

## CHAPTER 173

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**HEALTH AND ENVIRONMENT**


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**SENATE BILL 19-001**

BY SENATOR(S) Garcia, Bridges, Court, Crowder, Danielson, Donovan, Fenberg, Foote, Ginal, Gonzales, Hisey, Pettersen, Priola, Rodriguez, Story, Tate, Todd, Williams A., Winter, Zenzinger;  
 also REPRESENTATIVE(S) Buentello, Arndt, Bird, Buckner, Caraveo, Duran, Esgar, Galindo, Garnett, Gray, Hansen, Hooton, Jackson, Kennedy, Melton, Michaelson Jenet, Mullica, Singer, Snyder, Titone, Valdez D., Becker.

**AN ACT**

**CONCERNING THE EXPANSION OF THE MEDICATION-ASSISTED TREATMENT EXPANSION PILOT PROGRAM, AND, IN CONNECTION THEREWITH, SHIFTING ADMINISTRATION OF THE PROGRAM FROM THE COLLEGE OF NURSING TO THE CENTER FOR RESEARCH INTO SUBSTANCE USE DISORDER PREVENTION, TREATMENT, AND RECOVERY SUPPORT STRATEGIES; EXPANDING THE COUNTIES THAT MAY PARTICIPATE IN THE PROGRAM; EXTENDING THE DURATION OF THE PROGRAM; INCREASING THE FUNDING FOR THE PROGRAM; AND MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 23-21-802, **add** (2) as follows:

**23-21-802. Legislative declaration.** (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

(a) SINCE ITS CREATION, THE PILOT PROGRAM HAS ACHIEVED NUMEROUS SUCCESSES TOWARD PROGRAM GOALS AS FOLLOWS:

(I) WITH REGARD TO THE PROGRAM GOAL OF INCREASING THE NUMBER OF ADVANCED PRACTICE PROVIDERS ABLE TO PRESCRIBE MEDICATIONS TO TREAT INDIVIDUALS WITH OPIOID USE DISORDERS IN PUEBLO AND ROUTT COUNTIES:

(A) TWO MEDICATION-ASSISTED TREATMENT (MAT) PROGRAMS IN PUEBLO COUNTY WERE SELECTED TO RECEIVE FUNDING AND ONE MAT PROGRAM WAS STARTED IN ROUTT COUNTY;

(B) AS OF AUGUST 2018, FOUR PROVIDERS CERTIFIED TO PRESCRIBE MAT MEDICATIONS WERE ADDED TO THE TWO MAT PROGRAMS IN PUEBLO COUNTY AND

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

SIX MAT MEDICATION-CERTIFIED PRESCRIBERS ARE AVAILABLE IN THE ROUTT COUNTY PROGRAM; AND

(C) THROUGH JULY 1, 2018, FIFTY PROVIDERS RECEIVED EDUCATION ON OPIOID USE DISORDERS AND RELATED ISSUES IN ASSESSMENT AND TREATMENT; AND

(II) WITH REGARD TO THE PROGRAM GOAL OF INCREASING ACCESS TO MAT SERVICES IN PUEBLO AND ROUTT COUNTIES:

(A) PUEBLO COUNTY INCREASED MAT SERVICES FROM A TOTAL OF NINETY-NINE CLIENTS TREATED THROUGH ITS TWO MAT PROGRAMS IN 2017 TO FIVE HUNDRED SEVENTY-SIX CLIENTS TREATED THROUGH THE TWO PROGRAMS THROUGH OCTOBER 2018; AND

(B) ROUTT COUNTY HAD VERY LIMITED MAT SERVICES AVAILABLE IN 2017 AND, THROUGH OCTOBER OF 2018, PROVIDED MAT SERVICES THROUGH ITS NEW MAT PROGRAM TO FIFTY CLIENTS;

(b) GIVEN THE SUCCESSES OF THE PROGRAM IN EXPANDING ACCESS TO MAT SERVICES IN PUEBLO AND ROUTT COUNTIES, THE PILOT PROGRAM SHOULD BE EXTENDED AND MADE AVAILABLE TO ADDITIONAL AREAS OF THE STATE THAT ARE EXPERIENCING SIGNIFICANT PUBLIC HEALTH CONCERNS DUE TO THE PREVALENCE OF OPIOID ADDICTION AND OVERDOSE INCIDENCES AND INADEQUATE NUMBERS OF PROVIDERS;

(c) IN THE SAN LUIS VALLEY, WHICH HAS APPROXIMATELY FIFTY THOUSAND RESIDENTS AND CONSISTS OF THE COUNTIES OF ALAMOSA, CONEJOS, COSTILLA, CUSTER, HUERFANO, MINERAL, RIO GRANDE, AND SAGUACHE, OPIOID OVERDOSES HAVE BEEN INCREASING SINCE 2010, WITH RECENT REPORTS OF MORE THAN TEN OVERDOSES PER ONE HUNDRED THOUSAND IN POPULATION YEARLY IN EACH OF THE COUNTIES IN THE VALLEY;

(d) HUERFANO COUNTY, WHICH HAS ABOUT SIX THOUSAND SIX HUNDRED RESIDENTS, HAD SIX OVERDOSE DEATHS IN 2016, A RATE OF 152.6 PER ONE HUNDRED THOUSAND IN POPULATION, WHICH WAS THE HIGHEST OVERDOSE RATE FOR ANY COUNTY IN THE STATE;

(e) MANY OTHER COUNTIES IN THE STATE ARE ALSO EXPERIENCING HIGH INCIDENCES OF OVERDOSE AND LACK AVAILABLE, QUALIFIED PROVIDERS TO MEET THE ADDICTION TREATMENT NEEDS IN THE COUNTY;

(f) GIVEN THE PREVALENCE OF OPIOID OVERDOSES IN THE SAN LUIS VALLEY AND OTHER AREAS OF THE STATE, IT IS NECESSARY TO EXTEND THE PILOT PROGRAM ESTABLISHED PURSUANT TO THIS PART 8 FOR AN ADDITIONAL TWO YEARS, EXPAND ITS AVAILABILITY TO CRITICAL-NEED AREAS OF THE STATE, AND INCREASE ITS FUNDING IN ORDER TO INCREASE ACCESS TO ADDICTION TREATMENT IN THESE AREAS WHERE OPIOID ADDICTION AND OVERDOSE INCIDENCES ARE AT SIGNIFICANT LEVELS.

**SECTION 2.** In Colorado Revised Statutes, 23-21-803, **add** (1.5) and (10) as follows:

**23-21-803. Definitions.** As used in this part 8, unless the context otherwise requires:

(1.5) "CENTER" MEANS THE CENTER FOR RESEARCH INTO SUBSTANCE USE DISORDER PREVENTION, TREATMENT, AND RECOVERY SUPPORT STRATEGIES ESTABLISHED PURSUANT TO SECTION 27-80-118.

(10) "SAN LUIS VALLEY" MEANS THE COUNTIES OF ALAMOSA, CONEJOS, COSTILLA, CUSTER, HUERFANO, MINERAL, RIO GRANDE, AND SAGUACHE.

**SECTION 3.** In Colorado Revised Statutes, 23-21-804, **amend** (1)(b), (3), and (4) as follows:

**23-21-804. Medication-assisted treatment expansion pilot program - created - pilot program location - eligible grant recipients - rules.** (1) (b) The MAT expansion pilot program is available to provide grants to community agencies, office-based practices, behavioral health organizations, and substance abuse treatment organizations practicing or providing treatment in Pueblo county or Routt county, AND, STARTING IN THE 2019-20 FISCAL YEAR, THE SAN LUIS VALLEY AND UP TO TWO ADDITIONAL COUNTIES SELECTED BY THE CENTER FOR PARTICIPATION BASED ON DEMONSTRATED NEED.

(3) The ~~college of nursing~~ CENTER shall administer the MAT expansion pilot program and, subject to available appropriations, shall award grants as provided in this part 8. ~~starting as soon as practicable in the 2017-18 fiscal year, but no later than January 2018.~~ Subject to available appropriations, grants shall be paid out of money annually appropriated for the pilot program as provided in section 23-21-808.

(4) The ~~college of nursing~~ CENTER shall implement the MAT expansion pilot program in accordance with this part 8 and shall develop, with assistance from and in coordination with the advisory board, pilot program guidelines and procedures as necessary to implement the pilot program, including guidelines and procedures specifying the time frames for applying for grants; the form of the pilot program grant application; the time frames for distributing grant money, technical assistance, and consultation to grant recipients; and evaluation of the pilot program.

**SECTION 4.** In Colorado Revised Statutes, 23-21-805, **amend** (1), (2)(a)(III), and (2)(b) as follows:

**23-21-805. MAT expansion advisory board - created - duties.** (1) There is hereby created in the ~~college of nursing~~ CENTER the MAT expansion advisory board, which shall:

- (a) Review and approve pilot program guidelines and procedures;
- (b) Advise and provide assistance to the ~~college of nursing~~ CENTER on the implementation of the pilot program;
- (c) Review and make recommendations to the ~~college of nursing~~ CENTER on grant applications, including recommendations for grant award amounts;

(d) Assist the ~~college of nursing~~ CENTER in evaluating the pilot program; and

(e) Perform other tasks, as requested by the ~~college of nursing~~ CENTER, related to the implementation and administration of the pilot program.

(2)(a) The advisory board consists of representatives of the following entities or organizations who are designated by the entity or organization:

(III) The Colorado consortium for prescription drug abuse prevention, administered under the ~~school of pharmacy and pharmaceutical sciences~~ CENTER at the university of Colorado Anschutz medical campus;

(b) In addition to the members specified in subsection (2)(a) of this section, ~~at least one medical or public health professional from each county~~ REPRESENTATIVES FROM COUNTIES PARTICIPATING in the pilot program area, appointed as follows, shall serve on the advisory board:

(I) The Northwest Colorado Community Health Partnership in Routt county shall appoint a medical or public health professional from Routt county; ~~and~~

(II) The Pueblo county heroin task force shall appoint a medical or public health professional from Pueblo county;

(III) VALLEY-WIDE HEALTH SYSTEMS, INC., SHALL APPOINT A MEDICAL PROFESSIONAL FROM THE SAN LUIS VALLEY;

(IV) THE SAN LUIS VALLEY AREA HEALTH EDUCATION CENTER SHALL APPOINT A MEDICAL OR PUBLIC HEALTH PROFESSIONAL FROM THE SAN LUIS VALLEY;

(V) THE COLORADO ASSOCIATION OF LOCAL PUBLIC HEALTH OFFICIALS SHALL APPOINT A PUBLIC HEALTH PROFESSIONAL FROM THE SAN LUIS VALLEY;

(VI) IF ADDITIONAL COUNTIES ARE SELECTED TO PARTICIPATE IN THE PILOT PROGRAM, THE CENTER SHALL DETERMINE THE APPOINTING AUTHORITY FOR AND TYPE OF PROFESSIONAL FROM EACH PARTICIPATING COUNTY;

(VII) THE BOARD OF COUNTY COMMISSIONERS FOR EACH COUNTY PARTICIPATING IN THE PILOT PROGRAM, INCLUDING ADDITIONAL COUNTIES THAT MAY BE SELECTED TO PARTICIPATE PURSUANT TO SECTION 23-21-804 (1)(b), SHALL APPOINT A MEMBER OF ITS BOARD; EXCEPT THAT, FOR THE SAN LUIS VALLEY, THE BOARDS OF COUNTY COMMISSIONERS OF THE COUNTIES IN THE SAN LUIS VALLEY SHALL JOINTLY APPOINT ONE MEMBER FROM ONE OF THE BOARDS OF COUNTY COMMISSIONERS IN THE SAN LUIS VALLEY TO SERVE ON THE ADVISORY BOARD; AND

(VIII) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL APPOINT A REPRESENTATIVE FROM THE DEPARTMENT.

**SECTION 5.** In Colorado Revised Statutes, 23-21-806, **amend** (1) introductory portion, (1)(a), (1)(f), (2) introductory portion, (2)(d), and (3); and **add** (1)(a.5) and (2)(a.5) as follows:

**23-21-806. Grant application - criteria - awards.** (1) To receive a grant, an eligible organization or practice must submit an application to the ~~college of nursing~~ CENTER in accordance with pilot program guidelines and procedures established by the ~~college of nursing~~ CENTER. At a minimum, the application must include the following information:

(a) ~~The purpose for which the applicant will use the grant~~ A SPECIFIC DESCRIPTION OF THE NEED IN THE COUNTY SERVED BY THE APPLICANT, INCLUDING DATA ON THE PREVALENCE OF OPIOID ADDICTION, THE OVERDOSE RATE, AND THE PROVIDER CAPACITY IN THE COUNTY;

(a.5) THE PURPOSE FOR WHICH THE APPLICANT WILL USE THE GRANT;

(f) A description of how the applicant will achieve improved access to medication-assisted treatment in the pilot program area THE APPLICANT SERVES;

(2) The advisory board shall review the applications received pursuant to this section and make recommendations to the ~~college of nursing~~ CENTER regarding grant recipients and awards. In recommending grant awards and in awarding grants, the advisory board and the ~~college of nursing~~ CENTER shall consider the following criteria:

(a.5) THE DEMONSTRATED NEED IN THE AREA SERVED BY THE APPLICANT;

(d) The written commitment of the applicant to have nurse practitioners or physician assistants participate in periodic consultations with ~~college of nursing~~ CENTER staff; and

(3) Subject to available appropriations, in the ~~2017-18 and 2018-19~~ 2019-20 AND 2020-21 fiscal years, the ~~college of nursing~~ CENTER shall award grants to applicants approved in accordance with this section and shall distribute the grant money to grant recipients within ninety days after issuing the grant awards.

**SECTION 6.** In Colorado Revised Statutes, 23-21-807, **amend** (1) introductory portion, (2) introductory portion, (2)(a), and (2)(b) as follows:

**23-21-807. Reporting requirements.** (1) Each organization or practice that receives a grant through the pilot program shall submit an annual report to the ~~college of nursing~~ CENTER by a date set by the ~~college of nursing~~ CENTER. At a minimum, the report must include the following information:

(2) On or before June 30, 2018, and on or before EACH June 30 ~~2019~~ THROUGH JUNE 30, 2021, the ~~college of nursing~~ CENTER shall submit a summarized report on the pilot program to the health and human services committee of the senate and the health AND insurance ~~and environment~~ and THE public health care and human services committees of the house of representatives, or any successor committees, and to the governor. At a minimum, the report must include:

(a) A description of the pilot program, INCLUDING A LIST OF COUNTIES PARTICIPATING IN THE PILOT PROGRAM;

(b) A list identifying the grant recipients, including the amount awarded to each grant recipient, THE COUNTY IN WHICH THE GRANT RECIPIENT IS PROVIDING SERVICES, and a detailed description of how each grant recipient used the grant award;

**SECTION 7.** In Colorado Revised Statutes, **amend** 23-21-808 as follows:

**23-21-808. Funding for pilot program.** (1) (a) For the ~~2017-18 and 2018-19~~ 2019-20 AND 2020-21 state fiscal years, the general assembly shall annually appropriate TWO MILLION five hundred thousand dollars per fiscal year from the marijuana tax cash fund created in section 39-28.8-501 to the board of regents of the university of Colorado, for allocation to the ~~college of nursing~~ CENTER to implement AND ADMINISTER the MAT expansion pilot program. The ~~college of nursing~~ CENTER may use a portion of the money annually appropriated for the pilot program to pay the direct and indirect costs that the ~~college of nursing~~ CENTER incurs to administer the pilot program, as well as to provide consulting services to and oversight of grant recipients, for data collection and analysis, evaluation of the pilot program, and program reporting.

(b) If any unexpended or uncommitted money appropriated for ~~the 2017-18~~ A fiscal year remains at the end of that fiscal year, the ~~school of nursing~~ CENTER may expend the money in accordance with this section in the ~~2018-19~~ SUCCEEDING fiscal year. Any unexpended or uncommitted money remaining at the end of the ~~2018-19~~ 2020-21 fiscal year reverts to the marijuana tax cash fund.

(2) The ~~college of nursing~~ CENTER may accept and expend any gifts, grants, or donations it receives to implement or administer the pilot program.

**SECTION 8.** In Colorado Revised Statutes, **amend** 23-21-809 as follows:

**23-21-809. Repeal of part.** This part 8 is repealed, effective June 30, ~~2020~~ 2022.

**SECTION 9. Appropriation.** For the 2019-20 state fiscal year, \$2,500,000 is appropriated to the department of higher education for use by the regents of the university of Colorado. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the regents may use this appropriation for allocation to the center for research into substance use disorder prevention, treatment, and recovery support strategies for the medication-assisted treatment expansion pilot program.

**SECTION 10. 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: May 14, 2019