

Behavioral Health Transformational Task Force  
August 17, 2021

Senate Bill 21-137

SB21-137 directed the executive committee to create a task force to meet this interim to create a report and make recommendations to the general assembly concerning policies to create transformational change in the area of behavioral health using money the state received from the federal "American Rescue Plan Act of 2021". The task force is not subject to Joint Rule 24A and does not have the authority to introduce committee bills.

SB21-137 also created the behavioral and mental health cash fund and the general assembly appropriated \$550 million dollars to this fund from the American rescue plan cash fund. There is roughly \$450 million dollars that has not been appropriated. To respond to the public health emergency with respect to COVID-19 or its negative economic impacts, the general assembly may appropriate money from the fund to a department for mental health treatment, substance misuse treatment, and other behavioral health services.

Money in the fund must be obligated by December 31, 2024 and must be expended by December 31, 2026. If the money is not obligated and expended by these dates, it will revert back to the American Rescue Plan Act of 2021 cash fund and then transferred to the unemployment compensation fund.

SB21-137 allows for use of the money to created transformational change in the area of behavioral health.

Federal guidance (interim final rule):

The interim final rule identifies a non-exclusive list of eligible uses of funding to respond to the COVID-19 public health emergency, one of which is behavioral health.

Specifically, the interim final rule states that new or enhanced State, local, and Tribal government services may be needed to meet behavioral health needs exacerbated by the pandemic and respond to other public health impacts. These services include mental health treatment, substance misuse treatment, other behavioral health services, hotlines or warmlines, crisis intervention, overdose prevention, infectious disease prevention, and services or outreach to promote access to physical or behavioral health primary care and preventive medicine.

Treasury Department FAQs: There is one question in the FAQs from the Treasury department that gives a little bit more information. In response to the question:

How can the money be used to prevent and respond to crime and support public safety?

The Treasury department responded:

Recognizing that the pandemic exacerbated mental health and substance use disorder needs in many communities, eligible public health services include mental health and other behavioral health services, which are a critical component of a holistic public safety approach. This could include:

- \* Mental health services and substance use disorder services, including for individuals experiencing trauma exacerbated by the pandemic, such as:
- \* Community-based mental health and substance use disorder programs that deliver evidence-based psychotherapy, crisis support services, medications for opioid use disorder, and/or recovery support
- \* School-based social-emotional support and other mental health services
- \* Referrals to trauma recovery services for crime victims.

Conclusion:

SB137, the federal interim final rule, and guidance from the Treasury department give this Task Force a lot of leeway to tackle behavioral health transformation. The list in the rule is likely not exhaustive as long as the task force is making recommendations that are needed to meet behavioral health needs exacerbated by the pandemic and respond to other public health impacts. It is however important to keep the 12/24 and 12/26 deadlines in mind as to when the money must be obligated and spent.