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

HB18-1094 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1. Amend printed bill, page 4, line 27, strike "IT IS".

2. Page 5, strike line 1 and substitute "THERE IS NO PENDING OR CURRENT ACTION IN DEPENDENCY OR".

3. Page 5, after line 17 insert:

   "(8) "FIRST-LEVEL APPEAL" MEANS THE INITIAL PROCESS A MEDICAID MEMBER IS REQUIRED TO ENACT TO CONTEST A BENEFIT, SERVICE, OR ELIGIBILITY DECISION MADE BY MEDICAID OR A MEDICAID MANAGED CARE ENTITY.

   (9) "MEDICAID CHILD OR YOUTH WHO IS AT RISK OF OUT-OF-HOME PLACEMENT" MEANS A CHILD OR YOUTH WHO IS CATEGORICALLY ELIGIBLE FOR MEDICAID BUT WHO OTHERWISE MEETS THE DEFINITION OF A CHILD OR YOUTH WHO IS AT RISK OF OUT-OF-HOME PLACEMENT AS DEFINED IN SUBSECTION (2) OF THIS SECTION.".

4. Renumber succeeding subsections accordingly.

5. Page 5, strike line 20 and substitute "SERVICES".

6. Page 5, line 21, strike "FINANCING".

7. Page 6, strike lines 15 through 17 and substitute "whether the child is
categorically eligible for medicaid under the capitated mental health system described in section 25.5-5-411, C.R.S., or whether the parent believes his or her child is a child

Page 6, line 21, before "OR" insert "NONPROFIT ADVOCACY ORGANIZATION,".

Page 6, line 22, strike "DEPARTMENT." and substitute "DEPARTMENT; HOWEVER, THE STATE DEPARTMENT IS NOT OBLIGATED TO PAY FOR ANY SERVICES PROVIDED BY ENTITIES WITH WHICH THEY DO NOT CONTRACT.".

Page 7, line 12, before "OR" insert "NONPROFIT ADVOCACY ORGANIZATION,".

Page 7, line 13, strike "DEPARTMENT." and substitute "DEPARTMENT; HOWEVER, THE STATE DEPARTMENT IS NOT OBLIGATED TO PAY FOR ANY SERVICES PROVIDED BY ENTITIES WITH WHICH THEY DO NOT CONTRACT.".

Page 8, line 12, before "OR" insert "NONPROFIT ADVOCACY ORGANIZATION,".

Page 8, line 13, strike "APPEAL." and substitute "APPEAL; HOWEVER, THE STATE DEPARTMENT IS NOT OBLIGATED TO PAY FOR ANY SERVICES PROVIDED BY ENTITIES WITH WHICH THEY DO NOT CONTRACT.".

Page 8, before line 16 insert:

"(1.5) (a) THE PARENT OR GUARDIAN OF A MEDICAID CHILD OR YOUTH WHO IS AT RISK OF OUT-OF-HOME PLACEMENT MAY REQUEST, WITHIN FIVE DAYS AFTER ALL FIRST-LEVEL MEDICAID APPEALS PROCESSES ARE EXHAUSTED, AN OBJECTIVE THIRD PARTY AT THE STATE DEPARTMENT WHO IS A PROFESSIONAL PERSON TO REVIEW THE SERVICE REQUEST MADE TO MEDICAID. A FAMILY ADVOCATE, FAMILY SYSTEM NAVIGATOR, OR COUNTY DEPARTMENT MAY ASSIST A FAMILY IN FILING AN APPEAL. THE REVIEW MUST OCCUR WITHIN THREE WORKING DAYS OF THE PARENT’S OR GUARDIAN’S REQUEST.

(b) THE ADMINISTRATIVE LAW JUDGE CONSIDERING THE MEDICAID APPEAL FOR THE MEDICAID CHILD OR YOUTH WHO IS AT RISK OF OUT-OF-HOME PLACEMENT SHALL TAKE INTO CONSIDERATION THE OBJECTIVE THIRD-PARTY REVIEW BY THE STATE DEPARTMENT AS PART OF HIS OR HER RECONSIDERATION AND DECISION OF THE MEDICAID SERVICE
REQUEST.

Page 8, line 19, strike "contact" and substitute "contact MAKE A REFERRAL TO THE STATEWIDE CHILD ABUSE HOTLINE ESTABLISHED IN SECTION 26-5-111 OR".

Page 8, line 20, strike "referral to" and substitute "referral to REFERRAL, IF ASSIGNED FOR AN ASSESSMENT BY".

Page 8, strike line 27 and substitute "well-being has occurred. warranting a dependency or neglect action.".

Page 9, strike line 1.

Page 9, strike lines 17 through 19 and substitute "OUT-OF-HOME PLACEMENT AND FOR WHOM A CHILD ABUSE AND NEGLECT REFERRAL WAS MADE TO THE COUNTY DEPARTMENT;".

Page 10, strike lines 10 through 12 and substitute: "(h) THE AGGREGATE NUMBER OF THIRD-PARTY REVIEWS COMPLETED BY THE STATE DEPARTMENT FOR CHILDREN SERVED PURSUANT TO THIS ARTICLE 67, DELINEATED BY CHILDREN WHO ARE AND ARE NOT CATEGORYCALLY ELIGIBLE FOR MEDICAID.".

Page 10, strike lines 13 through 27.

Strike page 11.

Page 12, strike lines 1 through 8

Renumber succeeding subsection accordingly.

Page 12, lines 10 and 11, strike "SUBSECTIONS (1) AND (2)" and substitute "SUBSECTION (1)".

Page 13, lines 8 and 9, strike "standards. THE" and substitute "standards - advisory board. (1) THE".

Page 13, line 9, strike "SECTION 27-65-131" and substitute "SUBSECTION (2) OF THIS SECTION".
Page 14, strike lines 1 through 23 and substitute:

"(2) An advisory board to the state department is established for the purpose of assisting and advising the executive director in accordance with this section in the development of service standards and rules. The advisory board consists of not less than eleven nor more than fifteen members appointed by the state department as follows:

(a) One representative each from the Office of Behavioral Health; the Office of Children, Youth, and Families; the Department of Health Care Policy and Financing; and a leading professional association of psychiatrists in this state;

(b) One member representing nonprofit health care facilities;

(c) One member representing children or youth consumers of services for persons with mental health disorders;

(d) One member representing families of persons with mental health disorders;

(e) One member representing children's health care facilities;

(f) One member representing a community mental health center that performs evaluations pursuant to this article 67;

(g) One member representing a county human or social services agency;

(h) One member representing individuals with intellectual and developmental disabilities; and

(i) Other persons from both the private and the public sectors who are recognized or known to be interested and informed in the area of the advisory board's purpose and function.

(3) In making appointments to the advisory board, the state department must include representation by at least one member who is a person with a disability, as defined in section 24-45.5-102 (2); a family member of a person with a disability; or a member of an advocacy group for persons with disabilities, provided that the other requirements of subsection (2) of this section are met."

Renumber succeeding sections accordingly.
Page 15, line 7, strike "(8)" and substitute "(10)".

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