

## 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17 SUBSECTION (1)(a)(I)(A.5) IS REPEALED, EFFECTIVE JULY 1, 2024.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:

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

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

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

14-15-107. Rights, benefits, protections, duties, obligations, responsibilities, and other incidents of parties to a civil union.

(5) Rights, benefits, protections, duties, obligations, responsibilities, and other incidents under law as are granted to or imposed upon spouses, that apply in like manner to parties to a civil union under this section, include 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:

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

## **25-1.5-103. Health facilities - powers and duties of department**

- 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.

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:

(1) Residential child care facilities, as defined in section 26-6-102  
(33); or

(H) Services provided by a licensed or certified mental health-care provider under the provider's individual professional practice act on the 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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