

MHDCJS Mental Health Hold Subcommittee Recommendation 1:

Under C.R.S. 27-65, the responsibility for facilities designated by the Office of Behavioral Health (OBH) to provide emergency-level mental health care is outlined. A 72-hour mental health hold (MHH) is often the important, initial step in evaluating a Colorado citizen who is experiencing a mental health emergency. From there, such a person can access higher levels of care, such as hospital admission, and earn the chance for long-term stability and safety. Such individuals may also achieve a level of care and support that enables them to avoid entanglement in the criminal justice system, an adverse outcome that serves no one well and incurs unnecessary costs to the State, a process also known as “criminalization of persons with serious mental illness”.

Criminalization can be reversed in many possible ways. One is with the expansion of Assertive Community Treatment (ACT) teams that utilize Assisted Outpatient Commitment (AOT). AOT can be a logical endpoint for people being evaluated for MHHs. But because of an inconsistency in CCR 502-1, Colorado currently limits the potential benefits of AOT to the State’s 17 community mental health **centers**:

21.120.3 FACILITIES DESIGNATED TO PROVIDE MENTAL HEALTH SERVICES [Eff. 11/1/16] Facilities designated to provide mental health services **may be**:

- A. A general or psychiatric hospital licensed or certified by the Colorado Department of Public Health and Environment;
- B. A community mental health center Licensed by the Colorado Department of Public Health and Environment or a community mental health **clinic**;
- C. An acute treatment unit licensed by the Colorado Department of Public Health and Environment;
- D. A crisis stabilization unit, licensed as an acute treatment unit or as a community clinic by the Colorado Department of Public Health and Environment; or,
- E. A residential child care facility licensed by the Colorado Department of Human Services, Division of Child Welfare.

Applicant facilities shall identify any parent organization ultimately responsible for their operation

21.120.32 Mental Health Services Pursuant to Title 27, Article 65, C.R.S., Care and Treatment of Persons with Mental Illness Designations [Eff. 5/1/16]

- A. A facility meeting the criteria in Section 21.120.3, **excluding community mental health clinics**, may apply to the Department to become designated to provide any or all of the following services:
- 1. Seventy-two (72) hour treatment and evaluation;
 - 2. Short-term treatment; or,
 - 3. Long-term treatment.

Mental Health clinics are defined as:

“Community Mental Health Clinic” means a health institution planned, organized, operated, and maintained to provide basic community services for the prevention, diagnosis, and treatment of emotional or mental disorders, such services being rendered primarily on an outpatient and consultative basis.

Three outpatient mental health treatment entities in Colorado, to our knowledge, are currently seeking, or are interested in obtaining, outpatient 27-65-designation from OBH in the hope of expanding the State’s capabilities and capacity to provide this level of care and help reverse the criminalization of persons with serious mental illness. The discrepancy in wording of CCR 502-1 prohibits them from doing so, as they are categorized as “clinics”, not “centers”.

***The MHDCJS Mental Health Hold Subcommittee recommends that the words, “excluding community mental health clinics” (21.120.32 A) be stricken.**