In Colorado Revised Statutes, 27-67-103, **amend**
5 (1) and (10); **repeal** (12); and **add** (1.5) and (2.5) as follows:

6 **27-67-103. Definitions.** As used in this article 67, unless the
7 context otherwise requires:

8 (1) ~~"Care management" includes, but is not limited to,~~
9 ~~consideration of the continuity of care and array of services necessary for~~
10 ~~appropriately treating a child or youth and the decision-making authority~~
11 ~~regarding the child's or youth's placement in and discharge from~~
12 ~~behavioral health services~~ "BEHAVIORAL HEALTH ADMINISTRATION" OR
13 "BHA" MEANS THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED
14 IN SECTION 27-50-102.

15 (1.5) "CARE MANAGEMENT" INCLUDES, BUT IS NOT LIMITED TO,
16 CONSIDERATION OF THE CONTINUITY OF CARE AND ARRAY OF SERVICES
17 NECESSARY FOR APPROPRIATELY TREATING A CHILD OR YOUTH AND THE
18 DECISION-MAKING AUTHORITY REGARDING THE CHILD'S OR YOUTH'S
19 PLACEMENT IN AND DISCHARGE FROM BEHAVIORAL HEALTH SERVICES.

20 (2.5) "COMMISSIONER" MEANS THE COMMISSIONER OF THE
21 BEHAVIORAL HEALTH ADMINISTRATION.

22 (10) "Mental health agency" means a behavioral health services
23 contractor through the ~~state department of human services~~ BEHAVIORAL
24 HEALTH ADMINISTRATION serving children and youth statewide or in a
25 particular geographic area, including but not limited to community mental
26 health centers, and with the ability to meet all expectations of this article
27 67.

1 (12) "~~State department~~" means the state department of human
2 services.

3 **SECTION 137.** In Colorado Revised Statutes, 27-67-104, **amend**
4 (1) and (1.5) as follows:

5 **27-67-104. Provision of mental health treatment services for**
6 **children and youth.** (1) (a) A parent or guardian may apply to a mental
7 health agency on behalf of a child or youth for mental health treatment
8 services for the child or youth pursuant to this section, if the parent or
9 guardian believes the child or youth is at risk of out-of-home placement.
10 The parent's or guardian's request for services described in this section
11 may be done with assistance from a family advocate, family systems
12 navigator, nonprofit advocacy organization, or county department;
13 however, the ~~state department~~ BHA is not obligated to pay for any
14 services provided by entities with which they do not contract. In such
15 circumstances, the mental health agency is responsible for evaluating the
16 child or youth and clinically assessing the child's or youth's need for
17 mental health services and, when warranted, to provide treatment services
18 as necessary and in the best interests of the child or youth and the child's
19 or youth's family. When evaluating a child or youth for eligibility, the
20 mental health agency shall use a standardized risk stratification tool, in a
21 manner determined by rule of the state ~~department~~ BOARD OF HUMAN
22 SERVICES. Following the evaluation of the child or youth, the mental
23 health agency shall provide a written notification to the child's or youth's
24 parent or guardian that includes a comprehensive list of potential
25 treatment providers, with a disclosure that the child's or youth's family
26 may choose to seek services from the provider of their choice, including
27 but not limited to the mental health agency. The written notification must

1 also inform the child's or youth's family that they may request assistance
2 from a family advocate, family systems navigator, nonprofit advocacy
3 organization, or county department; however, the ~~state department~~ BHA
4 is not obligated to pay for any services provided by entities with which
5 they do not contract. The ~~state department~~ BHA shall maintain a list of
6 available providers on a public website and shall update the website
7 quarterly. The mental health agency is responsible for the provision of the
8 treatment services and care management, including any residential
9 treatment, community-based care, or any post-residential follow-up
10 services that may be appropriate for the child's or youth's needs or ~~his or~~
11 ~~her~~ THE CHILD'S OR YOUTH'S family's needs. A dependency or neglect
12 action pursuant to article 3 of title 19 is not required in order to allow a
13 family access to residential mental health treatment services for a child or
14 youth.

15 (b) At the time of the assessment by the mental health agency, if
16 requested services are denied, or at the time when the mental health
17 agency has recommended that the child or youth be discharged from
18 services, the mental health agency shall advise the family, both orally and
19 in writing, of the appeal process available to them. The mental health
20 agency shall have two working days within which to complete any
21 internal appeal process. Within five working days after the mental health
22 agency's final denial or recommendation for discharge, a parent or
23 guardian may request an objective third party at the ~~state department~~
24 BHA who is a professional person to review the action of the mental
25 health agency. A family advocate, family systems navigator, nonprofit
26 advocacy organization, or county department may assist a family in filing
27 an appeal; however, the ~~state department~~ BHA is not obligated to pay for

1 any services provided by entities with which they do not contract. The
2 review must occur within three working days of the parent's or guardian's
3 request. The professional person shall determine if the requested services
4 are appropriate.

5 (1.5) (a) The parent or guardian of a medicaid child or youth who
6 is at risk of out-of-home placement may request, within five days after all
7 first-level medicaid appeals processes are exhausted, an objective third
8 party at the ~~state department~~ BHA who is a professional person to review
9 the service request made to medicaid. A family advocate, family system
10 navigator, or county department may assist a family in filing an appeal.
11 The review must occur within three working days of the parent's or
12 guardian's request.

13 (b) The administrative law judge considering the medicaid appeal
14 for the medicaid child or youth who is at risk of out-of-home placement
15 shall take into consideration the objective third-party review by the ~~state~~
16 ~~department~~ BHA as part of ~~his or her~~ THE ADMINISTRATIVE LAW JUDGE'S
17 reconsideration and decision of the medicaid service request.

18 **SECTION 138.** In Colorado Revised Statutes, 27-67-105, **amend**
19 (1) introductory portion, (1)(e), (1)(f), (1)(h), and (2) as follows:

20 **27-67-105. Monitoring - reports.** (1) On or before September 1,
21 2018, and by September 1 of each year thereafter, each mental health
22 agency shall report to the ~~state department~~ BHA the following
23 information:

24 (e) The demographic information of the children, youth, and
25 families served, as outlined by the ~~state department~~ BHA;

26 (f) The outcomes of treatment for the children and youth served,
27 as determined by the ~~state department~~ BHA in consultation with mental

1 health agencies, service providers, and families;

2 (h) The aggregate number of third-party reviews completed by the
3 ~~state department~~ BHA for children served pursuant to this article 67,
4 delineated by children who are and are not categorically eligible for
5 medicaid.

6 (2) On or after January 1, 2019, the ~~state department~~ BHA shall
7 make the information obtained pursuant to subsection (1) of this section
8 available to the public by posting it to the ~~state department's~~ BHA's
9 website. Any information so posted must not include any personal health
10 information.

11 **SECTION 139.** In Colorado Revised Statutes, 27-67-107, **amend**
12 (1) as follows:

13 **27-67-107. Dispute resolution - rules.** (1) The ~~state department~~
14 BHA shall utilize, when appropriate, established grievance and dispute
15 resolution processes in order to assure that parents have access to mental
16 health services on behalf of their children.

17 **SECTION 140.** In Colorado Revised Statutes, 27-67-109, **amend**
18 (2) introductory portion, (2)(a), and (3) as follows:

19 **27-67-109. Child and youth mental health services standards**
20 **- advisory board.** (2) An advisory board to the ~~state department~~ BHA is
21 established for the purpose of assisting and advising the ~~executive~~
22 ~~director~~ COMMISSIONER in accordance with this section in the
23 development of service standards and rules. The advisory board consists
24 of not less than eleven nor more than fifteen members appointed by the
25 ~~state department~~ BHA as follows:

26 (a) One representative each from the ~~office of behavioral health~~
27 BHA; the office of children, youth, and families; the department of health

1 care policy and financing; and a leading professional association of
2 psychiatrists in this state;

3 (3) In making appointments to the advisory board, the ~~state~~
4 ~~department~~ BHA must include representation by at least one member who
5 is a person with a disability, a family member of a person with a
6 disability, or a member of an advocacy group for persons with disabilities,
7 provided that the other requirements of subsection (2) of this section are
8 met.

9 **SECTION 141.** In Colorado Revised Statutes, 27-70-102, **amend**
10 (1); and **repeal** (4) as follows:

11 **27-70-102. Definitions.** As used in this article 70, unless the
12 context otherwise requires:

13 (1) ~~"Department" means the department of human services created~~
14 ~~in section 26-1-105 "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA"~~
15 MEANS THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN
16 SECTION 27-50-102.

17 (4) ~~"Office" means the office of behavioral health in the~~
18 ~~department of human services.~~

19 **SECTION 142.** In Colorado Revised Statutes, 27-70-103, **amend**
20 (1)(a), (2) introductory portion, (2)(a), (2)(b), (2)(c), (2)(d)(I), (2)(e), and
21 (3)(a) as follows:

22 **27-70-103. Medication consistency for individuals with**
23 **behavioral or mental health disorders in the criminal and juvenile**
24 **justice systems - medication formulary - cooperative purchasing -**
25 **reporting - rules.** (1) (a) Beginning December 1, 2017, the ~~department~~
26 ~~of human services~~ STATE BOARD OF HUMAN SERVICES, in consultation
27 with the department of corrections, shall promulgate rules that require

1 providers under ~~each department's~~ THE DEPARTMENT'S AND THE BHA'S
2 authority to use a medication formulary that has been developed
3 collaboratively by departments, agencies, and providers. Public hospitals
4 and licensed private hospitals may also, at their discretion, participate in
5 the medication formulary. Using consulting services as necessary, the
6 ~~departments~~ DEPARTMENT AND THE BHA shall also develop processes for
7 education and marketing related to information regarding the medication
8 formulary and cooperative purchasing opportunities for facilities and
9 providers. ~~The processes for education and marketing required pursuant~~
10 ~~to this subsection (1) shall be completed on or before December 1, 2017.~~

11 (2) Beginning July 1, 2018, the ~~office~~ BHA shall have the
12 following duties and responsibilities, subject to available appropriations:

13 (a) On or before September 1, 2018, and every September 1 of
14 every even-numbered year thereafter, the ~~office~~ BHA shall conduct a
15 review of the medication formulary to address any urgent concerns related
16 to the formulary and to propose updates to the formulary. During this
17 review, the ~~office~~ BHA shall also create the appropriate notification
18 process for updates to the formulary.

19 (b) On or before July 1, 2019, and every two years thereafter as
20 necessary, the ~~office~~ BHA shall conduct a review of the medication
21 formulary to update the medication formulary and ensure compliance
22 with the medicaid formulary used by the department of health care policy
23 and financing.

24 (c) ~~On or before September 1, 2018, the office~~ THE BHA, in
25 collaboration with the office of information technology, the office of
26 e-health innovation, the department of health care policy and financing,
27 the department of public safety, the department of corrections, and other

1 agencies as appropriate, shall develop a plan by which the patient-specific
2 information required by subsection (1)(b) of this section can be shared
3 electronically, while still in compliance with confidentiality requirements,
4 including any necessary memorandums of understanding between
5 providers, set forth in the federal "Health Insurance Portability and
6 Accountability Act of 1996", 45 CFR ~~parts~~ 2, 160, 162, and 164.

7 (d) (I) The ~~office~~ BHA shall encourage providers that have been
8 granted purchasing authority by the department of personnel pursuant to
9 section 24-102-204 to utilize cooperative purchasing for the medication
10 formulary, as authorized pursuant to section 24-110-201, unless the
11 provider can obtain the medication elsewhere at a lower cost. The use of
12 cooperative purchasing may, and is encouraged to, include external
13 procurement activity, as defined in section 24-110-101 (2), if the external
14 procurement activity aggregates purchasing volume to negotiate discounts
15 with manufacturers, distributors, and other vendors.

16 (e) The ~~office~~ BHA shall investigate and develop options for
17 collaboration with local county jails to coordinate medication purchasing.

18 (3) (a) Beginning in January 2019, and every January thereafter,
19 the ~~department of human services~~ BHA and the department of corrections
20 shall report progress on the implementation and use of the medication
21 formulary and cooperative purchasing as part of ~~each~~ THE BHA'S AND
22 department's "State Measurement for Accountable, Responsive, and
23 Transparent (SMART) Government Act" hearing required by section
24 2-7-203. ~~Each department~~ THE DEPARTMENT AND THE BHA shall make
25 such reports to the joint health and human services committee and the
26 joint judiciary committee, or any successor committees.

27 **SECTION 143.** In Colorado Revised Statutes, 27-80-101, **amend**

1 (1) and (2); **repeal** (3) and (4.7); and **add** (2.3) and (2.6) as follows:

2 **27-80-101. Definitions.** As used in this article 80, unless the
3 context otherwise requires:

4 (1) ~~"Department" means the department of human services created~~
5 ~~in section 26-1-105, C.R.S. "BEHAVIORAL HEALTH ADMINISTRATION" OR~~
6 ~~"BHA" MEANS THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED~~
7 ~~IN SECTION 27-50-102.~~

8 (2) ~~"Designated service area" means the geographical substate~~
9 ~~planning area specified by the director of the office of behavioral health~~
10 ~~to be served by a designated managed service organization, as described~~
11 ~~in section 27-80-107 "COMMISSIONER" MEANS THE COMMISSIONER OF THE~~
12 ~~BEHAVIORAL HEALTH ADMINISTRATION.~~

13 (2.3) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN
14 SERVICES CREATED IN SECTION 26-1-105.

15 (2.6) "DESIGNATED SERVICE AREA" MEANS THE GEOGRAPHICAL
16 SUBSTATE PLANNING AREA SPECIFIED BY THE COMMISSIONER TO BE
17 SERVED BY A DESIGNATED MANAGED SERVICE ORGANIZATION, AS
18 DESCRIBED IN SECTION 27-80-107.

19 (3) ~~"Executive director" means the executive director of the~~
20 ~~department of human services.~~

21 (4.7) ~~"Office of behavioral health" means the office of behavioral~~
22 ~~health in the department.~~

23 **SECTION 144.** In Colorado Revised Statutes, **repeal** 27-80-102.

24 **SECTION 145.** In Colorado Revised Statutes, 27-80-103, **amend**
25 (1), (2)(d), (3) introductory portion, (3)(e), (4), and (5) as follows:

26 **27-80-103. Grants for public programs.** (1) ~~The office of~~
27 ~~behavioral health~~ BHA may make grants, from money appropriated by the

1 general assembly for purposes of this section or available from any other
2 governmental or private source, to approved public programs.

3 (2) A public program may provide, but need not be limited to, any
4 of the following:

5 (d) Programs for prevention of alcohol and drug abuse
6 ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND
7 ENVIRONMENT;

8 (3) In approving any public program, the ~~office of behavioral~~
9 ~~health~~ BHA shall take into consideration the following:

10 (e) Any other information the ~~office of behavioral health~~ BHA
11 deems necessary.

12 (4) Applications for grants made pursuant to subsection (1) of this
13 section are made to the ~~office of behavioral health~~ BHA, on forms
14 furnished by the ~~office of behavioral health~~ BHA, and must contain any
15 information the ~~office of behavioral health~~ BHA requires. Wherever
16 possible, the ~~office of behavioral health~~ BHA shall give priority to public
17 programs that are community-based and include services to children and
18 juveniles as well as adults, that provide a comprehensive range of
19 services, and that evidence a high degree of community support, either
20 financial or in the furnishing of services and facilities, or both.

21 (5) Whenever THE BHA OR any department or agency of the state
22 has money available from any source for public programs, the ~~department~~
23 ~~or agency~~ BHA, DEPARTMENT, OR AGENCY is authorized to distribute the
24 money in accordance with the state plan and to make reasonable rules for
25 the administration of the public programs.

26 **SECTION 146.** In Colorado Revised Statutes, 27-80-104, **amend**
27 (1) introductory portion, (1)(c), and (2) as follows:

1 **27-80-104. Cancellation of grants.** (1) ~~The office of behavioral~~
2 ~~health~~ BHA may cancel a grant for any public program for any of the
3 following reasons:

4 (c) The public program does not meet the standards or
5 requirements adopted by the ~~department~~ BHA or does not conform to the
6 comprehensive state plan for substance use disorder treatment programs.

7 (2) Before canceling a grant for the reasons set forth in subsection
8 (1)(c) of this section, the ~~office of behavioral health~~ BHA shall notify the
9 person or agency in charge of the public program of the deficiency in the
10 program, and the person or agency must be given a reasonable amount of
11 time ~~in which~~ to correct the deficiency.

12 **SECTION 147.** In Colorado Revised Statutes, 27-80-106, **amend**
13 (1) and (2)(a); and add (4) as follows:

14 **27-80-106. Purchase of prevention and treatment services.**

15 (1) Using money appropriated for purposes of this section or available
16 from any other governmental or private source, the ~~office of behavioral~~
17 ~~health~~ BHA may purchase services for prevention or for THE treatment of
18 alcohol and drug abuse or substance use disorders or both types of
19 services on a contract basis from any tribal nation or any public or private
20 agency, organization, or institution approved by the ~~office of behavioral~~
21 ~~health~~ BHA. The services purchased may be any of those provided
22 through a public program, as set forth in section 27-80-103 (2). In
23 contracting for services, the ~~office of behavioral health~~ BHA shall attempt
24 to obtain services that are in addition to, and not a duplication of, existing
25 available services or services that are of a pilot or demonstration nature.
26 An agency operating a public program may also purchase services on a
27 contract basis.

1 (2) (a) In addition to the services purchased pursuant to subsection
2 (1) of this section, using money appropriated for purposes of this section
3 or available from any other governmental or private source, the ~~office of~~
4 ~~behavioral health~~ BHA may purchase services for the treatment of alcohol
5 and drug abuse or substance use disorders on a contract basis from a
6 designated managed service organization for a designated service area as
7 set forth in section 27-80-107. A public or private agency, organization,
8 or institution approved by the ~~office of behavioral health~~ BHA through
9 the process set forth in section 27-80-107 may be designated as a
10 designated managed service organization.

11 (4) AS OF JULY 1, 2022, THE DEPARTMENT OF PUBLIC HEALTH AND
12 ENVIRONMENT IS THE STATE DEPARTMENT RESPONSIBLE FOR THE
13 ADMINISTRATION OF PREVENTION SERVICES PURSUANT TO THIS SECTION.

14 **SECTION 148.** In Colorado Revised Statutes, 27-80-107, **amend**
15 (1), (2) introductory portion, (2)(b), (2)(d), (3), (4), (5), and (7); and add
16 (8) as follows:

17 **27-80-107. Designation of managed service organizations -**
18 **purchase of services - revocation of designation - repeal.** (1) The
19 ~~director of the office of behavioral health~~ COMMISSIONER shall establish
20 designated service areas to provide substance use disorder treatment and
21 recovery services in a particular geographical region of the state.

22 (2) To be selected as a designated managed service organization
23 to provide services in a particular designated service area, a private
24 corporation; for profit or not for profit; or a public agency, organization,
25 or institution shall apply to the ~~office of behavioral health~~ BHA for a
26 designation in the form and manner specified by the ~~executive director~~
27 COMMISSIONER or the ~~executive director's~~ COMMISSIONER'S designee. The

1 designation process is in lieu of a competitive bid process pursuant to the
2 "Procurement Code", articles 101 to 112 of title 24. The ~~director of the~~
3 ~~office of behavioral health~~ COMMISSIONER shall make the designation
4 based on factors established by the ~~executive director~~ COMMISSIONER or
5 the ~~executive director's~~ COMMISSIONER'S designee. The factors for
6 designation established by the ~~executive director~~ COMMISSIONER or the
7 ~~executive director's~~ COMMISSIONER'S designee include the following:

8 (b) Whether the managed service organization has experience
9 working with publicly funded clients, including expertise in treating
10 priority populations designated by the ~~office of behavioral health~~ BHA;

11 (d) Whether the managed service organization has experience
12 using the cost-share principles used by the ~~office of behavioral health~~
13 BHA in its contracts with providers and is willing to cost-share;

14 (3) The designation of a managed service organization by the
15 ~~director of the office of behavioral health~~ COMMISSIONER, as described in
16 subsection (2) of this section, is an initial decision of the ~~department~~
17 BHA, which may be reviewed by the ~~executive director~~ COMMISSIONER
18 in accordance with the provisions of section 24-4-105. Review by the
19 ~~executive director~~ COMMISSIONER in accordance with section 24-4-105
20 constitutes final agency action for purposes of judicial review.

21 (4) (a) The terms and conditions for providing substance use
22 disorder treatment and recovery services must be specified in the contract
23 entered into between the ~~office of behavioral health~~ BHA and the
24 designated managed service organization. Contracts entered into between
25 the ~~office of behavioral health~~ BHA and the designated managed service
26 organization must include terms and conditions prohibiting a designated
27 managed service organization contracted treatment provider from denying

1 or prohibiting access to medication-assisted treatment, as defined in
2 section 23-21-803, for a substance use disorder.

3 (b) Contracts entered into between the ~~office of behavioral health~~
4 BHA and the designated managed service organization must include
5 terms and conditions that outline the expectations for the designated
6 managed service organization to invest in the state's recovery services
7 infrastructure, which include peer-run recovery support services and
8 specialized services for underserved populations. Investments are based
9 on available appropriations.

10 (5) The contract may include a provisional designation for ninety
11 days. At the conclusion of the ninety-day provisional period, the ~~director~~
12 ~~of the office of behavioral health~~ COMMISSIONER may choose to revoke
13 the contract or, subject to meeting the terms and conditions specified in
14 the contract, may choose to extend the contract for a stated time period.

15 (7) (a) The ~~director of the office of behavioral health~~
16 COMMISSIONER may revoke the designation of a designated managed
17 service organization upon finding that the managed service organization
18 is in violation of the performance of the provisions of or rules
19 promulgated pursuant to this article 80. The revocation must conform to
20 the provisions and procedures specified in article 4 of title 24, and occur
21 only after notice and an opportunity for a hearing is provided as specified
22 in article 4 of title 24. A hearing to revoke a designation as a designated
23 managed service organization constitutes final agency action for purposes
24 of judicial review.

25 (b) Once a designation has been revoked pursuant to subsection
26 (7)(a) of this section, the ~~director of the office of behavioral health~~
27 COMMISSIONER may designate one or more service providers to provide

1 the treatment services pending designation of a new designated managed
2 service organization or may enter into contracts with subcontractors to
3 provide the treatment services.

4 (c) From time to time, the ~~director of the office of behavioral~~
5 ~~health~~ COMMISSIONER may solicit applications from applicants for
6 managed service organization designation to provide substance use
7 disorder treatment and recovery services for a specified planning area or
8 areas.

9 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

10 **SECTION 149.** In Colorado Revised Statutes, 24-80-107.5,
11 **amend** (3), (4)(b), (4)(c), (5)(a), (5)(b), and (7); and **repeal** (4)(a), (4)(d),
12 (5)(c), and (6) as follows:

13 **27-80-107.5. Increasing access to effective substance use**
14 **disorder services act - managed service organizations - substance use**
15 **disorder services - assessment - community action plan - allocations**
16 **- reporting requirements - evaluation.** (3) (a) On or before March 1,
17 2017, each managed service organization that has completed a community
18 assessment pursuant to subsection (2) of this section shall prepare and
19 submit in electronic format to the ~~department~~ BHA and the department of
20 health care policy and financing a community action plan to increase
21 access to effective substance use disorder services, referred to in this
22 section as the "community action plan". The community action plan must
23 summarize the results of the community assessment and include a
24 description of how the managed service organization will utilize its
25 allocation of funding from the marijuana tax cash fund created in section
26 39-28.8-501 ~~C.R.S.~~, to address the most critical service gaps in its
27 geographic region and a timeline for implementation of the community

1 action plan.

2 (b) A managed service organization may periodically update its
3 community action plan to reflect changes in community needs and
4 priorities. Any such updated plan must be submitted in electronic format
5 to the ~~department~~ BHA and the department of health care policy and
6 financing.

7 (c) On or before May 1, 2017, the ~~department~~ BHA shall post the
8 community action plans from the managed service organizations
9 developed pursuant to ~~paragraph (a) of this subsection (3)~~ SUBSECTION
10 (3)(a) OF THIS SECTION on its website. On or before May 1, 2017, the
11 ~~department~~ BHA shall submit a report summarizing all of the community
12 action plans received from the managed service organizations to the joint
13 budget committee, the health and human services committee of the
14 senate, and the public AND BEHAVIORAL health ~~care~~ and human services
15 committee of the house of representatives, or any successor committees.
16 The ~~department~~ BHA shall post on its website any updated community
17 action plans received pursuant to ~~paragraph (b) of this subsection (3)~~
18 SUBSECTION (3)(b) OF THIS SECTION.

19 (4) (a) ~~On July 1, 2016, the department shall disburse to each~~
20 ~~designated managed service organization sixty percent of the designated~~
21 ~~managed service organization's allocation from the money appropriated~~
22 ~~from the marijuana tax cash fund. Each designated managed service~~
23 ~~organization that conducts a community assessment and prepares a~~
24 ~~community action plan pursuant to subsection (3) of this section may use~~
25 ~~up to fifteen percent of its state fiscal year 2016-17 allocation from the~~
26 ~~marijuana tax cash fund for such purposes and the remainder for~~
27 ~~substance use disorder services. The department shall disburse the~~

1 remaining forty percent of the designated managed service organization's
2 marijuana tax cash fund allocation to each designated managed service
3 organization after the submission of its community action plan.

4 (b) On July 1, 2017, and on every July 1 thereafter, the department
5 BHA shall disburse to each designated managed service organization that
6 has submitted a community action plan one hundred percent of the
7 designated managed service organization's allocation from the money
8 appropriated from the marijuana tax cash fund.

9 (c) It is the intent of the general assembly that each designated
10 managed service organization use money allocated to it from the
11 marijuana tax cash fund to cover expenditures for substance use disorder
12 services that are not otherwise covered by public or private insurance.
13 ~~Except as provided in subsection (4)(a) of this section,~~ Each managed
14 service organization may use its allocation from the marijuana tax cash
15 fund to implement its community action plan, including expenditures for
16 substance use disorder services and for any start-up costs or other
17 expenses necessary to increase capacity to provide such services. A
18 designated managed service organization must spend its allocation in the
19 state fiscal year in which it is received or in the next state fiscal year
20 thereafter. If there is any money from the allocation remaining after the
21 second state fiscal year, then the designated managed service organization
22 shall return the money to the department BHA. If an enhanced residential
23 and inpatient substance use disorder treatment and medical detoxification
24 services benefit becomes available under the Colorado medical assistance
25 program, managed service organizations shall determine to what extent
26 money allocated from the marijuana tax cash fund may be used to assist
27 in providing substance use disorder treatment, including residential and

1 inpatient substance use disorder treatment and medical detoxification
2 services, if those services are not otherwise covered by public or private
3 insurance.

4 ~~(d) (I) For state fiscal year 2016-17, and each state fiscal year~~
5 ~~thereafter, the department shall allocate money that is annually~~
6 ~~appropriated to it from the marijuana tax cash fund to the designated~~
7 ~~managed service organizations based on the department's allocation of the~~
8 ~~federal substance abuse prevention and treatment block grant to~~
9 ~~geographical areas for the same state fiscal year. Any money from the~~
10 ~~marijuana tax cash fund that is allocated in accordance with this~~
11 ~~subsection (4)(d)(I) and that is not expended by a managed service~~
12 ~~organization in the state fiscal year in which it is disbursed remains~~
13 ~~available for expenditure by the department in the next state fiscal year~~
14 ~~without further appropriation.~~

15 ~~(H) For state fiscal year 2017-18 and each fiscal year thereafter,~~
16 ~~the department shall modify the allocation methodology set forth in~~
17 ~~subparagraph (I) of this paragraph (d) if the designated managed service~~
18 ~~organizations recommend, by consensus, a change. Any such~~
19 ~~recommendation must be submitted to the department by February 28~~
20 ~~prior to the state fiscal year in which the change would apply.~~

21 (5) (a) On or before September 1, 2017, and on or before each
22 September 1 thereafter, each designated managed service organization
23 shall submit an annual report to the ~~department~~ BHA, the joint budget
24 committee, the health and human services committee of the senate, and
25 the public AND BEHAVIORAL health ~~care~~ and human services committee
26 of the house of representatives, or their successor committees, concerning
27 the amount and purpose of actual expenditures made using money from

1 the marijuana tax cash fund in the previous state fiscal year. The report
2 must contain a description of the impact of the expenditures on
3 addressing the needs that were identified in the initial and any subsequent
4 community assessments and action plans developed pursuant to
5 subsection (3) of this section, as well as any other requirements
6 established for the contents of the report by the ~~department~~ BHA.

7 (b) A designated managed service organization shall provide the
8 ~~department~~ BHA with information about actual expenditures as required
9 by the ~~department~~ BHA.

10 (c) ~~On or before November 1, 2020, the department, in~~
11 ~~collaboration with the designated managed service organizations, shall~~
12 ~~submit a report to the joint budget committee and the joint health and~~
13 ~~human services committee, or any successor committees. The report must:~~

14 (I) ~~Summarize expenditures made by the designated managed~~
15 ~~service organizations using money made available pursuant to this section~~
16 ~~for state fiscal years 2016-17, 2017-18, 2018-19, and 2019-20;~~

17 (II) ~~Describe the impact the expenditures have had on increasing~~
18 ~~statewide access to a continuum of effective substance use disorder~~
19 ~~services, including the availability of prevention, intervention, treatment,~~
20 ~~and recovery support services in each designated service area; and~~

21 (III) ~~Include any recommendations to strengthen or improve the~~
22 ~~program.~~

23 (6) (a) ~~On or before November 1, 2016, the department shall enter~~
24 ~~into a contract with an evaluation contractor to study the effectiveness of~~
25 ~~intensive residential treatment of substance use disorders provided~~
26 ~~through managed service organizations. The department and the~~
27 ~~department of health care policy and financing shall collaborate with the~~

1 ~~evaluation contractor on the design of the evaluation so that the data and~~
2 ~~analyses will be of maximum benefit for evaluating whether the medicaid~~
3 ~~behavioral health benefit should be expanded to include intensive~~
4 ~~residential treatment for substance use disorders.~~

5 ~~(b) Prior to entering into a contract for the evaluation of intensive~~
6 ~~residential treatment of substance use disorders provided through~~
7 ~~managed service organizations, the department shall seek input from~~
8 ~~managed service organizations and residential substance use disorder~~
9 ~~treatment providers concerning relevant outcome measures to be used by~~
10 ~~the evaluation contractor in the study.~~

11 ~~(c) On or before February 1, 2019, the department shall submit a~~
12 ~~copy of the evaluation contractor's final report to the joint budget~~
13 ~~committee, the health and human services committee of the senate, and~~
14 ~~the public health care and human services committee of the house of~~
15 ~~representatives, or any successor committees.~~

16 (7) Notwithstanding section 24-1-136 (1)(a)(I), the department
17 BHA shall report on outcomes related to the implementation of this
18 section as part of its annual "State Measurement for Accountable,
19 Responsive, and Transparent (SMART) Government Act" hearing
20 required by section 2-7-203, beginning with the hearing that precedes the
21 2019 legislative session.

22 **SECTION 150.** In Colorado Revised Statutes, 27-80-108, **amend**
23 (1)(c) and (1)(d) as follows:

24 **27-80-108. Rules.** (1) The state board of human services, created
25 in section 26-1-107, has the power to promulgate rules governing the
26 provisions of this article 80. The rules may include, but are not limited to:

27 (c) Requirements for public and private agencies, organizations,

1 and institutions from which the ~~office of behavioral health~~ BHA may
2 purchase services pursuant to section 27-80-106 (1), which requirements
3 must include prohibiting the purchase of services from entities that deny
4 or prohibit access to medical services or substance use disorder treatment
5 and services to persons who are participating in prescribed
6 medication-assisted treatment, as defined in section 23-21-803, for a
7 substance use disorder;

8 (d) Requirements for managed service organizations that are
9 designated by the ~~director of the office of behavioral health~~
10 COMMISSIONER to provide services in a designated service area pursuant
11 to section 27-80-106 (2);

12 **SECTION 151.** In Colorado Revised Statutes, **amend** 27-80-109
13 as follows:

14 **27-80-109. Coordination of state and federal funds and**
15 **programs.** (1) Requests for state appropriations for substance use
16 disorder treatment programs must be submitted to the ~~office of behavioral~~
17 ~~health~~ BHA and the office of state planning and budgeting on dates
18 specified by the ~~office of behavioral health~~ BHA, consistent with
19 requirements and procedures of the office of state planning and
20 budgeting. After studying each request, the ~~office of behavioral health~~
21 BHA shall make a report with its comments and recommendations,
22 including priorities for appropriations and a statement as to whether the
23 requested appropriation would be consistent with the comprehensive state
24 plan for substance use disorder treatment programs. The ~~office of~~
25 ~~behavioral health~~ BHA shall submit its reports to the governor, the office
26 of state planning and budgeting, and the joint budget committee, together
27 with all pertinent material on which the report's recommendations are

1 based.

2 (2) ~~The office of behavioral health~~ BHA shall also review
3 applications for federal grants for substance use disorder treatment
4 programs submitted by any department or agency of state government;
5 political subdivision of the state; Indian tribal reservation; or other public
6 or private agency, organization, or institution. ~~The office of behavioral~~
7 ~~health~~ BHA shall transmit to the division of planning and to the
8 appropriate United States agency its comments and recommendations,
9 together with a statement as to whether the grant would be consistent with
10 the comprehensive state plan for substance use disorder treatment
11 programs.

12 **SECTION 152.** In Colorado Revised Statutes, **amend** 27-80-111
13 as follows:

14 **27-80-111. Counselor training - fund created - rules.** (1) The
15 ~~executive director~~ COMMISSIONER shall establish by rule fees to be
16 charged for addiction counselor training. The amount assessed must be
17 sufficient to cover a portion of the costs of administering the training, and
18 the money collected must be deposited in the addiction counselor training
19 fund. Additional funding may be obtained from general, cash, or federal
20 funds otherwise appropriated to the ~~office of behavioral health~~ BHA.

21 (2) There is created in the office of the state treasurer the
22 addiction counselor training fund, referred to in this section as the "fund".
23 Money collected pursuant to subsection (1) of this section shall be
24 deposited in the fund. The money in the fund is subject to annual
25 appropriation by the general assembly to the ~~department for allocation to~~
26 ~~the office of behavioral health~~ BHA for the administration of addiction
27 counselor training requirements established by rules of the state board of

1 human services pursuant to section 27-80-108 (1)(e). Money in the fund
2 at the end of the fiscal year must remain in the fund and not revert to the
3 general fund.

4 **SECTION 153.** In Colorado Revised Statutes, 27-80-112, **amend**
5 (2) as follows:

6 **27-80-112. Legislative declaration - treatment program for**
7 **high-risk pregnant women - creation.** (2) In recognition of such
8 problems, there is hereby created a treatment program for high-risk
9 pregnant women IN THE BEHAVIORAL HEALTH ADMINISTRATION.

10 **SECTION 154.** In Colorado Revised Statutes, **amend** 27-80-113
11 as follows:

12 **27-80-113. Substance use and addiction counseling and**
13 **treatment - necessary components.** Any entity that qualifies to provide
14 services pursuant to section 25.5-5-202 (1)(r) in regard to the treatment
15 program for high-risk pregnant women, shall make available, in addition
16 to substance use and addiction counseling and treatment: Risk assessment
17 services; care coordination; nutrition assessment; psychosocial
18 counseling; intensive health education, including parenting education and
19 education on risk factors and appropriate health behaviors; home visits;
20 transportation services; and other services deemed necessary by the office
21 of behavioral health BHA and the department of health care policy and
22 financing.

23 **SECTION 155.** In Colorado Revised Statutes, 27-80-117, **amend**
24 (2)(a)(I) introductory portion, (2)(a)(II), (2)(b), (2)(c), and (3); and add
25 (3.5) as follows:

26 **27-80-117. Rural alcohol and substance abuse prevention and**
27 **treatment program - creation - administration - cash fund -**

1 **definitions - repeal.** (2) (a) (I) There is created the rural alcohol and
2 substance abuse prevention and treatment program in the ~~office of~~
3 ~~behavioral health~~ BHA to provide:

4 (II) The ~~office of behavioral health~~ BHA shall administer the
5 program pursuant to rules adopted by the state board of human services
6 as of January 1, 2010, or as amended by the state board.

7 (b) The ~~office of behavioral health~~ BHA shall incorporate
8 provisions to implement the program into its regular contracting
9 mechanism for the purchase of prevention and treatment services
10 pursuant to section 27-80-106, including detoxification programs. The
11 ~~office of behavioral health~~ BHA shall develop a method to equitably
12 distribute and provide additional money through contracts to provide for
13 prevention services for and treatment of persons in rural areas.

14 (c) Notwithstanding any provision of this section to the contrary,
15 the ~~office of behavioral health~~ BHA shall implement the program on or
16 after January 1, 2011, subject to the availability of sufficient money to
17 operate an effective program, as determined by the ~~office~~ BHA.

18 (3) (a) There is created in the state treasury the rural alcohol and
19 substance abuse cash fund, referred to in this section as the "fund", that
20 consists of the rural youth alcohol and substance abuse prevention and
21 treatment account, referred to in this section as the "youth account", and
22 the rural detoxification account, referred to in this section as the
23 "detoxification account". The fund is comprised of money collected from
24 surcharges assessed pursuant to sections 18-19-103.5, 42-4-1307
25 (10)(d)(I), and 42-4-1701 (4)(f). The money collected from the surcharges
26 must be divided equally between the youth account and the detoxification
27 account. The fund also includes any money credited to the fund pursuant

1 to subsection (3)(b) of this section. Money in the fund credited pursuant
2 to subsection (3)(b) of this section must be divided equally between the
3 youth account and the detoxification account unless the grantee or donor
4 specifies to which account the grant, gift, or donation is to be credited.
5 The money in the fund is subject to annual appropriation by the general
6 assembly to the ~~office of behavioral health~~ BHA for the purpose of
7 implementing the program. All interest derived from the deposit and
8 investment of money in the fund remains in the fund. Any unexpended or
9 unencumbered money remaining in the fund at the end of a fiscal year
10 remains in the fund and shall not be transferred or credited to the general
11 fund or another fund; except that any unexpended and unencumbered
12 money remaining in the fund as of August 30, 2025, is credited to the
13 general fund.

14 (b) The ~~office of behavioral health~~ BHA is authorized to accept
15 grants, gifts, or donations from any private or public source on behalf of
16 the state for the purpose of the program. The ~~office of behavioral health~~
17 BHA shall transmit all private and public money received through grants,
18 gifts, or donations to the state treasurer, who shall credit the same to the
19 fund.

20 (3.5) AS OF JULY 1, 2022, THE DEPARTMENT OF PUBLIC HEALTH
21 AND ENVIRONMENT IS THE STATE DEPARTMENT RESPONSIBLE FOR THE
22 ADMINISTRATION OF PREVENTION SERVICES PURSUANT TO THIS SECTION.

23 **SECTION 156.** In Colorado Revised Statutes, 27-80-119, **amend**
24 (3), (4), (6) introductory portion, (6)(f), (7), and (8) as follows:

25 **27-80-119. Care navigation program - creation - reporting -**
26 **rules - legislative declaration - definition.** (3) Subject to available
27 appropriations, the ~~department~~ BHA shall implement a care navigation

1 program to assist engaged clients in obtaining access to treatment for
2 substance use disorders. At a minimum, services available statewide must
3 include independent screening of the treatment needs of the engaged
4 client using nationally recognized screening criteria to determine the
5 correct level of care; the identification of licensed or accredited substance
6 use disorder treatment options, including social and medical
7 detoxification services, medication-assisted treatment, and inpatient and
8 outpatient treatment programs; and the availability of various treatment
9 options for the engaged client.

10 (4) To implement the care navigation program, the ~~office~~ BHA
11 shall include care navigation services in the twenty-four-hour telephone
12 crisis service created pursuant to section 27-60-103. The contractor
13 selected by the ~~office~~ BHA must provide care navigation services to
14 engaged clients statewide. Care navigation services must be available
15 twenty-four hours a day and must be accessible through various formats.
16 The contractor shall coordinate services in conjunction with other state
17 care navigation and coordination services and behavioral health response
18 systems to ensure coordinated and integrated service delivery. The use of
19 peer support specialists is encouraged in the coordination of services. The
20 contractor shall assist the engaged client with accessing treatment
21 facilities, treatment programs, or treatment providers and shall provide
22 services to engaged clients regardless of the client's payer source or
23 whether the client is uninsured. Once the engaged client has initiated
24 treatment, the contractor is no longer responsible for care navigation for
25 that engaged client for that episode. Engaged clients who are enrolled in
26 the medical assistance program pursuant to articles 4, 5, and 6 of title 25.5
27 shall be provided with contact information for their managed care entity.

1 The contractor shall conduct ongoing outreach to inform behavioral
2 health providers, counties, county departments of human or social
3 services, jails, law enforcement personnel, health-care professionals, and
4 other interested persons about care navigation services.

5 (6) The contractor shall collect and transmit to the ~~department~~
6 BHA, in the time and manner determined by rule of the ~~department~~ STATE
7 BOARD OF HUMAN SERVICES, the following data and information relating
8 to engaged clients served by the contractor:

9 (f) Whether the engaged client had private or public insurance or
10 was eligible for services through the ~~office~~ BHA due to income;

11 (7) The state board OF HUMAN SERVICES may promulgate any rules
12 necessary to implement the care navigation program.

13 (8) No later than September 1 during the first year in which the
14 care navigation program is implemented pursuant to this section, and no
15 later than September 1 of each year thereafter in which the care
16 navigation program is implemented, the ~~department~~ BHA shall submit an
17 annual report to the joint budget committee, the public AND BEHAVIORAL
18 health ~~care~~ and human services committee and the health and insurance
19 committee of the house of representatives, and the health and human
20 services committee of the senate, or any successor committees,
21 concerning the utilization of care navigation services pursuant to this
22 section, including a summary of the data and information collected by the
23 contractor pursuant to subsection (6) of this section, in accordance with
24 state and federal health-care privacy laws. Notwithstanding the provisions
25 of section 24-1-136 (11)(a)(I), the reporting requirements of this
26 subsection (8) continue indefinitely.

27 **SECTION 157.** In Colorado Revised Statutes, 27-80-120, **amend**

1 (1), (2), (3), and (6) as follows:

2 **27-80-120. Building substance use disorder treatment capacity**

3 **in underserved communities - grant program.** (1) There is created in
4 the ~~department~~ BEHAVIORAL HEALTH ADMINISTRATION the building
5 substance use disorder treatment capacity in underserved communities
6 grant program, referred to in this section as the "grant program".

7 (2) Subject to available appropriations, the ~~department~~ BHA shall
8 award grant program money to increase substance use disorder capacity
9 and services in rural and frontier communities. Each managed service
10 organization area that consists of at least fifty percent rural or frontier
11 counties shall receive an equal proportion of the annual grant program
12 money to disburse in local grants.

13 (3) A grant committee shall review grant applications and, if
14 approved, award local grants. The grant committee includes two members
15 appointed by the county commissioners in the relevant managed service
16 organization service area, two representatives from the managed service
17 organization, and two members representing the ~~department~~ BHA and
18 appointed by the ~~executive director of the department~~ COMMISSIONER.
19 The award of a local grant must be approved by a majority of the
20 members of the grant committee. In awarding a local grant, the grant
21 committee shall prioritize geographic areas that are unserved or
22 underserved. After local grants are approved for each managed service
23 organization service area, the ~~department~~ BHA shall disburse grant
24 program money to the managed service organization for distribution to
25 local grant recipients.

26 (6) Money appropriated for the pilot program that remains
27 unexpended and unencumbered at the end of the fiscal year is further

1 appropriated to the ~~department~~ BHA for the pilot program in the next
2 fiscal year.

3 **SECTION 158.** In Colorado Revised Statutes, 27-80-121, **amend**
4 (1) introductory portion as follows:

5 **27-80-121. Perinatal substance use data linkage project -**
6 **center for research into substance use disorder prevention,**
7 **treatment, and recovery support strategies - report.** (1) The center for
8 research into substance use disorder prevention, treatment, and recovery
9 support strategies established in section 27-80-118, referred to in this
10 section as the "center", in partnership with an institution of higher
11 education and the state substance abuse trend and response task force
12 established in section 18-18.5-103, may conduct a statewide perinatal
13 substance use data linkage project that uses ongoing collection, analysis,
14 interpretation, and dissemination of data for the planning,
15 implementation, and evaluation of public health actions to improve
16 outcomes for families impacted by substance use during pregnancy. The
17 data linkage project shall utilize data from the medical assistance
18 program, articles 4 to 6 of title 25.5; the electronic prescription drug
19 monitoring program created in part 4 of article 280 of title 12; the
20 Colorado TRAILS system, as defined in section 16-20.5-102 (10); the
21 Colorado immunization information system, created pursuant to section
22 25-4-2401, et seq.; the Colorado child care assistance program, created
23 in part 8 of article 2 of title 26; the ~~office of behavioral health in the~~
24 ~~department of human services~~ BHA; and birth and death records to
25 examine the following:

26 **SECTION 159.** In Colorado Revised Statutes, 27-80-122, **amend**
27 (1) introductory portion and (2) as follows:

1 **27-80-122. Recovery residence certifying body - competitive**
2 **selection process - appropriation.** (1) No later than January 1, 2022, the
3 ~~office of behavioral health~~ BHA shall use a competitive selection process
4 pursuant to the "Procurement Code", articles 101 to 112 of title 24, to
5 select a recovery residence certifying body to:

6 (2) For the 2021-22 state fiscal year and each state fiscal year
7 thereafter, the general assembly shall appropriate two hundred thousand
8 dollars to the ~~office of behavioral health~~ BHA for the purpose of
9 implementing this section.

10 **SECTION 160.** In Colorado Revised Statutes, 27-80-123, **amend**
11 (2), (4) introductory portion, (5), (6), (7) introductory portion, and (7)(a)
12 as follows:

13 **27-80-123. High-risk families cash fund - creation - services**
14 **provided - report - definition.** (2) There is created in the state treasury
15 the high-risk families cash fund, referred to in this section as the "fund".
16 The fund consists of money credited to the fund and any other money that
17 the general assembly may appropriate or transfer to the fund. The state
18 treasurer shall credit all interest and income derived from the deposit and
19 investment of money in the fund to the fund. Money in the fund is
20 continuously appropriated to the ~~department~~ BHA, which may expend
21 money from the fund for the purposes specified in subsection (4) of this
22 section.

23 (4) The ~~department~~ BHA may expend money in the fund for the
24 following purposes:

25 (5) (a) The ~~department~~ BHA may use money from the fund to
26 contract with managed service organizations, private providers, schools,
27 counties, nonprofit organizations, or municipalities to provide services

1 described in subsection (4) of this section.

2 (b) Money expended by the ~~department~~ BHA must be used for
3 one-time allocations to increase treatment capacity, including start-up
4 costs and capital expenditures, or to provide substance use disorder
5 recovery and wraparound services, including the prenatal plus program
6 and access to child care, to high-risk families.

7 (6) After considering relevant stakeholder feedback, the
8 ~~department~~ BHA shall annually prioritize the use of available money in
9 the fund, recognizing statewide need and complementing existing funding
10 for behavioral health services statewide.

11 (7) Notwithstanding the provisions of section 24-1-136 (11)(a)(I)
12 to the contrary, the ~~department~~ BHA shall submit a report to the general
13 assembly on July 1, 2020, and on July 1 each year thereafter, which report
14 must include:

15 (a) A summary of expenditures from the fund made by the
16 ~~department~~ BHA;

17 **SECTION 161. Repeal of relocated provision in this act. In**
18 **Colorado Revised Statutes, repeal 27-80-124. ==**

19 **SECTION 162.** In Colorado Revised Statutes, 27-80-125, **amend**
20 (1) introductory portion, (2), (3), (4), and (5) as follows:

21 **27-80-125. Housing assistance for individuals with a substance**
22 **use disorder - rules - report - appropriation.** (1) ~~The office of~~
23 ~~behavioral health~~ BHA shall establish a program to provide temporary
24 financial housing assistance to individuals with a substance use disorder
25 who have no supportive housing options when the individual is:

26 (2) ~~The office of behavioral health~~ BHA may promulgate rules
27 establishing the maximum amount of temporary financial assistance that

1 an individual can receive and the maximum amount of time for which an
2 individual may receive assistance. Rules promulgated pursuant to this
3 subsection (2) related to the time for which an individual may receive
4 assistance must be clinically based, culturally responsive, and
5 trauma-informed.

6 (3) In awarding temporary financial housing assistance in
7 accordance with this section, the ~~office of behavioral health~~ BHA shall
8 consider funding for individuals entering into a recovery residence, as
9 defined in section 25-1.5-108.5 (1)(a).

10 (4) Notwithstanding section 24-1-136 (11)(a)(I), by February 1,
11 2022, and by February 1 each year thereafter, the ~~office of behavioral~~
12 ~~health~~ BHA shall submit a report detailing the amount of housing
13 assistance provided in the prior year, the number of individuals and the
14 entities that received the housing assistance, and the duration of housing
15 assistance each individual or entity received to the health and human
16 services committee of the senate, the health and insurance and the public
17 and behavioral health and human services committees of the house of
18 representatives, and the opioid and other substance use disorders study
19 committee created in section 10-22.3-101, or any successor committees.

20 (5) For the 2021-22 state fiscal year and each state fiscal year
21 thereafter, the general assembly shall appropriate four million dollars to
22 the ~~office of behavioral health~~ BHA for the purpose of the housing
23 program described in this section.

24 **SECTION 163.** In Colorado Revised Statutes, 27-80-126, **amend**
25 (2), (4), (5), (6)(a), (7)(a) introductory portion, (7)(a)(IV), (7)(b), and (8)
26 as follows:

27 **27-80-126. Recovery support services grant program -**

1 **creation - eligibility - reporting requirements - appropriation - rules**

2 **- definitions.** (2) There is created in the ~~office of~~ behavioral health
3 ADMINISTRATION the recovery support services grant program, referred
4 to in this section as the "grant program", to provide grants to recovery
5 community organizations for the purpose of providing recovery-oriented
6 services to individuals with a substance use disorder or co-occurring
7 substance use and mental health disorder.

8 (4) The ~~office of behavioral health~~ BHA shall administer the grant
9 program. Subject to available appropriations, the ~~office~~ BHA shall
10 disburse grant money appropriated pursuant to subsection (8) of this
11 section to each managed service organization designated pursuant to
12 section 27-80-107.

13 (5) The ~~office of behavioral health~~ BHA shall implement the grant
14 program in accordance with this section. Pursuant to article 4 of title 24,
15 the ~~office~~ BHA shall promulgate rules as necessary to implement the
16 grant program.

17 (6) (a) To receive a grant, a recovery community organization
18 must submit an application to the applicable managed service
19 organization in accordance with rules promulgated by the ~~office of~~
20 ~~behavioral health~~ BHA.

21 (7) (a) On or before December 1, 2023, and on or before
22 December 1 each year thereafter, each managed service organization that
23 awards grants shall submit a report to the ~~office of behavioral health~~
24 BHA. At a minimum, the report must include the following information:

25 (IV) Any other information required by the ~~office of behavioral~~
26 ~~health~~ BHA.

27 (b) On or before March 1, 2022, and on or before March 1 each

1 year thereafter for the duration of the grant program, the ~~office of~~
2 ~~behavioral health~~ BHA shall submit a summarized report on the grant
3 program to the health and human services committee of the senate and the
4 health and insurance and the public and behavioral health and human
5 services committees of the house of representatives, or any successor
6 committees, and to the opioid and other substance use disorders study
7 committee created in section 10-22.3-101.

8 (8) For the 2021-22 state fiscal year and each state fiscal year
9 thereafter, the general assembly shall appropriate one million six hundred
10 thousand dollars from the general fund to the ~~office of behavioral health~~
11 BHA to implement the grant program. The ~~office~~ BHA may use a portion
12 of the money appropriated for the grant program to pay the direct and
13 indirect costs of administering the grant program.

14 **SECTION 164.** In Colorado Revised Statutes, 27-80-204, **amend**
15 (1)(a), (1)(b)(II), (3), and (4) as follows:

16 **27-80-204. License required - controlled substances - repeal.**

17 (1) (a) In accordance with part 3 of article 18 of title 18, a substance use
18 disorder treatment program that compounds, administers, or dispenses a
19 controlled substance shall annually obtain a license issued by the
20 ~~department~~ BHA for each place of business or professional practice
21 located in this state.

22 (b) (II) Prior to the repeal, the department of regulatory agencies
23 shall review the licensing functions of the ~~department~~ BHA as provided
24 in section 24-34-104. In conducting the review, the department of
25 regulatory agencies shall consider whether the licensing pursuant to this
26 subsection (1) should be combined with the licensing of any other
27 substance use disorder treatment programs by the department.

1 (3) An employee of a facility, as defined in section 25-1.5-301,
2 ~~C.R.S.~~, who is administering and monitoring medications to persons
3 under the care or jurisdiction of the facility pursuant to part 3 of article
4 1.5 of title 25 ~~C.R.S.~~, need not be licensed by the ~~department~~ BHA to
5 lawfully possess controlled substances under this part 2.

6 (4) A person who is required to be but is not yet licensed may
7 apply for a license at any time. A person who is required to be licensed
8 under this part 2 shall not engage in any activity for which a license is
9 required until the ~~department~~ BHA grants the person's application and
10 issues a license to ~~him or her~~ THE PERSON.

11 **SECTION 165.** In Colorado Revised Statutes, 27-80-205, **amend**
12 (1) introductory portion, (3)(a.5), and (3)(b) as follows:

13 **27-80-205. Issuance of license - fees.** (1) The ~~department~~ BHA,
14 as provided in section 27-80-204 (1), shall issue the appropriate license
15 to each substance use disorder treatment program meeting all the
16 requirements of this part 2 unless it determines that the issuance of the
17 license would be inconsistent with the public interest. In determining the
18 public interest, the ~~department~~ BHA shall consider the following factors:

19 (3) (a.5) The ~~department~~ BHA may administratively set initial and
20 annual license fees for substance use disorder treatment programs to
21 approximate the direct and indirect costs of the program.

22 (b) The ~~department~~ BHA shall transmit the fees collected pursuant
23 to this section to the state treasurer for deposit in the controlled
24 substances program fund created in section 27-80-206.

25 **SECTION 166.** In Colorado Revised Statutes, **amend** 27-80-206
26 as follows:

27 **27-80-206. Controlled substances program fund - disposition**

1 **of fees.** There is ~~hereby~~ created in the state treasury the controlled
2 substances program fund. The ~~department~~ BHA shall transmit all ~~moneys~~
3 MONEY it collects pursuant to this part 2 to the state treasurer, who shall
4 credit the ~~moneys~~ MONEY to the controlled substances program fund. The
5 general assembly shall ~~make annual appropriations~~ ANNUALLY
6 APPROPRIATE MONEY from the controlled substances program fund to the
7 ~~department~~ BHA for the purposes authorized by this part 2. All ~~moneys~~
8 MONEY credited to the controlled substances program fund and any
9 interest earned on the fund ~~remain~~ REMAINS in the fund and ~~do~~ DOES not
10 revert to the general fund or any other fund at the end of any fiscal year.

11 **SECTION 167.** In Colorado Revised Statutes, 27-80-207, **amend**
12 (3) as follows:

13 **27-80-207. Qualifications for license.** (3) The ~~department~~ BHA
14 shall not grant a license to a person who has been convicted within the
15 last two years of a willful violation of this part 2 or any other state or
16 federal law regulating controlled substances.

17 **SECTION 168.** In Colorado Revised Statutes, 27-80-208, **amend**
18 (1) introductory portion, (1)(d), (2), (2.5), (3), (4), and (5)(a) as follows:

19 **27-80-208. Denial, revocation, or suspension of license - other**
20 **disciplinary actions - notice.** (1) The ~~department~~ BHA may deny,
21 suspend, or revoke a license issued under this part 2 pursuant to article 4
22 of title 24, or take other disciplinary action as set forth in subsection (2.5)
23 of this section, at the ~~department's~~ BHA's discretion, upon a finding that
24 the licensee:

25 (d) Has violated any provision of this part 2 or the rules of the
26 ~~department~~ BHA or of the state board of human services created in
27 section 26-1-107. ~~C.R.S.~~

1 (2) The ~~department~~ BHA may limit revocation or suspension of
2 a license to the particular controlled substance that was the basis for
3 revocation or suspension.

4 (2.5) If the ~~department~~ BHA determines that a licensee has
5 committed an act that would authorize the ~~department~~ BHA to deny,
6 revoke, or suspend a license, the ~~department~~ BHA may, at its discretion,
7 impose other disciplinary actions that may include, but need not be
8 limited to, a fine not to exceed five hundred dollars, probation, or
9 stipulation.

10 (3) If the ~~department~~ BHA suspends or revokes a license, the
11 ~~department~~ BHA may place all controlled substances owned or possessed
12 by the licensee at the time of the suspension or on the effective date of the
13 revocation order under seal. The ~~department~~ BHA may not dispose of
14 substances under seal until the time for making an appeal has elapsed or
15 until all appeals have been concluded, unless a court orders otherwise or
16 orders the sale of any perishable controlled substances and the deposit of
17 the proceeds with the court. When a revocation order becomes final, all
18 controlled substances may be forfeited to the state.

19 (4) The ~~department~~ BHA shall promptly notify the bureau and the
20 appropriate professional licensing agency, if any, of all charges and the
21 final disposition of the charges, and of all forfeitures of a controlled
22 substance.

23 (5) (a) On or before July 1, 2020, the ~~department~~ BHA shall
24 develop and implement a formal, simple, accurate, and objective system
25 to track and categorize complaints made against a licensee and
26 disciplinary action taken pursuant to this part 2.

27 **SECTION 169.** In Colorado Revised Statutes, 27-80-211, **amend**

1 (2) introductory portion, (2)(b), and (2)(c) as follows:

2 **27-80-211. Enforcement and cooperation.** (2) The ~~department~~
3 BHA shall cooperate with all agencies charged with the enforcement of
4 the laws of this state, all other states, and the United States relating to
5 controlled substances. To this end, the ~~department~~ BHA shall:

6 (b) Cooperate with the bureau and with local, state, and other
7 federal agencies by maintaining a centralized unit to accept, catalogue,
8 file, and collect statistics, including records of dependent and other
9 controlled substance law offenders within the state, and make the
10 information available for federal, state, and local law enforcement or
11 regulatory purposes. The ~~department~~ BHA shall not furnish the name or
12 identity of a patient whose identity could not be obtained under section
13 27-80-212.

14 (c) Respond to referrals, complaints, or other information received
15 regarding possible violations and, upon notification of the appropriate
16 licensing authority, if applicable, and upon a written finding by the
17 ~~executive director of the department~~ COMMISSIONER that probable cause
18 exists to believe that there is illegal distribution or dispensing of
19 controlled substances, to make any inspections, investigations, and reports
20 that may be necessary to determine compliance with this part 2 by all
21 licensed or otherwise authorized individuals who handle controlled
22 substances;

23 **SECTION 170.** In Colorado Revised Statutes, **amend** 27-80-213
24 as follows:

25 **27-80-213. Rules - policies.** (1) The ~~department~~ BHA shall
26 update rules and promulgate new rules, as necessary and pursuant to
27 article 4 of title 24, ~~C.R.S.~~, to implement this part 2. The ~~department~~

1 BHA shall make the rules available to the public on its website.

2 (2) The ~~department~~ BHA shall promulgate rules, in accordance
3 with article 4 of title 24, for the conduct of detoxification treatment,
4 maintenance treatment, and withdrawal treatment programs for substance
5 use disorders related to controlled substances.

6 (3) The ~~department~~ BHA shall develop a policy that separates the
7 administration of this part 2 from the administration of article 81 of this
8 title 27. The policy must ensure that the ~~department's~~ BHA's performance
9 of its duties pursuant to this part 2 does not interfere with the performance
10 of its duties as required by article 81 of this title 27.

11 **SECTION 171.** In Colorado Revised Statutes, 27-80-215, **amend**
12 (1)(a), (1)(b), (2)(a)(I), (2)(a)(II), (2)(b), and (3)(b) as follows:

13 **27-80-215. Central registry - registration required - notice -**
14 **repeal.** (1) (a) On or before July 1, 2020, the ~~department~~ BHA shall
15 develop or procure a secure online central registry, referred to in this
16 section as the "registry", to register patients treated in a substance use
17 disorder treatment program.

18 (b) The ~~department~~ BHA shall operate and maintain the registry
19 or enter into an agreement with a third party to operate and maintain the
20 registry on its behalf.

21 (2) (a) (I) In order to prevent simultaneous enrollment of a patient
22 in more than one opioid treatment program, each opioid treatment
23 program shall fully participate in the registry, including submitting a
24 query to the registry for each patient and entering in patient information
25 as required by this part 2 and ~~department~~ BHA rule.

26 (II) For each patient, the entry into the registry must include the
27 patient's name, the opioid treatment program providing treatment to the

1 patient, and any information the ~~department~~ BHA deems necessary to
2 further the goals of this part 2.

3 (b) The ~~department~~ BHA shall establish the method for opioid
4 treatment programs to enter information into the registry and query the
5 registry for information concerning prospective patients.

6 (3) (b) Prior to the repeal, the department of regulatory agencies
7 shall review the registration functions of the ~~department~~ BHA as provided
8 in section 24-34-104.

9 **SECTION 172.** In Colorado Revised Statutes, **amend** 27-80-216
10 as follows:

11 **27-80-216. Policy verifying identity.** The ~~department~~ BHA shall
12 establish a policy on how a substance use disorder treatment program
13 must verify the identity of individuals initiating into detoxification,
14 withdrawal, or maintenance treatment for a substance use disorder. The
15 ~~department~~ BHA policy must include verification requirements for
16 individuals without identification and individuals experiencing
17 homelessness.

18 **SECTION 173.** In Colorado Revised Statutes, 27-80-303, **amend**
19 (1)(a), (1)(b) introductory portion, (4), and (5) as follows:

20 **27-80-303. Office of ombudsman for behavioral health access**
21 **to care - creation - appointment of ombudsman - duties.** (1) (a) There
22 is ~~hereby~~ created in the office of the executive director OF THE
23 DEPARTMENT the office of the ombudsman for behavioral health access
24 to care for the purpose of assisting Coloradans in accessing behavioral
25 health care.

26 (b) The office of behavioral health IN THE DEPARTMENT AND THE
27 BHA shall offer the office limited support with respect to:

1 (4) The ombudsman, employees of the office, and any persons
2 acting on behalf of the office shall comply with all state and federal
3 confidentiality laws that govern the department AND THE BHA with
4 respect to the treatment of confidential information or records and the
5 disclosure of such information and records.

6 (5) In the performance of ~~his or her~~ THE OMBUDSMAN'S duties, the
7 ombudsman shall act independently of the office of behavioral health IN
8 THE DEPARTMENT AND THE BHA. Any recommendations made or
9 positions taken by the ombudsman do not reflect those of the department,
10 ~~or~~ THE office of behavioral health, OR THE BHA.

11 **SECTION 174.** In Colorado Revised Statutes, **amend** 27-80-304
12 as follows:

13 **27-80-304. Liaisons - department - commissioner of insurance.**
14 The commissioner of insurance and the executive director OF THE
15 DEPARTMENT shall each appoint a liaison to the ombudsman to receive
16 reports of concerns, complaints, and potential violations described in
17 section 27-80-303 (3)(b) from the ombudsman, consumers, or health-care
18 providers.

19 **SECTION 175.** In Colorado Revised Statutes, 27-80-306, **amend**
20 (2) and (3) as follows:

21 **27-80-306. Annual report.** (2) The ombudsman shall submit the
22 report required by this section to the governor, the executive director OF
23 THE DEPARTMENT AND THE COMMISSIONER OF THE BHA, the
24 commissioner of insurance, the senate committee on health and human
25 services or any successor committee, and the house of representatives
26 committees on health AND insurance ~~and environment~~ and public AND
27 BEHAVIORAL health ~~care~~ and human services or any successor

1 committees. Notwithstanding section 24-1-136 (11)(a)(I), the reporting
2 requirement set forth in this section continues indefinitely.

3 (3) The ombudsman shall post the annual report on the
4 ~~department's~~ BHA's website.

5 **SECTION 176.** In Colorado Revised Statutes, 27-81-102, **amend**
6 **(3); amend as it will become effective July 1, 2022, (13.7); repeal (6),**
7 **(8), and (13.5); and add (3.3) and (3.7) as follows:**

8 **27-81-102. Definitions.** As used in this article 81, unless the
9 context otherwise requires:

10 (3) "Approved public treatment facility" means a treatment agency
11 operating under the direction and control of or approved by the ~~office of~~
12 ~~behavioral health~~ BHA or providing treatment pursuant to this article 81
13 through a contract with the ~~office of behavioral health~~ BHA pursuant to
14 section 27-81-105 (7) and meeting the standards prescribed in section
15 27-81-106 (1) and approved pursuant to section 27-81-106.

16 (3.3) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
17 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
18 27-50-102.

19 (3.7) "COMMISSIONER" MEANS THE COMMISSIONER OF THE
20 BEHAVIORAL HEALTH ADMINISTRATION.

21 (6) ~~"Director" means the director of the office of behavioral~~
22 ~~health.~~

23 (8) ~~"Executive director" means the executive director of the~~
24 ~~department.~~

25 (13.5) ~~"Office of behavioral health" means the office of~~
26 ~~behavioral health in the department.~~

27 (13.7) "Public funds" means money appropriated to the ~~office of~~

1 behavioral health ADMINISTRATION by the general assembly or any other
2 governmental or private sources for withdrawal management ~~or for the~~
3 ~~treatment of alcohol use disorders~~ in approved facilities pursuant to this
4 article 81.

5 **SECTION 177.** In Colorado Revised Statutes, 27-81-103, **amend**
6 (1) introductory portion as follows:

7 **27-81-103. Powers of the behavioral health administration.**

8 (1) To carry out the purposes of this article 81, the ~~office of behavioral~~
9 ~~health~~ BHA may:

10 **SECTION 178.** In Colorado Revised Statutes, 27-81-104, **amend**
11 (1) introductory portion and (1)(r) as follows:

12 **27-81-104. Duties of the behavioral health administration -**
13 **review.** (1) ~~In addition to duties prescribed by section 27-80-102, the~~
14 ~~office of behavioral health~~ THE BHA shall:

15 (r) Submit to the governor an annual report covering the activities
16 of the ~~office of behavioral health~~ BHA.

17 **SECTION 179.** In Colorado Revised Statutes, 27-81-105, **amend**
18 (1), (2) introductory portion, (3), (4), (6), and (7) as follows:

19 **27-81-105. Comprehensive program for treatment - regional**
20 **facilities.** (1) The ~~office of behavioral health~~ BHA shall establish a
21 comprehensive and coordinated program for the treatment of persons with
22 substance use disorders, persons intoxicated by alcohol, and persons
23 under the influence of drugs.

24 (2) Insofar as money available to the ~~office of behavioral health~~
25 BHA permits, the program established in subsection (1) of this section
26 must include all of the following:

27 (3) The ~~office of behavioral health~~ BHA shall provide adequate

1 and appropriate treatment for persons with substance use disorders,
2 persons intoxicated by alcohol, and persons under the influence of drugs
3 admitted pursuant to sections 27-81-109 to 27-81-112. Except as
4 otherwise provided in section 27-81-111, treatment must not be provided
5 at a correctional institution, except for inmates.

6 (4) The ~~office of behavioral health~~ BHA shall maintain, supervise,
7 and control all facilities it operates subject to policies of the department.
8 The administrator of each facility shall make an annual report of the
9 facility's activities to the ~~director~~ COMMISSIONER in the form and manner
10 specified by the ~~director~~ COMMISSIONER.

11 (6) The ~~director~~ COMMISSIONER shall prepare, publish, and
12 distribute annually a list of all approved public and private treatment
13 facilities.

14 (7) The ~~office of behavioral health~~ BHA may contract for the use
15 of any facility as an approved public treatment facility if the ~~director~~
16 COMMISSIONER, subject to the policies of the department, considers it to
17 be an effective and economical course to follow.

18 **SECTION 180.** In Colorado Revised Statutes, **amend** 27-81-106
19 as follows:

20 **27-81-106. Standards for public and private treatment**
21 **facilities - fees - enforcement procedures - penalties.** (1) In accordance
22 with the provisions of this article 81, the ~~office of behavioral health~~ BHA
23 shall establish standards for approved treatment facilities that receive
24 public funds. A treatment facility shall meet the established standards to
25 be approved as a public or private treatment facility. The ~~office of~~
26 ~~behavioral health~~ BHA shall fix the fees to be charged for the required
27 inspections. The fees charged to approved treatment facilities that provide

1 level I and level II programs, as provided in section 42-4-1301.3 (3)(c),
2 must be transmitted to the state treasurer, who shall credit the fees to the
3 alcohol and drug driving safety program fund created in section
4 42-4-1301.3 (4)(a). The standards may concern only health standards to
5 be met and standards of treatment to be afforded patients and must reflect
6 the success criteria established by the general assembly.

7 (2) The ~~office of behavioral health~~ BHA shall periodically inspect
8 approved public and private treatment facilities at reasonable times and
9 in a reasonable manner.

10 (3) The ~~office of behavioral health~~ BHA shall maintain a list of
11 approved public and private treatment facilities.

12 (4) Each approved public and private treatment facility shall file
13 with the ~~office of behavioral health~~ BHA, on request, data, statistics,
14 schedules, and any other information the ~~office~~ BHA reasonably requires.
15 The ~~director~~ COMMISSIONER shall remove from the list of approved
16 treatment facilities an approved public or private treatment facility that
17 fails, without good cause, to furnish any data, statistics, schedules, or
18 other information, as requested, or files fraudulent returns.

19 (5) The ~~office of behavioral health~~ BHA, after A hearing, may
20 suspend, revoke, limit, restrict, or refuse to grant an approval for failure
21 to meet its standards.

22 (6) A person shall not operate a private or public treatment facility
23 in this state without approval from the ~~office of behavioral health~~ BHA;
24 except that this article 81 does not apply to a private treatment facility that
25 accepts only private money and does not dispense controlled substances.
26 The district court may restrain any violation of, review any denial,
27 restriction, or revocation of approval under, and grant other relief

1 required to enforce the provisions of this section.

2 (7) Upon petition of the ~~office of behavioral health~~ BHA and after
3 a hearing held upon reasonable notice to the facility, the district court may
4 issue a warrant to an officer or employee of the ~~office of behavioral~~
5 ~~health~~ BHA authorizing ~~him or her~~ THE OFFICER OR EMPLOYEE to enter
6 and inspect at reasonable times, and examine the books and accounts of,
7 any approved public or private treatment facility that refuses to consent
8 to inspection or examination by the ~~office of behavioral health~~ BHA or
9 which the ~~office of behavioral health~~ BHA has reasonable cause to
10 believe is operating in violation of this article 81.

11 **SECTION 181.** In Colorado Revised Statutes, 27-81-107, **amend**
12 (2) introductory portion and (3); and **amend as it will become effective**
13 **July 1, 2022**, (1) as follows:

14 **27-81-107. Compliance with local government zoning**
15 **regulations - notice to local governments - provisional approval -**
16 **repeal.** (1) Prior to July 1, 2024, the ~~office of behavioral health~~ BHA
17 shall require any residential treatment facility seeking approval as a public
18 or private treatment facility pursuant to this article 81 to comply with any
19 applicable zoning regulations of the municipality, city and county, or
20 county where the facility is situated. Failure to comply with applicable
21 zoning regulations constitutes grounds for the denial of approval of a
22 facility.

23 (2) The ~~office of behavioral health~~ BHA shall assure that timely
24 written notice is provided to the municipality, city and county, or county
25 where a residential treatment facility is situated, including the address of
26 the facility and the population and number of persons to be served by the
27 facility, when any of the following occurs:

1 (3) In the event of a zoning or other delay or dispute between a
2 residential treatment facility and the municipality, city and county, or
3 county where the facility is situated, the ~~office of behavioral health~~ BHA
4 may grant provisional approval of the facility for up to one hundred
5 twenty days pending resolution of the delay or dispute.

6 **SECTION 182.** In Colorado Revised Statutes, **repeal as it will**
7 **become effective July 1, 2022, 27-81-107.5.**

8 **SECTION 183.** In Colorado Revised Statutes, 27-81-108, **amend**
9 (1) introductory portion and (1)(b) as follows:

10 **27-81-108. Acceptance for treatment - rules.** (1) The ~~director~~
11 COMMISSIONER shall adopt and may amend and repeal rules for
12 acceptance of persons into the substance use disorder treatment program,
13 considering available treatment resources and facilities, for the purpose
14 of early and effective treatment of persons with substance use disorders,
15 persons intoxicated by alcohol, and persons under the influence of drugs.
16 In establishing the rules, the following standards guide the ~~director~~
17 COMMISSIONER:

18 (b) Qualified staff shall assess the proper level of care for the
19 person pursuant to rules adopted by the ~~director~~ COMMISSIONER and make
20 a referral for placement.

21 **SECTION 184.** In Colorado Revised Statutes, 27-81-109, **amend**
22 (2) as follows:

23 **27-81-109. Voluntary treatment of persons with substance use**
24 **disorders.** (2) Subject to rules adopted by the ~~director~~ COMMISSIONER,
25 the administrator in charge of an approved treatment facility shall
26 determine who is admitted for treatment. If a person is refused admission
27 to an approved treatment facility, the administrator may refer the person

1 to another approved and appropriate treatment facility for treatment if it
2 is deemed likely to be beneficial. A person must not be referred for
3 further treatment if it is determined that further treatment is not likely to
4 bring about significant improvement in the person's condition, or
5 treatment is no longer appropriate, or further treatment is unlikely to be
6 beneficial.

7 **SECTION 185.** In Colorado Revised Statutes, 27-81-110, **amend**
8 (1) as follows:

9 **27-81-110. Voluntary treatment for persons intoxicated by**
10 **alcohol, under the influence of drugs, or incapacitated by substances.**

11 (1) A person intoxicated by alcohol, under the influence of drugs, or
12 incapacitated by substances, including a minor if provided by rules of the
13 ~~office of behavioral health~~ BHA, may voluntarily admit ~~himself or herself~~
14 THE PERSON'S SELF to an approved treatment facility for an emergency
15 evaluation to determine need for treatment.

16 **SECTION 186.** In Colorado Revised Statutes, 27-81-112, **amend**
17 (1), (3)(a)(I), (3)(b), (3)(c), (5), (6), (7), (8), (10), and (11) introductory
18 portion as follows:

19 **27-81-112. Involuntary commitment of a person with a**
20 **substance use disorder.** (1) The court may commit a person to the
21 custody of the ~~office of behavioral health~~ BHA upon the petition of the
22 person's spouse or guardian, a relative, a physician, an advanced practice
23 nurse, the administrator in charge of an approved treatment facility, or
24 any other responsible person. The petition must allege that the person has
25 a substance use disorder and that the person has threatened or attempted
26 to inflict or inflicted physical harm on ~~himself or herself~~ THE PERSON'S
27 SELF or on another and that unless committed, the person is likely to

1 inflict physical harm on ~~himself or herself~~ THE PERSON'S SELF or on
2 another or that the person is incapacitated by substances. A refusal to
3 undergo treatment does not constitute evidence of lack of judgment as to
4 the need for treatment. The petition must be accompanied by a certificate
5 of a licensed physician who has examined the person within ten days
6 before submission of the petition, unless the person whose commitment
7 is sought has refused to submit to a medical examination, in which case
8 the fact of refusal must be alleged in the petition, or an examination
9 cannot be made of the person due to the person's condition. The
10 certificate must set forth the physician's findings in support of the
11 petition's allegations.

12 (3) (a) Upon filing the petition, the person whose commitment is
13 sought must be notified of the person's right to:

14 (I) Enter into a stipulated order of the court for committed
15 treatment in order to expedite placement in an approved treatment facility
16 by the ~~office of behavioral health~~ BHA; or

17 (b) If a stipulated order is entered, the ~~office of behavioral health~~
18 BHA shall place the person in an approved treatment program that
19 reflects the level of need of the person.

20 (c) If the person whose commitment is sought exercises the right
21 to contest the petition, the court shall fix a date for a hearing no later than
22 ten days, excluding weekends and holidays, after the date the petition was
23 filed. A copy of the petition and the notice of the hearing, including the
24 date fixed by the court, must be personally served on the petitioner, the
25 person whose commitment is sought, and one of the person's parents or
26 the person's legal guardian if the person is a minor. A copy of the petition
27 and notice of hearing must be provided to the ~~office of behavioral health~~

1 BHA, to counsel for the person whose commitment is sought, to the
2 administrator in charge of the approved treatment facility to which the
3 person may have been committed for emergency treatment, and to any
4 other person the court believes advisable.

5 (5) If after hearing all relevant evidence, including the results of
6 any diagnostic examination by the licensed hospital, the court finds that
7 grounds for involuntary commitment have been established by clear and
8 convincing proof, the court shall make an order of commitment to the
9 ~~office of behavioral health. The office of behavioral health~~ BHA. THE
10 BHA has the right to delegate physical custody of the person to an
11 appropriate approved treatment facility. The court may not order
12 commitment of a person unless ~~it~~ THE COURT determines that the ~~office~~
13 ~~of behavioral health~~ BHA is able to provide adequate and appropriate
14 treatment for the person, and the treatment is likely to be beneficial.

15 (6) Upon the court's commitment of a person to the ~~office of~~
16 ~~behavioral health~~ BHA, the court may issue an order to the sheriff to
17 transport the person to the facility designated by the ~~office of behavioral~~
18 ~~health~~ BHA.

19 (7) A person committed as provided for in this section remains in
20 the custody of the ~~office of behavioral health~~ BHA for treatment for a
21 period of up to ninety days. At the end of the ninety-day period, the
22 treatment facility shall automatically discharge the person unless the
23 ~~office of behavioral health~~ BHA, before expiration of the ninety-day
24 period, obtains a court order for the person's recommitment on the
25 grounds set forth in subsection (1) of this section for a further period of
26 ninety days unless discharged sooner. If a person has been committed
27 because the person is a person with a substance use disorder who is likely

1 to inflict physical harm on another, the ~~office of behavioral health~~ BHA
2 shall apply for recommitment if, after examination, it is determined that
3 the likelihood to inflict physical harm on another still exists.

4 (8) A person who is recommitted as provided for in subsection (7)
5 of this section and who has not been discharged by the ~~office of~~
6 ~~behavioral health~~ BHA before the end of the ninety-day period is
7 discharged at the expiration of that ninety-day period unless the ~~office of~~
8 ~~behavioral health~~ BHA, before expiration of the ninety-day period,
9 obtains a court order on the grounds set forth in subsection (1) of this
10 section for recommitment for a further period, not to exceed ninety days.
11 If a person has been committed because the person is a person with a
12 substance use disorder who is likely to inflict physical harm on another,
13 the ~~office of behavioral health~~ BHA shall apply for recommitment if, after
14 examination, it is determined that the likelihood to inflict physical harm
15 on another still exists. Only two recommitment orders pursuant to
16 subsection (7) of this section and this subsection (8) are permitted.

17 (10) The ~~office of behavioral health~~ BHA shall provide adequate
18 and appropriate treatment of a person committed to its custody. The ~~office~~
19 ~~of behavioral health~~ BHA may transfer any person committed to its
20 custody from one approved treatment facility to another, if transfer is
21 advisable.

22 (11) The ~~office of behavioral health~~ BHA shall discharge a person
23 committed to its custody for treatment at any time before the end of the
24 period for which the person has been committed if either of the following
25 conditions is met:

26 **SECTION 187.** In Colorado Revised Statutes, 27-81-113, **amend**
27 (2) as follows:

1 **27-81-113. Records of persons with substance use disorders,**
2 **persons intoxicated by alcohol, and persons under the influence of**
3 **substances.** (2) Notwithstanding subsection (1) of this section, the
4 ~~director~~ COMMISSIONER may make available information from patients'
5 records for purposes of research into the causes and treatment of
6 substance use disorders. Information made available pursuant to this
7 subsection (2) must not be published in a way that discloses patients'
8 names or other identifying information.

9 **SECTION 188.** In Colorado Revised Statutes, 27-81-114, **amend**
10 (1)(c), (1)(j), and (1)(l) as follows:

11 **27-81-114. Rights of persons receiving evaluation, care, or**
12 **treatment.** (1) A facility shall immediately advise each person receiving
13 evaluation, care, or treatment under any provision of this article 81, orally
14 and in writing, that the person has and is afforded the following rights:

15 (c) To receive timely medical and behavioral health care and
16 treatment, as specified in law, that is determined based on the person's
17 needs and that is delivered in the least restrictive treatment setting
18 possible, as set forth in ~~department~~ BHA rules;

19 (j) To have reasonable opportunities for continuing visitation and
20 communication with the person's family and friends, consistent with an
21 effective treatment program and as determined in ~~department~~ BHA rules.
22 Each person may meet with the person's attorney, clergyperson, or
23 health-care provider at any time.

24 (l) Subject to ~~department~~ BHA rules relating to the use of
25 telephones and other communication devices, to have reasonable access
26 to telephones or other communication devices, and to make and to receive
27 calls or communications in privacy. Facility staff shall not open, delay,

1 intercept, read, or censor mail or other communications or use mail or
2 other communications as a method to enforce compliance with facility
3 staff.

4 **SECTION 189.** In Colorado Revised Statutes, **amend** 27-81-115
5 as follows:

6 **27-81-115. Emergency service patrol - establishment - rules.**

7 (1) The ~~office of behavioral health~~ BHA and cities, counties, city and
8 counties, and regional service authorities may establish emergency
9 service patrols. A patrol consists of persons trained to give assistance in
10 the streets and in other public places to persons who are intoxicated by
11 alcohol, under the influence of drugs, or incapacitated by substances.
12 Members of an emergency service patrol must be capable of providing
13 first aid in emergency situations and are authorized to transport a person
14 intoxicated by alcohol, under the influence of drugs, or incapacitated by
15 substances to ~~his or her~~ THE PERSON'S home and to and from treatment
16 facilities.

17 (2) The ~~director~~ COMMISSIONER shall adopt rules for the
18 establishment, training, and conduct of emergency service patrols.

19 **SECTION 190.** In Colorado Revised Statutes, 27-81-116, **amend**
20 (3) as follows:

21 **27-81-116. Payment for treatment - financial ability of**
22 **patients.** (3) The ~~director~~ COMMISSIONER shall adopt rules that establish
23 a standardized ability-to-pay schedule, under which those with sufficient
24 financial ability are required to pay the full cost of services provided and
25 those who are totally without sufficient financial ability are provided
26 appropriate treatment at no charge. The schedule shall take into
27 consideration the income, including government assistance programs,

1 savings, and other personal and real property, of the person required to
2 pay and any support the person required to pay furnishes to another
3 person as required by law.

4 **SECTION 191.** In Colorado Revised Statutes, 27-81-118, **amend**
5 (2)(a)(II) as follows:

6 **27-81-118. Opioid crisis recovery funds advisory committee -**
7 **creation - membership - purpose.** (2) (a) The committee consists of
8 members appointed as follows:

9 (II) Two members appointed by the ~~executive director of the~~
10 ~~department of human services~~ COMMISSIONER, one of whom must
11 represent an association of substance use providers;

12 **SECTION 192.** In Colorado Revised Statutes, **amend** 27-82-201
13 as follows:

14 **27-82-201. Legislative declaration.** The general assembly finds
15 and declares that facilities that provide treatment to individuals with a
16 substance use disorder, including medication-assisted treatment, and
17 clinics that provide obstetric and gynecological health-care services
18 would better serve pregnant and postpartum women if the services could
19 be coordinated and provided to women at the same location. It is the
20 intent of the general assembly to fund a pilot program to integrate these
21 health-care services at specified facilities and clinics and require the
22 ~~office of behavioral health~~ BHA to evaluate the pilot program and report
23 the results of the pilot program to the general assembly.

24 **SECTION 193.** In Colorado Revised Statutes, 27-82-202, **amend**
25 (1) and (4); and **add** (1.5) as follows:

26 **27-82-202. Definitions.** As used in this part 2, unless the context
27 otherwise requires:

1 (1) ~~"Clinic" means a site that provides obstetric and gynecological~~
2 ~~health care~~ "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
3 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
4 27-50-102.

5 (1.5) "CLINIC" MEANS A SITE THAT PROVIDES OBSTETRIC AND
6 GYNECOLOGICAL HEALTH CARE.

7 (4) "Treatment facility" means a health-care facility that provides
8 substance use disorder or medication-assisted treatment and that is
9 approved by the ~~office of behavioral health~~ ADMINISTRATION pursuant to
10 section 27-81-106.

11 **SECTION 194.** In Colorado Revised Statutes, 27-82-203, **amend**
12 (1) introductory portion, (2), (4) introductory portion, and (5) as follows:

13 **27-82-203. Maternal and child health pilot program - created**
14 **- eligibility of grant recipients - rules - report.** (1) There is created in
15 the ~~department~~ BEHAVIORAL HEALTH ADMINISTRATION the maternal and
16 child health pilot program. The ~~office of behavioral health~~ BHA shall
17 administer the pilot program. The purpose of the pilot program is to:

18 (2) The ~~office of behavioral health~~ BHA shall determine the
19 criteria for treatment facilities and clinics to be eligible to receive the
20 grants.

21 (4) The state board of human services within the department OF
22 HUMAN SERVICES, in consultation with the ~~office of behavioral health~~
23 BHA, may promulgate rules to implement the pilot program. The rules
24 must include:

25 (5) The ~~executive director~~ COMMISSIONER OF THE BHA shall
26 determine a process to evaluate the grant recipients and the integration of
27 health care resulting from the pilot program. The ~~office of behavioral~~

1 health BHA shall report the results of the pilot program to the public AND
2 BEHAVIORAL health care and human services and the health and insurance
3 committees of the house of representatives and the health and human
4 services committee of the senate, or their successor committees.

5 **SECTION 195.** In Colorado Revised Statutes, **amend** 27-82-204
6 as follows:

7 **27-82-204. Funding for pilot program.** (1) (a) For the 2021-22
8 fiscal year, and each fiscal year thereafter, the general assembly shall
9 appropriate money from the marijuana tax cash fund created in section
10 39-28.8-501 (1) ~~to the department for allocation to the office of~~
11 ~~behavioral health~~ TO THE BHA to implement the pilot program. The ~~office~~
12 ~~of behavioral health~~ BHA may use a portion of the money annually
13 appropriated for the pilot program to pay the direct and indirect costs
14 incurred to administer the pilot program.

15 (b) If any unexpended or uncommitted money appropriated for a
16 fiscal year remains at the end of that fiscal year, the ~~office of behavioral~~
17 ~~health~~ BHA may expend the money in accordance with this section in the
18 succeeding fiscal year without further appropriation.

19 (2) The ~~department~~ BHA may solicit, accept, and expend any
20 gifts, grants, or donations from private or public sources to implement or
21 administer the pilot program.

22 **SECTION 196.** In Colorado Revised Statutes, 29-11-202, **amend**
23 the introductory portion and (1); **repeal** (2) and (4); and **add** (1.5) as
24 follows:

25 **29-11-202. Definitions.** ~~For purposes of AS USED IN this part 2,~~
26 unless the context otherwise requires:

27 (1) ~~"Colorado 2-1-1 collaborative" means the group authorized by~~

1 ~~the public utilities commission to establish the provision of human~~
2 ~~services referral services in the state of Colorado~~ "BEHAVIORAL HEALTH
3 ADMINISTRATION" OR "BHA" MEANS THE BEHAVIORAL HEALTH
4 ADMINISTRATION ESTABLISHED IN SECTION 27-50-102.

5 (1.5) "COLORADO 2-1-1 COLLABORATIVE" MEANS THE GROUP
6 AUTHORIZED BY THE PUBLIC UTILITIES COMMISSION TO ESTABLISH THE
7 PROVISION OF HUMAN SERVICES REFERRAL SERVICES IN THE STATE OF
8 COLORADO.

9 (2) ~~"Department" means the department of human services created~~
10 ~~in section 26-1-105.~~

11 (4) ~~"Office of behavioral health" means the office of behavioral~~
12 ~~health in the department of human services.~~

13 **SECTION 197.** In Colorado Revised Statutes, 29-11-203, **amend**
14 (3.2)(a) as follows:

15 **29-11-203. Human services referral service - immunity - grant**
16 **- report - repeal.** (3.2) (a) During the 2023 legislative session, the
17 ~~department~~ BHA shall include in its report to the committees of reference
18 pursuant to the "State Measurement for Accountable, Responsive, and
19 Transparent (SMART) Government Act" hearing required by section
20 2-7-203 information from the ~~office of behavioral health~~ BHA regarding
21 its contract with the Colorado 2-1-1 collaborative pursuant to subsection
22 (3)(a) of this section prior to its repeal in 2022, and the impact of the
23 statewide communication system on behavioral health referrals and
24 access to behavioral health services and other resources.

25 **SECTION 198.** In Colorado Revised Statutes, 41-2-102, **amend**
26 (8) as follows:

27 **41-2-102. Operating an aircraft under the influence -**

1 **operating an aircraft with excessive alcohol content - tests - penalties**
2 **- useful public service program - definition - repeal.** (8) The office of
3 behavioral health ADMINISTRATION in the department of human services
4 shall provide presentence alcohol and drug evaluations on all persons
5 convicted of a violation of subsection (1) or (2) of this section, in the
6 same manner as described in section 42-4-1301.3.

7 **SECTION 199.** In Colorado Revised Statutes, 42-2-122, **amend**
8 (1)(i) as follows:

9 **42-2-122. Department may cancel license - limited license for**
10 **physical or mental limitations - rules.** (1) The department has the
11 authority to cancel, deny, or deny the reissuance of any driver's or minor
12 driver's license upon determining that the licensee was not entitled to the
13 issuance for any of the following reasons:

14 (i) Failure of the person to complete a level II alcohol and drug
15 education and treatment program certified by the ~~office of~~ behavioral
16 health ADMINISTRATION in the department of human services pursuant to
17 section 42-4-1301.3, as required by section 42-2-126 (4)(d)(II)(A) or
18 42-2-132 (2)(a)(II). The failure must be documented pursuant to section
19 42-2-144.

20 **SECTION 200.** In Colorado Revised Statutes, 42-2-125, **amend**
21 (1)(i) as follows:

22 **42-2-125. Mandatory revocation of license and permit.** (1) The
23 department shall immediately revoke the license or permit of any driver
24 or minor driver upon receiving a record showing that the driver has:

25 (i) Been convicted of DUI, DUI per se, or DWAI and has two
26 previous convictions of any of those offenses. The department shall
27 revoke the license of any driver for an indefinite period and only reissue

1 it upon proof to the department that the driver has completed a level II
2 alcohol and drug education and treatment program certified by the ~~office~~
3 ~~of~~ behavioral health ADMINISTRATION in the department of human
4 services pursuant to section 42-4-1301.3 and that the driver has
5 demonstrated knowledge of the laws and driving ability through the
6 regular motor vehicle testing process. The department shall not reissue
7 the license in less than two years.

8 **SECTION 201.** In Colorado Revised Statutes, 42-2-126, **amend**
9 (4)(d)(II) as follows:

10 **42-2-126. Revocation of license based on administrative**
11 **determination. (4) Multiple restraints and conditions on driving**
12 **privileges. (d) (II) (A)** If a person was driving with excess BAC and the
13 person had a BAC that was 0.15 or more or if the person's driving record
14 otherwise indicates a designation as a persistent drunk driver as defined
15 in section 42-1-102 (68.5), the department shall require the person to
16 complete a level II alcohol and drug education and treatment program
17 certified by the ~~office of~~ behavioral health ADMINISTRATION in the
18 department of human services pursuant to section 42-4-1301.3 as a
19 condition to restoring driving privileges to the person and, upon the
20 restoration of driving privileges, shall require the person to hold a
21 restricted license requiring the use of an ignition interlock device
22 pursuant to section 42-2-132.5 (1)(a)(II).

23 (B) If a person seeking reinstatement is required to complete, but
24 has not yet completed, a level II alcohol and drug education and treatment
25 program, the person shall file with the department proof of current
26 enrollment in a level II alcohol and drug education and treatment program
27 certified by the ~~office of~~ behavioral health ADMINISTRATION in the

1 department of human services pursuant to section 42-4-1301.3, on a form
2 approved by the department.

3 **SECTION 202.** In Colorado Revised Statutes, 42-2-127, **amend**
4 (14)(a)(I)(A) as follows:

5 **42-2-127. Authority to suspend license - to deny license - type**
6 **of conviction - points.** (14) (a) (I) If there is no other statutory reason for
7 denial of a probationary license, any individual who has had a license
8 suspended by the department because of, at least in part, a conviction of
9 an offense specified in subsection (5)(b) of this section may be entitled to
10 a probationary license pursuant to subsection (12) of this section for the
11 purpose of driving for reasons of employment, education, health, or
12 alcohol and drug education or treatment, but:

13 (A) If ordered by the court that convicted the individual, the
14 individual shall enroll in a program of driving education or alcohol and
15 drug education and treatment certified by the ~~office of~~ behavioral health
16 ADMINISTRATION in the department of human services; and

17 **SECTION 203.** In Colorado Revised Statutes, 42-2-132, **amend**
18 (2)(a)(II) and (2)(a)(III) as follows:

19 **42-2-132. Period of suspension or revocation.**

20 (2) (a) (II) (A) Following the period of revocation set forth in this
21 subsection (2), the department shall not issue a new license unless and
22 until it is satisfied that the person has demonstrated knowledge of the
23 laws and driving ability through the appropriate motor vehicle testing
24 process, and that the person whose license was revoked pursuant to
25 section 42-2-125 for a second or subsequent alcohol- or drug-related
26 driving offense has completed not less than a level II alcohol and drug
27 education and treatment program certified by the ~~office of~~ behavioral

1 health ADMINISTRATION in the department of human services pursuant to
2 section 42-4-1301.3.

3 (B) If the person was in violation of section 42-2-126 (3)(a) and
4 the person had a BAC that was 0.15 or more at the time of driving or
5 within two hours after driving, or if the person's driving record otherwise
6 indicates a designation as a persistent drunk driver as defined in section
7 42-1-102 (68.5), the department shall require the person to complete a
8 level II alcohol and drug education and treatment program certified by the
9 ~~office of behavioral health~~ ADMINISTRATION in the department of human
10 services pursuant to section 42-4-1301.3, and, upon the restoration of
11 driving privileges, shall require the person to hold a restricted license
12 requiring the use of an ignition interlock device pursuant to section
13 42-2-132.5 (1)(a)(II).

14 (C) If a person seeking reinstatement has not completed the
15 required level II alcohol and drug education and treatment program, the
16 person shall file with the department proof of current enrollment in a
17 level II alcohol and drug education and treatment program certified by the
18 ~~office of behavioral health~~ ADMINISTRATION in the department of human
19 services pursuant to section 42-4-1301.3, on a form approved by the
20 department.

21 (III) In the case of a minor driver whose license has been revoked
22 as a result of one conviction for DUI, DUI per se, DWAI, or UDD, the
23 minor driver, unless otherwise required after an evaluation made pursuant
24 to section 42-4-1301.3, must complete a level I alcohol and drug
25 education program certified by the ~~office of behavioral health~~
26 ADMINISTRATION in the department of human services.

27 **SECTION 204.** In Colorado Revised Statutes, 42-2-144, **amend**

1 (1) as follows:

2 **42-2-144. Reporting by certified level II alcohol and drug**
3 **education and treatment program providers - notice of**
4 **administrative remedies against a driver's license - rules.** (1) The
5 department shall require all providers of level II alcohol and drug
6 education and treatment programs certified by the ~~office of~~ behavioral
7 health ADMINISTRATION in the department of human services pursuant to
8 section 42-4-1301.3 to provide quarterly reports to the department about
9 each person who is enrolled and who has filed proof of such enrollment
10 with the department as required by section 42-2-126 (4)(d)(II).

11 **SECTION 205.** In Colorado Revised Statutes, 42-4-1301.3,
12 **amend** (3)(c)(IV), (4)(a), and (4)(b) as follows:

13 **42-4-1301.3. Alcohol and drug driving safety program -**
14 **definition.** (3) (c) (IV) For the purpose of this section, "alcohol and drug
15 driving safety education or treatment" means either level I or level II
16 education or treatment programs approved by the ~~office of~~ behavioral
17 health ADMINISTRATION in the department of human services. Level I
18 programs are short-term, didactic education programs. Level II programs
19 are therapeutically oriented education, long-term outpatient, and
20 comprehensive residential programs. The court shall instruct a defendant
21 sentenced to level I or level II programs to meet all financial obligations
22 of the programs. If the financial obligations are not met, the program shall
23 notify the sentencing court for the purpose of collection or review and
24 further action on the defendant's sentence. Nothing in this section
25 prohibits treatment agencies from applying to the state for money to
26 recover the costs of level II treatment for defendants determined indigent
27 by the court.

1 (4) (a) There is created an alcohol and drug driving safety
2 program fund in the office of the state treasurer, referred to in this
3 subsection (4) as the "fund". The fund consists of money deposited in it
4 as directed by this subsection (4)(a). The assessment in effect on July 1,
5 1998, remains in effect unless the judicial department and the ~~office of~~
6 behavioral health ADMINISTRATION in the department of human services
7 have provided the general assembly with a statement of the cost of the
8 program, including costs of administration for the past and current fiscal
9 year to include a proposed change in the assessment. The general
10 assembly shall then consider the proposed new assessment and approve
11 the amount to be assessed against each person during the following fiscal
12 year in order to ensure that the alcohol and drug driving safety program
13 established in this section is financially self-supporting. Any adjustment
14 in the amount to be assessed must be noted in the appropriation to the
15 judicial department and the ~~office of~~ behavioral health ADMINISTRATION
16 in the department of human services as a footnote or line item related to
17 this program in the general appropriation bill. The state auditor shall
18 periodically audit the costs of the programs to determine that they are
19 reasonable and that the rate charged is accurate based on these costs. Any
20 other fines, fees, or costs levied against a person are not part of the
21 program fund. The court shall transmit to the state treasurer the amount
22 assessed for the alcohol and drug evaluation to be credited to the fund.
23 Fees charged pursuant to section 27-81-106 (1) to approved alcohol and
24 drug treatment facilities that provide level I and level II programs as
25 provided in subsection (3)(c) of this section must be transmitted to the
26 state treasurer, who shall credit the fees to the fund. Upon appropriation
27 by the general assembly, the money must be expended by the judicial

1 department and the ~~office of~~ behavioral health ADMINISTRATION in the
2 department of human services for the administration of the alcohol and
3 drug driving safety program. In administering the alcohol and drug
4 driving safety program, the judicial department is authorized to contract
5 with any agency for any services the judicial department deems necessary.
6 Money deposited in the fund remains in the fund to be used for the
7 purposes set forth in this section and must not revert or transfer to the
8 general fund except by further act of the general assembly.

9 (b) The judicial department shall ensure that qualified personnel
10 are placed in the judicial districts. The judicial department and the ~~office~~
11 ~~of~~ behavioral health ADMINISTRATION in the department of human
12 services shall jointly develop and maintain criteria for evaluation
13 techniques, treatment referral, data reporting, and program evaluation.

14 **SECTION 206.** In Colorado Revised Statutes, 42-4-1306, **amend**
15 (3)(a)(VI) introductory portion as follows:

16 **42-4-1306. Colorado task force on drunk and impaired driving**
17 **- creation - legislative declaration.** (3) (a) The task force shall consist
18 of:

19 (VI) Two representatives appointed by the ~~executive director of~~
20 COMMISSIONER OF THE BEHAVIORAL HEALTH ADMINISTRATION in the
21 department of human services with the following qualifications:

22 **SECTION 207.** In Colorado Revised Statutes, 43-4-402, **amend**
23 (2)(a) as follows:

24 **43-4-402. Source of revenues - allocation of money.** (2) (a) The
25 general assembly shall make an annual appropriation out of the money in
26 the fund to the department of public health and environment in an amount
27 sufficient to pay for the costs of evidential breath alcohol testing,

1 including any education needs associated with testing, and implied
2 consent specialists, the costs of which were previously paid out of the
3 highway users tax fund. The general assembly shall also make an annual
4 appropriation out of the money in the fund to the Colorado bureau of
5 investigation to pay for the costs of toxicology laboratory services,
6 including any education needs associated with the services. Of the money
7 remaining in the fund, eighty percent shall be deposited in a special
8 drunken driving account in the fund, which account is created, and be
9 available immediately, without further appropriation, for allocation by the
10 transportation commission to the office of transportation safety. The
11 office of transportation safety shall allocate the money in accordance with
12 the provisions of section 43-4-404 (1) and (2). The remaining twenty
13 percent shall be appropriated by the general assembly to the ~~office of~~
14 behavioral health ADMINISTRATION in the department of human services,
15 which shall use the money for the purposes stated in section 43-4-404 (3).
16 The office of transportation safety and the ~~office of~~ behavioral health
17 ADMINISTRATION in the department of human services may use amounts
18 from the money allocated or appropriated to them by this subsection (2)
19 as necessary for the purpose of paying the costs incurred by the office of
20 transportation safety and the ~~office of~~ behavioral health ADMINISTRATION
21 in administering the programs established pursuant to this part 4; except
22 that neither the office of transportation safety nor the ~~office of~~ behavioral
23 health ADMINISTRATION may use for the purposes of this part 4 an amount
24 exceeding eight percent of the money allocated or appropriated.

25 **SECTION 208.** In Colorado Revised Statutes, 43-4-404, **amend**
26 (3) as follows:

27 **43-4-404. Formula for allocation of money - rules.** (3) The

1 money in the fund appropriated to the ~~office of~~ behavioral health
2 ADMINISTRATION in the department of human services pursuant to section
3 43-4-402 (2) must be used to establish a statewide program for the
4 prevention of driving after drinking, including educating the public in the
5 problems of driving after drinking; training teachers, health professionals,
6 and law enforcement in the dangers of driving after drinking; preparing
7 and disseminating educational materials dealing with the effects of
8 alcohol and other drugs on driving behavior; and preparing and
9 disseminating education curriculum materials for use at all school levels.
10 The ~~office of~~ behavioral health ADMINISTRATION in the department of
11 human services is authorized to contract with A PUBLIC ENTITY OR a
12 qualified private corporation to provide all or part of these services and
13 to establish standards for the program.

14 **SECTION 209.** In Colorado Revised Statutes, 44-30-1301,
15 **amend** (2)(b)(I) and (2)(b)(II) introductory portion as follows:

16 **44-30-1301. Definitions - local government limited gaming**
17 **impact fund - rules - report - legislative declaration - repeal.**

18 (2) (b) (I) For the 2008-09 fiscal year and each fiscal year thereafter, the
19 ~~executive director~~ COMMISSIONER of the BEHAVIORAL HEALTH
20 ADMINISTRATION IN THE department of human services shall use the
21 money in the gambling addiction account to award grants for the purpose
22 of providing gambling addiction counseling services to Colorado
23 residents and to provide gambling addiction treatment training to staff at
24 nonprofit community mental health centers or clinics as defined in section
25 27-66-101. The ~~department of human services~~ BEHAVIORAL HEALTH
26 ADMINISTRATION may use a portion of the money in the gambling
27 addiction account, not to exceed ten percent in the 2008-09 fiscal year

1 and five percent in each fiscal year thereafter, to cover the ~~department's~~
2 ADMINISTRATION'S direct and indirect costs associated with administering
3 the grant program authorized in this subsection (2)(b). The ~~executive~~
4 ~~director of the department of human services~~ COMMISSIONER OF THE
5 ADMINISTRATION shall award grants to state or local public or private
6 entities or programs that provide gambling addiction counseling services
7 and that have or are seeking nationally accredited gambling addiction
8 counselors. The ~~executive director of the department of human services~~
9 COMMISSIONER OF THE ADMINISTRATION shall award ten percent of the
10 money in the gambling addiction account in grants to addiction
11 counselors who are actively pursuing national accreditation as gambling
12 addiction counselors. In order to qualify for an accreditation grant, an
13 addiction counselor applicant must provide sufficient proof that ~~he or she~~
14 THE APPLICANT has completed at least half of the counseling hours
15 required for national accreditation. The ~~executive director of the~~
16 ~~department of human services~~ COMMISSIONER OF THE ADMINISTRATION
17 shall adopt rules establishing the procedure for applying for a grant from
18 the gambling addiction account, the criteria for awarding grants and
19 prioritizing applications, and any other provision necessary for the
20 administration of the grant applications and awards. Neither the entity,
21 program, or gambling addiction counselor providing the gambling
22 addiction counseling services nor the recipients of the counseling services
23 need to be located within the jurisdiction of an eligible local
24 governmental entity in order to receive a grant or counseling services. At
25 the end of a fiscal year, all unexpended and unencumbered money in the
26 gambling addiction account remains in the account and does not revert to
27 the general fund or any other fund or account.

1 (II) Notwithstanding section 24-1-136 (11)(a)(I), by January 1,
2 2009, and by each January 1 thereafter, the BEHAVIORAL HEALTH
3 ADMINISTRATION IN THE department of human services shall submit a
4 report to the health and human services committees of the senate and
5 house of representatives, or their successor committees, regarding the
6 grant program. The report shall detail the following information for the
7 fiscal year in which the report is submitted:

8 **SECTION 210.** In Colorado Revised Statutes, 44-30-1509,
9 **amend** (2)(d) introductory portion as follows:

10 **44-30-1509. Sports betting fund - creation - rules - definitions.**

11 (2) From the money in the sports betting fund, to the extent the
12 unexpended and unencumbered balance in the fund so permits, the state
13 treasurer shall:

14 (d) Fourth, transfer one hundred thirty thousand dollars annually
15 to the ~~office of~~ behavioral health ADMINISTRATION in the department of
16 human services, to be used as follows:

17 **SECTION 211.** In Colorado Revised Statutes, 25-1.5-103, **add**
18 (1)(a)(I)(A.5) as follows:

19 **25-1.5-103. Health facilities - powers and duties of department**
20 **- limitations on rules promulgated by department - definitions -**
21 **repeal.** (1) The department has, in addition to all other powers and duties
22 imposed upon it by law, the powers and duties provided in this section as
23 follows:

24 (a) (I) (A.5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION
25 (1)(a)(I)(A) OF THIS SECTION, AFTER JUNE 30, 2023, THE DEPARTMENT
26 SHALL NOT ISSUE A LICENSE TO A COMMUNITY MENTAL HEALTH CENTER,
27 AN ACUTE TREATMENT UNIT, OR BEHAVIORAL HEALTH ENTITIES. PRIOR TO

1 THE EXPIRATION OF ANY LICENSE ISSUED BY THE DEPARTMENT TO SUCH AN
2 ENTITY, THE ENTITY SHALL APPLY TO THE BEHAVIORAL HEALTH
3 ADMINISTRATION PURSUANT TO PART 5 OF ARTICLE 50 OF TITLE 27. THIS
4 SUBSECTION (1)(a)(I)(A.5) IS REPEALED, EFFECTIVE JULY 1, 2024.

5 **SECTION 212.** In Colorado Revised Statutes, 27-66-101, **amend**
6 (1.5); and **repeal** (1), (2), and (3) as follows:

7 **27-66-101. Definitions.** As used in this article 66, unless the
8 context otherwise requires:

9 (1) ~~"Acute treatment unit" means a facility or a distinct part of a~~
10 ~~facility for short-term psychiatric care, which may include substance~~
11 ~~abuse treatment and treatment for substance use disorders, that provides~~
12 ~~a total, twenty-four-hour, therapeutically planned and professionally~~
13 ~~staffed environment for persons who do not require inpatient~~
14 ~~hospitalization but need more intense and individual services than are~~
15 ~~available on an outpatient basis, such as crisis management and~~
16 ~~stabilization services.~~

17 (1.5) ~~"Behavioral health entity" means a facility or provider~~
18 ~~organization engaged in providing community-based health services,~~
19 ~~which may include behavioral health disorder services, alcohol use~~
20 ~~disorder services, or substance use disorder services, including crisis~~
21 ~~stabilization, acute or ongoing treatment, or community mental health~~
22 ~~center services as described in subsections (2) and (3) of this section, but~~
23 ~~does not include:~~ HAS THE SAME MEANING AS DEFINED IN SECTION
24 27-50-101.

25 (a) Residential child care facilities as defined in section 26-6-102
26 (33); or

27 (b) Services provided by a licensed or certified mental health-care

1 provider under the provider's individual professional practice act on the
2 provider's own premises.

3 (2) "Community mental health center" means either a physical
4 plant or a group of services under unified administration or affiliated with
5 one another, and including at least the following services provided for the
6 prevention and treatment of behavioral or mental health disorders in
7 persons residing in a particular community in or near the facility so
8 situated:

9 (a) Inpatient services;

10 (b) Outpatient services;

11 (c) Partial hospitalization;

12 (d) Emergency services;

13 (e) Consultative and educational services.

14 (3) "Community mental health clinic" means a health institution
15 planned, organized, operated, and maintained to provide basic community
16 services for the prevention, diagnosis, and treatment of emotional,
17 behavioral, or mental health disorders, such services being rendered
18 primarily on an outpatient and consultative basis.

19 **SECTION 213. In Colorado Revised Statutes, 26-5-116, amend**
20 **as added by House Bill 22-1283 (2)(a), (2)(b)(I), (2)(b)(II), (2)(c), (4)(a)**
21 **introductory portion, (4)(a)(II), (4)(b), (4)(c), (4)(d), (5), (6), and (8); and**
22 **repeal (7) as follows:**

23 **26-5-116. Out-of-home placement for children and youth with**
24 **mental or behavioral needs - funding - report - rules - legislative**
25 **declaration - definitions - repeal. (2) (a) On or before August 1, 2021,**
26 **the state department BHA shall develop a program to provide emergency**
27 **resources to licensed providers to help remove barriers such providers**

1 face in serving children and youth whose behavioral or mental health
2 needs require services and treatment in a residential child care facility.
3 Any such licensed provider shall meet the requirements of a qualified
4 residential treatment program, as defined in section 26-5.4-102; a
5 psychiatric residential treatment facility, as defined in section 25.5-4-103
6 (19.5); treatment foster care; or therapeutic foster care.

7 (b) (I) Beginning July 1, 2022, the ~~state department~~ BHA shall
8 provide ongoing operational support for psychiatric residential treatment
9 facilities, therapeutic foster care, treatment foster care, and qualified
10 residential treatment programs as described in subsection (2)(a) of this
11 section.

12 (II) For the 2022-23 budget year, the general assembly shall
13 appropriate money from the behavioral and mental health cash fund
14 created in section 24-75-230 to the ~~state department~~ BHA to fund
15 operational support for psychiatric residential treatment facilities for
16 youth, qualified residential treatment programs, therapeutic foster care,
17 and treatment foster care for youth across the state as described in this
18 subsection (2).

19 (c) The ~~state department~~ BHA and any person who receives
20 money from the ~~state department~~ BHA shall comply with the compliance,
21 reporting, record-keeping, and program evaluation requirements
22 established by the office of state planning and budgeting and the state
23 controller in accordance with section 24-75-226 (5).

24 (4) (a) ~~On or before December 31, 2021,~~ The ~~state department~~
25 BHA shall contract with licensed providers for the delivery of services to
26 children and youth who are determined eligible for and placed in the
27 program. A provider that contracts with the ~~state department~~ BHA shall

1 not:

2 (II) Discharge a child or youth based on the severity or complexity
3 of the child's or youth's physical, behavioral, or mental health needs;
4 except that the ~~state department~~ BHA may arrange for the placement of
5 a child or youth with an alternate contracted provider if the placement
6 with the alternate provider is better suited to deliver services that meet the
7 needs of the child or youth.

8 (b) The ~~state department~~ BHA shall reimburse a provider directly
9 for the costs associated with the placement of a child or youth in the
10 program for the duration of the treatment, including the costs the provider
11 demonstrates are necessary in order for the provider to operate
12 continuously during this period.

13 (c) The ~~state department~~ BHA shall coordinate with the
14 department of health care policy and financing to support continuity of
15 care and payment for services for any children or youth placed in the
16 program.

17 (d) The ~~state department~~ BHA shall reimburse the provider one
18 hundred percent of the cost of unutilized beds in the program to ensure
19 available space for emergency residential out-of-home placements.

20 (5) (a) A hospital, health-care provider, provider of case
21 management services, school district, managed care entity, or state or
22 county department of human or social services may refer a family for the
23 placement of a child or youth in the program. The entity referring a child
24 or youth for placement in the program shall submit or assist the family
25 with submitting an application to the ~~state department~~ BHA for review.
26 The ~~state department~~ BHA shall consider each application as space
27 becomes available. The ~~state department~~ BHA shall approve admissions

1 into the program and determine admission and discharge criteria for
2 placement.

3 (b) The state department BHA shall develop a discharge plan for
4 each child or youth placed in the program. The plan must include the
5 eligible period of placement of the child or youth and shall identify the
6 entity that will be responsible for the placement costs if the child or youth
7 remains with the provider beyond the date of eligibility identified in the
8 plan.

9 (c) The entity or family that places the child or youth in the
10 program retains the right to remove the child or youth from the program
11 any time prior to the discharge date specified by the state department
12 BHA.

13 (6) Within seven days after submitting an application to the state
14 department for placing a child or youth in the program, the state
15 department shall work with the referring entity and the child's or youth's
16 parents or legal guardians to ensure the child or youth is assessed for
17 eligibility for enrollment into the state medical assistance program. A
18 child or youth who is eligible for enrollment into the state medical
19 assistance program shall be enrolled. Enrollment of a child or youth into
20 the state medical assistance program does not constitute automatic
21 placement into the program. AS USED IN THIS SECTION, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

23 (a) "FAMILY ADVOCATE" MEANS A PARENT OR PRIMARY
24 CAREGIVER WHO:

25 (I) HAS BEEN TRAINED IN A SYSTEM-OF-CARE APPROACH TO ASSIST
26 FAMILIES IN ACCESSING AND RECEIVING SERVICES AND SUPPORTS;

27 (II) HAS RAISED OR CARED FOR A CHILD OR ADOLESCENT WITH A

1 MENTAL HEALTH OR CO-OCCURRING DISORDER; AND

2 (III) HAS WORKED WITH MULTIPLE AGENCIES AND PROVIDERS,

3 SUCH AS MENTAL HEALTH, PHYSICAL HEALTH, SUBSTANCE ABUSE,

4 JUVENILE JUSTICE, DEVELOPMENTAL DISABILITIES, EDUCATION, AND

5 OTHER STATE AND LOCAL SERVICE SYSTEMS.

6 (b) "FAMILY SYSTEMS NAVIGATOR" MEANS AN INDIVIDUAL WHO:

7 (I) HAS BEEN TRAINED IN A SYSTEM-OF-CARE APPROACH TO ASSIST

8 FAMILIES IN ACCESSING AND RECEIVING SERVICES AND SUPPORTS;

9 (II) HAS THE SKILLS, EXPERIENCE, AND KNOWLEDGE TO WORK

10 WITH CHILDREN AND YOUTH WITH MENTAL HEALTH OR CO-OCCURRING

11 DISORDERS; AND

12 (III) HAS WORKED WITH MULTIPLE AGENCIES AND PROVIDERS,

13 INCLUDING MENTAL HEALTH, PHYSICAL HEALTH, SUBSTANCE ABUSE,

14 JUVENILE JUSTICE, DEVELOPMENTAL DISABILITIES, EDUCATION, AND

15 OTHER STATE AND LOCAL SERVICE SYSTEMS.

16 (7) On or before November 1, 2023, and every November 1

17 thereafter, the state department shall submit a written report to the house

18 of representatives public and behavioral health and human services

19 committee, the senate health and human services committee, or their

20 successor committees, and the joint budget committee. At a minimum, the

21 report must include:

22 (a) The number of applications received for placement of children

23 and youth in the program;

24 (b) The number of children and youth accepted for placement in

25 the program;

26 (c) The duration of each placement; and

27 (d) The daily rate paid to each provider for placement of children

1 and youth.

2 (8) This section is intended to provide enhanced emergency
3 services resulting from the increased need for services due to the
4 COVID-19 pandemic. No later than September 30, 2024, the state
5 department BHA shall submit recommendations to the house of
6 representatives public and behavioral health and human services
7 committee, the senate health and human services committee, or their
8 successor committees, and the joint budget committee about how to
9 provide necessary services for children and youth in need of residential
10 care, including hospital step-down services on an ongoing basis.

11 **SECTION 214.** In Colorado Revised Statutes, **amend as**
12 **amended by House Bill 22-1278 27-66-104** as follows:

13 **27-66-104. Types of services purchased - limitation on**
14 **payments.** ~~(1) Community mental health services may be purchased~~
15 ~~from behavioral health entities, clinics, community mental health centers,~~
16 ~~local general or psychiatric hospitals, and other agencies~~ SAFETY-NET
17 PROVIDERS that have been approved by the commissioner.

18 ~~(2) (a) Each year the general assembly shall appropriate money~~
19 ~~for the purchase of mental health services from:~~

20 ~~(I) Community mental health centers;~~

21 ~~(II) Agencies that provide specialized clinic-type services but do~~
22 ~~not serve a specific designated service area;~~

23 ~~(III) Acute treatment units; and~~

24 ~~(IV) Behavioral health entities.~~

25 ~~(b) The money appropriated for the purposes of this subsection (2)~~
26 ~~shall be distributed by the commissioner to approved behavioral health~~
27 ~~entities, community mental health centers, and other agencies on the basis~~

1 of need and in accordance with the services provided.

2 (3) Each year the general assembly may appropriate money in
3 addition to the money appropriated for purposes of subsection (2) of this
4 section, which money may be used by the commissioner to assist
5 behavioral health entities and community mental health clinics and
6 centers in instituting innovative programs, in providing mental health
7 services to impoverished areas, and in dealing with crisis situations. The
8 commissioner shall require that any innovative or crisis programs for
9 which money is allocated pursuant to this subsection (3) be clearly
10 defined in terms of services to be rendered, program objectives, scope and
11 duration of the program, and the maximum amount of money to be
12 provided.

13 (4) Repealed.

14 (5) If there is a reduction in the financial support of local
15 governmental bodies for community mental health services, the
16 commissioner is authorized to reduce state payments for services in an
17 amount proportional to the reduction in such local financial support.

18 (6) For purposes of entering into a cooperative purchasing
19 agreement pursuant to section 24-110-201, a nonprofit behavioral health
20 entity, nonprofit community mental health center, or nonprofit community
21 mental health clinic may be certified as a local public procurement unit
22 as provided in section 24-110-207.5.

23 **SECTION 215.** In Colorado Revised Statutes, 12-280-135,
24 **amend** (1)(b) as follows:

25 **12-280-135. Unused medication - licensed facilities -**
26 **correctional facilities - reuse - definitions - rules.** (1) As used in this
27 section, unless the context otherwise requires:

1 (b) "Licensed facility" means a hospital, hospital unit, ~~community~~
2 ~~mental health center, acute treatment unit~~ BEHAVIORAL HEALTH SAFETY
3 NET PROVIDER, hospice, nursing care facility, assisted living residence, or
4 any other facility that is required to be licensed pursuant to section
5 25-3-101, or a licensed long-term care facility as defined in section
6 25-1-124 (2.5)(b).

7 **SECTION 216.** In Colorado Revised Statutes, 13-21-117, **amend**
8 (1)(a) as follows:

9 **13-21-117. Civil liability - mental health providers - duty to**
10 **warn - definitions.** (1) As used in this section, unless the context
11 otherwise requires:

12 (a) "Mental health provider" means a physician, social worker,
13 psychiatric nurse, psychologist, or other mental health professional, or a
14 mental health hospital, ~~community mental health center or clinic~~
15 BEHAVIORAL HEALTH ENTITY, institution, or their staff.

16 **SECTION 217.** In Colorado Revised Statutes, **amend**
17 13-64-303.5 as follows:

18 **13-64-303.5. Exclusion - mental health- care facilities.** The
19 provisions of section 13-64-301 do not apply to any outpatient mental
20 health-care facility, including ~~but not limited to a community mental~~
21 ~~health center or clinic~~ A BEHAVIORAL HEALTH SAFETY NET PROVIDER, and
22 to any extended care facility or hospice with sixteen or fewer inpatient
23 beds, including ~~but not limited~~ to nursing homes or rehabilitation
24 facilities. The department of public health and environment shall by rule
25 establish financial responsibility standards ~~which~~ THAT are less than those
26 prescribed in this section for classes of health-care institutions ~~which~~
27 THAT have less risk of exposure to medical malpractice claims or for

1 other reasons that render the limits provided in section 13-64-301 (1)(b)
2 unreasonable or unattainable.

3 **SECTION 218.** In Colorado Revised Statutes, 14-15-107, **amend**
4 (5)(n) as follows:

5 **14-15-107. Rights, benefits, protections, duties, obligations,**
6 **responsibilities, and other incidents of parties to a civil union.**

7 (5) Rights, benefits, protections, duties, obligations, responsibilities, and
8 other incidents under law as are granted to or imposed upon spouses, that
9 apply in like manner to parties to a civil union under this section, include
10 but are not limited to:

11 (n) Laws or rules regarding the right to visit a partner who is in a
12 correctional facility, as defined in section 17-1-102 (1.7), a local jail, as
13 defined in section 17-1-102 (7), or a private contract prison, as defined in
14 section 17-1-102 (7.3), or who is receiving treatment in a public hospital
15 or a licensed private hospital, clinic, ~~community mental health center or~~
16 ~~clinic, or acute treatment unit~~ BEHAVIORAL HEALTH SAFETY NET
17 PROVIDER, or institution that provides treatment for a person with a
18 behavioral or mental health disorder;

19 **SECTION 219.** In Colorado Revised Statutes, 16-8-115, **amend**
20 (3)(b) and (3)(e) as follows:

21 **16-8-115. Release from commitment after verdict of not guilty**
22 **by reason of insanity or not guilty by reason of impaired mental**
23 **condition.** (3) (b) When a defendant is conditionally released, the chief
24 officer of the institution in which the defendant is committed shall
25 forthwith give written notice of the terms and conditions of such release
26 to the executive director of the department of human services and to the
27 director of any ~~community mental health center which~~ BEHAVIORAL

1 HEALTH SAFETY NET PROVIDER THAT may be charged with continued
2 treatment of the defendant. The director of such ~~mental health center~~
3 BEHAVIORAL HEALTH SAFETY NET PROVIDER, shall make written reports
4 every three months to the executive director of the department of human
5 services and to the district attorney for the judicial district where the
6 defendant was committed and to the district attorney for any judicial
7 district where the defendant may be required to receive treatment
8 concerning the treatment and status of the defendant. Such reports shall
9 include all known violations of the terms and conditions of the
10 defendant's release and any changes in the defendant's mental status
11 ~~which~~ THAT would indicate that the defendant has become ineligible to
12 remain on conditional release as defined in section 16-8-102 (4.5).

13 (e) As long as the defendant is granted conditional release and is
14 subject to the provisions thereof, there shall be free transmission of all
15 information, including clinical information regarding the defendant,
16 among the department of human services, the appropriate ~~community~~
17 ~~mental health centers~~ BEHAVIORAL HEALTH SAFETY NET PROVIDERS, and
18 appropriate district attorneys, law enforcement, and court personnel.

19 **SECTION 220.** In Colorado Revised Statutes, 16-11.9-203,
20 **amend** (5) introductory portion as follows:

21 **16-11.9-203. Statewide behavioral health court liaison**
22 **program - established - purpose - administration.** (5) Each judicial
23 district shall use allocated program money to partner with community
24 mental health providers ~~such as a community mental health center~~, that
25 are able to provide a continuum of community-based behavioral health
26 services in their region to accomplish the program goals set forth in
27 subsections (1) and (2) of this section. Program money may be used for

1 the purposes established by the state court administrator pursuant to
2 subsection (3) of this section, including but not limited to:

3 **SECTION 221.** In Colorado Revised Statutes, 16-11.9-204,
4 **amend as amended by House Bill 22-1278** (1)(f)(III) introductory
5 portion as follows:

6 **16-11.9-204. Behavioral health court liaisons - duties and**
7 **responsibilities - consultation and collaboration.** (1) A court liaison
8 hired pursuant to this part 2 has the following duties and responsibilities:

9 (f) Identifying existing programs and resources that are already
10 available in the community, including but not limited to:

11 (III) ~~Community mental health centers~~ BEHAVIORAL HEALTH
12 SAFETY NET PROVIDERS and other local community behavioral health
13 providers that receive state funding through the behavioral health
14 administration in the department of human services for services such as:

15 **SECTION 222.** In Colorado Revised Statutes, 24-1.9-102,
16 **amend** (1)(a)(IV) and (1)(a)(V) as follows:

17 **24-1.9-102. Memorandum of understanding - local-level**
18 **interagency oversight groups - individualized service and support**
19 **teams - coordination of services for children and families -**
20 **requirements - waiver.** (1) (a) Local representatives of each of the
21 agencies specified in this subsection (1)(a) and county departments of
22 human or social services may enter into memorandums of understanding
23 that are designed to promote a collaborative system of local-level
24 interagency oversight groups and individualized service and support
25 teams to coordinate and manage the provision of services to children and
26 families who would benefit from integrated multi-agency services. The
27 memorandums of understanding entered into pursuant to this subsection

1 (1) must be between interested county departments of human or social
2 services and local representatives of each of the following agencies or
3 entities:

4 (IV) Each ~~community mental health center~~ COMPREHENSIVE
5 BEHAVIORAL HEALTH SAFETY NET PROVIDER;

6 (V) Each behavioral health ADMINISTRATIVE SERVICES
7 organization;

8 **SECTION 223.** In Colorado Revised Statutes, 24-110-207.5,
9 **amend as it will become effective July 1, 2024, (1)(a) as follows:**

10 **24-110-207.5. Certification of certain entities as local public**
11 **procurement units - rules - report.** (1) The executive director may
12 certify any of the following entities as a local public procurement unit:

13 (a) Any ~~nonprofit community mental health center, as defined in~~
14 ~~section 27-66-101, any nonprofit community mental health clinic, as~~
15 ~~defined in section 27-66-101~~ BEHAVIORAL HEALTH SAFETY NET PROVIDER,
16 AS DEFINED IN SECTION 27-50-101, any nonprofit case management
17 agency, as defined in section 25.5-6-1702 (2), or any nonprofit service
18 agency, as defined in section 25.5-10-202, if the entity uses the supplies,
19 services, or construction procured for the public mental health system or
20 the public developmental disability system;

21 **SECTION 224.** In Colorado Revised Statutes, 25-1-1202, **amend**
22 **(1)(u) as follows:**

23 **25-1-1202. Index of statutory sections regarding medical**
24 **record confidentiality and health information.** (1) Statutory provisions
25 concerning policies, procedures, and references to the release, sharing,
26 and use of medical records and health information include the following:

27 (u) Section 13-21-117, ~~C.R.S.~~, concerning civil liability of a

1 mental health professional, mental health hospital, ~~community mental~~
2 ~~health center, or clinic~~ OR BEHAVIORAL HEALTH SAFETY NET PROVIDER
3 related to a duty to warn or protect;

4 **SECTION 225.** In Colorado Revised Statutes, 25-1.5-103,
5 **amend** (1)(a)(I)(A); and **repeal** (2)(a), (2)(a.3), and (2)(b) as follows:

6 **25-1.5-103. Health facilities - powers and duties of department**
7 **- limitations on rules promulgated by department - definitions.**

8 (1) The department has, in addition to all other powers and duties
9 imposed upon it by law, the powers and duties provided in this section as
10 follows:

11 (a) (I) (A) To annually license and to establish and enforce
12 standards for the operation of general hospitals, hospital units as defined
13 in section 25-3-101 (2), freestanding emergency departments as defined
14 in section 25-1.5-114, psychiatric hospitals, community clinics,
15 rehabilitation hospitals, convalescent centers, ~~community mental health~~
16 ~~centers, acute treatment units, behavioral health entities,~~ facilities for
17 persons with intellectual and developmental disabilities, nursing care
18 facilities, hospice care, assisted living residences, dialysis treatment
19 clinics, ambulatory surgical centers, birthing centers, home care agencies,
20 and other facilities of a like nature, except those wholly owned and
21 operated by any governmental unit or agency.

22 (2) For purposes of this section, unless the context otherwise
23 requires:

24 (a) ~~"Acute treatment unit" means a facility or a distinct part of a~~
25 ~~facility for short-term psychiatric care, which may include substance~~
26 ~~abuse treatment, and which provides a total, twenty-four-hour~~
27 ~~therapeutically planned and professionally staffed environment for~~

1 persons who do not require inpatient hospitalization but need more
2 intense and individual services than are available on an outpatient basis,
3 such as crisis management and stabilization services.

4 (a.3) "Behavioral health entity" means a facility or provider
5 organization engaged in providing community-based health services,
6 which may include behavioral health disorder services, alcohol use
7 disorder services, or substance use disorder services, including crisis
8 stabilization, acute or ongoing treatment, or community mental health
9 center services as described in section 27-66-101 (2) and (3), but does not
10 include:

11 (I) Residential child care facilities, as defined in section 26-6-102
12 (33); or

13 (II) Services provided by a licensed or certified mental health-care
14 provider under the provider's individual professional practice act on the
15 provider's own premises.

16 (b) "Community mental health center" means either a physical
17 plant or a group of services under unified administration and including at
18 least the following: Inpatient services; outpatient services; day
19 hospitalization; emergency services; and consultation and educational
20 services, which services are provided principally for persons with
21 behavioral or mental health disorders residing in a particular community
22 in or near which the facility is situated.

23 **SECTION 226.** In Colorado Revised Statutes, 25-1.5-112,
24 amend as amended in House Bill 22-1278 (2) introductory portion as
25 follows:

26 **25-1.5-112. Colorado suicide prevention plan - established -**
27 **goals - responsibilities - funding - definition. (2) The suicide**

1 prevention commission, together with the office of suicide prevention, the
2 behavioral health administration in the department of human services, the
3 department, and the department of health care policy and financing, is
4 strongly encouraged to collaborate with criminal justice and health-care
5 systems, mental and behavioral health systems, primary care providers,
6 physical and mental health clinics in educational institutions, ~~community~~
7 ~~mental health centers~~ BEHAVIORAL HEALTH SAFETY NET PROVIDERS,
8 advocacy groups, emergency medical services professionals and
9 responders, public and private insurers, hospital chaplains, and
10 faith-based organizations to develop and implement:

11 **SECTION 227.** In Colorado Revised Statutes, 25-3-101, **amend**
12 (1) as follows:

13 **25-3-101. Hospitals - health facilities - licensed - definitions.**

14 (1) It is unlawful for any person, partnership, association, or corporation
15 to open, conduct, or maintain any general hospital; hospital unit;
16 freestanding emergency department as defined in section 25-1.5-114;
17 psychiatric hospital; community clinic; rehabilitation hospital;
18 convalescent center; ~~behavioral health entity; community mental health~~
19 ~~center or acute treatment unit licensed as a behavioral health entity;~~
20 facility for persons with developmental disabilities, as defined in section
21 25-1.5-103 (2)(c); nursing care facility; hospice care; assisted living
22 residence, except an assisted living residence shall be assessed a license
23 fee as set forth in section 25-27-107; dialysis treatment clinic; ambulatory
24 surgical center; birthing center; home care agency; or other facility of a
25 like nature, except those wholly owned and operated by any governmental
26 unit or agency, without first having obtained a license from the
27 department.

1 **SECTION 228.** In Colorado Revised Statutes, 25-3-103.7,
2 **amend** (1)(d); and **repeal** (1)(a) as follows:

3 **25-3-103.7. Employment of physicians - when permissible -**
4 **conditions - definitions.** (1) For purposes of this section:

5 (a) "~~Community mental health center~~" means a community mental
6 ~~health center, as defined in section 25-1.5-103 (2), that is currently~~
7 ~~licensed and regulated by the department pursuant to the department's~~
8 ~~authority under section 25-1.5-103 (1)(a).~~

9 (d) "Health-care facility" means a hospital, hospice, ~~community~~
10 ~~mental health center,~~ BEHAVIORAL HEALTH SAFETY NET PROVIDER, AS
11 DEFINED IN SECTION 27-50-101 (7), federally qualified health center,
12 school-based health center, rural health clinic, PACE organization, or
13 long-term care facility.

14 **SECTION 229.** In Colorado Revised Statutes, 25-20.5-1302,
15 **amend** (2) introductory portion as follows:

16 **25-20.5-1302. Community behavioral health disaster**
17 **preparedness and response program - creation - department duties**
18 **- rules.** (2) The program is intended to enhance, support, and formalize
19 behavioral health disaster preparedness and response activities conducted
20 by community behavioral health organizations; ~~including community~~
21 ~~mental health centers as defined in section 27-66-101 (2);~~ except that the
22 activities must not replace or supersede any disaster plans prepared or
23 maintained by a local or interjurisdictional emergency management
24 agency, as established in section 24-33.5-707. The activities may include
25 but are not limited to:

26 **SECTION 230.** In Colorado Revised Statutes, 25.5-1-204,
27 **amend** (2)(a)(IV) as follows:

1 **25.5-1-204. Advisory committee to oversee the all-payer health**
2 **claims database - creation - members - duties - legislative declaration**
3 **- rules - report.** (2) (a) No later than August 1, 2013, the executive
4 director shall appoint an advisory committee to oversee the Colorado
5 all-payer health claims database. The advisory committee shall include
6 the following members:

7 (IV) A representative from a ~~community mental health center~~
8 COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDER, AS
9 DEFINED IN SECTION 27-50-101, who has experience in behavioral health
10 data collection;

11 **SECTION 231.** In Colorado Revised Statutes, 25.5-4-103,
12 **amend as it will become effective July 1, 2024,** (3) as follows:

13 **25.5-4-103. Definitions.** As used in this article 4 and articles 5
14 and 6 of this title 25.5, unless the context otherwise requires:

15 (3) "Case management services" means services provided by case
16 management agencies and ~~community mental health centers and~~
17 ~~community mental health clinics, as defined in section 27-66-101 (2) and~~
18 (3) COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDERS, AS
19 DEFINED IN SECTION 27-50-101, to assist persons in gaining access to
20 needed medical, social, educational, and other services.

21 **SECTION 232.** In Colorado Revised Statutes, 25.5-5-202,
22 **amend** (1)(g) as follows:

23 **25.5-5-202. Basic services for the categorically needy - optional**
24 **services.** (1) Subject to the provisions of subsection (2) of this section,
25 the following are services for which federal financial participation is
26 available and that Colorado has selected to provide as optional services
27 under the medical assistance program:

1 (g) Rehabilitation services as appropriate to ~~community mental~~
2 ~~health centers~~ BEHAVIORAL HEALTH SAFETY NET PROVIDERS AS DEFINED
3 IN SECTION 27-50-101;

4 **SECTION 233.** In Colorado Revised Statutes, 25.5-5-402,
5 **amend** (3)(e) as follows:

6 **25.5-5-402. Statewide managed care system - rules - definition.**

7 (3) The statewide managed care system must include a statewide system
8 of community behavioral health care that must:

9 (e) Be paid for by the state department establishing capitated rates
10 specifically for ~~community mental~~ BEHAVIORAL health services that
11 account for a comprehensive continuum of needed services such as those
12 provided by ~~community mental health centers as defined in section~~
13 ~~27-66-101~~ LICENSED BEHAVIORAL HEALTH PROVIDERS, INCLUDING
14 ESSENTIAL AND COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH
15 PROVIDERS, AS DEFINED IN SECTION 27-50-101;

16 **SECTION 234.** In Colorado Revised Statutes, 27-65-102, **amend**
17 (1.5) and (7) as follows:

18 **27-65-102. Definitions.** As used in this article 65, unless the
19 context otherwise requires:

20 (1.5) "Behavioral health entity" ~~means a facility or provider~~
21 ~~organization engaged in providing community-based health services,~~
22 ~~which may include behavioral health disorder services, alcohol use~~
23 ~~disorder services, or substance use disorder services, including crisis~~
24 ~~stabilization, acute or ongoing treatment, or community mental health~~
25 ~~center services as described in section 27-66-101 (2) and (3), but does not~~
26 ~~include:~~ HAS THE SAME MEANING AS DEFINED IN SECTION 27-50-101.

27 (a) Residential child care facilities as defined in section 26-6-102

1 ~~(33); or~~

2 ~~(b) Services provided by a licensed or certified mental health-care~~
3 ~~provider under the provider's individual professional practice act on the~~
4 ~~provider's own premises.~~

5 (7) "Facility" means a public hospital or a licensed private
6 hospital, clinic, behavioral health entity, ~~community mental health center~~
7 ~~or clinic, acute treatment unit,~~ institution, or residential child care facility
8 that provides treatment for persons with mental health disorders.

9 **SECTION 235.** In Colorado Revised Statutes, 27-67-103, **amend**
10 (10); **repeal** (4); and **add** (1.3) as follows:

11 **27-67-103. Definitions.** As used in this article 67, unless the
12 context otherwise requires:

13 (1.3) "BEHAVIORAL HEALTH SAFETY NET PROVIDER" HAS THE
14 SAME MEANING AS DEFINED IN SECTION 27-50-101.

15 ~~(4) "Community mental health center" has the same meaning as~~
16 ~~provided in section 27-66-101 (2).~~

17 (10) "Mental health agency" means a behavioral health services
18 contractor through the ~~state department of human services~~ BEHAVIORAL
19 HEALTH ADMINISTRATION serving children and youth statewide or in a
20 particular geographic area ~~including but not limited to community mental~~
21 ~~health centers,~~ and with the ability to meet all expectations of this article
22 67.

23 **SECTION 236.** In Colorado Revised Statutes, 27-67-109, **amend**
24 (2)(f) as follows:

25 **27-67-109. Child and youth mental health services standards**
26 **- advisory board.** (2) An advisory board to the state department is
27 established for the purpose of assisting and advising the executive

1 director in accordance with this section in the development of service
2 standards and rules. The advisory board consists of not less than eleven
3 nor more than fifteen members appointed by the state department as
4 follows:

5 (f) One member representing a ~~community mental health center~~
6 BEHAVIORAL HEALTH SAFETY NET PROVIDER that performs evaluations
7 pursuant to this article 67;

8 **SECTION 237.** In Colorado Revised Statutes, 27-70-102, **amend**
9 (2) as follows:

10 **27-70-102. Definitions.** As used in this article 70, unless the
11 context otherwise requires:

12 (2) "Facility" means a federally qualified health-care center,
13 clinic, ~~community mental health center or clinic~~, behavioral health entity,
14 institution, acute treatment unit, jail, facility operated by the department
15 of corrections, or a facility operated by the division of youth services.

16 **SECTION 238.** In Colorado Revised Statutes, 27-81-102, **amend**
17 (3.5) as follows:

18 **27-81-102. Definitions.** As used in this article 81, unless the
19 context otherwise requires:

20 (3.5) "Behavioral health entity" ~~means a facility or provider~~
21 ~~organization engaged in providing community-based health services,~~
22 ~~which may include behavioral health disorder services, alcohol use~~
23 ~~disorder services, or substance use disorder services, including crisis~~
24 ~~stabilization, acute or ongoing treatment, or community mental health~~
25 ~~center services as described in section 27-66-101 (2) and (3), but does not~~
26 ~~include:~~ HAS THE SAME MEANING AS DEFINED IN SECTION 27-50-101.

27 (a) ~~Residential child care facilities as defined in section 26-6-102~~

1 ~~(33); or~~

2 ~~(b) Services provided by a licensed or certified mental health-care~~
3 ~~provider under the provider's individual professional practice act on the~~
4 ~~provider's own premises.~~

5 **SECTION 239.** In Colorado Revised Statutes, 44-30-1301,
6 **amend as amended in House Bill 22-1278 (2)(b)(I) as follows:**

7 **44-30-1301. Definitions - local government limited gaming**
8 **impact fund - rules - report - legislative declaration - repeal.**

9 (2) (b) (I) For the 2008-09 fiscal year and each fiscal year thereafter, the
10 commissioner of the behavioral health administration in the department
11 of human services shall use the money in the gambling addiction account
12 to award grants for the purpose of providing gambling addiction
13 counseling services to Colorado residents and to provide gambling
14 addiction treatment training to staff at ~~nonprofit community mental health~~
15 ~~centers or clinics as defined in section 27-66-101~~ BEHAVIORAL HEALTH
16 SAFETY NET PROVIDERS AS DEFINED IN SECTION 27-50-101. The behavioral
17 health administration may use a portion of the money in the gambling
18 addiction account, not to exceed ten percent in the 2008-09 fiscal year
19 and five percent in each fiscal year thereafter, to cover the
20 administration's direct and indirect costs associated with administering the
21 grant program authorized in this subsection (2)(b). The commissioner of
22 the administration shall award grants to state or local public or private
23 entities or programs that provide gambling addiction counseling services
24 and that have or are seeking nationally accredited gambling addiction
25 counselors. The commissioner of the administration shall award ten
26 percent of the money in the gambling addiction account in grants to
27 addiction counselors who are actively pursuing national accreditation as

1 gambling addiction counselors. In order to qualify for an accreditation
2 grant, an addiction counselor applicant must provide sufficient proof that
3 the applicant has completed at least half of the counseling hours required
4 for national accreditation. The commissioner of the administration shall
5 adopt rules establishing the procedure for applying for a grant from the
6 gambling addiction account, the criteria for awarding grants and
7 prioritizing applications, and any other provision necessary for the
8 administration of the grant applications and awards. Neither the entity,
9 program, or gambling addiction counselor providing the gambling
10 addiction counseling services nor the recipients of the counseling services
11 need to be located within the jurisdiction of an eligible local
12 governmental entity in order to receive a grant or counseling services. At
13 the end of a fiscal year, all unexpended and unencumbered money in the
14 gambling addiction account remains in the account and does not revert to
15 the general fund or any other fund or account.

16 **SECTION 240.** In Colorado Revised Statutes, 16-13-311,
17 **amend as amended by House Bill 22-1278 (3)(a)(VII)(B) as follows:**

18 **16-13-311. Disposition of seized personal property.** (3) (a) If
19 the prosecution prevails in the forfeiture action, the court shall order the
20 property forfeited. Such order perfects the state's right and interest in and
21 title to such property and relates back to the date when title to the property
22 vested in the state pursuant to section 16-13-316. Except as otherwise
23 provided in subsection (3)(c) of this section, the court shall also order
24 such property to be sold at a public sale by the law enforcement agency
25 in possession of the property in the manner provided for sales on
26 execution, or in another commercially reasonable manner. Property
27 forfeited pursuant to this section or proceeds therefrom must be

1 distributed or applied in the following order:

2 (VII) The balance must be delivered, upon order of the court, as
3 follows:

4 (B) Twenty-five percent to the ~~managed service~~ BEHAVIORAL
5 HEALTH ADMINISTRATIVE SERVICES organization contracting with the
6 behavioral health administration in the department of human services
7 serving the judicial district where the forfeiture proceeding was
8 prosecuted to fund detoxification and substance use disorder treatment.
9 Money appropriated to the ~~managed service~~ BEHAVIORAL HEALTH
10 ADMINISTRATIVE SERVICES organization must be in addition to, and not
11 be used to supplant, other funding appropriated to the behavioral health
12 administration; and

13 **SECTION 241.** In Colorado Revised Statutes, **amend as**
14 **amended by House Bill 22-1278** 25.5-5-325 (2)(b) introductory portion
15 and (2)(b)(I) as follows:

16 **25.5-5-325. Residential and inpatient substance use disorder**
17 **treatment - medical detoxification services - federal approval -**
18 **performance review report.** (2) (b) Prior to seeking federal approval
19 pursuant to subsection (2)(a) of this section, the state department shall
20 seek input from relevant stakeholders, including existing providers of
21 substance use disorder treatment and medical detoxification services and
22 ~~managed service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
23 organizations. The state department shall seek input and involve
24 stakeholders in decisions regarding:

25 (I) The coordination of benefits with ~~managed service~~
26 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organizations and the
27 behavioral health administration in the department of human services;

1 **SECTION 242.** In Colorado Revised Statutes, **amend as**
2 **amended by House Bill 22-1278 27-63-105 (2)** as follows:

3 **27-63-105. Safety net system implementation - safety net**
4 **system criteria.** (2) The safety net system must have a network of
5 behavioral health-care providers that collectively offer a full continuum
6 of services to ensure individuals with severe behavioral health disorders
7 are triaged in a timely manner to the appropriate care setting if an
8 individual behavioral health-care provider is unable to provide ongoing
9 care and treatment for the individual. The BHA shall consider ~~community~~
10 ~~mental health centers, managed service~~ BEHAVIORAL HEALTH SAFETY NET
11 PROVIDERS, BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
12 organizations, contractors for the statewide behavioral health crisis
13 response system, and other behavioral health community providers as key
14 elements in the behavioral health safety net system.

15 **SECTION 243.** In Colorado Revised Statutes, **amend as**
16 **amended by House Bill 22-1278 27-80-101 (2.6)** as follows:

17 **27-80-101. Definitions.** As used in this article 80, unless the
18 context otherwise requires:

19 (2.6) "Designated service area" means the geographical substate
20 planning area specified by the commissioner to be served by a ~~designated~~
21 ~~managed service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
22 organization, as described in section 27-80-107.

23 **SECTION 244.** In Colorado Revised Statutes, **amend as**
24 **amended by House Bill 22-1278 27-80-106 (2)(a); and amend (2)(b) as**
25 **follows:**

26 **27-80-106. Purchase of prevention and treatment services.**
27 **(2) (a) In addition to the services purchased pursuant to subsection (1) of**

1 this section, using money appropriated for purposes of this section or
2 available from any other governmental or private source, the BHA may
3 purchase services for the treatment of alcohol and drug abuse or
4 substance use disorders on a contract basis from a ~~designated managed~~
5 ~~service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization for
6 a designated service area as set forth in section 27-80-107. A public or
7 private agency, organization, or institution approved by the BHA through
8 the process set forth in section 27-80-107 may be designated as a
9 ~~designated managed service~~ BEHAVIORAL HEALTH ADMINISTRATIVE
10 SERVICES organization.

11 (b) ~~Designated managed service~~ BEHAVIORAL HEALTH
12 ADMINISTRATIVE SERVICES organizations receiving money pursuant to this
13 subsection (2) shall comply with all relevant provisions of and rules
14 promulgated pursuant to this article 80.

15 **SECTION 245.** In Colorado Revised Statutes, **amend as**
16 **amended by House Bill 22-1278** 27-80-107.5 (3), (4)(b), (4)(c), (5)(a),
17 and (5)(b); and **amend** (2) 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.** (2) On or before February 1,
22 2017, each ~~managed service~~ BEHAVIORAL HEALTH ADMINISTRATIVE
23 SERVICES organization designated pursuant to section 27-80-107 shall
24 assess the sufficiency of substance use disorder services within its
25 geographic region for adolescents ages seventeen and younger, young
26 adults ages eighteen through twenty-five, pregnant women, women who
27 are postpartum and parenting, and other adults who are in need of such

1 services. During the community assessment process, each ~~managed~~
2 ~~service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization
3 shall seek input and information from appropriate BEHAVIORAL HEALTH
4 entities, ~~such as community mental health centers, behavioral health~~
5 ~~organizations~~, county departments of human or social services, local
6 public health agencies, substance use disorder treatment providers, law
7 enforcement agencies, probation departments, organizations that serve
8 veterans or homeless individuals, and other relevant stakeholders. The
9 community assessment must include an analysis of existing funding and
10 resources within the community to provide a continuum of substance use
11 disorder services, including prevention, intervention, treatment, and
12 recovery support services, for adolescents ages seventeen and younger,
13 young adults ages eighteen through twenty-five, pregnant women, women
14 who are postpartum and parenting, and other adults who are in need of
15 such services.

16 (3) (a) On or before March 1, 2017, each ~~managed service~~
17 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization that has
18 completed a community assessment pursuant to subsection (2) of this
19 section shall prepare and submit in electronic format to the BHA and the
20 department of health care policy and financing a community action plan
21 to increase access to effective substance use disorder services, referred to
22 in this section as the "community action plan". The community action
23 plan must summarize the results of the community assessment and
24 include a description of how the ~~managed service~~ BEHAVIORAL HEALTH
25 ADMINISTRATIVE SERVICES organization will utilize its allocation of
26 funding from the marijuana tax cash fund created in section 39-28.8-501,
27 to address the most critical service gaps in its geographic region and a

1 timeline for implementation of the community action plan.

2 (b) A ~~managed service~~ BEHAVIORAL HEALTH ADMINISTRATIVE
3 SERVICES organization may periodically update its community action plan
4 to reflect changes in community needs and priorities. Any such updated
5 plan must be submitted in electronic format to the BHA and the
6 department of health care policy and financing.

7 (c) On or before May 1, 2017, the BHA shall post the community
8 action plans from the ~~managed service~~ BEHAVIORAL HEALTH
9 ADMINISTRATIVE SERVICES organizations developed pursuant to
10 SUBSECTION (3)(a) OF THIS SECTION on its website. On or before May 1,
11 2017, the BHA shall submit a report summarizing all of the community
12 action plans received from the ~~managed service~~ BEHAVIORAL HEALTH
13 ADMINISTRATIVE SERVICES organizations to the joint budget committee,
14 the health and human services committee of the senate, and the public
15 AND BEHAVIORAL health care and human services committee of the house
16 of representatives, or any successor committees. The BHA shall post on
17 its website any updated community action plans received pursuant to
18 subsection (3)(b) OF THIS SECTION.

19 (4) (b) On July 1, 2017, and on every July 1 thereafter, the BHA
20 shall disburse to each ~~designated managed service~~ BEHAVIORAL HEALTH
21 ADMINISTRATIVE SERVICES organization that has submitted a community
22 action plan one hundred percent of the ~~designated managed service~~
23 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization's allocation
24 from the money appropriated from the marijuana tax cash fund.

25 (c) It is the intent of the general assembly that each ~~designated~~
26 ~~managed service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
27 organization use money allocated to it from the marijuana tax cash fund

1 to cover expenditures for substance use disorder services that are not
2 otherwise covered by public or private insurance. Each ~~managed service~~
3 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization may use its
4 allocation from the marijuana tax cash fund to implement its community
5 action plan, including expenditures for substance use disorder services
6 and for any start-up costs or other expenses necessary to increase capacity
7 to provide such services. A ~~designated managed service~~ BEHAVIORAL
8 HEALTH ADMINISTRATIVE SERVICES organization must spend its allocation
9 in the state fiscal year in which it is received or in the next state fiscal
10 year thereafter. If there is any money from the allocation remaining after
11 the second state fiscal year, then the ~~designated managed service~~
12 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization shall return
13 the money to the BHA. If an enhanced residential and inpatient substance
14 use disorder treatment and medical detoxification services benefit
15 becomes available under the Colorado medical assistance program,
16 ~~managed service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
17 organizations shall determine to what extent money allocated from the
18 marijuana tax cash fund may be used to assist in providing substance use
19 disorder treatment, including residential and inpatient substance use
20 disorder treatment and medical detoxification services, if those services
21 are not otherwise covered by public or private insurance.

22 (5) (a) On or before September 1, 2017, and on or before each
23 September 1 thereafter, each ~~designated managed service~~ BEHAVIORAL
24 HEALTH ADMINISTRATIVE SERVICES organization shall submit an annual
25 report to the BHA, the joint budget committee, the health and human
26 services committee of the senate, and the public and behavioral health and
27 human services committee of the house of representatives, or their

1 successor committees, concerning the amount and purpose of actual
2 expenditures made using money from the marijuana tax cash fund in the
3 previous state fiscal year. The report must contain a description of the
4 impact of the expenditures on addressing the needs that were identified
5 in the initial and any subsequent community assessments and action plans
6 developed pursuant to subsection (3) of this section, as well as any other
7 requirements established for the contents of the report by the BHA.

8 (b) ~~A designated managed service~~ BEHAVIORAL HEALTH
9 ADMINISTRATIVE SERVICES organization shall provide the BHA with
10 information about actual expenditures as required by the BHA."

11 **SECTION 246.** In Colorado Revised Statutes, **amend as**
12 **amended by House Bill 22-1278** 27-50-703 (2)(b) as follows:

13 **27-50-703. Advisory council - regional subcommittees -**
14 **subcommittees - working groups.** (2) The BHA may create committees
15 within the advisory council to meet other state and federal board or
16 advisory council requirements, which may include:

17 (b) The mental health advisory board for service standards and
18 rules created pursuant to ~~section 27-65-131~~ SECTION 27-65-130; and

19 **SECTION 247.** In Colorado Revised Statutes, **amend as**
20 **amended by House Bill 22-1278** 13-20-401 (2) as follows:

21 **13-20-401. Definitions.** As used in this part 4, unless the context
22 otherwise requires:

23 (2) "Patient" means the person upon whom a proposed
24 electroconvulsive treatment is to be performed; except that nothing in this
25 part 4 supersedes the provisions of article 65 of title 27 or any rule
26 adopted by the behavioral health administration in the department of
27 human services pursuant to ~~section 27-65-116~~ (2) SECTION 27-65-118

1 with regard to the care and treatment of any person unable to exercise
2 written informed consent or of a person with a mental health disorder.

3 **SECTION 248.** In Colorado Revised Statutes, **amend as**
4 **amended by House Bill 22-1278 25-3.5-103 (11.4)(b)(I) as follows:**

5 **25-3.5-103. Definitions.** As used in this article 3.5, unless the
6 context otherwise requires:

7 (11.4) (b) Secure transportation includes:

8 (I) For an individual being transported pursuant to section
9 ~~27-65-103 or 27-65-105 (1)~~ SECTION 27-65-104 OR 27-65-106 (1),
10 transportation from the community to a facility designated by the
11 commissioner of the behavioral health administration in the department
12 of human services for treatment and evaluation pursuant to article 65 of
13 title 27;

14 **SECTION 249.** In Colorado Revised Statutes, **amend as**
15 **amended by House Bill 22-1278 26-20-103 (3) as follows:**

16 **26-20-103. Basis for use of restraint or seclusion. (3)** In
17 addition to the circumstances described in subsection (1) of this section,
18 a facility, as defined in section 27-65-102, ~~(7)~~, that is designated by the
19 commissioner of the behavioral health administration in the state
20 department to provide treatment pursuant to ~~section 27-65-105,~~
21 ~~27-65-106, 27-65-107, or 27-65-109~~ SECTION 27-65-106, 27-65-108,
22 27-65-109, OR 27-65-110 to an individual with a mental health disorder,
23 as defined in section 27-65-102, ~~(11.5)~~, may use seclusion to restrain an
24 individual with a mental health disorder when the seclusion is necessary
25 to eliminate a continuous and serious disruption of the treatment
26 environment.

27 **SECTION 250.** In Colorado Revised Statutes, **amend as**

1 amended by House Bill 22-1278 27-60-104 (3)(a) as follows:

2 27-60-104. Behavioral health crisis response system - crisis
3 10 service facilities - walk-in centers - mobile response units - report.

4 (3) (a) All walk-in centers throughout the state's crisis response system
5 must be appropriately designated by the commissioner for a
6 seventy-two-hour treatment and evaluation AN EMERGENCY MENTAL
7 HEALTH HOLD, adequately prepared, and properly staffed to accept an
8 individual through the emergency mental health procedure outlined in
9 section 27-65-105 SECTION 27-65-106 or a voluntary application for
10 mental health services pursuant to section 27-65-103 OR 27-65-104.
11 Priority for individuals receiving emergency placement PLACED UNDER AN
12 EMERGENCY MENTAL HEALTH HOLD pursuant to section 27-65-105
13 SECTION 27-65-106 is on treating high-acuity individuals in the least
14 restrictive environment without the use of law enforcement.

15 **SECTION 251. Appropriation.** (1) For the 2022-23 state fiscal
16 year, \$671,538 is appropriated to the department of human services for
17 use by the executive director's office. This appropriation is from the
18 general fund. To implement this act, the office may use this appropriation
19 as follows:

- 20 (a) \$259,000 for health life and dental;
21 (b) \$3,703 for short-term disability;
22 (c) \$115,705 for S.B. 04-257 amortization equalization
23 disbursement;
24 (d) \$115,705 for S.B. 06-235 supplemental amortization
25 equalization disbursement; and
26 (e) \$177,426 for the purchase of legal services.
27 (2) For the 2022-23 state fiscal year, \$177,426 is appropriated to

1 the department of law. This appropriation is from reappropriated funds
2 received from the department of human services under subsection (1)(e)
3 of this section and is based on an assumption that the department of law
4 will require an additional 1.0 FTE. To implement this act, the department
5 of law may use this appropriation to provide legal services for the
6 department of human services.

7 **SECTION 252. Appropriation.** (1) For the 2022-23 state fiscal
8 year, \$542,470 is appropriated to the department of human services for
9 administration and finance. This appropriation is from the general fund.
10 To implement this act, the office may use this appropriation as follows:

11 (a) \$479,380 for personal services related to administration, which
12 amount is based on an assumption that the department will require an
13 additional 4.5 FTE; and

14 (b) \$63,090 for operating expenses related to administration.

15 **SECTION 253. Appropriation.** For the 2022-23 state fiscal year,
16 \$2,495,231 is appropriated to the department of human services for use
17 by the behavioral health administration. This appropriation is from the
18 general fund and is based on an assumption that the administration will
19 require an additional 21.4 FTE. To implement this act, the administration
20 may use this appropriation for program administration related to
21 community behavioral health administration.

22 **SECTION 254. Appropriation - adjustments to 2022 long bill.**

23 (1) To implement this act, appropriations made in the annual general
24 appropriation act for the 2022-23 state fiscal year to the department of
25 human services are adjusted as follows:

26 (a) The general fund appropriation for use by the behavioral
27 health administration for prevention programs is decreased by \$37,565;

1 (b) The general fund appropriation for use by the behavioral
2 health administration for community prevention and treatment programs
3 is decreased by \$10,546;

4 (c) The cash funds appropriation from the marijuana tax cash fund
5 created in section 36-28.8-501 (1), C.R.S., for use by the behavioral
6 health administration for community prevention and treatment programs
7 is decreased by \$498,550; and

8 (d) The cash funds appropriation from the marijuana tax cash fund
9 created in section 36-28.8-501 (1), C.R.S., for use by the behavioral
10 health administration for community behavioral health administration
11 program administration is decreased by \$91,947, and the related FTE is
12 decreased by 11.2 FTE.

13 (2) For the 2022-23 state fiscal year, \$638,518 is appropriated to
14 the department of public health and environment for use by the prevention
15 services division. This appropriation consists of \$48,021 from the general
16 fund and \$590,497 from the marijuana tax cash fund created in section
17 36-28.8-501 (1), C.R.S., and is based on an assumption that the division
18 will require an additional 11.2 FTE. To implement this act, the division
19 may use this appropriation for prevention programming.

20 (3) For the 2022-23 state fiscal year, \$8,181,248 is appropriated
21 to the department of public health and environment for use by the
22 prevention services division. This appropriation is from reappropriated
23 funds that originated as federal substance abuse prevention and treatment
24 block grant funds reflected in multiple line items in the department of
25 human services. To implement this act, the division may use this
26 appropriation for prevention programming. This figure is subject to the
27 "(I)" notation as defined in the annual general appropriation act for the

1 same fiscal year.

2 **SECTION 255. Appropriation.** For the 2022-23 state fiscal year,
3 \$11,846 is appropriated to the department of public health and
4 environment for use by administration and support. This appropriation is
5 from the general fund and is based on an assumption that the department
6 will require an additional 0.2 FTE. To implement this act, the department
7 may use this appropriation for personal services related to administration.

8 **SECTION 256. Appropriation - adjustments to 2022 long bill.**
9 To implement this act, the general fund appropriation made in the annual
10 general appropriation act for the 2022-23 state fiscal year to the
11 department of public health and environment for use by the health
12 facilities and emergency medical services division for behavioral health
13 entity licensing is decreased by \$36,033, and the related FTE is decreased
14 by 0.4 FTE.

15 **SECTION 257. Appropriation.** (1) For the 2022-23 state fiscal
16 year, \$246,399 is appropriated to the department of health care policy and
17 financing for use by the executive director's office. This appropriation is
18 from the general fund. To implement this act, the office may use this
19 appropriation as follows:

20 (a) \$227,524 for personal services, which amount is based on an
21 assumption that the office will require an additional 4.5 FTE; and

22 (b) \$18,875 for operating expenses.

23 (2) For the 2022-23 state fiscal year, the general assembly
24 anticipates that the department of health care policy and financing will
25 receive \$246,399 in federal funds to implement this act, which amount is
26 subject to the "(I)" notation as defined in the annual general appropriation
27 act for the same fiscal year. The appropriation in subsection (1) of this

1 section is based on the assumption that the department will receive this
2 amount of federal funds to be used as follows:

3 (a) \$227,524 for personal services; and

4 (b) \$18,875 for operating expenses.

5 **SECTION 258. Appropriation.** (1) For the 2022-23 state fiscal
6 year, \$142,766 is appropriated to the department of regulatory agencies
7 for use by the division of insurance. This appropriation is from the
8 division of insurance cash fund created in section 10-1-103 (3), C.R.S. To
9 implement this act, the division may use this appropriation as follows:

10 (a) \$127,666 for personal services, which amount is based on an
11 assumption that the division will require an additional 2.0 FTE;

12 (b) \$15,100 for operating expenses.

13 **SECTION 259. Effective date.** This act takes effect July 1, 2022;
14 except that section 218 takes effect July 1, 2023; sections 219 through
15 259 take effect July 1, 2024; section 90, sections 121 through 132, and
16 section 241 take effect only if House Bill 22-1256 does not become law;
17 sections 252 through 256 take effect only if House Bill 22-1256 becomes
18 law; section 90 takes effect only if House Bill 22-1283 does not become
19 law; and section 216 takes effect only if House Bill 22-283 becomes law.

20 **SECTION 260. Safety clause.** The general assembly hereby
21 finds, determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.