A BILL FOR AN ACT

CONCERNING CREATION OF A STATEWIDE PROGRAM OF EARLY CHILDHOOD MENTAL HEALTH CONSULTATION.

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.)

Early Childhood and School Readiness Legislative Commission. The bill directs the department of human services (department) to design, implement, and operate a statewide program of early childhood mental health consultation (program). The purpose of the program is to support mental health care across the state in a variety of early childhood settings and practices. Specifically, the program must be...
designed to:

1. Increase the number of qualified and appropriately trained early childhood mental health consultants (mental health consultants) for on-site consultations; and
2. Utilize the mental health consultants, through on-site visits, to support a variety of early childhood settings and practices from the prenatal period through 8 years of age.

The program must also include a:

1. Model of consultation for mental health consultants (model) that includes job qualifications and expectations, expected outcomes, and guidance on ratios of mental health consultants and the settings they support. The model must include standards and guidelines for mental health consultants developed from evidence-based programs.
2. Professional development plan for mental health consultants;
3. Certification process for mental health consultants; and
4. A published list of certified mental health consultants.

The bill requires the department to actively collect data related to the program and make regular reports on the program to the joint budget committee of the general assembly and as part of its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing.

The department, in collaboration with the department of health care policy and financing, is directed to explore additional funding options for the program.

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

SECTION 1. In Colorado Revised Statutes, add part 4 to article 6.5 of title 26 as follows:

PART 4

EARLY CHILDHOOD MENTAL HEALTH CONSULTATION PROGRAM

26-6.5-401. Definitions. As used in this part 4, unless the context otherwise requires:

1. "DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES.
(2) "MENTAL HEALTH CONSULTANT" MEANS AN EARLY CHILDHOOD MENTAL HEALTH CONSULTANT WHO MEETS THE QUALIFICATIONS OUTLINED IN THE PROGRAM DESIGNED AND DEVELOPED PURSUANT TO THIS PART 4.

(3) "PROGRAM" MEANS THE STATEWIDE PROGRAM OF EARLY CHILDHOOD MENTAL HEALTH CONSULTATION DESIGNED, IMPLEMENTED, AND OPERATED PURSUANT TO THIS PART 4.

26-6.5-402. Early childhood mental health consultation - statewide program - creation - purpose. (1) (a) ON OR BEFORE JULY 1, 2022, THE DEPARTMENT SHALL DESIGN, IMPLEMENT, AND OPERATE A STATEWIDE VOLUNTARY PROGRAM OF EARLY CHILDHOOD MENTAL HEALTH CONSULTATION TO EXPAND AND ENHANCE CURRENT PRACTICES ACROSS THE STATE. THE PROGRAM WILL SERVE TO SUPPORT MENTAL HEALTH IN A VARIETY OF SETTINGS, INCLUDING BUT NOT LIMITED TO EARLY CHILD CARE AND LEARNING, ELEMENTARY SCHOOLS, HOME VISITATION, CHILD WELFARE, PUBLIC HEALTH, AND HEALTH CARE, INCLUDING WOMEN'S HEALTH CARE.

(b) IN DESIGNING AND DEVELOPING THE PROGRAM, THE DEPARTMENT SHALL WORK IN CONSULTATION WITH THE NATIONAL CENTER OF EXCELLENCE FOR INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION FUNDED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; NATIONALLY RECOGNIZED ENTITIES THAT SUPPORT IMPLEMENTATION OF SUSTAINABLE SYSTEMS OR PROGRAMS THAT FOCUS ON PROMOTING THE SOCIAL, EMOTIONAL, AND BEHAVIORAL OUTCOMES OF YOUNG CHILDREN; AND KEY STAKEHOLDERS IN THE STATE, INCLUDING MENTAL HEALTH PROFESSIONALS, NONPROFIT ORGANIZATIONS WITH EXPERTISE IN MENTAL HEALTH, HOSPITALS WITH EXPERTISE WORKING
WITH CHILDREN FACING BEHAVIORAL HEALTH CHALLENGES, EARLY CHILD
CARE AND EDUCATION PROVIDERS, AND CLINICIANS WITH EXPERTISE IN
INFANT AND EARLY CHILDHOOD MENTAL HEALTH.

(c) The department shall coordinate with
community-based organizations to ensure the effective
implementation of the program and model of consultation
established pursuant to section 26-6.5-403, as well as support
the availability of resources across the state to support the
program and the mental health consultants in their work.

(2) The purpose of the program is to:

(a) Increase the number of qualified and appropriately
trained mental health consultants throughout the state who
will consult with professionals working with children across a
diversity of settings, as well as other adults, including family
members, who directly interact with children;

(b) Support and provide guidance and training, through
visits with mental health consultants, to families, expecting
families, caregivers, and providers across a diversity of settings
in addressing the healthy social-emotional developmental
needs of children and families during the prenatal period
through eight years of age;

(c) Develop a defined model of consultation for the state
pursuant to section 26-6.5-403 that includes qualifications for
mental health consultants, job expectations, expected
outcomes, and guidance on ratios between mental health
consultants and the settings they support;

(d) Develop and maintain a statewide professional
DEVELOPMENT PLAN PURSUANT TO SECTION 26-6.5-404 THAT ASSISTS THE
MENTAL HEALTH CONSULTANTS IN MEETING THE EXPECTATIONS SET
FORTH IN THE MODEL OF CONSULTATION ESTABLISHED PURSUANT TO
SECTION 26-6.5-403; AND

(e) ESTABLISH A STATEWIDE CERTIFICATION PROCESS FOR MENTAL
HEALTH CONSULTANTS AND PUBLISH A LIST OF CERTIFIED MENTAL HEALTH
CONSULTANTS WHO VOLUNTARILY AGREE TO BE INCLUDED ON THE LIST
PURSUANT TO SECTION 26-6.5-405.

26-6.5-403. Model of early childhood mental health
consultation - standards and guidelines - qualifications. (1) ON OR
BEFORE JULY 1, 2021, THE DEPARTMENT SHALL DESIGN AND DEVELOP A
MODEL OF CONSULTATION FOR THE STATE THAT INCLUDES
QUALIFICATIONS FOR MENTAL HEALTH CONSULTANTS, JOB EXPECTATIONS,
EXPECTED OUTCOMES, AND GUIDANCE ON RATIOS BETWEEN MENTAL
HEALTH CONSULTANTS AND THE SETTINGS THEY SUPPORT, REFERRED TO
IN THIS SECTION AS "THE MODEL". THE MODEL MUST INCLUDE STANDARDS
AND GUIDELINES TO ENSURE THE PROGRAM IS IMPLEMENTED EFFECTIVELY,
WITH PRIMARY CONSIDERATION GIVEN TO EVIDENCE-BASED SERVICES. THE
STANDARDS AND GUIDELINES MUST INCLUDE:

(a) CLEAR QUALIFICATIONS FOR MENTAL HEALTH CONSULTANTS,
INCLUDING, AT A MINIMUM, EXPERTISE IN EARLY CHILDHOOD, CHILD
DEVELOPMENT, FAMILY SYSTEMS, AND MENTAL HEALTH SERVICES FOR
YOUNG CHILDREN; KNOWLEDGE OF CIRCUMSTANCES THAT AFFECT
CHILDREN'S BEHAVIOR AND MENTAL HEALTH; KNOWLEDGE OF
DEVELOPMENTAL SCIENCE AND MILESTONES; KNOWLEDGE OF A
CONSULTATIVE MODEL OF PRACTICE; AND AVAILABLE RESOURCES AND
SERVICES TO CHILDREN AND FAMILIES TO ALLEVIATE FAMILY STRESS;
(b) **Expectations for the Placement of Regional Consultants** That Will Most Effectively Meet Local Community Need for Mental Health Consultants. The Department shall, at least every three years, conduct an open and competitive selection process for the placement of any publicly funded mental health consultants.

(c) **Guidance Concerning the Scope of Work** That Mental Health Consultants May Provide to Professionals Working with Young Children and Families, Including Training, Coaching, Prevention, and Any Other Appropriate Services;

(d) **Methods To Increase the Availability of Bilingual or Multilingual** Mental Health Consultants and Otherwise Ensure the Cultural Competency of Mental Health Consultants;


(f) **Anticipated Outcomes** That the Program and Mental Health Consultants Should Achieve, Including:

(I) **Promoting Social-Emotional Growth and Development**
OF CHILDREN;

(II) PROVIDING GUIDANCE TO PROFESSIONALS AND CAREGIVERS ABOUT EFFECTIVE WAYS TO SUPPORT CHILDREN'S POSITIVE BEHAVIOR AND DEVELOPMENT;

(III) UNDERSTANDING THE EFFECTS OF TRAUMA AND ADVERSITY ON THE DEVELOPING BRAIN TO ULTIMATELY REDUCE CHALLENGING BEHAVIORS AND INCREASE POSITIVE EARLY EXPERIENCES;

(IV) PROMOTING HIGH QUALITY INTERACTIONS AND RELATIONSHIPS BETWEEN CHILDREN AND ADULTS;

(V) SUPPORTING THE MENTAL HEALTH AND WELL-BEING OF ADULTS WHO CARE FOR CHILDREN;

(VI) CONNECTING CHILDREN, FAMILIES, AND PROVIDERS TO PROGRAMS, RESOURCES, AND SUPPORTS THAT WILL ASSIST THEM IN THEIR DEVELOPMENT AND SUCCESS WHILE ADDRESSING BARRIERS TO ACCESSING SUCH RESOURCES AND SUPPORTS; AND

(g) GUIDANCE ON APPROPRIATE RATIOS OF MENTAL HEALTH CONSULTANTS AND THE SETTINGS THEY SUPPORT, AS WELL AS CASELOAD EXPECTATIONS.

26-6.5-404. Statewide professional development plan for early childhood mental health consultants. (1) ON OR BEFORE JULY 1, 2021, THE DEPARTMENT SHALL DEVELOP A STATEWIDE PROFESSIONAL DEVELOPMENT PLAN TO SUPPORT MENTAL HEALTH CONSULTANTS IN MEETING THE EXPECTATIONS SET FORTH IN THE MODEL OF CONSULTATION DESCRIBED IN SECTION 26-6.5-403, REFERRED TO IN THIS SECTION AS "THE PLAN". IN DEVELOPING THE PLAN, THE DEPARTMENT SHALL WORK COLLABORATIVELY, TO THE EXTENT PRACTICABLE, WITH THE NATIONAL CENTER OF EXCELLENCE FOR INFANT AND EARLY CHILDHOOD MENTAL
HEALTH CONSULTATION FUNDED BY THE UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES. THE DEPARTMENT MAY IMPLEMENT THE
PLAN IN PARTNERSHIP WITH NONPROFITS, INSTITUTIONS OF HIGHER
EDUCATION, AND CREDENTIALING PROGRAMS FOCUSED ON INFANT AND
EARLY CHILDHOOD MENTAL HEALTH.

(2) THE PLAN MUST INCLUDE, AT A MINIMUM, TRAINING RELATED
TO:

(a) TRAUMA AND TRAUMA-INFORMED PRACTICES;
(b) ADVERSE CHILDHOOD EXPERIENCES;
(c) RESILIENCE;
(d) CHILD DEVELOPMENT THROUGH EIGHT YEARS OF AGE;
(e) EFFECTS OF CAREGIVER SUBSTANCE ABUSE;
(f) SENSORY PROCESSING ISSUES;
(g) NEEDS OF CHILDREN WITH DISABILITIES, INCLUDING SPECIAL
EDUCATION LAW;
(h) COLORADO'S CHILD PROTECTION AND FOSTER CARE SYSTEM;
(i) OCCUPATIONAL THERAPY, SPEECH THERAPY, PHYSICAL
THERAPY, AND MENTAL HEALTH THERAPY;
(j) OTHER PUBLIC AND PRIVATE SUPPORTS AND SERVICES;
(k) EARLY CHILDHOOD SOCIAL-EMOTIONAL DEVELOPMENT AND
FAMILY SYSTEMS; AND
(l) CONSULTATION AS A MODEL OF ADULT LEARNING.

(3) THE PLAN MUST ALSO:

(a) ALLOW MENTAL HEALTH CONSULTANTS TO RECEIVE
REGIONALLY APPROPRIATE AND CULTURALLY RESPONSIVE PROGRAMS TO
BEST LINK THEM TO THE CHILDREN AND FAMILIES IN THEIR COMMUNITIES
AND THEIR UNIQUE NEEDS;
(b) Include strategies for mental health consultants to establish individualized coaching as requested by teachers, caregivers, and families; and

(c) Provide opportunities for regular support meetings between mental health consultants, supervisors, and peer mental health consultants.

26-6.5-405. Statewide certification process for early childhood mental health consultants - published list. On or before July 1, 2022, the department shall establish a statewide certification process for early childhood mental health consultants. The department shall publish, on a publicly accessible website, a list of certified mental health consultants who have voluntarily agreed to be on such list. The list must include ways various early childhood providers can readily access a certified mental health consultant. The list must also be available to entities that provide infrastructure and support for mental health consultants.

26-6.5-406. Data collection - reporting. (1) On or before July 1, 2022, the department shall develop a statewide data collection and information system to analyze implementation data and selected outcomes to identify areas for improvement, promote accountability, and provide insights to continually improve child outcomes. The data collection and information system, and any related processes, must place the least burden possible on the mental health consultants.

(2) Notwithstanding section 24-1-136 (11)(a)(I), the department shall, beginning in 2022 and continuing every two
YEARS THEREAFTER, IN ITS PRESENTATION TO THE JOINT BUDGET
COMMITTEE OF THE GENERAL ASSEMBLY, AS WELL AS ITS PRESENTATION
TO ITS COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO
SECTION 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR
ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
GOVERNMENT ACT" IN JANUARY 2026, REPORT ON THE FOLLOWING
ISSUES:

(a) A GAP ANALYSIS OF THE AVAILABLE NUMBER OF MENTAL
HEALTH CONSULTANTS AND THE UNMET NEED; AND

(b) IDENTIFIED ADJUSTMENTS TO BETTER MEET MENTAL HEALTH
CONSULTANT CASELOAD, WITH THE DEPARTMENT IDENTIFYING A TARGET
NUMBER OF NEEDED CONSULTANTS.

(3) ON OR BEFORE AUGUST 1, 2025, THE DEPARTMENT SHALL
CONTRACT WITH AN INDEPENDENT THIRD PARTY TO CONDUCT AN
EVALUATION, USING STANDARD EVALUATION MEASURES, OF THE
PROGRAM AND ITS IMPACT ON EARLY CHILDHOOD AND PROGRAM
OUTCOMES ACROSS THE STATE. THE DEPARTMENT SHALL PRESENT THE
RESULTS OF THE EVALUATION AS PART OF ITS PRESENTATION TO ITS
COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION
2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR ACCOUNTABLE,
RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" IN
JANUARY 2026.

26-6.5-407. Funding support. The Department of Human
SERVICES AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
SHALL EXPLORE FUNDING OPTIONS FOR THE PROGRAM AND GENERALLY
IMPROVING ACCESS TO MENTAL HEALTH CONSULTANTS, INCLUDING
ACCESSING VARIOUS FUNDING SOURCES, AS WELL AS THE CHILDREN'S
BASIC HEALTH PLAN, AS DEFINED IN ARTICLE 8 OF TITLE 25.5, AND
MEDICAID. THE TWO DEPARTMENTS SHALL REPORT, ON OR BEFORE
JANUARY 1, 2022, ON ANY SUCH OPTIONS TO THE JOINT BUDGET
COMMITTEE OF THE GENERAL ASSEMBLY AS NECESSARY THEREAFTER, IN
ACCORDANCE WITH THE PROVISIONS OF SECTION 24-1-136.

SECTION 2. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August
5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in
November 2020 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.