

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0574.01 Shelby Ross x4510

HOUSE BILL 26-1116

HOUSE SPONSORSHIP

Rydin and Gonzalez R.,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROCESSES RELATED TO INDIVIDUALS WITH BEHAVIORAL
102 HEALTH DISORDERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill aligns the process for invoking an emergency commitment for an individual under the influence of or incapacitated by substances with the process for invoking an emergency mental health hold.

For a criminal defendant who has completed a competency evaluation, the bill authorizes the department of human services to include in its discharge plan and plan for community-based restoration

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

services a component of mental health treatment and ongoing clinical support. The bill authorizes a court to include, in an order regarding the custody of the defendant and the defendant's bond status, a requirement for the defendant to participate in mental health treatment.

After an individual has been discharged from the facility where the individual was held for an emergency mental health hold, current law requires the facility to attempt to follow up with the individual at least 48 hours after discharge. The bill extends the time to attempt to follow up with the individual to 72 hours.

The behavioral health administration (BHA) shall only issue or renew a license for a behavioral health entity if the BHA receives a certificate of compliance for the applicant's building or structure from the division of fire prevention and control. The bill adds the following exceptions to this requirement:

- An applicant that provides only telehealth services is not required to receive a certificate of compliance; and
- An applicant that provides only outpatient services may receive a certificate of compliance from a fire department that employs a certified inspector rather than from the division of fire prevention and control.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 27-81-102, **amend**
3 (13.6); and **add** (3.6), (4.5), (8.5), (10.5), (11.5), and (13.4) as follows:

4 **27-81-102. Definitions.**

5 As used in this article 81, unless the context otherwise requires:

6 (3.6) "CERTIFIED PEACE OFFICER" MEANS A CERTIFIED PEACE
7 OFFICER AS DESCRIBED IN SECTION 16-2.5-102.

8 (4.5) "DANGER TO THE PERSON'S SELF OR OTHERS" MEANS:

9 (a) A PERSON POSES A SUBSTANTIAL RISK OF PHYSICAL HARM TO
10 THE PERSON'S SELF AS EVIDENCED BY RECENT THREATS OF OR ATTEMPTS
11 AT SUICIDE OR SERIOUS BODILY HARM; OR

12 (b) A PERSON POSES A SUBSTANTIAL RISK OF PHYSICAL HARM TO
13 ANOTHER PERSON AS EVIDENCED BY:

14 (I) RECENT HOMICIDAL OR OTHER VIOLENT BEHAVIOR;

1 (II) A RECENT OVERT ACT, ATTEMPT, OR THREAT TO DO SERIOUS
2 PHYSICAL HARM TO ANOTHER PERSON; OR

3 (III) OTHER PERSONS PLACED IN REASONABLE FEAR OF VIOLENT
4 BEHAVIOR AND SERIOUS PHYSICAL HARM TO THEMSELVES BY THE PERSON
5 IN QUESTION.

6 (8.5) "GRAVELY DISABLED" MEANS A CONDITION IN WHICH A
7 PERSON, AS A RESULT OF BEING UNDER THE INFLUENCE OF OR
8 INCAPACITATED BY SUBSTANCES, IS INCAPABLE OF MAKING INFORMED
9 DECISIONS ABOUT OR PROVIDING FOR THE PERSON'S ESSENTIAL NEEDS
10 WITHOUT SIGNIFICANT SUPERVISION AND ASSISTANCE FROM OTHERS. AS
11 A RESULT OF BEING INCAPABLE OF MAKING THESE INFORMED DECISIONS,
12 A PERSON WHO IS GRAVELY DISABLED IS AT RISK OF SUBSTANTIAL BODILY
13 HARM, DANGEROUS WORSENING OF ANY CONCOMITANT SERIOUS PHYSICAL
14 ILLNESS, SIGNIFICANT PSYCHIATRIC DETERIORATION, OR MISMANAGEMENT
15 OF THE PERSON'S ESSENTIAL NEEDS THAT COULD RESULT IN SUBSTANTIAL
16 BODILY HARM. A PERSON OF ANY AGE MAY BE "GRAVELY DISABLED", BUT
17 THE TERM DOES NOT INCLUDE AN INDIVIDUAL WHOSE DECISION-MAKING
18 CAPABILITIES ARE LIMITED SOLELY BY THE PERSON'S DEVELOPMENTAL
19 DISABILITY.

20 (10.5) "INTERVENING PROFESSIONAL" MEANS AN INDIVIDUAL WHO
21 IS ONE OF THE FOLLOWING:

- 22 (a) A PROFESSIONAL PERSON;
- 23 (b) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION
24 12-240-113;
- 25 (c) AN ADVANCED PRACTICE REGISTERED NURSE, AS DEFINED IN
26 SECTION 12-255-104;
- 27 (d) A REGISTERED PROFESSIONAL NURSE, AS DEFINED IN SECTION

1 12-255-104, WHO HAS SPECIFIC SUBSTANCE USE DISORDER TRAINING AS
2 IDENTIFIED BY THE BHA;

3 (e) A CLINICAL SOCIAL WORKER LICENSED PURSUANT TO PART 4 OF
4 ARTICLE 245 OF TITLE 12;

5 (f) A MARRIAGE AND FAMILY THERAPIST LICENSED PURSUANT TO
6 PART 5 OF ARTICLE 245 OF TITLE 12;

7 (g) A PROFESSIONAL COUNSELOR LICENSED PURSUANT TO PART 6
8 OF ARTICLE 245 OF TITLE 12; OR

9 (h) AN ADDICTION COUNSELOR LICENSED PURSUANT TO PART 8 OF
10 ARTICLE 245 OF TITLE 12.

11 (11.5) "LAY PERSON" MEANS A PERSON IDENTIFIED BY ANOTHER
12 PERSON WHO IS DETAINED ON AN EMERGENCY COMMITMENT PURSUANT TO
13 SECTION 27-81-111 WHO IS AUTHORIZED TO PARTICIPATE IN ACTIVITIES
14 RELATED TO THE PERSON'S EMERGENCY COMMITMENT INCLUDING COURT
15 APPEARANCES, DISCHARGE PLANNING, AND GRIEVANCES. THE OTHER
16 PERSON MAY RESCIND THE LAY PERSON'S AUTHORIZATION AT ANY TIME.

17 (13.4) "PERSON UNDER THE INFLUENCE OF DRUGS" MEANS ANY
18 PERSON WHOSE MENTAL OR PHYSICAL FUNCTIONING IS TEMPORARILY BUT
19 SUBSTANTIALLY IMPAIRED AS A RESULT OF THE PRESENCE OF DRUGS IN
20 THE PERSON'S BODY.

21 ~~(13.6) "Person under the influence of drugs" means any person~~
22 ~~whose mental or physical functioning is temporarily but substantially~~
23 ~~impaired as a result of the presence of drugs in the person's body.~~

24 "PROFESSIONAL PERSON" HAS THE MEANING SET FORTH IN SECTION
25 27-65-102.

26 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
27 **with amendments,** 27-81-111 as follows:

1 **27-81-111. Emergency commitment.**

2 (1) AN EMERGENCY COMMITMENT MAY BE INVOKED UNDER ONE
3 OF THE FOLLOWING CONDITIONS:

4 (a) IF A CERTIFIED PEACE OFFICER OR EMERGENCY MEDICAL
5 SERVICE PERSONNEL HAS PROBABLE CAUSE TO BELIEVE A PERSON IS
6 UNDER THE INFLUENCE OF OR INCAPACITATED BY SUBSTANCES AND, AS A
7 RESULT, IS AN IMMINENT DANGER TO THE PERSON'S SELF OR OTHERS OR IS
8 GRAVELY DISABLED, THE CERTIFIED PEACE OFFICER OR EMERGENCY
9 MEDICAL SERVICE PERSONNEL SHALL TAKE THE PERSON INTO PROTECTIVE
10 CUSTODY AND TRANSPORT THE PERSON TO AN APPROVED TREATMENT
11 FACILITY FOR AN EMERGENCY COMMITMENT. IF A FACILITY IS NOT
12 AVAILABLE, THE CERTIFIED PEACE OFFICER OR EMERGENCY MEDICAL
13 SERVICE PERSONNEL MAY TRANSPORT THE PERSON TO AN EMERGENCY
14 MEDICAL SERVICES FACILITY OR JAIL, BUT ONLY FOR AS LONG AS MAY BE
15 NECESSARY TO PREVENT INJURY TO THE PERSON'S SELF OR OTHERS OR TO
16 PREVENT A BREACH OF THE PEACE. A CERTIFIED PEACE OFFICER OR
17 EMERGENCY MEDICAL SERVICE PERSONNEL, IN DETAINING THE PERSON, IS
18 TAKING THE PERSON INTO PROTECTIVE CUSTODY. IN SO DOING, THE
19 DETAINING OFFICER MAY PROTECT THE OFFICER'S SELF BY REASONABLE
20 METHODS BUT SHALL MAKE EVERY REASONABLE EFFORT TO PROTECT THE
21 DETAINEE'S HEALTH AND SAFETY. TAKING A PERSON INTO PROTECTIVE
22 CUSTODY PURSUANT TO THIS SECTION IS NOT AN ARREST, AND AN ENTRY
23 OR OTHER RECORD SHALL NOT BE MADE TO INDICATE THAT THE PERSON
24 HAS BEEN ARRESTED OR CHARGED WITH A CRIME. LAW ENFORCEMENT OR
25 EMERGENCY SERVICE PERSONNEL WHO ACT IN COMPLIANCE WITH THIS
26 SECTION ARE ACTING IN THE COURSE OF THEIR OFFICIAL DUTIES AND ARE
27 NOT CRIMINALLY OR CIVILLY LIABLE SOLELY FOR TAKING THE INDIVIDUAL

1 INTO PROTECTIVE CUSTODY AND TRANSPORTING THE INDIVIDUAL TO AN
2 APPROVED TREATMENT FACILITY OR EMERGENCY MEDICAL SERVICES
3 FACILITY FOR AN EMERGENCY COMMITMENT. THIS SUBSECTION (1)(a)
4 DOES NOT PRECLUDE A PERSON INTOXICATED BY ALCOHOL, UNDER THE
5 INFLUENCE OF DRUGS, OR INCAPACITATED BY SUBSTANCES WHO IS NOT AN
6 IMMINENT DANGER TO THE PERSON'S SELF OR OTHERS OR IS NOT GRAVELY
7 DISABLED FROM BEING ASSISTED TO THE PERSON'S HOME OR LIKE
8 LOCATION BY THE CERTIFIED PEACE OFFICER OR EMERGENCY MEDICAL
9 SERVICE PERSONNEL.

10 (b) IF AN INTERVENING PROFESSIONAL REASONABLY BELIEVES
11 THAT A PERSON APPEARS TO BE UNDER THE INFLUENCE OF OR
12 INCAPACITATED BY SUBSTANCES AND, AS A RESULT, APPEARS TO BE AN
13 IMMINENT DANGER TO THE PERSON'S SELF OR OTHERS OR APPEARS TO BE
14 GRAVELY DISABLED, THE INTERVENING PROFESSIONAL MAY CAUSE THE
15 PERSON TO BE TAKEN INTO PROTECTIVE CUSTODY AND TRANSPORTED TO
16 AN APPROVED TREATMENT FACILITY FOR AN EMERGENCY COMMITMENT.
17 IF A FACILITY IS NOT AVAILABLE, THE CERTIFIED PEACE OFFICER OR
18 EMERGENCY MEDICAL SERVICE PERSONNEL MAY TRANSPORT THE PERSON
19 TO AN EMERGENCY MEDICAL SERVICES FACILITY.

20 (c) IF A PERSON PETITIONS THE COURT IN THE COUNTY IN WHICH
21 THE RESPONDENT RESIDES OR IS PHYSICALLY PRESENT REQUESTING AN
22 EVALUATION OF THE RESPONDENT'S CONDITION AND ALLEGING THAT THE
23 RESPONDENT APPEARS TO BE UNDER THE INFLUENCE OF OR
24 INCAPACITATED BY SUBSTANCES AND, AS A RESULT, APPEARS TO BE AN
25 IMMINENT DANGER TO THE PERSON'S SELF OR OTHERS OR APPEARS TO BE
26 GRAVELY DISABLED. ANY PERSON WHO FILES A MALICIOUS OR FALSE
27 PETITION FOR AN EVALUATION OF A RESPONDENT PURSUANT TO THIS

1 SUBSECTION (1)(c) IS SUBJECT TO CRIMINAL PROSECUTION.

2 (2) WHEN A PERSON IS TAKEN INTO CUSTODY PURSUANT TO
3 SUBSECTION (1) OF THIS SECTION, THE PERSON MUST NOT BE DETAINED IN
4 A JAIL, LOCKUP, OR OTHER PLACE USED FOR THE CONFINEMENT OF
5 PERSONS CHARGED WITH OR CONVICTED OF PENAL OFFENSES. UNLESS
6 OTHERWISE REQUIRED BY LAW, A CERTIFIED PEACE OFFICER MAY
7 TRANSPORT THE PERSON TO AN EMERGENCY MEDICAL SERVICES FACILITY
8 OR AN APPROVED TREATMENT FACILITY EVEN IF A WARRANT HAS BEEN
9 ISSUED FOR THE PERSON'S ARREST IF THE CERTIFIED PEACE OFFICER
10 BELIEVES IT IS IN THE BEST INTEREST OF THE PERSON. THE PERSON MUST
11 NOT BE HELD ON AN EMERGENCY COMMITMENT FOR LONGER THAN FIVE
12 DAYS AFTER THE COMMITMENT IS PLACED OR ORDERED. THIS SECTION
13 DOES NOT PROHIBIT AN EMERGENCY MEDICAL SERVICES FACILITY FROM
14 INVOLUNTARILY HOLDING THE PERSON IN ORDER TO STABILIZE THE
15 PERSON AS REQUIRED PURSUANT TO THE FEDERAL "EMERGENCY MEDICAL
16 TREATMENT AND LABOR ACT", 42 U.S.C. SEC. 1395dd, OR IF THE
17 TREATING PROFESSIONAL DETERMINES THAT THE PERSON'S CONDITION
18 IMPAIRS THE PERSON'S ABILITY TO MAKE AN INFORMED DECISION TO
19 REFUSE CARE AND THE PROVIDER DETERMINES THAT FURTHER CARE IS
20 INDICATED.

21 (3) WHEN A PERSON IS PLACED ON AN EMERGENCY COMMITMENT
22 PURSUANT TO SUBSECTION (1) OF THIS SECTION AND IS PRESENTED TO AN
23 EMERGENCY MEDICAL SERVICES FACILITY OR AN APPROVED TREATMENT
24 FACILITY, THE FACILITY SHALL REQUIRE A BHA-APPROVED APPLICATION,
25 IN WRITING, STATING THE CIRCUMSTANCES UNDER WHICH THE PERSON'S
26 CONDITION WAS CALLED TO THE ATTENTION OF THE INTERVENING
27 PROFESSIONAL OR CERTIFIED PEACE OFFICER AND FURTHER STATING

1 SUFFICIENT FACTS, OBTAINED FROM THE INTERVENING PROFESSIONAL'S OR
2 CERTIFIED PEACE OFFICER'S PERSONAL OBSERVATIONS OR OBTAINED FROM
3 OTHERS WHOM THE INTERVENING PROFESSIONAL OR CERTIFIED PEACE
4 OFFICER REASONABLY BELIEVES TO BE RELIABLE, TO ESTABLISH THAT THE
5 PERSON APPEARS TO BE UNDER THE INFLUENCE OF OR INCAPACITATED BY
6 SUBSTANCES AND, AS A RESULT, APPEARS TO BE AN IMMINENT DANGER TO
7 THE PERSON'S SELF OR OTHERS OR APPEARS TO BE GRAVELY DISABLED.
8 THE APPLICATION MUST INDICATE WHEN THE PERSON WAS TAKEN INTO
9 CUSTODY AND WHO BROUGHT THE PERSON'S CONDITION TO THE
10 ATTENTION OF THE INTERVENING PROFESSIONAL OR CERTIFIED PEACE
11 OFFICER. A COPY OF THE APPLICATION MUST BE FURNISHED TO THE PERSON
12 BEING EVALUATED, AND THE APPLICATION MUST BE RETAINED IN THE
13 PERSON'S MEDICAL RECORD.

14 (4) (a) THE PETITION FOR A COURT-ORDERED EVALUATION FILED
15 PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION MUST CONTAIN THE
16 FOLLOWING:

17 (I) THE NAME AND ADDRESS OF THE PETITIONER AND THE
18 PETITIONER'S INTEREST IN THE CASE;

19 (II) THE NAME OF THE RESPONDENT FOR WHOM EVALUATION IS
20 SOUGHT, AND, IF KNOWN TO THE PETITIONER, THE ADDRESS, AGE, GENDER,
21 MARITAL STATUS, AND OCCUPATION OF THE RESPONDENT, AND ANY
22 ANIMALS OR DEPENDENT CHILDREN IN THE RESPONDENT'S CARE;

23 (III) ALLEGATIONS OF FACT INDICATING THAT THE RESPONDENT
24 APPEARS TO BE UNDER THE INFLUENCE OF OR INCAPACITATED BY
25 SUBSTANCES, AND, AS A RESULT, APPEARS TO BE AN IMMINENT DANGER TO
26 THE PERSON'S SELF OR OTHERS OR APPEARS TO BE GRAVELY DISABLED AND
27 SHOWING REASONABLE GROUNDS TO WARRANT AN EVALUATION;

1 (IV) THE NAME AND ADDRESS OF EVERY PERSON KNOWN OR
2 BELIEVED BY THE PETITIONER TO BE LEGALLY RESPONSIBLE FOR THE CARE,
3 SUPPORT, AND MAINTENANCE OF THE RESPONDENT, IF AVAILABLE; AND

4 (V) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE
5 ATTORNEY, IF ANY, WHO HAS MOST RECENTLY REPRESENTED THE
6 RESPONDENT.

7 (b) UPON RECEIPT OF A PETITION SATISFYING THE REQUIREMENTS
8 OF SUBSECTION (4)(a) OF THIS SECTION, IF THE COURT IS NOT SATISFIED
9 THAT PROBABLE CAUSE EXISTS TO ISSUE AN ORDER FOR AN EVALUATION,
10 THE COURT SHALL IDENTIFY AN APPROVED TREATMENT FACILITY, AN
11 EMERGENCY MEDICAL SERVICES FACILITY, AN INTERVENING
12 PROFESSIONAL, OR A CERTIFIED PEACE OFFICER TO PROVIDE SCREENING OF
13 THE RESPONDENT TO DETERMINE WHETHER PROBABLE CAUSE EXISTS TO
14 BELIEVE THE ALLEGATIONS.

15 (c) FOLLOWING THE SCREENING DESCRIBED IN SUBSECTION (4)(b)
16 OF THIS SECTION, THE FACILITY, INTERVENING PROFESSIONAL, OR
17 CERTIFIED PEACE OFFICER DESIGNATED BY THE COURT SHALL FILE A
18 REPORT WITH THE COURT AND MAY INITIATE AN EMERGENCY
19 COMMITMENT AT THE TIME OF SCREENING. THE REPORT MUST INCLUDE A
20 RECOMMENDATION AS TO WHETHER PROBABLE CAUSE EXISTS TO BELIEVE
21 THAT THE RESPONDENT IS UNDER THE INFLUENCE OF OR INCAPACITATED
22 BY SUBSTANCES, AND, AS A RESULT, APPEARS TO BE AN IMMINENT DANGER
23 TO THE PERSON'S SELF OR OTHERS OR APPEARS TO BE GRAVELY DISABLED
24 AND WHETHER THE RESPONDENT WILL VOLUNTARILY RECEIVE
25 EVALUATION OR TREATMENT. THE SCREENING REPORT SUBMITTED TO THE
26 COURT PURSUANT TO THIS SUBSECTION (4)(c) IS CONFIDENTIAL IN THE
27 PERSON'S MEDICAL RECORD AND MUST BE FURNISHED TO THE RESPONDENT

1 OR THE RESPONDENT'S ATTORNEY OR PERSONAL REPRESENTATIVE.

2 (d) WHENEVER IT APPEARS, BY PETITION AND SCREENING
3 PURSUANT TO THIS SECTION, TO THE SATISFACTION OF THE COURT THAT
4 PROBABLE CAUSE EXISTS TO BELIEVE THAT THE RESPONDENT IS UNDER
5 THE INFLUENCE OF OR INCAPACITATED BY SUBSTANCES, AND, AS A RESULT,
6 APPEARS TO BE AN IMMINENT DANGER TO THE PERSON'S SELF OR OTHERS
7 OR APPEARS TO BE GRAVELY DISABLED AND THAT EFFORTS HAVE BEEN
8 MADE TO SECURE THE COOPERATION OF THE RESPONDENT BUT THE
9 RESPONDENT HAS REFUSED OR FAILED TO ACCEPT EVALUATION
10 VOLUNTARILY, THE COURT SHALL ISSUE AN ORDER FOR EVALUATION
11 AUTHORIZING A CERTIFIED PEACE OFFICER OR SECURE TRANSPORTATION
12 PROVIDER TO TAKE THE RESPONDENT INTO CUSTODY AND TRANSPORT THE
13 RESPONDENT TO AN APPROVED TREATMENT FACILITY OR AN EMERGENCY
14 MEDICAL SERVICES FACILITY FOR AN EMERGENCY COMMITMENT. AT THE
15 TIME THE RESPONDENT IS TAKEN INTO CUSTODY, A COPY OF THE PETITION
16 AND THE ORDER FOR EVALUATION MUST BE GIVEN TO THE RESPONDENT
17 AND PROMPTLY THEREAFTER TO THE ONE LAY PERSON DESIGNATED BY THE
18 RESPONDENT AND TO THE PERSON IN CHARGE OF THE FACILITY NAMED IN
19 THE ORDER OR TO THE RESPONDENT'S DESIGNEE. IF THE RESPONDENT
20 REFUSES TO ACCEPT A COPY OF THE PETITION AND THE ORDER FOR
21 EVALUATION, THE REFUSAL MUST BE DOCUMENTED IN THE PETITION AND
22 THE ORDER FOR EVALUATION.

23 (5) WHEN A PERSON IS TRANSPORTED TO AN EMERGENCY MEDICAL
24 SERVICES FACILITY OR AN APPROVED TREATMENT FACILITY, THE FACILITY
25 MAY DETAIN THE PERSON UNDER AN EMERGENCY COMMITMENT FOR
26 EVALUATION FOR A PERIOD NOT TO EXCEED FIVE DAYS FROM THE TIME THE
27 EMERGENCY COMMITMENT WAS PLACED OR ORDERED; EXCEPT THAT A

1 PERSON MAY BE DETAINED FOR LONGER THAN FIVE DAYS AT AN APPROVED
2 TREATMENT FACILITY IF, IN THAT PERIOD OF TIME, A PETITION FOR
3 INVOLUNTARY COMMITMENT HAS BEEN FILED PURSUANT TO SECTION
4 27-81-112. A PERSON MUST NOT BE DETAINED LONGER THAN TEN DAYS,
5 EXCLUDING WEEKENDS AND HOLIDAYS, AFTER THE DATE OF FILING OF THE
6 PETITION FOR INVOLUNTARY COMMITMENT UNLESS A VALID MEDICAL
7 REASON EXISTS FOR DETAINING A PERSON LONGER. THIS SECTION DOES
8 NOT PROHIBIT AN EMERGENCY MEDICAL SERVICES FACILITY FROM
9 INVOLUNTARILY HOLDING THE PERSON IN ORDER TO STABILIZE THE
10 PERSON AS REQUIRED PURSUANT TO THE FEDERAL "EMERGENCY MEDICAL
11 TREATMENT AND LABOR ACT", 42 U.S.C. SEC. 1395dd, OR IF THE
12 TREATING PROFESSIONAL DETERMINES THAT THE INDIVIDUAL'S CONDITION
13 IMPAIRS THE PERSON'S ABILITY TO MAKE AN INFORMED DECISION TO
14 REFUSE CARE AND THE PROVIDER DETERMINES THAT FURTHER CARE IS
15 INDICATED. IF, IN THE OPINION OF THE PERSON IN CHARGE OF THE
16 EVALUATION, THE PERSON CAN BE PROPERLY CARED FOR WITHOUT BEING
17 DETAINED, THE PERSON SHALL BE PROVIDED SERVICES ON A VOLUNTARY
18 BASIS. IF THE PERSON IN CHARGE OF THE EVALUATION DETERMINES THE
19 PERSON SHOULD BE RELEASED, THE PERSON IN CHARGE OF THE
20 EVALUATION MAY TERMINATE THE EMERGENCY COMMITMENT.

21 (6)(a) EACH PERSON DETAINED FOR AN EMERGENCY COMMITMENT
22 PURSUANT TO THIS SECTION SHALL RECEIVE AN EVALUATION AS SOON AS
23 POSSIBLE AFTER THE PERSON IS PRESENTED TO THE FACILITY AND SHALL
24 RECEIVE THE TREATMENT AND CARE THE PERSON'S CONDITION REQUIRES
25 FOR THE FULL PERIOD THAT THE PERSON IS HELD. THE EVALUATION MUST
26 INCLUDE AN ASSESSMENT TO DETERMINE IF THE PERSON CONTINUES TO
27 MEET THE CRITERIA FOR AN EMERGENCY COMMITMENT AND REQUIRES

1 FURTHER TREATMENT IN AN APPROVED TREATMENT FACILITY. WITHIN
2 TWENTY-FOUR HOURS AFTER THE PERSON RECEIVES AN EVALUATION
3 PURSUANT TO THIS SUBSECTION (6)(a), THE PERSON MUST BE
4 REEVALUATED TO DETERMINE IF THE PERSON CONTINUES TO MEET THE
5 CRITERIA FOR AN EMERGENCY COMMITMENT. THE EVALUATION MUST
6 STATE WHETHER THE PERSON SHOULD BE RELEASED, WHETHER THE
7 PERSON SHOULD BE REFERRED FOR FURTHER CARE AND TREATMENT ON A
8 VOLUNTARY BASIS, OR WHETHER A PETITION FOR INVOLUNTARY
9 COMMITMENT SHOULD BE FILED PURSUANT TO SECTION 27-81-112. WHEN
10 AN INTERVENING PROFESSIONAL WITH EXPERIENCE AND TRAINING IN
11 SUBSTANCE USE DISORDERS, EXCEPT NOT A PROFESSIONAL REGISTERED
12 NURSE, DETERMINES THAT THE GROUNDS FOR AN EMERGENCY
13 COMMITMENT NO LONGER EXIST, THE INTERVENING PROFESSIONAL SHALL
14 DISCHARGE THE PERSON COMMITTED PURSUANT TO THIS SECTION.

15 (b) EACH EVALUATION MUST BE COMPLETED USING A
16 STANDARDIZED FORM APPROVED BY THE COMMISSIONER AND MAY BE
17 COMPLETED BY A PROFESSIONAL PERSON; A LICENSED ADVANCED
18 PRACTICE REGISTERED NURSE WITH TRAINING IN SUBSTANCE USE
19 DISORDERS; OR A LICENSED PHYSICIAN ASSISTANT, A LICENSED CLINICAL
20 SOCIAL WORKER, A LICENSED PROFESSIONAL COUNSELOR, OR A LICENSED
21 MARRIAGE AND FAMILY THERAPIST WHO HAS AT LEAST TWO YEARS OF
22 EXPERIENCE IN BEHAVIORAL HEALTH SAFETY AND RISK ASSESSMENT
23 WORKING IN A HEALTH-CARE SETTING.

24 (c) IF THE PERSON CONDUCTING AN EVALUATION PURSUANT TO
25 SUBSECTION (6)(a) OF THIS SECTION IS NOT A PROFESSIONAL PERSON AND
26 THE EVALUATING PERSON RECOMMENDS THE DETAINED PERSON BE
27 COMMITTED FOR INVOLUNTARY COMMITMENT PURSUANT TO SECTION

1 27-81-112, THE EVALUATING PERSON SHALL NOTIFY THE FACILITY OF THE
2 RECOMMENDATION. AN INVOLUNTARY COMMITMENT MUST ONLY BE
3 INITIATED PURSUANT TO SECTION 27-81-112.

4 (7) (a) IF A PERSON IS EVALUATED AT AN EMERGENCY MEDICAL
5 SERVICES FACILITY AND THE EVALUATING PROFESSIONAL DETERMINES
6 THAT THE PERSON CONTINUES TO MEET THE CRITERIA FOR AN EMERGENCY
7 COMMITMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE
8 EMERGENCY MEDICAL SERVICES FACILITY SHALL IMMEDIATELY NOTIFY
9 THE BHA IF THE FACILITY CANNOT LOCATE APPROPRIATE PLACEMENT.
10 ONCE NOTIFIED, THE BHA SHALL SUPPORT THE EMERGENCY MEDICAL
11 SERVICES FACILITY IN LOCATING AN APPROPRIATE PLACEMENT OPTION ON
12 AN INPATIENT OR OUTPATIENT BASIS, WHICHEVER IS CLINICALLY
13 APPROPRIATE.

14 (b) IF AN APPROPRIATE PLACEMENT OPTION AS DESCRIBED IN
15 SUBSECTION (7)(a) OF THIS SECTION CANNOT BE LOCATED AND THE
16 PERSON CONTINUES TO MEET THE CRITERIA FOR AN EMERGENCY
17 COMMITMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION AND THE
18 PERSON HAS BEEN MEDICALLY STABILIZED, THE EMERGENCY MEDICAL
19 SERVICES FACILITY MAY PLACE THE PERSON UNDER A SUBSEQUENT
20 EMERGENCY COMMITMENT. IF THE FACILITY PLACES THE PERSON UNDER
21 A SUBSEQUENT EMERGENCY COMMITMENT, THE FACILITY SHALL
22 IMMEDIATELY NOTIFY THE BHA, THE PERSON'S LAY PERSON, AND THE
23 COURT, AND THE COURT SHALL IMMEDIATELY APPOINT AN ATTORNEY TO
24 REPRESENT THE PERSON. THE FACILITY MAY NOTIFY BY MAIL THE COURT
25 WHERE THE PERSON RESIDES. ONCE THE COURT IS NOTIFIED, THE
26 EMERGENCY MEDICAL SERVICES FACILITY IS NOT REQUIRED TO TAKE ANY
27 FURTHER ACTION TO PROVIDE THE PERSON WITH AN ATTORNEY. THE BHA

1 IS RESPONSIBLE FOR ACTIVELY ASSISTING THE FACILITY IN LOCATING
2 APPROPRIATE PLACEMENT FOR THE PERSON. IF THE PERSON HAS BEEN
3 RECENTLY TRANSFERRED FROM AN EMERGENCY MEDICAL SERVICES
4 FACILITY TO AN APPROVED TREATMENT FACILITY AND THE FACILITY IS
5 ABLE TO DEMONSTRATE THAT THE FACILITY IS UNABLE TO COMPLETE THE
6 EVALUATION BEFORE THE INITIAL EMERGENCY COMMITMENT IS SET TO
7 EXPIRE, THE FACILITY MAY PLACE THE PERSON UNDER A SUBSEQUENT
8 EMERGENCY COMMITMENT AND SHALL IMMEDIATELY NOTIFY THE BHA
9 AND LAY PERSON.

10 (c) THE BHA SHALL MAINTAIN DATA ON THE CHARACTERISTICS OF
11 EACH PERSON PLACED ON A SUBSEQUENT EMERGENCY COMMITMENT
12 PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION. THE BHA MAY
13 CONTRACT WITH ENTITIES COORDINATING CARE OR WITH PROVIDERS
14 SERVING WITHIN THE SAFETY NET SYSTEM DEVELOPED PURSUANT TO
15 SECTION 27-63-105 TO MEET THE REQUIREMENTS OF THIS SUBSECTION (7).

16 (d) A HOSPITAL THAT IS SUBJECT TO THE FEDERAL "EMERGENCY
17 MEDICAL TREATMENT AND LABOR ACT", 42 U.S.C. SEC. 1395dd, SHALL
18 ONLY DISCHARGE A PERSON PLACED ON AN EMERGENCY COMMITMENT IF
19 THE PERSON NO LONGER MEETS THE CRITERIA FOR AN EMERGENCY
20 COMMITMENT; EXCEPT THAT A HOSPITAL MAY TRANSFER THE PERSON TO
21 ANOTHER HOSPITAL IF THE HOSPITAL IS UNABLE TO PROVIDE THE
22 APPROPRIATE MEDICAL OR BEHAVIORAL HEALTH CARE TO THE PERSON
23 AND THE RECEIVING HOSPITAL AGREES TO THE TRANSFER.

24 (8)(a) A FACILITY SHALL PROVIDE EACH PERSON DETAINED FOR AN
25 EMERGENCY COMMITMENT DISCHARGE INSTRUCTIONS. THE DISCHARGE
26 INSTRUCTIONS MUST BE COMPLETED FOR EVERY PERSON, REGARDLESS OF
27 THE PERSON'S DISCHARGE STATUS, BEFORE THE PERSON IS RELEASED. IF

1 THE DETAINED PERSON REFUSES TO ACCEPT THE DISCHARGE
2 INSTRUCTIONS, THE REFUSAL MUST BE DOCUMENTED IN THE PERSON'S
3 MEDICAL RECORD. AT A MINIMUM, THE DISCHARGE INSTRUCTIONS MUST
4 INCLUDE:

5 (I) A SUMMARY OF WHY THE PERSON WAS DETAINED OR
6 EVALUATED FOR AN EMERGENCY COMMITMENT, DETAILED INFORMATION
7 AS TO WHY THE EVALUATING PROFESSIONAL DETERMINED THE PERSON NO
8 LONGER MEETS THE CRITERIA FOR AN EMERGENCY COMMITMENT OR
9 INVOLUNTARY COMMITMENT PURSUANT TO SECTION 27-81-112, AND
10 WHETHER THE PERSON MAY RECEIVE SERVICES ON A VOLUNTARY BASIS
11 PURSUANT TO SUBSECTION (6) OF THIS SECTION;

12 (II) IF THE PERSON'S MEDICATIONS WERE CHANGED OR THE PERSON
13 WAS NEWLY PRESCRIBED MEDICATIONS DURING THE EMERGENCY
14 COMMITMENT, A CLINICALLY APPROPRIATE SUPPLY OF MEDICATIONS, AS
15 DETERMINED BY THE JUDGMENT OF A LICENSED HEALTH-CARE PROVIDER,
16 FOR THE PERSON UNTIL THE PERSON CAN ACCESS ANOTHER PROVIDER OR
17 A FOLLOW-UP APPOINTMENT;

18 (III) A SAFETY PLAN FOR THE PERSON AND, IF APPLICABLE, THE
19 PERSON'S LAY PERSON WHEN INDICATED BY THE PERSON'S CONDITION OR
20 MENTAL OR EMOTIONAL STATE;

21 (IV) NOTIFICATION TO THE PERSON'S PRIMARY CARE PROVIDER, IF
22 APPLICABLE;

23 (V) A REFERRAL TO APPROPRIATE SERVICES, IF APPROPRIATE
24 SERVICES EXIST IN THE COMMUNITY, IF THE PERSON IS DISCHARGED
25 WITHOUT FOOD, HOUSING, OR ECONOMIC SECURITY. ANY REFERRALS AND
26 LINKAGES MUST BE DOCUMENTED IN THE PERSON'S MEDICAL RECORD.

27 (VI) INFORMATION ON THE 988 CRISIS HOTLINE OPERATED

1 PURSUANT TO SECTION 27-64-103 AND INFORMATION ON THE
2 AVAILABILITY OF PEER SUPPORT SERVICES;

3 (VII) INFORMATION ON HOW TO ESTABLISH A PSYCHIATRIC
4 ADVANCE DIRECTIVE IF ONE IS NOT PRESENTED;

5 (VIII) MEDICATIONS THAT WERE CHANGED DURING THE
6 EMERGENCY COMMITMENT, INCLUDING ANY MEDICATIONS THAT THE
7 PERSON WAS TAKING OR THAT WERE PREVIOUSLY PRESCRIBED UPON
8 ADMISSION, AND WHICH MEDICATIONS, IF ANY, WERE CHANGED OR
9 DISCONTINUED AT THE TIME OF DISCHARGE;

10 (IX) A LIST OF ANY SCREENING OR DIAGNOSTIC TESTS CONDUCTED
11 DURING THE EMERGENCY COMMITMENT, IF REQUESTED;

12 (X) A SUMMARY OF THERAPEUTIC TREATMENTS PROVIDED DURING
13 THE EMERGENCY COMMITMENT, IF REQUESTED;

14 (XI) ANY LABORATORY WORK, INCLUDING BLOOD SAMPLES OR
15 IMAGING THAT WAS COMPLETED OR ATTEMPTED, IF REQUESTED;

16 (XII) THE PERSON'S VITAL SIGNS UPON DISCHARGE FROM THE
17 EMERGENCY COMMITMENT, IF REQUESTED;

18 (XIII) A COPY OF ANY PSYCHIATRIC ADVANCE DIRECTIVE
19 PRESENTED TO THE FACILITY, IF APPLICABLE; AND

20 (XIV) HOW TO CONTACT THE DISCHARGING FACILITY IF NEEDED.

21 (b) THE FACILITY SHALL DOCUMENT IN THE PERSON'S MEDICAL
22 RECORD WHETHER THE PERSON ACCEPTED THE DISCHARGE INSTRUCTIONS.
23 THE FACILITY SHALL PROVIDE THE DISCHARGE INSTRUCTIONS TO THE
24 PERSON'S PARENT OR LEGAL GUARDIAN, IF THE PERSON IS UNDER EIGHTEEN
25 YEARS OF AGE, AND TO THE PERSON'S LAY PERSON, WHEN POSSIBLE.

26 (c) UPON DISCHARGE, THE FACILITY SHALL DISCUSS WITH THE
27 PERSON, THE PERSON'S PARENT OR LEGAL GUARDIAN, OR THE PERSON'S

1 LAY PERSON THE STATEWIDE CARE COORDINATION INFRASTRUCTURE
2 ESTABLISHED IN SECTION 27-60-204 TO FACILITATE A FOLLOW-UP
3 APPOINTMENT FOR THE PERSON WITHIN SEVEN CALENDAR DAYS AFTER THE
4 DISCHARGE.

5 (d) (I) THE FACILITY SHALL, AT A MINIMUM, ATTEMPT TO FOLLOW
6 UP WITH THE PERSON, THE PERSON'S PARENT OR LEGAL GUARDIAN, OR THE
7 PERSON'S LAY PERSON AT LEAST FORTY-EIGHT HOURS AFTER DISCHARGE.
8 THE FACILITY IS ENCOURAGED TO UTILIZE PEER SUPPORT PROFESSIONALS,
9 AS DEFINED IN SECTION 27-60-108 (2)(b), WHEN PERFORMING FOLLOW-UP
10 CARE WITH THE PERSON AND IN DEVELOPING DISCHARGE INSTRUCTIONS
11 PURSUANT TO SUBSECTION (8)(a)(I) OF THIS SECTION. THE FACILITY MAY
12 FACILITATE FOLLOW-UP CARE THROUGH CONTRACTS WITH
13 COMMUNITY-BASED BEHAVIORAL HEALTH PROVIDERS OR THE 988 CRISIS
14 HOTLINE OPERATED PURSUANT TO SECTION 27-64-103. IF THE FACILITY
15 FACILITATES FOLLOW-UP CARE THROUGH A THIRD-PARTY CONTRACT, THE
16 FACILITY SHALL OBTAIN AUTHORIZATION FROM THE PERSON TO PROVIDE
17 FOLLOW-UP CARE.

18 (II) IF THE PERSON IS ENROLLED IN MEDICAID, THE FACILITY IS NOT
19 REQUIRED TO MEET THE REQUIREMENTS OF THIS SUBSECTION (8)(d) AND
20 INSTEAD, THE FACILITY SHALL NOTIFY THE PERSON'S RELEVANT MANAGED
21 CARE ENTITY, AS DEFINED IN SECTION 25.5-5-403, OF THE PERSON'S
22 DISCHARGE AND NEED FOR ONGOING FOLLOW-UP CARE PRIOR TO THE
23 PERSON'S DISCHARGE.

24 (III) IF THE FACILITY CONTRACTS WITH A BEHAVIORAL HEALTH
25 SAFETY NET PROVIDER, AS DEFINED IN SECTION 27-50-101, TO PROVIDE
26 BEHAVIORAL HEALTH SERVICES TO A PERSON ON OR FOLLOWING AN
27 EMERGENCY COMMITMENT, THE FACILITY SHALL WORK WITH THE SAFETY

1 NET PROVIDER IN ORDER TO MEET THE REQUIREMENTS OF THIS SUBSECTION
2 (8)(d).

3 (e) THE FACILITY SHALL ENCOURAGE THE PERSON TO DESIGNATE
4 A FAMILY MEMBER, FRIEND, OR OTHER PERSON AS A LAY PERSON TO
5 PARTICIPATE IN THE PERSON'S DISCHARGE PLANNING AND SHALL NOTIFY
6 THE PERSON THAT THE PERSON IS ABLE TO RESCIND THE AUTHORIZATION
7 OF A LAY PERSON AT ANY TIME. IF THE PERSON DESIGNATES A LAY PERSON
8 AND HAS PROVIDED NECESSARY AUTHORIZATION, THE FACILITY SHALL
9 ATTEMPT TO INVOLVE THE LAY PERSON IN THE PERSON'S DISCHARGE
10 PLANNING. THE FACILITY SHALL NOTIFY THE LAY PERSON THAT THE
11 PERSON IS BEING DISCHARGED OR TRANSFERRED.

12 (9) (a) NO LATER THAN JULY 1, 2026, AND EACH JULY 1
13 THEREAFTER, EACH LOCAL LAW ENFORCEMENT AGENCY THAT HAS TAKEN
14 A PERSON INTO PROTECTIVE CUSTODY PURSUANT TO THIS SECTION SHALL
15 PROVIDE AN ANNUAL REPORT TO THE BHA THAT INCLUDES ONLY
16 DISAGGREGATED AND NONIDENTIFYING INFORMATION CONCERNING
17 PERSONS WHO WERE TAKEN INTO PROTECTIVE CUSTODY IN AN APPROVED
18 TREATMENT FACILITY OR DETAINED IN AN EMERGENCY MEDICAL SERVICES
19 FACILITY OR JAIL. THE REPORT MUST CONTAIN THE FOLLOWING:

20 (I) THE NAMES AND COUNTIES OF THE FACILITIES AND JAILS;

21 (II) THE TOTAL NUMBER OF PERSONS TAKEN INTO PROTECTIVE
22 CUSTODY PURSUANT TO THIS SECTION, INCLUDING A SUMMARY OF
23 DEMOGRAPHIC INFORMATION;

24 (III) A SUMMARY REGARDING THE DIFFERENT REASONS FOR WHICH
25 PERSONS WERE TAKEN INTO PROTECTIVE CUSTODY PURSUANT TO THIS
26 SECTION; AND

27 (IV) THE LENGTH OF TIME EACH PERSON WAS HELD UNDER

1 PROTECTIVE CUSTODY.

2 (b) EACH EMERGENCY MEDICAL SERVICES FACILITY THAT DETAINS
3 A PERSON UNDER PROTECTIVE CUSTODY OR DETAINS OR HOLDS A PERSON
4 ON AN EMERGENCY COMMITMENT SHALL PROVIDE A QUARTERLY REPORT
5 TO THE BHA WITH THE FOLLOWING INFORMATION:

6 (I) THE TOTAL NUMBER OF PERSONS DETAINED UNDER PROTECTIVE
7 CUSTODY AND THE TOTAL NUMBER OF PERSONS HELD IN THE EMERGENCY
8 MEDICAL SERVICES FACILITY ON AN EMERGENCY COMMITMENT;

9 (II) THE TOTAL NUMBER OF DAYS EACH PERSON WAS DETAINED OR
10 HELD;

11 (III) WHETHER EACH PERSON WAS TRANSFERRED TO ANOTHER
12 FACILITY, RELEASED, OR PLACED ON AN INVOLUNTARY COMMITMENT; AND

13 (IV) WHETHER THE EMERGENCY MEDICAL SERVICES FACILITY
14 TRANSFERRED EACH PERSON TO THE LOCAL JAIL TO BE DETAINED UNDER
15 PROTECTIVE CUSTODY OR FOR AN EMERGENCY COMMITMENT AND THE
16 REASON FOR THE TRANSFER.

17 (c) ANY INFORMATION DISAGGREGATED AND PROVIDED TO THE
18 BHA PURSUANT TO THIS SUBSECTION (9) IS PRIVILEGED AND
19 CONFIDENTIAL. THE BHA SHALL NOT MAKE THE INFORMATION AVAILABLE
20 TO THE PUBLIC EXCEPT IN AN AGGREGATE FORMAT THAT CANNOT BE USED
21 TO IDENTIFY AN INDIVIDUAL FACILITY. THE INFORMATION IS NOT SUBJECT
22 TO CIVIL SUBPOENA AND IS NOT DISCOVERABLE OR ADMISSIBLE IN ANY
23 CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING AGAINST AN APPROVED
24 TREATMENT FACILITY, EMERGENCY MEDICAL SERVICES FACILITY, JAIL,
25 LAW ENFORCEMENT OFFICER, OR EMERGENCY MEDICAL SERVICE
26 PERSONNEL. THE BHA SHALL ONLY USE THE INFORMATION TO ASSESS
27 STATEWIDE BEHAVIORAL HEALTH SERVICES NEEDS AND WITHDRAWAL

1 MANAGEMENT NEEDS AND TO PLAN FOR SUFFICIENT LEVELS OF STATEWIDE
2 BEHAVIORAL HEALTH AND WITHDRAWAL MANAGEMENT SERVICES. IN
3 COLLECTING THE DATA PURSUANT TO THE REQUIREMENTS OF THIS
4 SUBSECTION (9), THE BHA SHALL PROTECT THE CONFIDENTIALITY OF
5 PATIENT RECORDS, IN ACCORDANCE WITH STATE AND FEDERAL LAWS, AND
6 SHALL NOT DISCLOSE ANY PUBLIC IDENTIFYING OR PROPRIETARY
7 INFORMATION OF ANY APPROVED TREATMENT FACILITY OR EMERGENCY
8 MEDICAL SERVICES FACILITY. THIS SUBSECTION (9)(c) DOES NOT APPLY TO
9 INFORMATION THAT IS OTHERWISE AVAILABLE FROM A SOURCE OUTSIDE
10 OF THE DATA COLLECTION ACTIVITIES REQUIRED PURSUANT TO
11 SUBSECTION (9)(a) OF THIS SECTION.

12 **SECTION 3.** In Colorado Revised Statutes, **add** 27-81-119 as
13 follows:

14 **27-81-119. Rules - administration.**

15 THE BEHAVIORAL HEALTH ADMINISTRATION SHALL ADOPT ANY
16 RULES AND DEVELOP AND DISTRIBUTE ANY APPLICATIONS OR FORMS
17 NECESSARY TO CONSISTENTLY ENFORCE THE PROVISIONS OF THIS ARTICLE
18 81.

19 **SECTION 4.** In Colorado Revised Statutes, 16-8.5-105, **amend**
20 (1)(d) as follows:

21 **16-8.5-105. Evaluations, locations, time frames, and report.**

22 (1) (d) If a defendant is in the department's custody for purposes
23 of the competency evaluation ordered pursuant to this article 8.5 and the
24 defendant has completed the competency evaluation and the evaluator has
25 concluded that the defendant is competent to proceed, the department may
26 return the defendant to a county jail or to the community, as determined
27 by the defendant's bond status. If the evaluator has concluded that the

1 defendant is incompetent to proceed and that inpatient restoration services
2 are not clinically appropriate, and outpatient restoration services are
3 available to the defendant in the community, the department shall notify
4 the court and the bridges court liaison, and the department shall develop
5 a discharge plan and a plan for community-based restoration services in
6 coordination with the community restoration services provider. THE
7 DISCHARGE PLAN AND PLAN FOR COMMUNITY-BASED RESTORATION
8 SERVICES MAY INCLUDE A COMPONENT OF MENTAL HEALTH TREATMENT
9 AND ONGOING CLINICAL SUPPORT. The court shall hold a hearing within
10 seven days after receiving the notice, at which the department shall
11 provide to the court the plan for community-based restoration services,
12 and the court may enter any appropriate orders regarding the custody of
13 the defendant and the defendant's bond status. THE COURT MAY INCLUDE
14 IN THE ORDER A REQUIREMENT FOR THE DEFENDANT TO PARTICIPATE IN
15 MENTAL HEALTH TREATMENT AS PART OF THE COMMUNITY-BASED
16 RESTORATION SERVICES. The department shall advise the defendant of the
17 date and time of the court hearing. If the department is returning the
18 defendant to a county jail, the county sheriff in the jurisdiction where the
19 defendant must return shall take custody of the defendant within
20 seventy-two hours after receiving notification from the department that
21 the defendant's evaluation is completed. At the time the department
22 notifies the sheriff, the department shall also notify the court and the
23 bridges court liaison that the department is returning the defendant to the
24 custody of the jail.

25 **SECTION 5.** In Colorado Revised Statutes, 27-65-106, **amend**
26 (8)(d)(I) as follows:

27 **27-65-106. Emergency mental health hold - screening -**

1 **court-ordered evaluation - discharge instructions - respondent's**
2 **rights.**

3 (8) (d) (I) The facility shall, at a minimum, attempt to follow up
4 with the person, the person's parent or legal guardian, or the person's lay
5 person at least ~~forty-eight~~ SEVENTY-TWO hours after discharge. The
6 facility is encouraged to utilize peer support professionals, as defined in
7 section 27-60-108 (2)(b), when performing follow-up care with
8 individuals and in developing a continuing care plan pursuant to
9 subsection (8)(a)(I) of this section. The facility may facilitate follow-up
10 care through contracts with community-based behavioral health providers
11 or the 988 crisis hotline operated pursuant to section 27-64-103. If the
12 facility facilitates follow-up care through a third-party contract, the
13 facility shall obtain authorization from the person to provide follow-up
14 care.

15 **SECTION 6.** In Colorado Revised Statutes, 27-50-501, **amend**
16 (3) as follows:

17 **27-50-501. Behavioral health entities - license required -**
18 **criminal and civil penalties.**

19 (3) (a) Notwithstanding any provision of law to the contrary, the
20 BHA shall ~~not~~ ONLY issue or renew ~~any~~ A license described in this part
21 5 ~~unless~~ IF the BHA receives a certificate of compliance for the
22 applicant's building or structure from the division of fire prevention and
23 control in the department of public safety in accordance with part 12 of
24 article 33.5 of title 24; EXCEPT THAT:

25 (I) AN APPLICANT THAT PROVIDES ONLY TELEHEALTH SERVICES IS
26 NOT REQUIRED TO RECEIVE A CERTIFICATE OF COMPLIANCE; AND

27 (II) AN APPLICANT THAT PROVIDES ONLY OUTPATIENT SERVICES

1 MAY RECEIVE A CERTIFICATE OF COMPLIANCE FROM A FIRE DEPARTMENT,
2 AS DEFINED IN SECTION 24-33.5-1202, THAT EMPLOYS AN INSPECTOR
3 CERTIFIED PURSUANT TO SECTION 24-33.5-1211 RATHER THAN FROM THE
4 DIVISION OF FIRE PREVENTION AND CONTROL.

5 (b) The BHA shall take action on an application for licensure
6 within thirty days after the date that the BHA receives from the applicant
7 all of the necessary information and documentation required for licensure.
8 ~~including a certificate of compliance from the division of fire prevention~~
9 ~~and control.~~

10 **SECTION 7. Safety clause.** The general assembly finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety or for appropriations for
13 the support and maintenance of the departments of the state and state
14 institutions.