

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0900.01 Conrad Imel x2313

HOUSE BILL 21-1258

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

Buckner and Woodward,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING ESTABLISHING A TEMPORARY PROGRAM TO FACILITATE**
102 **YOUTH MENTAL HEALTH SERVICES IN RESPONSE TO IDENTIFIED**
103 **NEEDS, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **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 establishes a temporary youth mental health services program (program) in the office of behavioral health (office) within the department of human services to facilitate access to mental health

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.

SENATE
Amended 2nd Reading
June 2, 2021

HOUSE
3rd Reading Unamended
April 29, 2021

HOUSE
Amended 2nd Reading
April 28, 2021

services for youth to respond to identified mental health needs, including those needs that may have resulted from the COVID-19 pandemic. The program reimburses providers for up to 3 mental health sessions with a youth and may provide additional reimbursement subject to available money.

As soon as practicable, but no later than May 31, 2021, the department of human services is required to enter into an agreement with a vendor to create, or use an existing, website or web-based application as a portal available to youth and providers to facilitate the program.

The program is repealed, effective June 30, 2022.

The bill makes an appropriation.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The COVID-19 pandemic has put extraordinary stress on all
5 Coloradans, including young Coloradans who have experienced
6 enormous disruptions to school, social activities, and support networks,
7 resulting in increased isolation and, in many cases, new or exacerbated
8 instability, particularly as a result of a parent's loss of employment or
9 stable housing. Even before the pandemic, Colorado ranked in the bottom
10 half of states for prevalence of mental illness and access to care. In 2018,
11 Colorado had the seventh highest suicide rate in the nation, and suicide
12 is the leading cause of death among Colorado youth.

13 (b) Since the pandemic began, the Colorado crisis services hotline
14 has experienced a thirty percent increase in calls and texts, and Children's
15 Hospital Colorado has seen a ten percent increase in the number of kids
16 who visit the psychiatric emergency department due to thoughts of
17 suicide. As experts sound alarms about the state of youth mental health,
18 both now and looking into the future, the general assembly recognizes
19 that recovery from the pandemic will depend on youth having access to

1 mental health support, regardless of their ability to pay for it.

2 (c) For years, Colorado schools have been fundamentally
3 rethinking school safety by centering on the social, emotional, and mental
4 health needs of young people. In 2020 and 2021, teachers and school
5 counselors faced unprecedented burdens. As Colorado transitions beyond
6 the COVID-19 pandemic, the state's youth need the support of their
7 parents, families, communities, and mental health professionals beyond
8 school walls to address the pain, trauma, and loneliness they are
9 experiencing.

10 (d) Colorado's behavioral health blueprint identifies care
11 coordination as a significant challenge for many Coloradans. Providing
12 mental health sessions free of charge to youth across the state can help
13 break down barriers to access and create a sustainable community of care
14 and long-lasting relationships between youth and mental health
15 professionals.

16 (e) Recognizing disparities in access to mental health care by race,
17 neurodiversity, and geography, the general assembly finds it is essential
18 for mental health services programs to actively seek out providers who
19 reflect the diversity of Colorado's youth and for communities to help raise
20 awareness and disseminate information about mental health services,
21 especially to marginalized youth.

22 (2) Therefore, the general assembly declares that immediate action
23 is necessary to support the mental health of all Colorado youth by
24 facilitating access to a mental health screening and providing mental
25 health sessions free of charge to youth in order to respond to identified
26 mental health needs. In doing so, Colorado can build back stronger from
27 the pandemic and get closer to achieving the state's long-term behavioral

1 health reform goals.

2 **SECTION 2.** In Colorado Revised Statutes, **add** 27-60-108 as
3 follows:

4 **27-60-108. Temporary youth mental health services program**
5 **- established - rules - report - definitions - repeal.** (1) AS USED IN THIS
6 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "PORTAL" MEANS THE WEBSITE OR WEB-BASED APPLICATION
8 DESCRIBED IN SUBSECTION (4) OF THIS SECTION THAT FACILITATES THE
9 PROGRAM.

10 (b) "PROGRAM" MEANS THE TEMPORARY YOUTH MENTAL HEALTH
11 SERVICES PROGRAM ESTABLISHED IN THIS SECTION.

12 (c) "PROVIDER" MEANS A LICENSED PSYCHIATRIST REGULATED
13 PURSUANT TO ARTICLE 240 OF TITLE 12 OR ANY OF THE FOLLOWING
14 LICENSEES, CERTIFIED PROFESSIONALS, OR CANDIDATES REGULATED
15 PURSUANT TO ARTICLE 245 OF TITLE 12: A LICENSED PSYCHOLOGIST OR
16 PSYCHOLOGIST CANDIDATE; LICENSED SOCIAL WORKER, LICENSED
17 CLINICAL SOCIAL WORKER, OR CLINICAL SOCIAL WORKER CANDIDATE;
18 LICENSED MARRIAGE AND FAMILY THERAPIST OR MARRIAGE AND FAMILY
19 THERAPIST CANDIDATE; LICENSED PROFESSIONAL COUNSELOR OR
20 LICENSED PROFESSIONAL COUNSELOR CANDIDATE; OR LICENSED
21 ADDICTION COUNSELOR, CERTIFIED ADDICTION SPECIALIST, OR ADDICTION
22 COUNSELOR CANDIDATE.

23 (d) "TELEHEALTH" HAS THE SAME MEANING SET FORTH IN SECTION
24 10-16-123.

25 (e) "YOUTH" MEANS:

26 (I) A PERSON EIGHTEEN YEARS OF AGE OR YOUNGER; AND

27 (II) A PERSON WHO IS TWENTY-ONE YEARS OF AGE OR YOUNGER

1 BUT OLDER THAN EIGHTEEN YEARS OF AGE WHO IS RECEIVING SPECIAL
2 EDUCATION SERVICES PURSUANT TO PART 1 OF ARTICLE 20 OF TITLE 22.

3 (2) (a) THERE IS ESTABLISHED IN THE OFFICE THE TEMPORARY
4 YOUTH MENTAL HEALTH SERVICES PROGRAM TO FACILITATE ACCESS TO
5 MENTAL HEALTH SERVICES, INCLUDING SUBSTANCE USE DISORDER
6 SERVICES, FOR YOUTH TO RESPOND TO MENTAL HEALTH NEEDS IDENTIFIED
7 IN AN INITIAL MENTAL HEALTH SCREENING THROUGH THE PORTAL,
8 INCLUDING THOSE NEEDS THAT MAY HAVE RESULTED FROM THE
9 COVID-19 PANDEMIC. THE PROGRAM REIMBURSES PROVIDERS FOR UP TO
10 THREE MENTAL HEALTH SESSIONS WITH A YOUTH.

11 (b) THE OFFICE SHALL REIMBURSE PROVIDERS WHO PARTICIPATE
12 IN THE PROGRAM FOR █ EACH MENTAL HEALTH SESSION WITH A YOUTH,
13 EITHER IN-PERSON OR BY TELEHEALTH, UP TO A MAXIMUM OF THREE
14 SESSIONS PER YOUTH CLIENT; EXCEPT THAT SUBJECT TO AVAILABLE
15 MONEY, THE STATE DEPARTMENT MAY REIMBURSE A PROVIDER FOR
16 ADDITIONAL SESSIONS. TO BE ELIGIBLE FOR REIMBURSEMENT FROM THE
17 PROGRAM, A PROVIDER MUST BE AVAILABLE TO PROVIDE THREE MENTAL
18 HEALTH SESSIONS TO EACH YOUTH THE PROVIDER ACCEPTS AS A CLIENT.

19 (c) A PROVIDER SHALL MAINTAIN CLIENT CONFIDENTIALITY
20 PURSUANT TO STATE OR FEDERAL LAW WITH REGARD TO A YOUTH CLIENT
21 WHO PARTICIPATES IN A MENTAL HEALTH SESSION WITH THE PROVIDER
22 THAT IS REIMBURSED PURSUANT TO THE PROGRAM.

23 (3) (a) THE OFFICE SHALL:

24 (I) DEVELOP A PROCESS CONSISTENT WITH THE REQUIREMENTS OF
25 THIS SECTION FOR PROVIDERS TO APPLY FOR, AND DEMONSTRATE
26 ELIGIBILITY TO RECEIVE, REIMBURSEMENT FROM THE PROGRAM;

27 (II) DETERMINE A REASONABLE RATE OF REIMBURSEMENT FOR

1 EACH MENTAL HEALTH SESSION WITH A YOUTH CLIENT PURSUANT TO THE
2 PROGRAM, WHICH RATE MUST BE THE SAME REGARDLESS OF WHETHER THE
3 APPOINTMENT IS A TELEHEALTH OR IN-PERSON APPOINTMENT; AND

4 (III) IMPLEMENT A STATEWIDE PUBLIC AWARENESS AND OUTREACH
5 CAMPAIGN ABOUT THE PROGRAM. THE GENERAL ASSEMBLY ENCOURAGES
6 THE OFFICE TO INVOLVE SCHOOLS, NEIGHBORHOOD YOUTH
7 ORGANIZATIONS, HEALTH-CARE PROVIDERS, FAITH-BASED
8 ORGANIZATIONS, AND ANY OTHER COMMUNITY-BASED ORGANIZATIONS
9 THAT INTERACT WITH YOUTH ON THE LOCAL LEVEL IN DISSEMINATING
10 INFORMATION ABOUT THE PROGRAM.

11 (b) THE STATE DEPARTMENT MAY PROMULGATE RULES NECESSARY
12 FOR THE ADMINISTRATION OF THIS SECTION, INCLUDING RULES TO PROTECT
13 THE PRIVACY OF YOUTH WHO RECEIVE SERVICES THROUGH THE PROGRAM.

14 (4) (a) AS SOON AS PRACTICABLE, BUT NO LATER THAN AUGUST 1,
15 2021, THE STATE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH
16 A VENDOR TO CREATE, OR USE AN EXISTING, WEBSITE OR WEB-BASED
17 APPLICATION AS A PORTAL AVAILABLE TO YOUTH AND PROVIDERS TO
18 FACILITATE THE PROGRAM. THE PORTAL MUST:

19 (I) SERVE AS A PLATFORM FOR INITIAL AGE-APPROPRIATE MENTAL
20 HEALTH SCREENINGS TO DETERMINE IF A YOUTH MAY BENEFIT FROM
21 MENTAL HEALTH SUPPORT;

22 (II) ALLOW PROVIDERS TO REGISTER AND SHARE IN-PERSON OR
23 TELEHEALTH APPOINTMENT AVAILABILITY;

24 (III) WHEN POSSIBLE, CONNECT YOUTH WITH PROVIDERS WHO
25 ACCEPT THE YOUTH'S INSURANCE OR PAYMENT SOURCE THAT MAY COVER
26 THE COSTS OF ONGOING MENTAL HEALTH TREATMENT, IF THE YOUTH HAS
27 INSURANCE OR A PAYMENT SOURCE; AND

1 (IV) ALLOW A YOUTH, REGARDLESS OF WHETHER THE YOUTH HAS
2 INSURANCE OR ANY OTHER PAYMENT SOURCE, TO SCHEDULE
3 TELEHEALTH APPOINTMENTS WITH A PROVIDER. AN IN-PERSON
4 APPOINTMENT MAY BE PROVIDED IF AND WHEN AVAILABLE.

5 (b) THE SELECTION OF A VENDOR PURSUANT TO THIS SUBSECTION
6 (4) IS EXEMPT FROM THE REQUIREMENTS OF THE PROCUREMENT CODE,
7 ARTICLES 101 TO 112 OF TITLE 24.

8 (5) ON OR BEFORE JANUARY 1, 2022, AND ON OR BEFORE JUNE 30,
9 2022, THE STATE DEPARTMENT SHALL REPORT TO THE HOUSE OF
10 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
11 SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES
12 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, REGARDING THE NUMBER
13 OF YOUTH WHO RECEIVED SERVICES UNDER THE PROGRAM, EXCLUDING
14 ANY PERSONALLY IDENTIFIABLE INFORMATION IN ACCORDANCE WITH
15 STATE AND FEDERAL LAW; INFORMATION IN AGGREGATE ABOUT THE
16 SERVICES PROVIDED TO YOUTH UNDER THE PROGRAM; AND OTHER
17 RELEVANT INFORMATION REGARDING THE PROGRAM.

18 (6) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2022.

19 **SECTION 3. Appropriation.** For the 2020-21 state fiscal year,
20 \$9,000,000 is appropriated to the department of human services for use
21 by the office of behavioral health. This appropriation is from the general
22 fund. To implement this act, the office may use this appropriation for the
23 temporary youth mental health services program. Any money
24 appropriated in this section not expended prior to July 1, 2021, is further
25 appropriated to the office for the 2021-22 state fiscal year for the same
26 purpose.

27 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.