

CHAPTER 223

HUMAN SERVICES - BEHAVIORAL HEALTH

SENATE BILL 18-270

BY SENATOR(S) Jahn and Neville T., Aguilar, Crowder, Donovan, Fenberg, Fields, Garcia, Gardner, Guzman, Jones, Kagan, Kefalas, Kerr, Lambert, Martinez Humenik, Merrifield, Moreno, Priola, Scott, Smallwood, Tate, Todd, Williams A., Grantham; also REPRESENTATIVE(S) Pettersen and Wist, Arndt, Becker K., Beckman, Benavidez, Bridges, Buckner, Carver, Coleman, Covarrubias, Esgar, Exum, Garnett, Ginal, Gray, Hamner, Herod, Hooton, Humphrey, Jackson, Kennedy, Kraft-Tharp, Lawrence, Lee, Lontine, McLachlan, Melton, Michaelson Jenet, Rankin, Reyher, Roberts, Rosenthal, Saine, Salazar, Sandridge, Singer, Valdez, Van Winkle, Weissman, Williams D., Winter, Young, Duran.

AN ACT

CONCERNING ESTABLISHING A STATEWIDE PROGRAM TO COORDINATE REFERRALS OF HIGH-RISK INDIVIDUALS IN NEED OF BEHAVIORAL HEALTH TRANSITION SERVICES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** article 66.5 to title 27 as follows:

ARTICLE 66.5
Community Transition Specialist Program

27-66.5-101. Short title. THE SHORT TITLE OF THIS ARTICLE 66.5 IS THE "COMMUNITY TRANSITION SPECIALIST PROGRAM ACT".

27-66.5-102. Definitions. AS USED IN THIS ARTICLE 66.5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 26-1-105.
- (2) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF BEHAVIORAL HEALTH.
- (3) "HIGH-RISK INDIVIDUAL" MEANS A PERSON WHO:

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(a) IS UNDER:

(I) AN EMERGENCY PROCEDURE FOR A SEVENTY-TWO-HOUR HOLD PURSUANT TO SECTION 27-65-105;

(II) A CERTIFICATION FOR SHORT-TERM TREATMENT OR EXTENDED SHORT-TERM TREATMENT PURSUANT TO SECTION 27-65-107 OR 27-65-108;

(III) LONG-TERM CARE AND TREATMENT PURSUANT TO SECTION 27-65-109;

(IV) AN EMERGENCY COMMITMENT PURSUANT TO SECTION 27-81-111 OR 27-82-107; OR

(V) AN INVOLUNTARY COMMITMENT PURSUANT TO SECTION 27-81-112 OR 27-82-108;

(b) HAS A SIGNIFICANT MENTAL HEALTH OR SUBSTANCE USE DISORDER; AND

(c) IS NOT CURRENTLY ENGAGED IN CONSISTENT BEHAVIORAL HEALTH TREATMENT.

(4) "OFFICE" MEANS THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES.

(5) "TRANSITION SPECIALIST" MEANS A PERSON WHO ASSISTS HIGH-RISK INDIVIDUALS WITH ONE OR MORE OF THE FOLLOWING SERVICES:

(a) ACCESS TO HOUSING OR RESIDENTIAL PROGRAM PLACEMENT;

(b) ACCESS TO BEHAVIORAL HEALTH TREATMENT OR BENEFITS;

(c) ADVOCACY TO INSURANCE COMPANIES AND PROVIDERS FOR THE APPROPRIATE TYPE AND INTENSITY OF MENTAL HEALTH OR SUBSTANCE USE DISORDER SERVICES;

(d) PLANNING FOR FOLLOW-UP SERVICES AND COORDINATION WITHIN THE BEHAVIORAL HEALTH SYSTEM AFTER HOSPITALIZATION OR DISCHARGE FROM A WITHDRAWAL MANAGEMENT FACILITY OR AN EMERGENCY ROOM FOLLOWING A VISIT FOR BEHAVIORAL HEALTH REASONS;

(e) ASSISTANCE WITH PREPARING ADVANCE DIRECTIVES;

(f) OBTAINING A REPRESENTATIVE PAYEE OR GUARDIAN;

(g) FAMILY SUPPORTIVE SERVICES; OR

(h) COMPLIANCE WITH COURT APPEARANCES OR PROBATION.

(6) "WITHDRAWAL MANAGEMENT FACILITY" MEANS A FACILITY THAT PROVIDES TWENTY-FOUR-HOUR SUPERVISED WITHDRAWAL FROM ALCOHOL OR DRUGS IN A RESIDENTIAL SETTING.

27-66.5-103. Community transition specialist program - program requirements - acceptance of referrals - contract for services - rules. (1) THE COMMUNITY TRANSITION SPECIALIST PROGRAM IS ESTABLISHED IN THE OFFICE OF BEHAVIORAL HEALTH. THE PROGRAM MUST COORDINATE REFERRALS OF HIGH-RISK INDIVIDUALS FROM WITHDRAWAL MANAGEMENT FACILITIES AND HOSPITALS TO APPROPRIATE TRANSITION SPECIALISTS.

(2) ON OR BEFORE JANUARY 1, 2019, THE PROGRAM MUST BE AVAILABLE STATEWIDE. THE PROGRAM MUST HAVE A PROCESS TO ACCEPT REFERRALS FOR HIGH-RISK INDIVIDUALS AND COORDINATE CONTACT BETWEEN REFERRED HIGH-RISK INDIVIDUALS AND APPROPRIATE TRANSITION SPECIALISTS. TO THE EXTENT POSSIBLE, THE COORDINATED CONTACT MUST TAKE PLACE PRIOR TO THE RELEASE OR DISCHARGE OF THE HIGH-RISK INDIVIDUAL FROM A FACILITY.

(3) THE PROGRAM MUST ENCOURAGE, BUT CANNOT REQUIRE, WITHDRAWAL MANAGEMENT FACILITIES AND HOSPITALS TO CONTACT THE PROGRAM BEFORE RELEASING OR DISCHARGING A HIGH-RISK INDIVIDUAL.

(4) THE PROGRAM MAY ENCOURAGE, BUT CANNOT REQUIRE, A HIGH-RISK INDIVIDUAL TO ACCEPT SERVICES FROM A TRANSITION SPECIALIST. PARTICIPATION BY A HIGH-RISK INDIVIDUAL IS VOLUNTARY AND THE INDIVIDUAL HAS THE RIGHT TO DECLINE COMMUNITY TRANSITION SPECIALIST SERVICES.

(5) THE OFFICE MAY CONTRACT WITH A VENDOR TO PROVIDE THE REFERRAL AND COORDINATION SERVICES REQUIRED BY THIS ARTICLE 66.5.

(6) ON OR BEFORE OCTOBER 1, 2018, THE DEPARTMENT SHALL PROMULGATE RULES NECESSARY FOR THE IMPLEMENTATION OF THIS ARTICLE 66.5.

27-66.5-104. Data collection and recommendations. (1) THE OFFICE SHALL COLLECT INFORMATION ON THE FOLLOWING:

(a) CURRENT PRACTICES, CRITERIA, AND PROCEDURES REGARDING FOLLOW-UP CARE FOR HIGH-RISK INDIVIDUALS RELEASED OR DISCHARGED FROM EMERGENCY OR INVOLUNTARY HOLDS, CERTIFICATIONS, OR COMMITMENTS; AND

(b) EXISTING CAPACITY TO SERVE HIGH-RISK INDIVIDUALS AFTER RELEASE OR DISCHARGE.

(2) ON OR BEFORE JANUARY 1, 2020, AND ON OR BEFORE JANUARY 1 EACH YEAR THEREAFTER, THE OFFICE SHALL ANALYZE THE DATA COLLECTED IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION AND PREPARE RECOMMENDATIONS TO INCREASE ACCESS TO, AND COORDINATION OF, TRANSITION SPECIALIST SERVICES FOR HIGH-RISK INDIVIDUALS. THE RECOMMENDATIONS SHALL BE REPORTED TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AND SHALL BE INCLUDED IN THE REPORTING REQUIREMENTS IN SECTION 27-66.5-105.

27-66.5-105. Reporting requirements - "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" report. THE OFFICE SHALL REPORT INFORMATION ON THE COMMUNITY TRANSITION SPECIALIST PROGRAM IN THE DEPARTMENT'S ANNUAL PRESENTATION TO THE

GENERAL ASSEMBLY REQUIRED UNDER THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2.

SECTION 2. Appropriation. For the 2018-19 state fiscal year, \$1,588,250 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 for community transition services.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 21, 2018