

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0847.01 Veronica Parish x2606

HOUSE BILL 26-1305

HOUSE SPONSORSHIP

Lukens,

SENATE SPONSORSHIP

Roberts,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ENHANCING ACCESS TO INPATIENT BEHAVIORAL HEALTH
102 BY ALIGNING STATE AND FEDERAL STATUTES.

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 allows remote psychiatric inpatient health-care facilities to operate under a main hospital's license if certain conditions are met. The bill outlines the process by which a remote psychiatric inpatient health-care facility can apply to operate under a main hospital.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-103, **add**
3 (1)(e) as follows:

4 **25-1.5-103. Health facilities - powers and duties of department**
5 **- rules - limitations on rules - definitions - repeal.**

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

9 (e) TO ESTABLISH AND ENFORCE STANDARDS FOR THE OPERATION
10 AND MAINTENANCE OF REMOTE PSYCHIATRIC INPATIENT LOCATIONS OF
11 GENERAL HOSPITALS, AS DEFINED IN SECTION 25-3-101 (2)(d).

12 **SECTION 2.** In Colorado Revised Statutes, 25-3-101, **add** (2)(c),
13 (2)(d), (5), (6), (7), and (8) as follows:

14 **25-3-101. Hospitals - health facilities - licensed - definitions.**

15 (2) As used in this section, unless the context otherwise requires:

16 (c) "MAIN HOSPITAL" MEANS A HEALTH-CARE FACILITY THAT IS
17 LICENSED AS A GENERAL HOSPITAL AND OPERATES A REMOTE PSYCHIATRIC
18 INPATIENT LOCATION UNDER A GENERAL HOSPITAL'S LICENSE.

19 (d) "REMOTE PSYCHIATRIC INPATIENT LOCATION OF A GENERAL
20 HOSPITAL" OR "REMOTE PSYCHIATRIC INPATIENT LOCATION" MEANS A
21 HEALTH-CARE FACILITY THAT IS FEDERALLY DETERMINED OR SEEKING
22 FEDERAL DETERMINATION AS A REMOTE LOCATION OF A MAIN HOSPITAL
23 WITH PROVIDER-BASED STATUS PURSUANT TO 42 CFR 413.65, DELIVERS
24 HEALTH-CARE SERVICES UNDER THE NAME, OWNERSHIP, AND FINANCIAL
25 AND ADMINISTRATIVE CONTROL OF A MAIN HOSPITAL, AND MEETS THE
26 FOLLOWING CRITERIA:

27 (I) (A) WAS INITIALLY LICENSED BY THE DEPARTMENT AS A

1 PSYCHIATRIC HOSPITAL; OR

2 (B) WOULD OTHERWISE BE SUBJECT TO LICENSING AS A
3 PSYCHIATRIC HOSPITAL;

4 (II) MEETS ALL THE STATE BOARD OF HEALTH LICENSING RULES
5 FOR A PSYCHIATRIC HOSPITAL, INCLUDING BUILDING STANDARDS ADOPTED
6 PURSUANT TO SECTION 25-1-108 (1)(c)(II);

7 (III) IS A STANDALONE FACILITY NOT LOCATED ON ANY HOSPITAL
8 CAMPUS;

9 (IV) IS LOCATED WITHIN THIRTY-FIVE MILES OF THE MAIN
10 HOSPITAL IN A RURAL AREA AS DEFINED IN SECTION 25-1.5-103 (3)(b);
11 AND

12 (V) OFFERS PRIMARILY INPATIENT PSYCHIATRIC SERVICES WITH
13 SEVENTEEN OR MORE INPATIENT BEDS.

14 (5) A HEALTH-CARE FACILITY THAT IS A REMOTE PSYCHIATRIC
15 INPATIENT LOCATION OF A GENERAL HOSPITAL IS NOT REQUIRED TO BE
16 SEPARATELY LICENSED AS A PSYCHIATRIC HOSPITAL. THE DEPARTMENT
17 SHALL RECOGNIZE THE HEALTH-CARE FACILITY AS LAWFULLY LICENSED
18 UNDER THE MAIN HOSPITAL'S GENERAL LICENSE, UPON PROOF THAT THE
19 REMOTE PSYCHIATRIC INPATIENT LOCATION SATISFIES THE CRITERIA IN
20 SUBSECTION (2)(d) OF THIS SECTION.

21 (6) A REMOTE PSYCHIATRIC INPATIENT LOCATION OF A GENERAL
22 HOSPITAL IS SUBJECT TO STATE BOARD OF HEALTH LICENSING RULES FOR
23 PSYCHIATRIC HOSPITALS AND IS NOT SUBJECT TO STATE BOARD OF HEALTH
24 LICENSING RULES FOR GENERAL HOSPITALS.

25 (7) ANY ENFORCEMENT ACTION BY THE DEPARTMENT MUST BE
26 TAKEN AGAINST THE MAIN HOSPITAL'S GENERAL HOSPITAL LICENSE,
27 REGARDLESS OF WHETHER THE ACTION ARISES FROM CONDUCT THAT

1 OCCURS AT THE MAIN HOSPITAL LOCATION OR THE REMOTE PSYCHIATRIC
2 INPATIENT LOCATION.

3 (8) IN THE EVENT THAT THE REMOTE PSYCHIATRIC INPATIENT
4 LOCATION IS NO LONGER FEDERALLY DETERMINED AS A REMOTE LOCATION
5 OF A GENERAL HOSPITAL WITH PROVIDER-BASED STATUS PURSUANT TO 42
6 CFR 413.65, THE REMOTE PSYCHIATRIC INPATIENT LOCATION MUST SEEK
7 A PSYCHIATRIC HOSPITAL LICENSE IN ORDER TO CONTINUE OPERATING.

8 **SECTION 3.** In Colorado Revised Statutes, 25-3-102, **add**
9 (1)(d.5) and (4) as follows:

10 **25-3-102. License - application - issuance - certificate of**
11 **compliance required - rules.**

12 (1) (d.5) THE MAIN HOSPITAL MUST DEMONSTRATE THAT IT MEETS
13 THE FOLLOWING CONDITIONS IN ITS APPLICATION FOR RENEWAL OF A
14 LICENSE DESCRIBED IN SECTION 25-3-101 IN ORDER FOR A REMOTE
15 PSYCHIATRIC INPATIENT LOCATION TO CONTINUE TO OPERATE UNDER THE
16 MAIN HOSPITAL'S GENERAL HOSPITAL LICENSE:

17 (I) THE REMOTE PSYCHIATRIC INPATIENT LOCATION IS DESIGNATED
18 BY THE COMMISSIONER OF THE BEHAVIORAL HEALTH ADMINISTRATION TO
19 PROVIDE SERVICES PURSUANT TO ARTICLE 65 OF TITLE 27;

20 (II) THE REMOTE PSYCHIATRIC INPATIENT LOCATION IS FEDERALLY
21 DETERMINED AS A REMOTE LOCATION OF A GENERAL HOSPITAL WITH
22 PROVIDER-BASED STATUS PURSUANT TO 42 CFR 413.65;

23 (III) THE REMOTE PSYCHIATRIC INPATIENT LOCATION MEETS ALL
24 STATE BOARD OF HEALTH PSYCHIATRIC HOSPITAL RULES; AND

25 (IV) THE REMOTE PSYCHIATRIC INPATIENT LOCATION IS CERTIFIED
26 TO ACCEPT MEDICAID AND SERVES MEDICAID MEMBERS.

27 (4) IF AT ANY TIME A REMOTE PSYCHIATRIC INPATIENT LOCATION

1 OF A GENERAL HOSPITAL IS NO LONGER FEDERALLY DETERMINED TO HAVE
2 PROVIDER-BASED STATUS PURSUANT TO 42 CFR 413.65, THE REMOTE
3 PSYCHIATRIC INPATIENT LOCATION MUST SECURE A PSYCHIATRIC HOSPITAL
4 LICENSE FROM THE DEPARTMENT TO CONTINUE OPERATIONS.

5 **SECTION 4.** In Colorado Revised Statutes, 25-3-102.1, **amend**
6 (1)(b)(III); and **add** (1)(b)(IV) as follows:

7 **25-3-102.1. Deemed status for certain facilities.**

8 (1) (b) (III) If the department of ~~public health and environment~~
9 takes an enforcement activity, as defined in section 25-1.5-103 (2)(b.5),
10 against a health facility to which it has granted deemed status pursuant to
11 this ~~paragraph (b)~~ SUBSECTION (1)(b), the department may revoke the
12 health facility's deemed status.

13 (IV) (A) A REMOTE PSYCHIATRIC INPATIENT LOCATION OF A
14 GENERAL HOSPITAL MUST ONLY BE DEEMED BY THE DEPARTMENT TO MEET
15 THE REQUIREMENTS FOR RENEWAL UNDER THE GENERAL HOSPITAL'S
16 LICENSE IF A PSYCHIATRIC HOSPITAL ACCREDITING ORGANIZATION HAS
17 DETERMINED THAT THE REMOTE PSYCHIATRIC INPATIENT LOCATION
18 SATISFIES SPECIALIZED PSYCHIATRIC REQUIREMENTS TO BE ACCREDITED
19 AS A PSYCHIATRIC HOSPITAL.

20 (B) NOTHING IN THIS SECTION PREVENTS THE DEPARTMENT FROM
21 CONDUCTING AN INSPECTION OF THE REMOTE PSYCHIATRIC INPATIENT
22 LOCATION FOR LICENSING OR OTHER REQUIREMENTS.

23 (C) NOTHING IN THIS SECTION PREVENTS THE DEPARTMENT FROM
24 CONDUCTING AN INSPECTION OF A REMOTE PSYCHIATRIC INPATIENT
25 LOCATION TO INVESTIGATE A COMPLAINT REGARDING A VIOLATION OF
26 SECTION 27-65-106, 27-65-107, 27-65-108.5, 27-65-109, 27-65-110, OR
27 27-65-119 TO THE EXTENT THE COMPLAINT IS APPLICABLE TO A

1 HEALTH-CARE FACILITY LICENSED BY THE DEPARTMENT.

2 **SECTION 5.** In Colorado Revised Statutes, 25-3-105, **add**
3 (1)(a)(IV) as follows:

4 **25-3-105. License - fee - rules - performance incentive system**
5 **- penalty.**

6 (1) (a) (IV) A MAIN HOSPITAL WITH A REMOTE PSYCHIATRIC
7 INPATIENT LOCATION IS SUBJECT TO A SEPARATE LICENSING FEE FOR EACH
8 REMOTE PSYCHIATRIC INPATIENT LOCATION OPERATING UNDER A SINGLE
9 GENERAL HOSPITAL LICENSE.

10 **SECTION 6. 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.