

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVES Young and Pelton

1 Amend the Public and Behavioral Health and Human Services Committee
2 Report, dated March 29, 2022, page 21, strike line 3 and substitute:

3 **""SECTION 213.** In Colorado Revised Statutes, 25-1.5-103, **add**
4 **(1)(a)(I)(A.5)** as follows:

5 **25-1.5-103. Health facilities - powers and duties of department**
6 **- limitations on rules promulgated by department - definitions -**
7 **repeal.** (1) The department has, in addition to all other powers and duties
8 imposed upon it by law, the powers and duties provided in this section as
9 follows:

10 (a) (I) (A.5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION
11 (1)(a)(I)(A) OF THIS SECTION, AFTER JUNE 30, 2023, THE DEPARTMENT
12 SHALL NOT ISSUE A LICENSE TO A COMMUNITY MENTAL HEALTH CENTER,
13 AN ACUTE TREATMENT UNIT, OR BEHAVIORAL HEALTH ENTITIES. PRIOR TO
14 THE EXPIRATION OF ANY LICENSE ISSUED BY THE DEPARTMENT TO SUCH AN
15 ENTITY, THE ENTITY SHALL APPLY TO THE BEHAVIORAL HEALTH
16 ADMINISTRATION PURSUANT TO PART 5 OF ARTICLE 50 OF TITLE 27. THIS
17 SUBSECTION (1)(a)(I)(A.5) IS REPEALED, EFFECTIVE JULY 1, 2024.

18 **SECTION 214.** In Colorado Revised Statutes, 27-66-101,".

19 Renumber succeeding sections accordingly.

20 Page 22, after line 41 insert:

21 **"SECTION 216.** In Colorado Revised Statutes, 12-280-135,
22 **amend** (1)(b) as follows:

23 **12-280-135. Unused medication - licensed facilities -**
24 **correctional facilities - reuse - definitions - rules.** (1) As used in this
25 section, unless the context otherwise requires:

26 (b) "Licensed facility" means a hospital, hospital unit, ~~community~~
27 ~~mental health center, acute treatment unit~~ BEHAVIORAL HEALTH SAFETY
28 NET PROVIDER, hospice, nursing care facility, assisted living residence, or
29 any other facility that is required to be licensed pursuant to section
30 25-3-101, or a licensed long-term care facility as defined in section
31 25-1-124 (2.5)(b).

32 **SECTION 217.** In Colorado Revised Statutes, 13-21-117, **amend**
33 **(1)(a)** as follows:

34 **13-21-117. Civil liability - mental health providers - duty to**
35 **warn - definitions.** (1) As used in this section, unless the context
36 otherwise requires:

1 (a) "Mental health provider" means a physician, social worker,
2 psychiatric nurse, psychologist, or other mental health professional, or a
3 mental health hospital, ~~community mental health center or clinic~~
4 BEHAVIORAL HEALTH ENTITY, institution, or their staff.

5 **SECTION 218.** In Colorado Revised Statutes, **amend**
6 13-64-303.5 as follows:

7 **13-64-303.5. Exclusion - mental health- care facilities.** The
8 provisions of section 13-64-301 do not apply to any outpatient mental
9 health-care facility, including ~~but not limited to a community mental~~
10 ~~health center or clinic~~ A BEHAVIORAL HEALTH SAFETY NET PROVIDER, and
11 to any extended care facility or hospice with sixteen or fewer inpatient
12 beds, including ~~but not limited to~~ nursing homes or rehabilitation
13 facilities. The department of public health and environment shall by rule
14 establish financial responsibility standards ~~which~~ THAT are less than those
15 prescribed in this section for classes of health-care institutions ~~which~~
16 THAT have less risk of exposure to medical malpractice claims or for
17 other reasons that render the limits provided in section 13-64-301 (1)(b)
18 unreasonable or unattainable.

19 **SECTION 219.** In Colorado Revised Statutes, 14-15-107, **amend**
20 (5)(n) as follows:

21 **14-15-107. Rights, benefits, protections, duties, obligations,**
22 **responsibilities, and other incidents of parties to a civil union.**
23 (5) Rights, benefits, protections, duties, obligations, responsibilities, and
24 other incidents under law as are granted to or imposed upon spouses, that
25 apply in like manner to parties to a civil union under this section, include
26 but are not limited to:

27 (n) Laws or rules regarding the right to visit a partner who is in a
28 correctional facility, as defined in section 17-1-102 (1.7), a local jail, as
29 defined in section 17-1-102 (7), or a private contract prison, as defined in
30 section 17-1-102 (7.3), or who is receiving treatment in a public hospital
31 or a licensed private hospital, clinic, ~~community mental health center or~~
32 ~~clinic, or acute treatment unit~~ BEHAVIORAL HEALTH SAFETY NET
33 PROVIDER, or institution that provides treatment for a person with a
34 behavioral or mental health disorder;

35 **SECTION 220.** In Colorado Revised Statutes, 16-8-115, **amend**
36 (3)(b) and (3)(e) as follows:

37 **16-8-115. Release from commitment after verdict of not guilty**
38 **by reason of insanity or not guilty by reason of impaired mental**
39 **condition.** (3) (b) When a defendant is conditionally released, the chief
40 officer of the institution in which the defendant is committed shall
41 forthwith give written notice of the terms and conditions of such release
42 to the executive director of the department of human services and to the
43 director of any ~~community mental health center which~~ BEHAVIORAL

1 HEALTH SAFETY NET PROVIDER THAT may be charged with continued
2 treatment of the defendant. The director of such ~~mental health center~~
3 BEHAVIORAL HEALTH SAFETY NET PROVIDER, shall make written reports
4 every three months to the executive director of the department of human
5 services and to the district attorney for the judicial district where the
6 defendant was committed and to the district attorney for any judicial
7 district where the defendant may be required to receive treatment
8 concerning the treatment and status of the defendant. Such reports shall
9 include all known violations of the terms and conditions of the
10 defendant's release and any changes in the defendant's mental status
11 ~~which~~ THAT would indicate that the defendant has become ineligible to
12 remain on conditional release as defined in section 16-8-102 (4.5).

13 (e) As long as the defendant is granted conditional release and is
14 subject to the provisions thereof, there shall be free transmission of all
15 information, including clinical information regarding the defendant,
16 among the department of human services, the appropriate ~~community~~
17 ~~mental health centers~~ BEHAVIORAL HEALTH SAFETY NET PROVIDERS, and
18 appropriate district attorneys, law enforcement, and court personnel.

19 **SECTION 221.** In Colorado Revised Statutes, 16-11.9-203,
20 **amend** (5) introductory portion as follows:

21 **16-11.9-203. Statewide behavioral health court liaison**
22 **program - established - purpose - administration.** (5) Each judicial
23 district shall use allocated program money to partner with community
24 mental health providers ~~such as a community mental health center~~; that
25 are able to provide a continuum of community-based behavioral health
26 services in their region to accomplish the program goals set forth in
27 subsections (1) and (2) of this section. Program money may be used for
28 the purposes established by the state court administrator pursuant to
29 subsection (3) of this section, including but not limited to:

30 **SECTION 222.** In Colorado Revised Statutes, 16-11.9-204,
31 **amend as amended by House Bill 22-1278** (1)(f)(III) introductory
32 portion as follows:

33 **16-11.9-204. Behavioral health court liaisons - duties and**
34 **responsibilities - consultation and collaboration.** (1) A court liaison
35 hired pursuant to this part 2 has the following duties and responsibilities:

36 (f) Identifying existing programs and resources that are already
37 available in the community, including but not limited to:

38 (III) ~~Community mental health centers~~ BEHAVIORAL HEALTH
39 SAFETY NET PROVIDERS and other local community behavioral health
40 providers that receive state funding through the behavioral health
41 administration in the department of human services for services such as:

42 **SECTION 223.** In Colorado Revised Statutes, 24-1.9-102,
43 **amend** (1)(a)(IV) and (1)(a)(V) as follows:

1 **24-1.9-102. Memorandum of understanding - local-level**
2 **interagency oversight groups - individualized service and support**
3 **teams - coordination of services for children and families -**
4 **requirements - waiver.** (1) (a) Local representatives of each of the
5 agencies specified in this subsection (1)(a) and county departments of
6 human or social services may enter into memorandums of understanding
7 that are designed to promote a collaborative system of local-level
8 interagency oversight groups and individualized service and support
9 teams to coordinate and manage the provision of services to children and
10 families who would benefit from integrated multi-agency services. The
11 memorandums of understanding entered into pursuant to this subsection
12 (1) must be between interested county departments of human or social
13 services and local representatives of each of the following agencies or
14 entities:

15 (IV) Each ~~community mental health center~~ COMPREHENSIVE
16 BEHAVIORAL HEALTH SAFETY NET PROVIDER;

17 (V) Each behavioral health ADMINISTRATIVE SERVICES
18 organization;

19 **SECTION 224.** In Colorado Revised Statutes, 24-110-207.5,
20 **amend as it will become effective July 1, 2024,** (1)(a) as follows:

21 **24-110-207.5. Certification of certain entities as local public**
22 **procurement units - rules - report.** (1) The executive director may
23 certify any of the following entities as a local public procurement unit:

24 (a) Any ~~nonprofit community mental health center, as defined in~~
25 ~~section 27-66-101, any nonprofit community mental health clinic, as~~
26 ~~defined in section 27-66-101~~ BEHAVIORAL HEALTH SAFETY NET PROVIDER,
27 AS DEFINED IN SECTION 27-50-101, any nonprofit case management
28 agency, as defined in section 25.5-6-1702 (2), or any nonprofit service
29 agency, as defined in section 25.5-10-202, if the entity uses the supplies,
30 services, or construction procured for the public mental health system or
31 the public developmental disability system;

32 **SECTION 225.** In Colorado Revised Statutes, 25-1-1202, **amend**
33 **(1)(u) as follows:**

34 **25-1-1202. Index of statutory sections regarding medical**
35 **record confidentiality and health information.** (1) Statutory provisions
36 concerning policies, procedures, and references to the release, sharing,
37 and use of medical records and health information include the following:

38 (u) Section 13-21-117, ~~C.R.S.~~, concerning civil liability of a
39 mental health professional, mental health hospital, ~~community mental~~
40 ~~health center, or clinic~~ OR BEHAVIORAL HEALTH SAFETY NET PROVIDER
41 related to a duty to warn or protect;

42 **SECTION 226.** In Colorado Revised Statutes, 25-1.5-103,
43 **amend (1)(a)(I)(A); and repeal (2)(a), (2)(a.3), and (2)(b) as follows:**

1 **25-1.5-103. Health facilities - powers and duties of department**
2 **- limitations on rules promulgated by department - definitions.**

3 (1) The department has, in addition to all other powers and duties
4 imposed upon it by law, the powers and duties provided in this section as
5 follows:

6 (a) (I) (A) To annually license and to establish and enforce
7 standards for the operation of general hospitals, hospital units as defined
8 in section 25-3-101 (2), freestanding emergency departments as defined
9 in section 25-1.5-114, psychiatric hospitals, community clinics,
10 rehabilitation hospitals, convalescent centers, ~~community mental health~~
11 ~~centers, acute treatment units, behavioral health entities,~~ facilities for
12 persons with intellectual and developmental disabilities, nursing care
13 facilities, hospice care, assisted living residences, dialysis treatment
14 clinics, ambulatory surgical centers, birthing centers, home care agencies,
15 and other facilities of a like nature, except those wholly owned and
16 operated by any governmental unit or agency.

17 (2) For purposes of this section, unless the context otherwise
18 requires:

19 (a) ~~"Acute treatment unit" means a facility or a distinct part of a~~
20 ~~facility for short-term psychiatric care, which may include substance~~
21 ~~abuse treatment, and which provides a total, twenty-four-hour~~
22 ~~therapeutically planned and professionally staffed environment for~~
23 ~~persons who do not require inpatient hospitalization but need more~~
24 ~~intense and individual services than are available on an outpatient basis,~~
25 ~~such as crisis management and stabilization services.~~

26 (a.3) ~~"Behavioral health entity" means a facility or provider~~
27 ~~organization engaged in providing community-based health services,~~
28 ~~which may include behavioral health disorder services, alcohol use~~
29 ~~disorder services, or substance use disorder services, including crisis~~
30 ~~stabilization, acute or ongoing treatment, or community mental health~~
31 ~~center services as described in section 27-66-101 (2) and (3), but does not~~
32 ~~include:~~

33 ~~(I) Residential child care facilities, as defined in section 26-6-102~~
34 ~~(33), or~~

35 ~~(H) Services provided by a licensed or certified mental health-care~~
36 ~~provider under the provider's individual professional practice act on the~~
37 ~~provider's own premises.~~

38 (b) ~~"Community mental health center" means either a physical~~
39 ~~plant or a group of services under unified administration and including at~~
40 ~~least the following: Inpatient services; outpatient services; day~~
41 ~~hospitalization; emergency services; and consultation and educational~~
42 ~~services, which services are provided principally for persons with~~
43 ~~behavioral or mental health disorders residing in a particular community~~

1 ~~in or near which the facility is situated.~~

2 **SECTION 227.** In Colorado Revised Statutes, 25-1.5-112,
3 **amend as amended in House Bill 22-1278** (2) introductory portion as
4 follows:

5 **25-1.5-112. Colorado suicide prevention plan - established -**
6 **goals - responsibilities - funding - definition.** (2) The suicide
7 prevention commission, together with the office of suicide prevention, the
8 behavioral health administration in the department of human services, the
9 department, and the department of health care policy and financing, is
10 strongly encouraged to collaborate with criminal justice and health-care
11 systems, mental and behavioral health systems, primary care providers,
12 physical and mental health clinics in educational institutions, ~~community~~
13 ~~mental health centers~~ BEHAVIORAL HEALTH SAFETY NET PROVIDERS,
14 advocacy groups, emergency medical services professionals and
15 responders, public and private insurers, hospital chaplains, and
16 faith-based organizations to develop and implement:

17 **SECTION 228.** In Colorado Revised Statutes, 25-3-101, **amend**
18 (1) as follows:

19 **25-3-101. Hospitals - health facilities - licensed - definitions.**
20 (1) It is unlawful for any person, partnership, association, or corporation
21 to open, conduct, or maintain any general hospital; hospital unit;
22 freestanding emergency department as defined in section 25-1.5-114;
23 psychiatric hospital; community clinic; rehabilitation hospital;
24 convalescent center; ~~behavioral health entity; community mental health~~
25 ~~center or acute treatment unit licensed as a behavioral health entity;~~
26 facility for persons with developmental disabilities, as defined in section
27 25-1.5-103 (2)(c); nursing care facility; hospice care; assisted living
28 residence, except an assisted living residence shall be assessed a license
29 fee as set forth in section 25-27-107; dialysis treatment clinic; ambulatory
30 surgical center; birthing center; home care agency; or other facility of a
31 like nature, except those wholly owned and operated by any governmental
32 unit or agency, without first having obtained a license from the
33 department.

34 **SECTION 229.** In Colorado Revised Statutes, 25-3-103.7,
35 **amend** (1)(d); and **repeal** (1)(a) as follows:

36 **25-3-103.7. Employment of physicians - when permissible -**
37 **conditions - definitions.** (1) For purposes of this section:

38 (a) ~~"Community mental health center" means a community mental~~
39 ~~health center, as defined in section 25-1.5-103 (2), that is currently~~
40 ~~licensed and regulated by the department pursuant to the department's~~
41 ~~authority under section 25-1.5-103 (1)(a).~~

42 (d) "Health-care facility" means a hospital, hospice, ~~community~~
43 ~~mental health center~~, federally qualified health center, school-based

1 health center, rural health clinic, PACE organization, or long-term care
2 facility.

3 **SECTION 230.** In Colorado Revised Statutes, 25-20.5-1302,
4 **amend** (2) introductory portion as follows:

5 **25-20.5-1302. Community behavioral health disaster**
6 **preparedness and response program - creation - department duties**
7 **- rules.** (2) The program is intended to enhance, support, and formalize
8 behavioral health disaster preparedness and response activities conducted
9 by community behavioral health organizations; ~~including community~~
10 ~~mental health centers as defined in section 27-66-101(2);~~ except that the
11 activities must not replace or supersede any disaster plans prepared or
12 maintained by a local or interjurisdictional emergency management
13 agency, as established in section 24-33.5-707. The activities may include
14 but are not limited to:".

15 Renumber succeeding sections accordingly.

16 Page 25, after line 26 insert:

17 **"SECTION 240.** In Colorado Revised Statutes, 44-30-1301,
18 **amend as amended in House Bill 22-1278** (2)(b)(I) as follows:

19 **44-30-1301. Definitions - local government limited gaming**
20 **impact fund - rules - report - legislative declaration - repeal.**
21 (2) (b) (I) For the 2008-09 fiscal year and each fiscal year thereafter, the
22 commissioner of the behavioral health administration in the department
23 of human services shall use the money in the gambling addiction account
24 to award grants for the purpose of providing gambling addiction
25 counseling services to Colorado residents and to provide gambling
26 addiction treatment training to staff at ~~nonprofit community mental health~~
27 ~~centers or clinics as defined in section 27-66-101~~ BEHAVIORAL HEALTH
28 SAFETY NET PROVIDERS AS DEFINED IN SECTION 27-50-101. The behavioral
29 health administration may use a portion of the money in the gambling
30 addiction account, not to exceed ten percent in the 2008-09 fiscal year
31 and five percent in each fiscal year thereafter, to cover the
32 administration's direct and indirect costs associated with administering the
33 grant program authorized in this subsection (2)(b). The commissioner of
34 the administration shall award grants to state or local public or private
35 entities or programs that provide gambling addiction counseling services
36 and that have or are seeking nationally accredited gambling addiction
37 counselors. The commissioner of the administration shall award ten
38 percent of the money in the gambling addiction account in grants to
39 addiction counselors who are actively pursuing national accreditation as
40 gambling addiction counselors. In order to qualify for an accreditation

1 grant, an addiction counselor applicant must provide sufficient proof that
2 the applicant has completed at least half of the counseling hours required
3 for national accreditation. The commissioner of the administration shall
4 adopt rules establishing the procedure for applying for a grant from the
5 gambling addiction account, the criteria for awarding grants and
6 prioritizing applications, and any other provision necessary for the
7 administration of the grant applications and awards. Neither the entity,
8 program, or gambling addiction counselor providing the gambling
9 addiction counseling services nor the recipients of the counseling services
10 need to be located within the jurisdiction of an eligible local
11 governmental entity in order to receive a grant or counseling services. At
12 the end of a fiscal year, all unexpended and unencumbered money in the
13 gambling addiction account remains in the account and does not revert to
14 the general fund or any other fund or account."

15 Renumber succeeding sections accordingly.

16 Page 25, strike line 28 and substitute "except that section 213 takes effect
17 July 1, 2023, and sections 214 through 240 take effect July 1, 2024."."

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