

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

June 7, 2021

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB21-137 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

1 TREATMENT PROGRAMS, PSYCHIATRIC RESIDENTIAL TREATMENT
2 FACILITIES, OR THERAPEUTIC FOSTER CARE PROVIDERS TO ADDRESS THIS
3 EMERGENCY SITUATION AND ENSURE THERE ARE HIGH-QUALITY
4 PROVIDERS AVAILABLE TO MEET THESE NEEDS.

5 (2) ON OR BEFORE AUGUST 1, 2021, THE STATE DEPARTMENT
6 SHALL DEVELOP A PROGRAM TO PROVIDE EMERGENCY RESOURCES TO
7 LICENSED PROVIDERS TO HELP REMOVE BARRIERS SUCH PROVIDERS FACE
8 IN SERVING CHILDREN AND YOUTH WHOSE BEHAVIORAL OR MENTAL
9 HEALTH NEEDS REQUIRE SERVICES AND TREATMENT IN A RESIDENTIAL
10 CHILD CARE FACILITY. ANY SUCH LICENSED PROVIDER SHALL MEET THE
11 REQUIREMENTS OF A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, AS
12 DEFINED IN SECTION 26-5.4-102, A PSYCHIATRIC RESIDENTIAL TREATMENT
13 FACILITY, AS DEFINED IN SECTION 26-5.4-103 (19.5), OR THERAPEUTIC
14 FOSTER CARE, AS DEFINED IN SECTION 26-6-102 (39).

15 (3) THE STATE DEPARTMENT MAY PROMULGATE RULES
16 CONCERNING THE PLACEMENT OF A CHILD OR YOUTH IN THE PROGRAM.
17 THE RULES MAY ADDRESS QUALITY ASSURANCE MONITORING,
18 ADMISSIONS, DISCHARGE PLANNING, APPROPRIATE LENGTH OF STAY, AN
19 APPEALS PROCESS FOR CHILDREN AND YOUTH WHO ARE DETERMINED
20 INELIGIBLE FOR THE PROGRAM, AND COMPLIANCE WITH APPLICABLE
21 FEDERAL LAW, INCLUDING THE FEDERAL "FAMILY FIRST PREVENTION
22 SERVICES ACT"; EXCEPT THAT RULES CONCERNING THE PLACEMENT OF A
23 CHILD OR YOUTH WHO IS NOT IN THE CUSTODY OF A STATE OR COUNTY
24 DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL NOT
25 INAPPROPRIATELY APPLY COMPLIANCE WITH SUCH ACT.

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

31 (I) DENY ADMITTANCE OF A CHILD OR YOUTH IF THE CHILD OR
32 YOUTH OTHERWISE MEETS THE ELIGIBILITY CRITERIA FOR THE PROGRAM;
33 OR

34 (II) DISCHARGE A CHILD OR YOUTH BASED ON THE SEVERITY OR
35 COMPLEXITY OF THE CHILD OR YOUTH'S PHYSICAL, BEHAVIORAL, OR
36 MENTAL HEALTH NEEDS; EXCEPT THAT THE STATE DEPARTMENT MAY
37 ARRANGE FOR THE PLACEMENT OF A CHILD OR YOUTH WITH AN ALTERNATE
38 CONTRACTED PROVIDER IF THE PLACEMENT WITH THE ALTERNATE
39 PROVIDER IS BETTER SUITED TO DELIVER SERVICES THAT MEET THE NEEDS
40 OF THE CHILD OR YOUTH.

41 (b) THE STATE DEPARTMENT SHALL REIMBURSE A PROVIDER

1 DIRECTLY FOR THE COSTS ASSOCIATED WITH THE PLACEMENT OF A CHILD
2 OR YOUTH IN THE PROGRAM FOR THE DURATION OF THE TREATMENT,
3 INCLUDING THE COSTS THE PROVIDER DEMONSTRATES ARE NECESSARY IN
4 ORDER FOR THE PROVIDER TO OPERATE CONTINUOUSLY DURING THIS
5 PERIOD.

6 (c) THE STATE DEPARTMENT SHALL COORDINATE WITH THE
7 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO SUPPORT
8 CONTINUITY OF CARE AND PAYMENT FOR SERVICES FOR ANY CHILDREN OR
9 YOUTH PLACED IN THE PROGRAM.

10 (d) THE STATE DEPARTMENT SHALL REIMBURSE THE PROVIDER ONE
11 HUNDRED PERCENT OF THE COST OF UNUTILIZED BEDS IN THE PROGRAM TO
12 ENSURE AVAILABLE SPACE FOR EMERGENCY RESIDENTIAL OUT-OF-HOME
13 PLACEMENTS.

14 (5) (a) A HOSPITAL, HEALTH-CARE PROVIDER, PROVIDER OF CASE
15 MANAGEMENT SERVICES, SCHOOL DISTRICT, MANAGED CARE ENTITY, OR
16 STATE OR COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES MAY
17 REFER A FAMILY FOR THE PLACEMENT OF A CHILD OR YOUTH IN THE
18 PROGRAM. THE ENTITY REFERRING A CHILD OR YOUTH FOR PLACEMENT IN
19 THE PROGRAM SHALL SUBMIT OR ASSIST THE FAMILY WITH SUBMITTING AN
20 APPLICATION TO THE STATE DEPARTMENT FOR REVIEW. THE STATE
21 DEPARTMENT SHALL CONSIDER EACH APPLICATION AS SPACE BECOMES
22 AVAILABLE. THE STATE DEPARTMENT SHALL APPROVE ADMISSIONS INTO
23 THE PROGRAM AND DETERMINE ADMISSION AND DISCHARGE CRITERIA FOR
24 PLACEMENT.

25 (b) THE STATE DEPARTMENT SHALL DEVELOP A DISCHARGE PLAN
26 FOR EACH CHILD OR YOUTH PLACED IN THE PROGRAM. THE PLAN MUST
27 INCLUDE THE ELIGIBLE PERIOD OF PLACEMENT OF THE CHILD OR YOUTH
28 AND SHALL IDENTIFY THE ENTITY THAT WILL BE RESPONSIBLE FOR THE
29 PLACEMENT COSTS IF THE CHILD OR YOUTH REMAINS WITH THE PROVIDER
30 BEYOND THE DATE OF ELIGIBILITY IDENTIFIED IN THE PLAN.

31 (c) THE ENTITY OR FAMILY THAT PLACES THE CHILD OR YOUTH IN
32 THE PROGRAM RETAINS THE RIGHT TO REMOVE THE CHILD OR YOUTH FROM
33 THE PROGRAM ANY TIME PRIOR TO THE DISCHARGE DATE SPECIFIED BY THE
34 STATE DEPARTMENT.

35 (6) WITHIN SEVEN DAYS AFTER SUBMITTING AN APPLICATION TO
36 THE STATE DEPARTMENT FOR PLACING A CHILD OR YOUTH IN THE
37 PROGRAM, THE STATE DEPARTMENT SHALL WORK WITH THE REFERRING
38 ENTITY AND THE CHILD'S OR YOUTH'S PARENTS OR LEGAL GUARDIANS TO
39 ENSURE THE CHILD OR YOUTH IS ASSESSED FOR ELIGIBILITY FOR
40 ENROLLMENT INTO THE STATE MEDICAL ASSISTANCE PROGRAM. A CHILD
41 OR YOUTH WHO IS ELIGIBLE FOR ENROLLMENT INTO THE STATE MEDICAL

1 ASSISTANCE PROGRAM SHALL BE ENROLLED. ENROLLMENT OF A CHILD OR
2 YOUTH INTO THE STATE MEDICAL ASSISTANCE PROGRAM DOES NOT
3 CONSTITUTE AUTOMATIC PLACEMENT INTO THE PROGRAM.

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

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

12 (b) THE NUMBER OF CHILDREN AND YOUTH ACCEPTED FOR
13 PLACEMENT IN THE PROGRAM;

14 (c) THE DURATION OF EACH PLACEMENT; AND

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

17 (8) THIS SECTION IS INTENDED TO PROVIDE ENHANCED EMERGENCY
18 SERVICES RESULTING FROM THE INCREASED NEED FOR SERVICES DUE TO
19 THE COVID-19 PANDEMIC. NO LATER THAN SEPTEMBER 30, 2024, THE
20 STATE DEPARTMENT SHALL SUBMIT RECOMMENDATIONS TO THE HOUSE OF
21 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
22 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES
23 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AND THE JOINT BUDGET
24 COMMITTEE ABOUT HOW TO PROVIDE NECESSARY SERVICES FOR CHILDREN
25 AND YOUTH IN NEED OF RESIDENTIAL CARE, INCLUDING HOSPITAL
26 STEP-DOWN SERVICES ON AN ONGOING BASIS.

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

28 Renumber succeeding sections accordingly.

29 Page 17, strike lines 15 through 35.

30 Strike pages 18 and 19 and substitute the following:

31 "Page 24, strike lines 24 through 27.

32 Strike page 25.

33 Page 26, strike lines 1 through 26 and substitute the following:

34 **"SECTION 23. Appropriation.** (1) For the 2021-22 state fiscal



1 year, \$1,017,614 is appropriated to the department of health care policy
2 and financing. This appropriation is from the general fund. To implement
3 this act, the department may use this appropriation as follows:

4 (a) \$130,043 for use by the executive director's office for personal
5 services, which amount is based on an assumption that the office will
6 require an additional 2.8 FTE.;

7 (b) \$11,325 for use by the executive director's office for operating
8 expenses;

9 (c) \$33,960 for use by the executive director's office for general
10 professional services and special projects related to general
11 administration;

12 (d) \$764,067 for use by the executive director's office for
13 professional services contracts related to utilization and quality review
14 contracts, which amount is subject to the "(M)" notation as defined in the
15 annual general appropriation act for the same fiscal year; and

16 (e) \$78,219 for medical and long-term care services for medicaid-
17 eligible individuals, which amount is subject to the "(M)" notation as
18 defined in the annual general appropriation act for the same fiscal year.

19 (2) For the 2021-22 state fiscal year, \$250,000 is appropriated to
20 the department of health care policy and financing. This appropriation is
21 from the behavioral and mental health cash fund created in section
22 24-75-230, C.R.S., and of money the state received from the federal
23 coronavirus state fiscal recovery fund. The department may use the
24 appropriation for training health-care and behavioral health-care
25 professionals in substance use screening, brief intervention, and referral
26 to treatment. Any money appropriated in this subsection (2) not expended
27 prior to July 1, 2022, is further appropriated to the department for the
28 2022-23 state fiscal year for the same purpose.

29 (3) For the 2021-22 state fiscal year, the general assembly
30 anticipates that the department of health care policy and financing will
31 receive \$1,017,613 in federal funds to implement this act. The
32 appropriation in subsection (1) of this section is based on the assumption
33 that the department will receive this amount of federal funds to be used
34 as follows:

35 (a) \$130,042 for use by the executive director's office for personal
36 services, which amount is subject to the "(I)" notation as defined in the
37 annual general appropriation act for the same fiscal year;

38 (b) \$11,325 for use by the executive director's office for operating
39 expenses, which amount is subject to the "(I)" notation as defined in the
40 annual general appropriation act for the same fiscal year;

41 (c) \$33,960 for use by the executive director's office for general



1 professional services and special projects related to general
2 administration, which amount is subject to the "(I)" notation as defined
3 in the annual general appropriation act for the same fiscal year;

4 (d) \$764,067 for use by the executive director's office for
5 professional services contracts related to utilization and quality review
6 contracts; and

7 (e) \$78,219 for medical and long-term care services for medicaid-
8 eligible individuals.

9 (4) For the 2021-22 state fiscal year, \$3,825,000 is appropriated
10 to the department of higher education from the marijuana tax cash fund
11 created in section 39-28.8-501 (1), C.R.S., for use by the center for
12 research into substance use disorder prevention, treatment, and recovery
13 support strategies at the university of Colorado health sciences center.
14 The center may use this appropriation as follows:

15 (a) \$3,000,000 for the medication-assisted treatment expansion
16 pilot program;

17 (b) \$750,000 for public awareness campaigns related to safe
18 medication practices; and

19 (c) \$75,000 for the perinatal substance use data linkage project.

20 (5) For the 2021-22 state fiscal year, \$900,000 is appropriated to
21 the department of higher education for use by the board of governors of
22 the Colorado state university system. This appropriation is from the
23 marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To
24 implement this act, the board may use this appropriation for the agrability
25 project.

26 (6) (a) For the 2021-22 state fiscal year, \$2,630,000 is
27 appropriated to the department of higher education. This appropriation
28 is from the behavioral and mental health cash fund created in section
29 24-75-230, C.R.S., and of money the state received from the federal
30 coronavirus state fiscal recovery fund. To implement this act, the
31 department may use this appropriation as follows:

32 (I) \$1,000,000 for use by the center for research into substance use
33 disorder prevention, treatment, and recovery support strategies at the
34 university of Colorado health sciences center for training and education
35 for health-care, behavioral health-care, and public health-care
36 professionals, to further promote the use of evidence-based models of
37 care for treatment of pain and substance use disorders, grant writing
38 assistance for local organizations, and to further strengthen recovery
39 support programs and services;

40 (II) \$1,000,000 for use by the regents of the university of
41 Colorado for allocation to the school of medicine for the regional health

1 connector workforce program; and
2 (III) \$630,000 for use by the regents of the university of Colorado
3 for allocation to the school of medicine for practice consultation services
4 and stipends for health-care providers who are eligible to provide
5 medication for opioid use disorder.
6 (b) Any money appropriated in this subsection (6) not expended
7 prior to July 1, 2022, is further appropriated to the department for the
8 2022-23 state fiscal year for the same purposes.
9 (7) For the 2021-22 state fiscal year, \$6,050,000 is appropriated
10 to the department of human services for use by the office of behavioral
11 health. This appropriation is from the general fund. To implement this act,
12 the office may use this appropriation as follows:
13 (a) \$4,000,000 for the housing assistance program, which amount
14 is based on an assumption that the office will require an additional 1.0
15 FTE;
16 (b) \$1,600,000 for the recovery support services grant program,
17 which amount is based on an assumption that the office will require an
18 additional 1.0 FTE;
19 (c) \$50,000 for rural behavioral health vouchers;
20 (d) \$200,000 for treatment and detoxification programs; and
21 (e) \$200,000 for recovery residence certification.
22 (8) For the 2021-22 state fiscal year, \$190,000 is appropriated to
23 the department of human services for use by the office of early childhood.
24 This appropriation is from the general fund. To implement this act, the
25 office may use this appropriation for early childhood mental health
26 services.
27 (9) (a) For the 2021-22 state fiscal year, \$86,750,000 is
28 appropriated to the department of human services for use by the office of
29 behavioral health. This appropriation is from the behavioral and mental
30 health cash fund created in section 24-75-230, C.R.S., and of money the
31 state received from the federal coronavirus state fiscal recovery fund. The
32 office may use this appropriation as follows:
33 (I) \$10,000,000 directed to the managed service organizations for
34 increasing access to effective substance use disorder treatment and
35 recovery;
36 (II) \$2,000,000 for services provided to school-aged children and
37 parents by community mental health center school-based clinicians and
38 prevention specialists;
39 (III) \$5,000,000 for Colorado crisis system services in response
40 to the effect of COVID-19 on the behavioral health of Colorado residents,
41 including statewide access to crisis system services for children and

1 youth;

2 (IV) \$2,000,000 for behavioral health and substance use disorder
3 treatment for children, youth, and their families;

4 (V) \$1,000,000 for a mental health awareness campaign;

5 (VI) \$18,000,000 for the workforce development program;

6 (VII) \$26,000,000 for statewide care coordination infrastructure;

7 (VIII) \$9,000,000 for the county-based behavioral health grant
8 program;

9 (IX) \$500,000 for community transition services for guardianship
10 services for individuals transitioning out of mental health institutes;

11 (X) \$5,000,000 for jail based behavioral health services;

12 (XI) \$3,250,000 for community mental health centers for
13 unanticipated services and expenses related to COVID-19, including
14 capacity building and strategies to address the direct care workforce for
15 the purpose of increasing access to meet the growing demand for
16 services; and

17 (XII) \$5,000,000 for a pilot program for residential placement of
18 children and youth with high acuity physical, mental, or behavioral health
19 needs.

20 (b) Any money appropriated in this subsection (9) not expended
21 prior to July 1, 2022, is further appropriated to the office for the 2022-23
22 state fiscal year for the same purpose.

23 (10) For the 2021-22 state fiscal year, \$3,000,000 is appropriated
24 to the high-risk families cash fund created in section 27-80-123 (2),
25 C.R.S. This appropriation is from the behavioral and mental health cash
26 fund created in section 24-75-230, C.R.S., and of money the state
27 received from the federal coronavirus state fiscal recovery fund. The
28 department of human services is responsible for the accounting related to
29 this appropriation.

30 (11) For the 2021-22 state fiscal year, \$500,000 is appropriated to
31 the department of human services. This appropriation is from the
32 behavioral and mental health cash fund created in section 24-75-230,
33 C.R.S., and of money the state received from the federal coronavirus state
34 fiscal recovery fund. The department may use this appropriation for the
35 early childhood mental health consultation program. Any money
36 appropriated in this subsection (11) not expended prior to July 1, 2022,
37 is further appropriated to the department for the 2022-23 state fiscal year
38 for the same purpose.

39 (12) For the 2021-22 state fiscal year, \$300,000 is appropriated to
40 the department of human services for use by the office of the ombudsman
41 for behavioral health access to care. This appropriation is from the



1 behavioral and mental health cash fund created in section 24-75-230,
2 C.R.S., and of money the state received from the federal coronavirus state
3 fiscal recovery fund. The office may use the appropriation to help resolve
4 behavioral health-care access and coverage concerns or complaints for
5 consumers and health-care providers. Any money appropriated in this
6 subsection (12) not expended prior to July 1, 2022, is further appropriated
7 to the department for the 2022-23 state fiscal year for the same purpose.

8 (13) For the 2021-22 state fiscal year, \$50,000 is appropriated to
9 the legislative department. This appropriation is from the general fund.
10 The department may use this appropriation to implement this act.

11 (14) For the 2021-22 state fiscal year, \$750,000 is appropriated to
12 the department of public health and environment. This appropriation is
13 from the general fund. To implement this act, the department may use this
14 appropriation as follows:

15 (a) \$500,000 for sexually transmitted infections, HIV and AIDS
16 operating expenses; and

17 (b) \$250,000 for mental health first aid training.

18 (15) For the 2021-22 state fiscal year, \$2,700,000 is appropriated
19 to the department of public health and environment for use by the primary
20 care office. This appropriation consists of \$1,000,000 from the marijuana
21 tax cash fund created in section 39-28.8-501 (1), C.R.S., and \$1,700,000
22 from the behavioral and mental health cash fund created in section
23 24-75-230, C.R.S., of money the state received from the federal
24 coronavirus state fiscal recovery fund, and is based on an assumption that
25 the office will require an additional 1.0 FTE. To implement this act, the
26 office may use this appropriation for loan repayments for behavioral
27 healthcare providers and candidates for licensure participating in the
28 Colorado mental health services corps and scholarships for addiction
29 counselors.

30 (16) (a) For the 2021-22 state fiscal year, \$4,200,000 is
31 appropriated to the department of public health and environment. This
32 appropriation is from the behavioral and mental health cash fund created
33 in section 24-75-230, C.R.S., and of money the state received from the
34 federal coronavirus state fiscal recovery fund. The department may use
35 this appropriation as follows:

36 (I) \$1,000,000 for the opiate antagonist bulk purchase fund,
37 created in section 25-1.5-115, C.R.S.;

38 (II) \$2,000,000 for the Colorado HIV and AIDS prevention grant
39 program created in section 25-4-1403, C.R.S.; and

40 (III) \$1,200,000 for school-based health centers.

41 (b) Any money appropriated in this subsection (16) not expended



1 prior to July 1, 2022, is further appropriated to the department for the
2 2022-23 state fiscal year for the same purpose."."

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