

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

SB21-137 be amended as follows:

1 Amend the Public & Behavioral Health & Human Services Committee
2 Report, dated June 2, 2021, page 8, line 5, strike "27-60-108" and
3 substitute "27-60-109".

4 Page 9, after line 1 insert:

5 "SECTION 17. In Colorado Revised Statutes, **add** 27-60-110 as
6 follows:

7 **27-60-110. Out-of-home placement for children and youth**
8 **with mental or behavioral needs - rules - report - legislative**
9 **declaration - repeal.** (1) (a) THE GENERAL ASSEMBLY FINDS AND
10 DECLARES THAT:

11 (I) THE COVID-19 PANDEMIC HAS LEAD TO AN EMERGENCY NEED
12 FOR INCREASED PLACEMENTS FOR CHILDREN AND YOUTH WITH
13 BEHAVIORAL OR MENTAL HEALTH NEEDS, INCLUDING THOSE INVOLVED
14 WITH THE CHILD WELFARE SYSTEM; AND

15 (II) AS THE STATE WORKS TO TRANSITION TO THE CRITICAL
16 REQUIREMENTS OF THE FEDERAL "FAMILY FIRST PREVENTION SERVICES
17 ACT", IT MUST ENSURE A SMOOTH TRANSITION BY HELPING EXISTING
18 RESIDENTIAL CHILD CARE FACILITIES TRANSITION TO QUALIFIED
19 RESIDENTIAL TREATMENT PROGRAMS OR PSYCHIATRIC RESIDENTIAL
20 TREATMENT FACILITIES.

21 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
22 STATE SHOULD PROVIDE RESOURCES TO QUALIFIED RESIDENTIAL
23 TREATMENT PROGRAMS, PSYCHIATRIC RESIDENTIAL TREATMENT
24 FACILITIES, OR THERAPEUTIC FOSTER CARE PROVIDERS TO ADDRESS THIS
25 EMERGENCY SITUATION AND ENSURE THERE ARE HIGH-QUALITY
26 PROVIDERS AVAILABLE TO MEET THESE NEEDS.

27 (2) ON OR BEFORE AUGUST 1, 2021, THE STATE DEPARTMENT
28 SHALL DEVELOP A PROGRAM TO PROVIDE EMERGENCY RESOURCES TO
29 LICENSED PROVIDERS TO HELP REMOVE BARRIERS SUCH PROVIDERS FACE
30 IN SERVING CHILDREN AND YOUTH WHOSE BEHAVIORAL OR MENTAL
31 HEALTH NEEDS REQUIRE SERVICES AND TREATMENT IN A RESIDENTIAL
32 CHILD CARE FACILITY. ANY SUCH LICENSED PROVIDER SHALL MEET THE
33 REQUIREMENTS OF A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, AS
34 DEFINED IN SECTION 26-5.4-102, A PSYCHIATRIC RESIDENTIAL TREATMENT
35 FACILITY, AS DEFINED IN SECTION 26-5.4-103 (19.5), OR THERAPEUTIC
36 FOSTER CARE, AS DEFINED IN SECTION 26-6-102 (39).

37 (3) THE STATE DEPARTMENT MAY PROMULGATE RULES
38 CONCERNING THE PLACEMENT OF A CHILD OR YOUTH IN THE PROGRAM.
39 THE RULES MAY ADDRESS QUALITY ASSURANCE MONITORING,

1 ADMISSIONS, DISCHARGE PLANNING, APPROPRIATE LENGTH OF STAY, AN
2 APPEALS PROCESS FOR CHILDREN AND YOUTH WHO ARE DETERMINED
3 INELIGIBLE FOR THE PROGRAM, AND COMPLIANCE WITH APPLICABLE
4 FEDERAL LAW, INCLUDING THE FEDERAL "FAMILY FIRST PREVENTION
5 SERVICES ACT"; EXCEPT THAT RULES CONCERNING THE PLACEMENT OF A
6 CHILD OR YOUTH WHO IS NOT IN THE CUSTODY OF A STATE OR COUNTY
7 DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL NOT
8 INAPPROPRIATELY APPLY COMPLIANCE WITH SUCH ACT.

9 (4) (a) ON OR BEFORE DECEMBER 31, 2021, THE STATE
10 DEPARTMENT SHALL CONTRACT WITH LICENSED PROVIDERS FOR THE
11 DELIVERY OF SERVICES TO CHILDREN AND YOUTH WHO ARE DETERMINED
12 ELIGIBLE FOR AND PLACED IN THE PROGRAM. A PROVIDER THAT
13 CONTRACTS WITH THE STATE DEPARTMENT SHALL NOT:

14 (I) DENY ADMITTANCE OF A CHILD OR YOUTH IF THE CHILD OR
15 YOUTH OTHERWISE MEETS THE ELIGIBILITY CRITERIA FOR THE PROGRAM;
16 OR

17 (II) DISCHARGE A CHILD OR YOUTH BASED ON THE SEVERITY OR
18 COMPLEXITY OF THE CHILD OR YOUTH'S PHYSICAL, BEHAVIORAL, OR
19 MENTAL HEALTH NEEDS; EXCEPT THAT THE STATE DEPARTMENT MAY
20 ARRANGE FOR THE PLACEMENT OF A CHILD OR YOUTH WITH AN ALTERNATE
21 CONTRACTED PROVIDER IF THE PLACEMENT WITH THE ALTERNATE
22 PROVIDER IS BETTER SUITED TO DELIVER SERVICES THAT MEET THE NEEDS
23 OF THE CHILD OR YOUTH.

24 (b) THE STATE DEPARTMENT SHALL REIMBURSE A PROVIDER
25 DIRECTLY FOR THE COSTS ASSOCIATED WITH THE PLACEMENT OF A CHILD
26 OR YOUTH IN THE PROGRAM FOR THE DURATION OF THE TREATMENT,
27 INCLUDING THE COSTS THE PROVIDER DEMONSTRATES ARE NECESSARY IN
28 ORDER FOR THE PROVIDER TO OPERATE CONTINUOUSLY DURING THIS
29 PERIOD.

30 (c) THE STATE DEPARTMENT SHALL COORDINATE WITH THE
31 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO SUPPORT
32 CONTINUITY OF CARE AND PAYMENT FOR SERVICES FOR ANY CHILDREN OR
33 YOUTH PLACED IN THE PROGRAM.

34 (d) THE STATE DEPARTMENT SHALL REIMBURSE THE PROVIDER ONE
35 HUNDRED PERCENT OF THE COST OF UNUTILIZED BEDS IN THE PROGRAM TO
36 ENSURE AVAILABLE SPACE FOR EMERGENCY RESIDENTIAL OUT-OF-HOME
37 PLACEMENTS.

38 (5) (a) A HOSPITAL, HEALTH-CARE PROVIDER, PROVIDER OF CASE
39 MANAGEMENT SERVICES, SCHOOL DISTRICT, MANAGED CARE ENTITY, OR
40 STATE OR COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES MAY
41 REFER A FAMILY FOR THE PLACEMENT OF A CHILD OR YOUTH IN THE
42 PROGRAM. THE ENTITY REFERRING A CHILD OR YOUTH FOR PLACEMENT IN
43 THE PROGRAM SHALL SUBMIT OR ASSIST THE FAMILY WITH SUBMITTING AN

1 APPLICATION TO THE STATE DEPARTMENT FOR REVIEW. THE STATE
2 DEPARTMENT SHALL CONSIDER EACH APPLICATION AS SPACE BECOMES
3 AVAILABLE. THE STATE DEPARTMENT SHALL APPROVE ADMISSIONS INTO
4 THE PROGRAM AND DETERMINE ADMISSION AND DISCHARGE CRITERIA FOR
5 PLACEMENT.

6 (b) THE STATE DEPARTMENT SHALL DEVELOP A DISCHARGE PLAN
7 FOR EACH CHILD OR YOUTH PLACED IN THE PROGRAM. THE PLAN MUST
8 INCLUDE THE ELIGIBLE PERIOD OF PLACEMENT OF THE CHILD OR YOUTH
9 AND SHALL IDENTIFY THE ENTITY THAT WILL BE RESPONSIBLE FOR THE
10 PLACEMENT COSTS IF THE CHILD OR YOUTH REMAINS WITH THE PROVIDER
11 BEYOND THE DATE OF ELIGIBILITY IDENTIFIED IN THE PLAN.

12 (c) THE ENTITY OR FAMILY THAT PLACES THE CHILD OR YOUTH IN
13 THE PROGRAM RETAINS THE RIGHT TO REMOVE THE CHILD OR YOUTH FROM
14 THE PROGRAM ANY TIME PRIOR TO THE DISCHARGE DATE SPECIFIED BY THE
15 STATE DEPARTMENT.

16 (6) WITHIN SEVEN DAYS AFTER SUBMITTING AN APPLICATION TO
17 THE STATE DEPARTMENT FOR PLACING A CHILD OR YOUTH IN THE
18 PROGRAM, THE STATE DEPARTMENT SHALL WORK WITH THE REFERRING
19 ENTITY AND THE CHILD'S OR YOUTH'S PARENTS OR LEGAL GUARDIANS TO
20 ENSURE THE CHILD OR YOUTH IS ASSESSED FOR ELIGIBILITY FOR
21 ENROLLMENT INTO THE STATE MEDICAL ASSISTANCE PROGRAM. A CHILD
22 OR YOUTH WHO IS ELIGIBLE FOR ENROLLMENT INTO THE STATE MEDICAL
23 ASSISTANCE PROGRAM SHALL BE ENROLLED. ENROLLMENT OF A CHILD OR
24 YOUTH INTO THE STATE MEDICAL ASSISTANCE PROGRAM DOES NOT
25 CONSTITUTE AUTOMATIC PLACEMENT INTO THE PROGRAM.

26 (7) NO LATER THAN NOVEMBER 1, 2022, 2023, AND 2024, THE
27 STATE DEPARTMENT SHALL SUBMIT A WRITTEN REPORT TO THE HOUSE OF
28 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
29 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES
30 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AND THE JOINT BUDGET
31 COMMITTEE. AT A MINIMUM, THE REPORT MUST INCLUDE:

32 (a) THE NUMBER OF APPLICATIONS RECEIVED FOR PLACEMENT OF
33 CHILDREN AND YOUTH IN THE PROGRAM;

34 (b) THE NUMBER OF CHILDREN AND YOUTH ACCEPTED FOR
35 PLACEMENT IN THE PROGRAM;

36 (c) THE DURATION OF EACH PLACEMENT; AND

37 (d) THE DAILY RATE PAID TO EACH PROVIDER FOR PLACEMENT OF
38 CHILDREN AND YOUTH.

39 (8) THIS SECTION IS INTENDED TO PROVIDE ENHANCED EMERGENCY
40 SERVICES RESULTING FROM THE INCREASED NEED FOR SERVICES DUE TO
41 THE COVID-19 PANDEMIC. NO LATER THAN SEPTEMBER 30, 2024, THE
42 STATE DEPARTMENT SHALL SUBMIT RECOMMENDATIONS TO THE HOUSE OF
43 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN

1 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES
2 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AND THE JOINT BUDGET
3 COMMITTEE ABOUT HOW TO PROVIDE NECESSARY SERVICES FOR CHILDREN
4 AND YOUTH IN NEED OF RESIDENTIAL CARE, INCLUDING HOSPITAL
5 STEP-DOWN SERVICES ON AN ONGOING BASIS.

6 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025."

7 Renumber succeeding sections accordingly.

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