

CHAPTER 403

CORRECTIONS

SENATE BILL 18-250

BY SENATOR(S) Gardner and Lambert, Jahn, Lundberg, Moreno, Aguilar, Coram, Crowder, Fields, Garcia, Guzman, Jones, Kagan, Kefalas, Martinez Humenik, Merrifield, Neville T., Priola, Scott, Tate, Todd, Williams A., Grantham; also REPRESENTATIVE(S) Lee and Young, Hamner, Rankin, Singer, Becker K., Benavidez, Bridges, Buckner, Coleman, Exum, Foote, Herod, Kennedy, Kraft-Tharp, Lontine, McLachlan, Melton, Pettersen, Roberts, Rosenthal, Salazar, Valdez, Weissman, Winter, Duran.

AN ACT

CONCERNING THE PROVISION OF JAIL-BASED BEHAVIORAL HEALTH SERVICES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 27-60-100.3, **add** (4.7) as follows:

27-60-100.3. Definitions. As used in this article 60, unless the context otherwise requires:

(4.7) "OFFICE" MEANS THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES.

SECTION 2. In Colorado Revised Statutes, 27-60-105, **amend** (2), (4) introductory portion, (4)(d), (4)(e), (5) introductory portion, (5)(d), and (5)(e); and **add** (4)(f) and (5)(f) as follows:

27-60-105. Outpatient restoration to competency services - jail-based behavioral health services - legislative declaration - responsible entity - duties - report. (2) The office of behavioral health ~~referred to in this section as the "office";~~ shall serve as a central organizing structure and responsible entity for the provision of competency restoration education services, ~~and~~ coordination of competency restoration services ordered by the court pursuant to section 19-2-1303 (2) or 16-8.5-111 (2)(a), AND JAIL-BASED BEHAVIORAL HEALTH SERVICES PURSUANT TO SECTION 27-60-106.

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

(4) Beginning July 1, 2018, the office ~~shall have~~ HAS the following duties and responsibilities, subject to available appropriations:

(d) To engage with key stakeholders in the juvenile and adult justice systems to develop best practices in the delivery of competency restoration services; ~~and~~

(e) To make recommendations for legislation; AND

(f) TO OVERSEE THE FUNCTIONS OF THE JAIL-BASED BEHAVIORAL HEALTH SERVICES PROGRAM CREATED IN SECTION 27-60-106.

(5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before January 1, 2019, and every January 1 thereafter, the office shall submit an annual written report to the general assembly summarizing the office's provision of competency restoration education, ~~and~~ its efforts toward the coordination of competency restoration education with other existing services, AND THE RESULTS OF THE JAIL-BASED BEHAVIORAL HEALTH SERVICES PROGRAM CREATED IN SECTION 27-60-106. The report must include:

(d) A description of opportunities to maximize and increase available resources and funding; ~~and~~

(e) A description of gaps in and conflicts with existing funding, services, and programming essential to the effective restoration of competency for juveniles and adults; AND

(f) A DESCRIPTION OF THE SERVICES FUNDED THROUGH THE JAIL-BASED BEHAVIORAL HEALTH SERVICES PROGRAM CREATED IN SECTION 27-60-106.

SECTION 3. In Colorado Revised Statutes, **add** 27-60-106 as follows:

27-60-106. Jail-based behavioral health services program - purpose - created - funding. (1) THERE IS CREATED IN THE OFFICE THE JAIL-BASED BEHAVIORAL HEALTH SERVICES PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM". THE PROGRAM MAY RECEIVE MONEY FROM THE CORRECTIONAL TREATMENT CASH FUND PURSUANT TO SECTION 18-19-103 (5)(c)(V).

(2) THE PURPOSE OF THE PROGRAM IS TO:

(a) PROVIDE ADEQUATE STAFF TO COMPLETE BEHAVIORAL HEALTH SCREENINGS; PRESCRIBE PSYCHIATRIC MEDICATIONS AS NECESSARY; AND PROVIDE MENTAL HEALTH COUNSELING, SUBSTANCE USE DISORDER TREATMENT PURSUANT TO SECTION 18-19-103 (5)(c)(V), AND TRANSITIONAL CARE COORDINATION;

(b) TRAIN JAIL STAFF ON BEHAVIORAL HEALTH DISORDERS AND BEST PRACTICES IN WORKING WITH INDIVIDUALS WITH MENTAL HEALTH, SUBSTANCE USE, AND CO-OCCURRING DISORDERS; AND

(c) FUND ADMINISTRATIVE COSTS TO JAILS THAT IMPLEMENT THE REQUIREMENTS OUTLINED IN SUBSECTION (3) OF THIS SECTION.

(3) THE OFFICE SHALL PRIORITIZE JAILS WITH MINIMAL BEHAVIORAL HEALTH SERVICES, INCLUDING BUT NOT LIMITED TO RURAL AND FRONTIER JAILS.

(4) SUBJECT TO AVAILABLE APPROPRIATIONS, THE OFFICE MAY REQUIRE A COUNTY JAIL THAT RECEIVES FUNDING THROUGH THE PROGRAM TO:

(a) SCREEN ALL INDIVIDUALS BOOKED INTO THE JAIL FACILITY WITH STANDARDIZED EVIDENCE-BASED SCREENING TOOLS, AS DETERMINED BY THE OFFICE, FOR MENTAL HEALTH DISORDERS, SUBSTANCE USE DISORDERS, AND SUICIDE RISK;

(b) ASSESS ALL INDIVIDUALS BOOKED INTO THE JAIL FACILITY FOR SUBSTANCE USE WITHDRAWAL SYMPTOMS AND DEVELOP PROTOCOLS FOR MEDICAL DETOXIFICATION MONITORING PROCEDURES;

(c) ASSESS ALL INDIVIDUALS BOOKED INTO THE JAIL FACILITY FOR PSYCHIATRIC MEDICATION NEEDS BY REQUESTING AND REVIEWING MEDICAL AND PRESCRIPTION HISTORY;

(d) HAVE ACCESS TO ALL PSYCHIATRIC MEDICATIONS, AS DEFINED BY THE MEDICATION FORMULARY ESTABLISHED PURSUANT TO SECTION 27-70-103;

(e) ASSIST IN THE PROVISION OF COORDINATED SERVICES FOR INDIVIDUALS IN JAIL CUSTODY WHO MAY REQUIRE COMPETENCY RESTORATION SERVICES;

(f) COORDINATE SERVICES WITH COMMUNITY BEHAVIORAL HEALTH PROVIDERS PRIOR TO THE RELEASE OF AN INMATE TO ENSURE CONTINUITY OF CARE FOLLOWING HIS OR HER RELEASE FROM THE JAIL FACILITY;

(g) TRACK PERFORMANCE OUTCOMES FOR MEASURES DEVELOPED BY THE OFFICE, INCLUDING BEHAVIORAL HEALTH DISORDER PREVALENCE AND SERVICE DATA THROUGH INFORMATION-SHARING PROCESSES, AS DEFINED BY THE OFFICE; AND

(h) PARTNER WITH THE OFFICE TO DEVELOP FEASIBLE HEALTH INFORMATION EXCHANGE STRATEGIES FOR MEDICAL AND BEHAVIORAL HEALTH RECORDS.

SECTION 4. Appropriation. For the 2018-19 state fiscal year, \$2,564,603 is appropriated to the department of human services for use by the office of behavioral health. This appropriation is from the general fund and is based on an assumption that the office will require an additional 1.8 FTE. To implement this act, the office may use this appropriation as follows:

Community behavioral health administration

Personal services \$122,117 (1.8 FTE)
Operating expenses \$15,819

Integrated behavioral health services

Jail-based behavioral health services \$2,426,667

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 2018