

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public & Behavioral Health & Human Services.

HB22-1278 be amended as follows:

- 1 Amend printed bill, page 11, strike lines 25 and 26.
- 2 Reletter succeeding paragraphs accordingly.
- 3 Page 28, strike lines 15 through 27.
- 4 Page 29, strike lines 1 through 4.
- 5 Page 34, line 3, strike "AND".
- 6 Page 34, line 6, strike "SECTION." and substitute "SECTION; AND".

7 Page 34, after line 6 insert:

8 "(h) REQUIREMENTS FOR CALCULATING AND REPORTING THE
9 ANNUAL MEDICAL LOSS RATIO. FOR PURPOSES OF THE CALCULATION,
10 NON-CLAIMS COSTS INCLUDE AMOUNTS FOR NETWORK DEVELOPMENT,
11 ADMINISTRATIVE FEES, CLAIMS PROCESSING, UTILIZATION MANAGEMENT,
12 FINES, AND PENALTIES. THE BEHAVIORAL HEALTH ADMINISTRATIVE
13 SERVICES ORGANIZATION MUST PROVIDE A REMITTANCE FOR A MEDICAL
14 LOSS RATIO REPORTING YEAR IF THE MEDICAL LOSS RATIO FOR THAT YEAR
15 DOES NOT MEET THE MINIMUM STANDARD SET BY THE BHA.".

16 Page 38, after line 5 insert:

17 "(3) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
18 CONTRARY, THE BHA SHALL NOT ISSUE OR RENEW ANY LICENSE
19 DESCRIBED IN THIS PART 5 UNLESS THE BHA RECEIVES A CERTIFICATE OF
20 COMPLIANCE FOR THE APPLICANT'S BUILDING OR STRUCTURE FROM THE
21 DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF
22 PUBLIC SAFETY IN ACCORDANCE WITH PART 12 OF ARTICLE 33.5 OF TITLE
23 24.

24 (b) THE BHA SHALL TAKE ACTION ON AN APPLICATION FOR
25 LICENSURE WITHIN THIRTY DAYS AFTER THE DATE THAT THE BHA
26 RECEIVES FROM THE APPLICANT ALL OF THE NECESSARY INFORMATION
27 AND DOCUMENTATION REQUIRED FOR LICENSURE, INCLUDING A
28 CERTIFICATE OF COMPLIANCE FROM THE DIVISION OF FIRE PREVENTION
29 AND CONTROL.".

30 Page 38, line 22, strike "OFFICE" and substitute "PLANT".

31 Page 40, line 13, strike "SERVICES;" and substitute "SERVICES. IF THE
32 DIRECTOR IS NOT A LICENSED PHYSICIAN OR LICENSED MENTAL HEALTH

1 PROFESSIONAL, THE PROVIDER SHALL EMPLOY OR CONTRACT WITH AT
2 LEAST ONE LICENSED PHYSICIAN OR LICENSED MENTAL HEALTH
3 PROFESSIONAL TO ADVISE THE DIRECTOR ON CLINICAL DECISIONS."

4 Page 41, strike lines 10 through 14 and substitute:

5 "(a) REQUIRE THAT TREATMENT PROGRAMS OF THE
6 COMPREHENSIVE BEHAVIORAL HEALTH SAFETY NET PROVIDER BE VESTED
7 IN A DIRECTOR WHO IS A PHYSICIAN OR A MEMBER OF ONE OF THE
8 LICENSED MENTAL HEALTH PROFESSIONS. THE DIRECTOR IS NOT REQUIRED
9 TO PROVIDE OVERSIGHT OR DIRECTION FOR RECOVERY SERVICES. IF THE
10 DIRECTOR IS NOT A PHYSICIAN OR LICENSED MENTAL HEALTH
11 PROFESSIONAL, THE PROVIDER SHALL CONTRACT WITH AT LEAST ONE
12 LICENSED PHYSICIAN OR LICENSED MENTAL HEALTH PROFESSIONAL TO
13 ADVISE THE DIRECTOR ON CLINICAL DECISIONS.".

14 Page 52, strike lines 17 through 27.

15 Page 53, strike lines 1 through 6.

16 Rerumber succeeding subsections accordingly.

17 Page 53, line 17, strike "(6)" and substitute "(5)".

18 Page 54, line 1, strike "(5)" and substitute "(4)".

19 Page 54, line 7, strike "(5)" and substitute "(4)".

20 Page 54, line 17, strike "(6)" and substitute "(5)".

21 Page 94, after line 21 insert:

22 **"SECTION 50.** In Colorado Revised Statutes, 24-33.5-1202,
23 **amend** (7.7) as follows:

24 **24-33.5-1202. Definitions.** As used in this part 12, unless the
25 context otherwise requires:

26 (7.7) "Health facility" means a general hospital, hospital unit as
27 defined in section 25-3-101 (2), ~~C.R.S.~~, psychiatric hospital, community
28 clinic, rehabilitation center, convalescent center, ~~community mental~~
~~health center, acute treatment unit, BEHAVIORAL HEALTH ENTITY AS~~
29 ~~DEFINED IN SECTION 27-50-101 (6), facility for persons with~~
30 ~~developmental disabilities, habilitation center for children with brain~~
31 ~~damage, chiropractic center and hospital, maternity hospital, nursing care~~
32 ~~facility, rehabilitative nursing facility, hospice care facility, dialysis~~
33 ~~treatment clinic, ambulatory surgical center, birthing center, home care~~
34

1 agency, assisted living residence, or other facility of a like nature; except
2 that "health facility" does not include a facility at which health services
3 are not provided to individuals.".

4 Renumber succeeding sections accordingly.

5 Page 94, strike lines 22 through 27 and substitute:

6 **"SECTION 51.** In Colorado Revised Statutes, 25-1.5-103, **repeal**
7 (3.5).".

8

9 Page 95, strike lines 1 through 12.

10 Page 98, after line 4 insert:

11 **"SECTION 55.** In Colorado Revised Statutes, 25-3-103.1, **amend**
12 (2) as follows:

13 **25-3-103.1. Health facilities general licensure cash fund.**
14 (2) The general assembly shall make annual appropriations from the
15 health facilities general licensure cash fund to partially reimburse the
16 department of public health and environment for the direct and indirect
17 costs of the department incurred in the performance of its duties ~~under~~
18 ~~this article and for the purposes of section 25-1.5-103 (3.5)~~ PURSUANT TO
19 THIS ARTICLE 3. No appropriation shall be made out of the cash fund for
20 expenditures incurred by the department pursuant to section 25-1.5-103
21 (1)(a)(II) in carrying out duties relating to health facilities wholly owned
22 and operated by a governmental unit or agency.".

23 Renumber succeeding sections accordingly.

24 Page 98, line 5, after "**amend**" insert "(3.3),".

25 Page 98, line 6, strike "(11.4)(b)(I)" and substitute "(11.4)(b)(I),".

26 Page 98, after line 8 insert:

27 "(3.3) "Behavioral health" has the same meaning as set forth in
28 section ~~25-27.6-102 (4)~~ SECTION 27-50-101 (3).".

29 Page 100, after line 1 insert:

30 **"SECTION 59.** In Colorado Revised Statutes, **amend**
31 25-27.5-110 as follows:

32 **25-27.5-110. Repeal of article - sunset review.** (1) This article
33 27.5 is repealed, effective ~~September 1, 2028~~ JULY 1, 2024.

34 ~~(2) Before repeal, the department of regulatory agencies shall~~
35 ~~review the licensing of home care agencies and the registering of home~~

1 care placement agencies as provided in section 24-34-104, C.R.S. In
2 conducting its review and compiling its report pursuant to section
3 24-34-104 (5), C.R.S., the department of regulatory agencies shall
4 segregate the data in the report based on the type of agency, specifying
5 whether the agency is:

- 6 (a) A home care agency that provides skilled home health
7 services;
- 8 (b) A home care agency that only provides personal care services;
9 or
- 10 (c) A home care placement agency.".

11 Strike page 102.

12 Page 103, strike lines 1 through 12.

13 Renumber succeeding sections accordingly.

14 Page 105, line 21, after "27-50-101," insert "EXCEPT FOR THOSE THAT ARE
15 ALSO FEDERALLY QUALIFIED HEALTH CENTERS, AS DEFINED IN FEDERAL
16 "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x(aa)(4), WHICH HAVE
17 PAYMENT METHODOLOGY PURSUANT TO 25.5-5-408,".

18 Page 105, line 22, strike "a price schedule PAYMENT" and substitute "a
19 price schedule AN APPROPRIATE COST ACCOUNTING".

20 Page 134, line 19, strike "(7) introductory portion,".

21 Page 134, line 19, strike "(8)" and substitute "(8); and **repeal** (7)".

22 Page 134, line 22, after "**declaration** -" insert "**definitions** -".

23 Page 137, strike lines 3 through 17 and substitute:

24 "(6) Within seven days after submitting an application to the state
25 department for placing a child or youth in the program, the state
26 department shall work with the referring entity and the child's or youth's
27 parents or legal guardians to ensure the child or youth is assessed for
28 eligibility for enrollment into the state medical assistance program. A
29 child or youth who is eligible for enrollment into the state medical
30 assistance program shall be enrolled. Enrollment of a child or youth into
31 the state medical assistance program does not constitute automatic
32 placement into the program. AS USED IN THIS SECTION, UNLESS THE
33 CONTEXT OTHERWISE REQUIRES:

34 (a) "FAMILY ADVOCATE" MEANS A PARENT OR PRIMARY

1 CAREGIVER WHO:

2 (I) HAS BEEN TRAINED IN A SYSTEM-OF-CARE APPROACH TO ASSIST
3 FAMILIES IN ACCESSING AND RECEIVING SERVICES AND SUPPORTS;

4 (II) HAS RAISED OR CARED FOR A CHILD OR ADOLESCENT WITH A
5 MENTAL HEALTH OR CO-OCCURRING DISORDER; AND

6 (III) HAS WORKED WITH MULTIPLE AGENCIES AND PROVIDERS,
7 SUCH AS MENTAL HEALTH, PHYSICAL HEALTH, SUBSTANCE ABUSE,
8 JUVENILE JUSTICE, DEVELOPMENTAL DISABILITIES, EDUCATION, AND
9 OTHER STATE AND LOCAL SERVICE SYSTEMS.

10 (b) "FAMILY SYSTEMS NAVIGATOR" MEANS AN INDIVIDUAL WHO:

11 (I) HAS BEEN TRAINED IN A SYSTEM-OF-CARE APPROACH TO ASSIST
12 FAMILIES IN ACCESSING AND RECEIVING SERVICES AND SUPPORTS;

13 (II) HAS THE SKILLS, EXPERIENCE, AND KNOWLEDGE TO WORK
14 WITH CHILDREN AND YOUTH WITH MENTAL HEALTH OR CO-OCCURRING
15 DISORDERS; AND

16 (III) HAS WORKED WITH MULTIPLE AGENCIES AND PROVIDERS,
17 INCLUDING MENTAL HEALTH, PHYSICAL HEALTH, SUBSTANCE ABUSE,
18 JUVENILE JUSTICE, DEVELOPMENTAL DISABILITIES, EDUCATION, AND
19 OTHER STATE AND LOCAL SERVICE SYSTEMS.

20 (7) ~~No later than November 1, 2022, 2023, and 2024, the state~~
21 ~~department shall submit a written report to the house of representatives~~
22 ~~public and behavioral health and human services committee, the senate~~
23 ~~health and human services committee, or their successor committees, and~~
24 ~~the joint budget committee. At a minimum, the report must include:~~

25 (a) The number of applications received for placement of children
26 and youth in the program;

27 (b) The number of children and youth accepted for placement in
28 the program;

29 (c) The duration of each placement; and

30 (d) The daily rate paid to each provider for placement of children
31 and youth.".

32 Page 145, strike lines 25 through 27 and substitute:

33 **"SECTION 106.** In Colorado Revised Statutes, **repeal** 27-63-102,
34 27-63-103, and 27-63-104."

35 Strike page 146.

36 Page 147, strike lines 1 through 7.

37 Renumber succeeding sections accordingly.

38 Page 147, lines 12 and 13, strike "proposal and the funding model

1 developed pursuant to section 27-63-104 (2)," and substitute "proposal,
2 ~~and the funding model developed pursuant to section 27-63-104 (2),"~~.

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