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:

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

Page 9, after line 1 insert:

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

27-60-110. Out-of-home placement for children and youth with mental or behavioral needs - rules - report - legislative declaration - repeal. (1) (a) The General Assembly finds and declares that:

(I) The COVID-19 pandemic has lead to an emergency need for increased placements for children and youth with behavioral or mental health needs, including those involved with the child welfare system; and

(II) As the state works to transition to the critical requirements of the federal "Family First Prevention Services Act", it must ensure a smooth transition by helping existing residential child care facilities transition to qualified residential treatment programs or psychiatric residential treatment facilities.

(b) Therefore, the General Assembly declares that the state should provide resources to qualified residential
TREATMENT PROGRAMS, PSYCHIATRIC RESIDENTIAL TREATMENT
FACILITIES, OR THERAPEUTIC FOSTER CARE PROVIDERS TO ADDRESS THIS
EMERGENCY SITUATION AND ENSURE THERE ARE HIGH-QUALITY
PROVIDERS AVAILABLE TO MEET THESE NEEDS.

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

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

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

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

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

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

(c) The state department shall coordinate with the Department of Health Care Policy and Financing to support continuity of care and payment for services for any children or youth placed in the program.

(d) The state department shall reimburse the provider one hundred percent of the cost of unutilized beds in the program to ensure available space for emergency residential out-of-home placements.

(5) (a) A hospital, health-care provider, provider of case management services, school district, managed care entity, or state or county department of human or social services may refer a family for the placement of a child or youth in the program. The entity referring a child or youth for placement in the program shall submit or assist the family with submitting an application to the state department for review. The state department shall consider each application as space becomes available. The state department shall approve admissions into the program and determine admission and discharge criteria for placement.

(b) The state department shall develop a discharge plan for each child or youth placed in the program. The plan must include the eligible period of placement of the child or youth and shall identify the entity that will be responsible for the placement costs if the child or youth remains with the provider beyond the date of eligibility identified in the plan.

(c) The entity or family that places the child or youth in the program retains the right to remove the child or youth from the program any time prior to the discharge date specified by the state department.

(6) Within seven days after submitting an application to the state department for placing a child or youth in the program, the state department shall work with the referring entity and the child's or youth's parents or legal guardians to ensure the child or youth is assessed for eligibility for enrollment into the state medical assistance program. A child or youth who is eligible for enrollment into the state medical assistance program.
ASSISTANCE PROGRAM SHALL BE ENROLLED. ENROLLMENT OF A CHILD OR YOUTH INTO THE STATE MEDICAL ASSISTANCE PROGRAM DOES NOT CONSTITUTE AUTOMATIC PLACEMENT INTO THE PROGRAM.

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

(a) THE NUMBER OF APPLICATIONS RECEIVED FOR PLACEMENT OF CHILDREN AND YOUTH IN THE PROGRAM;
(b) THE NUMBER OF CHILDREN AND YOUTH ACCEPTED FOR PLACEMENT IN THE PROGRAM;
(c) THE DURATION OF EACH PLACEMENT; AND
(d) THE DAILY RATE PAID TO EACH PROVIDER FOR PLACEMENT OF CHILDREN AND YOUTH.

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

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

Renumber succeeding sections accordingly.

Page 17, strike lines 15 through 35.

Strike pages 18 and 19 and substitute the following:

"Page 24, strike lines 24 through 27.

Strike page 25.

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

"SECTION 23. Appropriation. (1) For the 2021-22 state fiscal
year, $1,017,614 is appropriated to the department of health care policy
doctor's office for personal
services, which amount is based on an assumption that the office will
require an additional 2.8 FTE.;
(b) $11,325 for use by the executive director's office for operating
expenses;
(c) $33,960 for use by the executive director's office for general
professional services and special projects related to general
administration;
(d) $764,067 for use by the executive director's office for
professional services contracts related to utilization and quality review
contracts, which amount is subject to the "(M)" notation as defined in the
annual general appropriation act for the same fiscal year; and
(e) $78,219 for medical and long-term care services for medicaid-
eligible individuals, which amount is subject to the "(M)" notation as
defined in the annual general appropriation act for the same fiscal year.
(2) For the 2021-22 state fiscal year, $250,000 is appropriated to
the department of health care policy and financing. This appropriation is
from the behavioral and mental health cash fund created in section
24-75-230, C.R.S., and of money the state received from the federal
coronavirus state fiscal recovery fund. The department may use the
appropriation for training health-care and behavioral health-care
professionals in substance use screening, brief intervention, and referral
to treatment. Any money appropriated in this subsection (2) not expended
prior to July 1, 2022, is further appropriated to the department for the
2022-23 state fiscal year for the same purpose.
(3) For the 2021-22 state fiscal year, the general assembly
anticipates that the department of health care policy and financing will
receive $1,017,613 in federal funds to implement this act. The
appropriation in subsection (1) of this section is based on the assumption
that the department will receive this amount of federal funds to be used
as follows:
(a) $130,042 for use by the executive director's office for personal
services, which amount is subject to the "(I)" notation as defined in the
annual general appropriation act for the same fiscal year;
(b) $11,325 for use by the executive director's office for operating
expenses, which amount is subject to the "(I)" notation as defined in the
annual general appropriation act for the same fiscal year;
(c) $33,960 for use by the executive director's office for general
professional services and special projects related to general
administration;
(d) $764,067 for use by the executive director's office for
professional services contracts related to utilization and quality review
contracts, which amount is subject to the "(M)" notation as defined in the
annual general appropriation act for the same fiscal year; and
(e) $78,219 for medical and long-term care services for medicaid-
eligible individuals, which amount is subject to the "(M)" notation as
defined in the annual general appropriation act for the same fiscal year.
professional services and special projects related to general administration, which amount is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year;

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

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

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

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

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

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

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

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

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

(II) $1,000,000 for use by the regents of the university of Colorado for allocation to the school of medicine for the regional health
connector workforce program; and

(III) $630,000 for use by the regents of the university of Colorado for allocation to the school of medicine for practice consultation services and stipends for health-care providers who are eligible to provide medication for opioid use disorder.

(b) Any money appropriated in this subsection (6) not expended prior to July 1, 2022, is further appropriated to the department for the 2022-23 state fiscal year for the same purposes.

(7) For the 2021-22 state fiscal year, $6,050,000 is appropriated to the department of human services for use by the office of behavioral health. This appropriation is from the general fund. To implement this act, the office may use this appropriation as follows:

(a) $4,000,000 for the housing assistance program, which amount is based on an assumption that the office will require an additional 1.0 FTE;

(b) $1,600,000 for the recovery support services grant program, which amount is based on an assumption that the office will require an additional 1.0 FTE;

(c) $50,000 for rural behavioral health vouchers;

(d) $200,000 for treatment and detoxification programs; and

(e) $200,000 for recovery residence certification.

(8) For the 2021-22 state fiscal year, $190,000 is appropriated to the department of human services for use by the office of early childhood. This appropriation is from the general fund. To implement this act, the office may use this appropriation for early childhood mental health services.

(9) (a) For the 2021-22 state fiscal year, $86,750,000 is appropriated to the department of human services for use by the office of behavioral health. This appropriation is from the behavioral and mental health cash fund created in section 24-75-230, C.R.S., and of money the state received from the federal coronavirus state fiscal recovery fund. The office may use this appropriation as follows:

(I) $10,000,000 directed to the managed service organizations for increasing access to effective substance use disorder treatment and recovery;

(II) $2,000,000 for services provided to school-aged children and parents by community mental health center school-based clinicians and prevention specialists;

(III) $5,000,000 for Colorado crisis system services in response to the effect of COVID-19 on the behavioral health of Colorado residents, including statewide access to crisis system services for children and
youth;

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

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

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

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

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

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

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

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

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

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

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

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

(12) For the 2021-22 state fiscal year, $300,000 is appropriated to the department of human services for use by the office of the ombudsman for behavioral health access to care. This appropriation is from the
behavioral and mental health cash fund created in section 24-75-230, C.R.S., and of money the state received from the federal coronavirus state fiscal recovery fund. The office may use the appropriation to help resolve behavioral health-care access and coverage concerns or complaints for consumers and health-care providers. Any money appropriated in this subsection (12) not expended prior to July 1, 2022, is further appropriated to the department for the 2022-23 state fiscal year for the same purpose.

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

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

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

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

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

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

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

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

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

(b) Any money appropriated in this subsection (16) not expended
prior to July 1, 2022, is further appropriated to the department for the 2022-23 state fiscal year for the same purpose.".".