

HOUSE COMMITTEE OF REFERENCE REPORT

March 22, 2022

Chair of Committee

Date

Committee on Public & Behavioral Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB22-1256 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 10, strike line 12 and substitute "12-255-104
2 (11), WHO HAS SPECIFIC MENTAL HEALTH TRAINING AS IDENTIFIED BY THE
3 BHA;".

4 Page 10, line 24, strike "27-65-108 OR".

5 Page 12, line 1, strike "(a)".

6 Page 12, strike lines 9 through 12.

7 Page 20, line 14, strike "**summary**" and substitute "**instructions**".

8 Page 20, line 17, strike "(I)" and substitute "(F)".

9 Page 21, strike lines 1 through 10 and substitute:

10 "(I.5) ~~When any person appears to have a mental health disorder~~
11 ~~and, as a result of such mental health disorder, is in need of immediate~~
12 ~~evaluation for treatment in order to prevent physical or psychiatric harm~~
13 ~~to others or to himself or herself, then an intervening professional, as~~
14 ~~specified in subsection (1)(a)(H) of this section, upon probable cause and~~
15 ~~with such assistance as may be required, may immediately transport the~~
16 ~~person to an outpatient mental health facility or other clinically~~
17 ~~appropriate facility designated or approved by the executive director. If~~
18 ~~such a facility is not available, the person may be taken to an emergency~~
19 ~~medical services facility."~~

20 Page 22, strike lines 16 through 23 and substitute:

1 ~~"(c) Upon an affidavit sworn to or affirmed before a judge that~~
2 ~~relates sufficient facts to establish that a person appears to have a mental~~
3 ~~health disorder and, as a result of the mental health disorder, is in need of~~
4 ~~immediate evaluation for treatment to prevent physical or psychiatric~~
5 ~~harm to others or to himself or herself, the court may order the person~~
6 ~~described in the affidavit to be transported to an outpatient mental health~~
7 ~~facility or other clinically appropriate facility designated or approved by~~
8 ~~the executive director."~~

9 Page 28, line 11, after "(1)" insert "(a)".

10 Page 28, after line 22 insert:

11 "(b) AN INDIVIDUAL MAY NOT BE TRANSPORTED PURSUANT TO
12 THIS SUBSECTION (1) IF AN INTERVENING PROFESSIONAL HAS ASSESSED
13 THE PERSON DURING THE SAME EMERGENCY EVENT AND DETERMINED THE
14 INDIVIDUAL DOES NOT MEET THE CRITERIA FOR AN EMERGENCY MENTAL
15 HEALTH HOLD PURSUANT TO SECTION 27-65-106.

16 (c) IF A BEHAVIORAL HEALTH CRISIS RESPONSE TEAM IS KNOWN TO
17 BE AVAILABLE IN A TIMELY MANNER, THE CERTIFIED PEACE OFFICER OR
18 EMERGENCY MEDICAL SERVICES PROVIDER SHALL ACCESS THE
19 BEHAVIORAL HEALTH CRISIS RESPONSE TEAM PRIOR TO TRANSPORTING AN
20 INDIVIDUAL INVOLUNTARILY PURSUANT TO THIS SUBSECTION (1)."

21 Page 30, line 19, strike "ADMINISTRATION" and substitute
22 "ADMINISTRATION, THE DEPARTMENT OF PUBLIC HEALTH AND
23 ENVIRONMENT,".

24 Page 31, strike lines 5 through 27.

25 Strike pages 32 and 33.

26 Page 34, strike lines 1 through 24 and substitute:

27 **"27-65-108. Care coordination for persons certified or in need**
28 **of ongoing treatment.** (1) THE BEHAVIORAL HEALTH ADMINISTRATION
29 SHALL, DIRECTLY OR THROUGH CONTRACT, PROVIDE CARE COORDINATION
30 SERVICES TO A PERSON CERTIFIED PURSUANT TO SECTION 27-65-109,
31 27-65-110, OR 27-65-111, INCLUDING A PERSON WHOSE CERTIFICATION IS
32 TERMINATED BUT WHOM THE BHA DETERMINES IS IN NEED OF ONGOING
33 TREATMENT AND SERVICES.

34 (2) THE BHA SHALL PROVIDE CARE COORDINATION SERVICES TO

- 1 SUPPORT A PERSON WHO IS DISCHARGING FROM CARE, TRANSFERRING
2 PROVIDERS, OR SECURING OTHER SUPPORTIVE SERVICES. A FACILITY
3 DESIGNATED BY THE COMMISSIONER SHALL NOTIFY AND ENGAGE THE
4 BHA PRIOR TO TERMINATING OR TRANSFERRING ANY CERTIFICATION."
- 5 Page 38, line 20, strike "sheriff," and substitute "~~sheriff~~, LAW
6 ENFORCEMENT AGENCY,".
- 7 Page 38, line 21, strike "sheriff or the sheriff's designee," and substitute
8 "~~sheriff or the sheriff's designee~~, LAW ENFORCEMENT AGENCY WHERE THE
9 RESPONDENT RESIDES".
- 10 Page 39, line 4, strike "SUMMARY" and substitute "INSTRUCTIONS".
- 11 Page 43, line 7, strike "SUMMARY" and substitute "INSTRUCTIONS".
- 12 Page 43, lines 16 and 17, strike "COMMITTED TO THE CUSTODY OF THE
13 BEHAVIORAL HEALTH ADMINISTRATION" and substitute "CERTIFIED".
- 14 Page 43, line 18, strike "27-65-108, 27-65-109," and substitute
15 "27-65-109".
- 16 Page 43, lines 19 and 20, strike "PROVIDER, IN COLLABORATION WITH THE
17 BHA," and substitute "PROVIDER".
- 18 Page 44, strike lines 8 through 10 and substitute:
- 19 "(2) THE RESPONDENT, THE".
- 20 Page 45, line 17, strike "27-65-108, 27-65-109," and substitute
21 "27-65-109".
- 22 Page 48, line 8, strike "27-65-108, 27-65-109," and substitute
23 "27-65-109".
- 24 Page 68, strike line 24 and substitute "65."
- 25 Page 68, line 26, strike "AND MAGISTRATES" and substitute
26 "MAGISTRATES, INTERVENING PROFESSIONALS, AND CERTIFIED PEACE
27 OFFICERS".
- 28 Page 68, line 27, strike "INCLUDING TRAINING FOR" and substitute "WHICH
29 TRAINING MUST INCLUDE AN UNDERSTANDING OF THE CRITERIA FOR

- 1 INVOKING AN EMERGENCY MENTAL HEALTH HOLD PURSUANT TO SECTION
2 27-65-106, AND THE DEFINITION OF "GRAVELY DISABLED" AND HOW A
3 PERSON WHO IS GRAVELY DISABLED MAY PRESENT PHYSICALLY AND
4 PSYCHIATRICALY."
- 5 Page 69, strike line 1.
- 6 Page 72, line 2, strike "SECOND" and substitute "SUBSEQUENT".
- 7 Page 73, line 19, strike "21-____" and substitute "22-1256".
- 8 Page 73, line 21, strike "**summary**" and substitute "**instructions**".
- 9 Page 74, line 4, strike "AN EMERGENCY MEDICAL SERVICES FACILITY OR".
- 10 Page 74, line 6, after "HOLD." insert "IF SUCH A FACILITY IS NOT
11 AVAILABLE, THE CERTIFIED PEACE OFFICER MAY TRANSPORT THE PERSON
12 TO AN EMERGENCY MEDICAL SERVICES FACILITY."
- 13 Page 74, line 7, after "TEAM" insert "OR EMERGENCY MEDICAL SERVICES
14 PROVIDER".
- 15 Page 75, line 26, strike "AN EMERGENCY MEDICAL SERVICES FACILITY OR".
- 16 Page 75, line 27, after "HOLD." insert "IF SUCH A FACILITY IS NOT
17 AVAILABLE, THE CERTIFIED PEACE OFFICER MAY TRANSPORT THE PERSON
18 TO AN EMERGENCY MEDICAL SERVICES FACILITY."
- 19 Page 80, line 23, before "MAY" insert "IN CHARGE OF THE EVALUATION".
- 20 Page 81, strike line 27 and substitute "PROFESSIONAL PERSON."
- 21 Page 82, strike line 1.
- 22 Page 82, line 17, strike "SECOND" and substitute "SUBSEQUENT".
- 23 Page 82, line 21, after "PERSON." insert "ONCE THE COURT IS NOTIFIED,
24 THE EMERGENCY MEDICAL SERVICES FACILITY IS NOT REQUIRED TO TAKE
25 ANY FURTHER ACTION TO PROVIDE THE PERSON WITH AN ATTORNEY
26 UNLESS SPECIFIED IN SUBSECTION (10) OF THIS SECTION. THE EMERGENCY
27 MEDICAL SERVICES FACILITY SHALL NOTIFY THE BHA AFTER EACH
28 EMERGENCY MENTAL HEALTH HOLD IS PLACED."

- 1 Page 82, line 27, strike "SECOND" and substitute "SUBSEQUENT".
- 2 Page 83, line 3, strike "SECOND" and substitute "SUBSEQUENT".
- 3 Page 83, strike lines 8 through 10 and substitute:
- 4 "(8)(a) THE FACILITY SHALL PROVIDE EACH PERSON DETAINED FOR
5 AN EMERGENCY MENTAL HEALTH HOLD DISCHARGE INSTRUCTIONS. THE
6 DISCHARGE".
- 7 Page 83, line 11, strike "SUMMARY" and substitute "INSTRUCTIONS".
- 8 Page 83, line 12, strike "RELEASED AND MUST" and substitute
9 "RELEASED".
- 10 Page 83, strike lines 13 through 15 and substitute "IF THE DETAINED".
- 11 Page 83, line 16, strike "SIGN THE DISCHARGE SUMMARY," and substitute
12 "ACCEPT THE DISCHARGE INSTRUCTIONS,".
- 13 Page 83, line 18, strike "SUMMARY" and substitute "INSTRUCTIONS".
- 14 Page 83, strike lines 19 through 23 and substitute:
- 15 "(I) A SUMMARY OF WHY THE PERSON WAS DETAINED OR
16 EVALUATED FOR AN EMERGENCY MENTAL HEALTH HOLD; DETAILED
17 INFORMATION AS TO WHY THE EVALUATING PROFESSIONAL DETERMINED
18 THE PERSON NO LONGER MEETS THE CRITERIA FOR AN EMERGENCY
19 MENTAL HEALTH HOLD OR CERTIFICATION PURSUANT TO SECTION
20 27-65-109; AND WHETHER THE PERSON MAY RECEIVE SERVICES ON A
21 VOLUNTARY BASIS PURSUANT TO SUBSECTION (6) OF THIS SECTION;
- 22 "(II) IF THE PERSON'S MEDICATIONS WERE CHANGED OR THE PERSON
23 WAS NEWLY PRESCRIBED MEDICATIONS DURING THE EMERGENCY MENTAL
24 HEALTH HOLD, A CLINICALLY APPROPRIATE SUPPLY OF MEDICATIONS, AS
25 DETERMINED BY THE JUDGMENT OF A LICENSED HEALTH-CARE PROVIDER,
26 FOR THE PERSON UNTIL THE PERSON CAN ACCESS ANOTHER PROVIDER OR
27 FOLLOW-UP APPOINTMENT;".
- 28 Page 83, line 24, strike "(B)" and substitute "(III)".
- 29 Page 83, line 26, strike "(C)" and substitute "(IV)".
- 30 Page 84, strike lines 1 through 3 and substitute:

- 1 "(V) A REFERRAL TO APPROPRIATE SERVICES, IF SUCH SERVICES
2 EXIST IN THE COMMUNITY, IF THE PERSON IS DISCHARGED WITHOUT FOOD,
3 HOUSING, OR ECONOMIC SECURITY. ANY REFERRALS AND LINKAGES MUST
4 BE DOCUMENTED IN THE PERSON'S MEDICAL RECORD."
- 5 Page 84, line 4, strike "(E)" and substitute "(VI)".
- 6 Page 84, line 6, strike "AND".
- 7 Page 84, line 7, strike "(F)" and substitute "(VII)".
- 8 Page 84, line 9, strike "(II)" and substitute "(VIII)".
- 9 Page 84, line 14, strike "(III)" and substitute "(IX)".
- 10 Page 84, line 16, strike "(IV)" and substitute "(X)".
- 11 Page 84, line 18, strike "(V)" and substitute "(XI)".
- 12 Page 84, line 20, strike "(VI)" and substitute "(XII)".
- 13 Page 84, line 22, strike "(VII)" and substitute "(XIII)".
- 14 Page 84, line 24, strike "(VIII)" and substitute "(XIV)".
- 15 Page 84, line 26, strike "SUMMARY." and substitute "INSTRUCTIONS".
- 16 Page 84, line 27, strike "SUMMARY" and substitute "INSTRUCTIONS".
- 17 Page 85, line 8, after "DISCHARGE." insert "FACILITIES SHALL COMPLY
18 WITH THIS SUBSECTION (8)(c) WHEN THE STATEWIDE CARE COORDINATION
19 INFRASTRUCTURE CREATED IN SECTION 27-60-204 IS FULLY OPERATIONAL,
20 AS DETERMINED BY THE BHA. THE BHA SHALL IMMEDIATELY NOTIFY
21 FACILITIES WHEN THE STATEWIDE CARE COORDINATION INFRASTRUCTURE
22 IS AVAILABLE TO ASSIST PERSONS WITH DISCHARGE."
- 23 Page 85, line 18, after "HOTLINE." insert "IF THE FACILITY FACILITATES
24 FOLLOW-UP CARE THROUGH A THIRD-PARTY CONTRACT, THE FACILITY
25 SHALL OBTAIN AUTHORIZATION FROM THE PERSON TO PROVIDE FOLLOW-UP
26 CARE."
- 27 Page 87, line 13, strike "VERBALLY AND IN WRITING".

- 1 Page 87, line 16, strike "MEDICATION" and substitute "MEDICATION,
2 UNLESS THE PERSON REQUIRES EMERGENCY MEDICATIONS,".
- 3 Page 87, line 26, strike "TIME;" and substitute "TIME; EXCEPT THAT,
4 UNLESS SPECIFIED IN SUBSECTION (7)(b) OF THIS SECTION, THE FACILITY
5 IS NOT REQUIRED TO RETAIN AN ATTORNEY ON BEHALF OF THE PERSON BUT
6 MUST ALLOW THE PERSON TO CONTACT AN ATTORNEY;".
- 7 Page 88, line 14, strike "MONEY;" and substitute "MONEY, UNLESS ACCESS
8 TO THE ITEMS CAUSES THE PERSON TO DESTABILIZE OR CREATES A DANGER
9 TO THE PERSON'S SELF OR OTHERS, AS DETERMINED BY A LICENSED
10 PROVIDER INVOLVED IN THE PERSON'S CARE;".
- 11 Page 89, line 9, strike "WOULD".
- 12 Page 89, strike lines 10 and 11 and substitute "CAUSES THE PERSON TO
13 DESTABILIZE OR CREATES A DANGER TO THE PERSON'S SELF OR OTHERS, AS
14 DETERMINED BY A LICENCED PROVIDER INVOLVED IN THE".
- 15 Page 89, strike lines 25 through 27.
- 16 Page 90, strike lines 1 through 4 and substitute:
- 17 "(d) ANY PERSON WHOSE RIGHTS ARE DENIED OR VIOLATED
18 PURSUANT TO THIS SECTION HAS THE RIGHT TO FILE A COMPLIANT AGAINST
19 THE FACILITY WITH THE BEHAVIORAL HEALTH ADMINISTRATION AND THE
20 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.".
- 21 Page 90, line 12, strike "(I)".
- 22 Page 90, line 17, strike "OR".
- 23 Page 90, strike lines 18 and 19.
- 24 Page 91, strike lines 7 and 8 and substitute "evaluation. and".
- 25 Page 91, line 9, strike "27-65-108.".
- 26 Page 91, lines 14 and 15, strike "hours excluding Saturdays, Sundays, and
27 court holidays," and substitute "hours, excluding Saturdays, Sundays, and
28 court holidays,".
- 29 Page 92, strike lines 9 through 14 and substitute:

1 "(4) Upon certification of the respondent, the facility designated
2 for short-term treatment has custody of the respondent."

3 Page 92, lines 20 and 21, strike "~~certifying and treating professional~~
4 ~~person~~ BEHAVIORAL HEALTH ADMINISTRATION" and substitute "certifying
5 and treating professional person".

6 Page 93, lines 21 and 22, strike "A CERTIFIED PEACE OFFICER, THE
7 CERTIFIED PEACE OFFICER'S designee," and substitute "~~designee~~, THE LAW
8 ENFORCEMENT AGENCY WHERE THE RESPONDENT RESIDES".

9 Page 94, line 17, strike "VOLUNTARY" and substitute "INVOLUNTARY".

10 Page 95, line 8, strike "27-65-108, 27-65-109," and substitute
11 "27-65-109".

12 Page 98, strike lines 22 through 27.

13 Page 99, strike line 1 and substitute:

14 "(7) ANY RESPONDENT WHOSE RIGHTS ARE DENIED OR VIOLATED
15 PURSUANT TO THIS SECTION HAS THE RIGHT TO FILE A COMPLIANT AGAINST
16 THE FACILITY WITH THE BEHAVIORAL HEALTH ADMINISTRATION AND THE
17 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT."

18 Page 122, line 12, strike "On or before January 1, 2018, all" and substitute
19 "~~On or before January 1, 2018, All~~".

20 Page 123, strike lines 5 through 19 and substitute:

21 "**SECTION 40.** In Colorado Revised Statutes, 25-3-102.1, **amend**
22 (1)(c) as follows:

23 **25-3-102.1. Deemed status for certain facilities.** (1) (c) Upon
24 submission of a completed application for license renewal, the department
25 of public health and environment shall accept proof of the accreditation
26 in lieu of licensing inspections or other requirements. Nothing in this
27 section exempts an accredited health facility from inspections or from
28 other forms of oversight by the department as necessary to ensure public
29 health and safety. NOTHING IN THIS SECTION PREVENTS THE DEPARTMENT
30 OF PUBLIC HEALTH AND ENVIRONMENT FROM CONDUCTING AN INSPECTION
31 OF A HOSPITAL OR OTHER HEALTH FACILITY DESCRIBED IN SECTION
32 25-3-101 TO INVESTIGATE A COMPLAINT REGARDING THE PROVISIONS OF
33 SECTION 27-65-106, 27-65-107, 27-65-109, 27-65-110, OR 27-65-119."

- 1 Page 129, line 24, strike "2, 5, and 40" and substitute "2 and 5".
- 2 Page 129, line 26, strike "January 1, 2025," and substitute "July 1, 2024,".
- 3 Page 130, line 8, strike "2, 5, and 40" and substitute "2 and 5".
- 4 Page 130, line 10, strike "January 1, 2025." and substitute "July 1, 2024.".
- 5 Strike "**22-_____**" and substitute "**22-1256**" on: **Page 90**, line 6; **Page 94**,
- 6 line 8; and **Page 95**, line 2.
- 7 Strike "(27)(a)" and substitute "(27)" on: **Page 100**, line 18; **Page 107**,
- 8 line 1; **Page 124**, line 18; **Page 126**, line 1; **Page 127**, line 12; and **Page**
- 9 **128**, line 13.

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