

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 18-1252.01 Jane Ritter x4342

SENATE BILL 18-250

SENATE SPONSORSHIP

Gardner and Lambert, Jahn, Lundberg, Moreno

HOUSE SPONSORSHIP

Lee and Young, Hamner, Rankin, Singer

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF JAIL-BASED BEHAVIORAL HEALTH**
102 **SERVICES, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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 continues to allow the correctional treatment cash fund to be used to provide treatment for persons with mental and behavioral health disorders who are being served through the jail-based behavioral health services program (program). The program is housed in the office of behavioral health. The purpose of the program is to provide adequate

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

SENATE
3rd Reading Unamended
May 3, 2018

SENATE
Amended 2nd Reading
May 2, 2018

staff to complete competency screenings, prescribe psychiatric medications as necessary, and provide mental health counseling and transitional care coordination; train jail staff on behavioral health disorders and best practices in working with individuals with mental health, substance use, and co-occurring disorders; and fund administrative costs to jails participating in the program. Jails that are participating in the program shall, at a minimum:

- ! Screen individuals who are being booked into the facility for various behavioral health issues;
- ! Provide adequate and appropriate access to health care and medications;
- ! Coordinate services with community mental health providers prior to the release of an inmate to ensure continuity of care following his or her release from the jail facility; and
- ! Track performance outcome measures for individuals affected by the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 27-60-100.3, **add**
3 (4.7) as follows:

4 **27-60-100.3. Definitions.** As used in this article 60, unless the
5 context otherwise requires:

6 (4.7) "OFFICE" MEANS THE OFFICE OF BEHAVIORAL HEALTH IN THE
7 DEPARTMENT OF HUMAN SERVICES.

8 **SECTION 2.** In Colorado Revised Statutes, 27-60-105, **amend**
9 (2), (4) introductory portion, (4)(d), (4)(e), (5) introductory portion,
10 (5)(d), and (5)(e); and **add** (4)(f) and (5)(f) as follows:

11 **27-60-105. Outpatient restoration to competency services -**
12 **jail-based behavioral health services - legislative declaration -**
13 **responsible entity - duties - report.** (2) The office of behavioral health
14 ~~referred to in this section as the "office",~~ shall serve as a central
15 organizing structure and responsible entity for the provision of
16 competency restoration education services, ~~and~~ coordination of

1 competency restoration services ordered by the court pursuant to section
2 19-2-1303 (2) or 16-8.5-111 (2)(a), AND JAIL-BASED BEHAVIORAL HEALTH
3 SERVICES PURSUANT TO SECTION 27-60-106.

4 (4) Beginning July 1, 2018, the office ~~shall have~~ HAS the
5 following duties and responsibilities, subject to available appropriations:

6 (d) To engage with key stakeholders in the juvenile and adult
7 justice systems to develop best practices in the delivery of competency
8 restoration services; ~~and~~

9 (e) To make recommendations for legislation; AND

10 (f) TO OVERSEE THE FUNCTIONS OF THE JAIL-BASED BEHAVIORAL
11 HEALTH SERVICES PROGRAM CREATED IN SECTION 27-60-106.

12 (5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before
13 January 1, 2019, and every January 1 thereafter, the office shall submit an
14 annual written report to the general assembly summarizing the office's
15 provision of competency restoration education, ~~and~~ its efforts toward the
16 coordination of competency restoration education with other existing
17 services, AND THE RESULTS OF THE JAIL-BASED BEHAVIORAL HEALTH
18 SERVICES PROGRAM CREATED IN SECTION 27-60-106. The report must
19 include:

20 (d) A description of opportunities to maximize and increase
21 available resources and funding; ~~and~~

22 (e) A description of gaps in and conflicts with existing funding,
23 services, and programming essential to the effective restoration of
24 competency for juveniles and adults; AND

25 (f) A DESCRIPTION OF THE SERVICES FUNDED THROUGH THE
26 JAIL-BASED BEHAVIORAL HEALTH SERVICES PROGRAM CREATED IN
27 SECTION 27-60-106.

1 **SECTION 3.** In Colorado Revised Statutes, **add** 27-60-106 as
2 follows:

3 **27-60-106. Jail-based behavioral health services program -**
4 **purpose - created - funding.** (1) THERE IS CREATED IN THE OFFICE THE
5 JAIL-BASED BEHAVIORAL HEALTH SERVICES PROGRAM, REFERRED TO IN
6 THIS SECTION AS THE "PROGRAM". THE PROGRAM MAY RECEIVE MONEY
7 FROM THE CORRECTIONAL TREATMENT CASH FUND PURSUANT TO SECTION
8 18-19-103 (5)(c)(V).

9 (2) THE PURPOSE OF THE PROGRAM IS TO:

10 (a) PROVIDE ADEQUATE STAFF TO COMPLETE COMPETENCY AND
11 BEHAVIORAL HEALTH SCREENINGS; PRESCRIBE PSYCHIATRIC MEDICATIONS
12 AS NECESSARY; AND PROVIDE MENTAL HEALTH COUNSELING, SUBSTANCE
13 USE DISORDER TREATMENT PURSUANT TO SECTION 18-19-103 (5)(c)(V),
14 AND TRANSITIONAL CARE COORDINATION;

15 (b) TRAIN JAIL STAFF ON BEHAVIORAL HEALTH DISORDERS AND
16 BEST PRACTICES IN WORKING WITH INDIVIDUALS WITH MENTAL HEALTH,
17 SUBSTANCE USE, AND CO-OCCURRING DISORDERS; AND

18 (c) FUND ADMINISTRATIVE COSTS TO JAILS THAT IMPLEMENT THE
19 REQUIREMENTS OUTLINED IN SUBSECTION (3) OF THIS SECTION.

20 (3) THE OFFICE SHALL PRIORITIZE JAILS WITH MINIMAL
21 BEHAVIORAL HEALTH SERVICES, INCLUDING BUT NOT LIMITED TO RURAL
22 AND FRONTIER JAILS.

23 (4) SUBJECT TO AVAILABLE APPROPRIATIONS, THE OFFICE MAY
24 REQUIRE A COUNTY JAIL THAT RECEIVES FUNDING THROUGH THE PROGRAM
25 TO:

26 (a) SCREEN ALL INDIVIDUALS BOOKED INTO THE JAIL FACILITY
27 WITH STANDARDIZED EVIDENCE-BASED SCREENING TOOLS, AS

1 DETERMINED BY THE OFFICE, FOR MENTAL HEALTH DISORDERS,
2 SUBSTANCE USE DISORDERS, AND SUICIDE RISK;

3 (b) ASSESS ALL INDIVIDUALS BOOKED INTO THE JAIL FACILITY FOR
4 SUBSTANCE USE WITHDRAWAL SYMPTOMS AND DEVELOP PROTOCOLS FOR
5 MEDICAL DETOXIFICATION MONITORING PROCEDURES;

6 (c) ASSESS ALL INDIVIDUALS BOOKED INTO THE JAIL FACILITY FOR
7 PSYCHIATRIC MEDICATION NEEDS BY REQUESTING AND REVIEWING
8 MEDICAL AND PRESCRIPTION HISTORY;

9 (d) HAVE ACCESS TO ALL PSYCHIATRIC MEDICATIONS, AS DEFINED
10 BY THE MEDICATION FORMULARY ESTABLISHED PURSUANT TO SECTION
11 27-70-103;

12 (e) ASSIST IN THE PROVISION OF COORDINATED SERVICES FOR
13 INDIVIDUALS IN JAIL CUSTODY WHO MAY REQUIRE COMPETENCY
14 RESTORATION SERVICES;

15 (f) COORDINATE SERVICES WITH COMMUNITY BEHAVIORAL
16 HEALTH PROVIDERS PRIOR TO THE RELEASE OF AN INMATE TO ENSURE
17 CONTINUITY OF CARE FOLLOWING HIS OR HER RELEASE FROM THE JAIL
18 FACILITY;

19 (g) TRACK PERFORMANCE OUTCOMES FOR MEASURES DEVELOPED
20 BY THE OFFICE, INCLUDING BEHAVIORAL HEALTH DISORDER PREVALENCE
21 AND SERVICE DATA THROUGH INFORMATION-SHARING PROCESSES, AS
22 DEFINED BY THE OFFICE; AND

23 (h) PARTNER WITH THE OFFICE TO DEVELOP FEASIBLE HEALTH
24 INFORMATION EXCHANGE STRATEGIES FOR MEDICAL AND BEHAVIORAL
25 HEALTH RECORDS.

26 **SECTION 4. Appropriation. (1) For the 2018-19 state fiscal**
27 **year, \$2,564,603 is appropriated to the department of human services for**

1 use by the office of behavioral health. This appropriation is from the
2 general fund and is based on an assumption that the office will require an
3 additional 1.8 FTE. To implement this act, the office may use this
4 appropriation as follows:

5 **Community behavioral health administration**

6 Personal services \$122,117 (1.8 FTE)

7 Operating expenses \$15,819

8 **Integrated behavioral health services**

9 Jail-based behavioral health services \$2,426,667

10 **SECTION 5. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.