

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0175.01 Shelby Ross x4510

SENATE BILL 24-117

SENATE SPONSORSHIP

Cutter,

HOUSE SPONSORSHIP

deGruy Kennedy,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING PROTECTIONS FOR INDIVIDUALS WITH AN EATING
102 DISORDER, AND, IN CONNECTION THEREWITH, REQUIRING AN
103 EATING DISORDER TREATMENT AND RECOVERY FACILITY TO
104 HOLD AN APPROPRIATE DESIGNATION AND REQUIRING THE
105 BEHAVIORAL HEALTH ADMINISTRATION TO REGULATE THE USE
106 OF INVOLUNTARY FEEDING TUBES.

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>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

No later than July 1, 2025, the bill requires the behavioral health administration (BHA) to require all eating disorder treatment and recovery facilities (treatment facility) to hold an appropriate designation based on the level of care the treatment facility provides. Licensed clinicians who are not facility-based and offer behavioral health therapy on an outpatient basis are not required to hold a designation.

The bill directs the state board of human services to promulgate rules for treatment facilities.

The bill requires the BHA to promulgate rules concerning involuntary feeding tubes for individuals with an eating disorder.

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

SECTION 1. In Colorado Revised Statutes, **add** article 65.5 to title 27 as follows:

ARTICLE 65.5

Eating Disorder Treatment and Recovery Facilities

27-65.5-101. Eating disorder treatment and recovery facilities

- rules. (1) NO LATER THAN JULY 1, 2025, THE BEHAVIORAL HEALTH ADMINISTRATION, ESTABLISHED IN SECTION 27-50-102, SHALL REQUIRE ALL EATING DISORDER TREATMENT AND RECOVERY FACILITIES TO HOLD AN APPROPRIATE DESIGNATION BASED ON THE LEVEL OF CARE THE FACILITY PROVIDES, INCLUDING FACILITIES THAT OFFER INTENSIVE OUTPATIENT TREATMENT, PARTIAL HOSPITALIZATION, RESIDENTIAL PROGRAMS, AND INPATIENT PROGRAMS. LICENSED CLINICIANS WHO ARE NOT FACILITY-BASED AND OFFER BEHAVIORAL HEALTH THERAPY TO INDIVIDUALS WITH AN EATING DISORDER ON AN OUTPATIENT BASIS ARE NOT REQUIRED TO HOLD A DESIGNATION.

(2) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES FOR EATING DISORDER TREATMENT AND RECOVERY FACILITIES THAT MUST:

(a) ALLOW A PATIENT TO REQUEST AND HAVE ACCESS TO ANY

1 MEDICAL EXAMINATION, INCLUDING A WEIGH-IN, WITHOUT OTHER
2 PATIENTS PRESENT IN THE SAME ROOM;

3 (b) PROHIBIT A TREATMENT FACILITY FROM REQUIRING THAT A
4 PATIENT REMOVE ALL CLOTHING DURING A WEIGH-IN WITHOUT PROVIDING
5 CLOTHING THAT SUFFICIENTLY PROVIDES PRIVACY AND COVERS THE
6 PATIENT'S BODY;

7 (c) PROHIBIT A TREATMENT FACILITY FROM REQUIRING THAT A
8 PATIENT PERFORM PHYSICAL EXERCISES DURING A WEIGH-IN, UNLESS THE
9 TREATMENT PROVIDER HAS SUFFICIENT CAUSE TO BELIEVE THAT THE
10 PATIENT WOULD BE AT RISK OF HARM, AT WHICH POINT THE TREATMENT
11 PROVIDER SHALL DOCUMENT THE NEED FOR FURTHER INVESTIGATION IN
12 THE PATIENT'S MEDICAL RECORD AND ASK THE PATIENT TO PERFORM ANY
13 PHYSICAL EXERCISE IN A LOCATION WITH SUFFICIENT PRIVACY AND IN A
14 WAY THAT PRESERVES THE PATIENT'S DIGNITY TO THE GREATEST EXTENT
15 POSSIBLE;

16 (d) REQUIRE A TREATMENT FACILITY TO PROVIDE GENDER
17 NONCONFORMING AND TRANSGENDER PATIENTS WITH THE SAME
18 RESTROOM POLICIES PROVIDED FOR CISGENDER PATIENTS;

19 (e) PROHIBIT A TREATMENT FACILITY FROM REQUIRING THAT
20 PATIENTS SHARE A SINGLE STALL WITH A STAFF MEMBER OR ANOTHER
21 PATIENT WHILE USING THE RESTROOM;

22 (f) REQUIRE A TREATMENT FACILITY'S POLICIES TO RESPECT AND
23 ACCOMMODATE A PATIENT'S SEXUAL ORIENTATION, GENDER IDENTITY,
24 RELIGION, AND PERSONAL DIETARY ETHICS;

25 (g) REQUIRE THE PRESENCE OF APPROPRIATE AND QUALIFIED STAFF
26 TO TREAT A PATIENT AT ALL TIMES, INCLUDING DURING WEIGH-INS,
27 RESTROOM TIME, VITAL SIGN CHECKS, AND BEHAVIORAL HEALTH

1 TREATMENT AND GROUP THERAPY. IF A STAFF MEMBER PERFORMS
2 MULTIPLE FUNCTIONS AT A TREATMENT FACILITY, THE RULES MUST
3 ENSURE PROVIDERS PRESERVE AND PRIORITIZE THE THERAPEUTIC
4 RELATIONSHIP BETWEEN THE STAFF MEMBER AND PATIENT.

5 (h) ADDRESS THE USE OF RESTRAINTS AND RESTRICTION OF A
6 PATIENT'S ALLOWED BODILY MOVEMENT. THE RULES MUST ENSURE THAT
7 RESTRICTION OF MOVEMENT IS NEVER USED AS A FORM OF PUNISHMENT
8 AND THAT PATIENTS ARE PERMITTED A MINIMUM AMOUNT OF PHYSICAL
9 ACTIVITY PER DAY AS CLINICALLY APPROPRIATE.

10 (i) ADDRESS THE USE OF BED-BASED OR ROOM-BASED CARE,
11 ENSURING THESE PRACTICES ARE USED AS A LAST RESORT AND THAT STAFF
12 MEANINGFULLY ENGAGE PATIENTS TO AVOID THESE RESTRICTIVE
13 MEASURES;

14 (j) REQUIRE A TREATMENT FACILITY TO IMPLEMENT A
15 TRAUMA-INFORMED TREATMENT FRAMEWORK; AND

16 (k) ESTABLISH THE MINIMUM RIGHTS EACH PATIENT IS ENTITLED
17 TO AT A TREATMENT FACILITY AND REQUIRING THAT PATIENT RIGHTS BE
18 PUBLICLY POSTED AND PROVIDED TO EACH PATIENT ELECTRONICALLY AND
19 IN WRITING. IN ADDITION, THE FORMAL GRIEVANCE PROCESS FOR A
20 PATIENT TO FILE A COMPLAINT AGAINST THE TREATMENT FACILITY
21 THROUGH THE BEHAVIORAL HEALTH ADMINISTRATION FOR AN ALLEGED
22 VIOLATION OF THE PATIENT'S RIGHTS MUST BE PUBLICLY POSTED AND
23 PROVIDED TO EACH PATIENT ELECTRONICALLY AND IN WRITING.

24 **SECTION 2.** In Colorado Revised Statutes, **amend** 27-65-128 as
25 follows:

26 **27-65-128. Administration - rules.** The BHA shall promulgate
27 any rules and develop and distribute any applications or forms necessary

1 to consistently enforce the provisions of this article 65, INCLUDING RULES
2 CONCERNING INVOLUNTARY FEEDING TUBES FOR INDIVIDUALS WITH AN
3 EATING DISORDER. The BHA shall proactively train providers, facilities,
4 counties, judges, magistrates, intervening professionals, and certified
5 peace officers on the procedures under this article 65, which training must
6 include an understanding of the criteria for invoking an emergency mental
7 health hold pursuant to section 27-65-106, the definition of "gravely
8 disabled" and how a person who is gravely disabled may present
9 physically and psychiatrically, and suggested templates and resources to
10 be used by facilities to meet the requirements of section 27-65-106
11 (8)(a)(III) and (8)(a)(VII).

12 **SECTION 3. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.