

CHAPTER 488

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 24-1384

BY REPRESENTATIVE(S) Bird and Sirota, Taggart, Armagost, Bacon, Boesenecker, Brown, Catlin, Daugherty, Duran, Garcia, Hamrick, Jodeh, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Marshall, Ricks, Rutinel, Snyder, Story, Titone, Woodrow, Young;

also SENATOR(S) Zenzinger and Kirkmeyer, Bridges, Buckner, Cutter, Exum, Ginal, Gonzales, Hinrichsen, Jaquez Lewis, Michaelson Jenet, Mullica, Priola, Simpson, Will.

AN ACT**CONCERNING APPLYING FOR FEDERAL GRANTS RELATED TO CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS.**

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

SECTION 1. In Colorado Revised Statutes, **add** 25.5-4-403.2 as follows:

25.5-4-403.2. Certified community behavioral health clinic - application.

(1) (a) ~~NO LATER THAN FEBRUARY 1, 2025,~~ THE STATE DEPARTMENT, IN COLLABORATION WITH THE BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES, SHALL:

(I) SUBMIT AN APPLICATION TO THE FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION FOR A CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC DEMONSTRATION PLANNING GRANT. THE GRANT APPLICATION MUST:

(A) ADDRESS THE FEEDBACK THE STATE DEPARTMENT RECEIVED FROM THE FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION AFTER THE STATE DEPARTMENT'S PREVIOUS GRANT APPLICATION, INCLUDING HOW THE STATE WILL ESTABLISH A PROSPECTIVE PAYMENT SYSTEM RATE FOR BEHAVIORAL HEALTH SERVICES PROVIDED BY CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS IN ACCORDANCE WITH THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID GUIDANCE;

(B) BE STRUCTURED IN ACCORDANCE WITH THE DEMONSTRATION PROGRAM

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.

ESTABLISHED BY SECTION 223 OF THE FEDERAL "PROTECTING ACCESS TO MEDICAID ACT OF 2014", 42 U.S.C. SEC. 1396a; AND

(C) BE DEVELOPED IN COLLABORATION WITH STAKEHOLDERS INCLUDING PROVIDERS, CONSUMER ADVOCATES, COUNTY REPRESENTATIVES, STATE AGENCIES, AND OTHER INTERESTED PARTIES IDENTIFIED BY THE STATE DEPARTMENT; AND

(II) SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE ON THE STATUS OF THE GRANT APPLICATION DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION.

(b) IN DEVELOPING THE GRANT APPLICATION, THE STATE DEPARTMENT AND THE BEHAVIORAL HEALTH ADMINISTRATION SHALL CONDUCT A ROBUST STAKEHOLDER ENGAGEMENT PROCESS WITH COMMUNITY PARTNERS AND DEMONSTRATE THAT THE DEMONSTRATION PLANNING GRANT IS IN THE BEST INTEREST OF THE STATE BY ENSURING THE FOLLOWING ITEMS ARE ADDRESSED IN THE DEMONSTRATION PLANNING GRANT:

(I) THE REQUIREMENT TO SERVE PRIORITY POPULATIONS, AS DEFINED IN SECTION 27-50-101;

(II) THE PROVISION OF BEHAVIORAL HEALTH SAFETY NET SERVICES, AS DEFINED IN SECTION 27-50-101;

(III) THE REQUIREMENT FOR A CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC TO SERVE ALL POPULATIONS REGARDLESS OF AN INDIVIDUAL'S CONDITION OR ABILITY TO PAY FOR SERVICES, AS DESCRIBED IN SECTION 27-50-301;

(IV) PEER SUPPORTS AND PEER COUNSELING;

(V) THE REQUIREMENT FOR INCORPORATING MEANINGFUL PARTICIPATION FROM INDIVIDUALS WITH LIVED EXPERIENCE OF A MENTAL HEALTH DISORDER OR SUBSTANCE USE DISORDER AND THE INDIVIDUAL'S FAMILY MEMBERS, INCLUDING YOUTH, IN ALL ASPECTS OF THE DECISION-MAKING PROCESS;

(VI) QUALITY AND REPORTING REQUIREMENTS, INCLUDING ENSURING THE STATE IS NOT LIMITED TO CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC OUTCOME OR REPORTING REQUIREMENTS ALONE;

(VII) THE AVAILABILITY OF CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC CERTIFICATION FOR ANY BEHAVIORAL HEALTH ENTITY THAT IS DESIGNATED BY THE BEHAVIORAL HEALTH ADMINISTRATION AS A COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDER OR ESSENTIAL COMMUNITY BEHAVIORAL HEALTH PROVIDER AND WHICH MEETS THE FEDERAL REQUIREMENTS;

(VIII) A LACK OF GEOGRAPHIC LIMITATION ON THE NUMBER OF CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS IN A REGION;

(IX) ASSURANCE THAT CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC CRISIS SERVICES ARE DELIVERED WITHIN THE PARAMETER OF COLORADO'S STATEWIDE CRISIS RESPONSE SYSTEM, THAT ANY CRISIS SERVICES DELIVERED BY THE CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC ARE ALIGNED WITH THE

SERVICES PROVIDED THROUGH THE STATEWIDE CRISIS RESPONSE SYSTEM, AND THAT SERVICES DO NOT DUPLICATE OR IMPEDE SERVICES PROVIDED THROUGH THE STATEWIDE CRISIS RESPONSE SYSTEM;

(X) NO NEGATIVE IMPACT ON RURAL ACCESS, AS WELL AS ENSURING CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS WILL NOT REDUCE OTHER AGENCIES' ABILITY TO PROVIDE BEHAVIORAL HEALTH SAFETY NET SERVICES IN THE STATE; AND

(XI) THAT THE STATE DEPARTMENT HAS THE ABILITY TO IMPLEMENT FINANCIAL ACCOUNTABILITY STANDARDS FOR PROVIDERS.

(c) THE STATE DEPARTMENT AND BEHAVIORAL HEALTH ADMINISTRATION SHALL WORK WITH THE JOINT BUDGET COMMITTEE TO DETERMINE HOW TO PROCEED WITH THE GRANT IF, DURING THE GRANT APPLICATION PROCESS, THERE ARE SUBSTANTIAL CHANGES TO FEDERAL FUNDING THAT WOULD NEGATIVELY AFFECT THE STATE OF COLORADO.

(2) IF THE STATE DEPARTMENT IS AWARDED THE CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC DEMONSTRATION PLANNING GRANT AFTER APPLYING PURSUANT TO SECTION 25.5-4-403.2, THE STATE DEPARTMENT SHALL COMPLY WITH ALL NECESSARY GUIDELINES ESTABLISHED BY THE FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION FOR A CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC GRANT AWARDEE.

(3) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2026.

SECTION 2. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: June 7, 2024