A BILL FOR AN ACT

CONCERNING MULTIPLE APPROACHES TO PREVENT YOUTH SUICIDE.

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 allows a minor 12 years of age or older to seek and obtain psychotherapy services with or without the consent of the minor's parent or guardian. A registered psychotherapist or licensed social worker providing psychotherapy services to a minor may, with the consent of the minor, advise the minor's parent or legal guardian of the psychotherapy services provided.

The bill requires the department of education, in consultation with the office of suicide prevention (office), the youth advisory council, and
the suicide prevention commission, to create and maintain a mental health
education literacy resource bank. The resource bank is available to the
public free of charge.

The bill requires the state board of education to adopt standards
related to mental health, including suicide prevention.

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

SECTION 1. In Colorado Revised Statutes, 12-43-201, amend

(9)(a) as follows:

12-43-201. Definitions. As used in this article 43, unless the
case otherwise requires:

(9) (a) "Psychotherapy", OR "PSYCHOTHERAPY SERVICES", means
the treatment, diagnosis, testing, assessment, or counseling in a
professional relationship to assist individuals or groups to alleviate
behavioral and mental health disorders; understand unconscious or
conscious motivation; resolve emotional, relationship, or attitudinal
conflicts; or modify behaviors that interfere with effective emotional,
intellectual functioning. Psychotherapy follows a planned
procedure of intervention that takes place on a regular basis, over a period
of time, or in the cases of testing, assessment, and brief psychotherapy,
psychotherapy can be a single intervention.

SECTION 2. In Colorado Revised Statutes, add 12-43-202.5 as

follows:

12-43-202.5. Minors - consent for outpatient psychotherapy
services - immunity - legislative declaration. (1) (a) THE GENERAL
ASSEMBLY FINDS THAT:

(I) THE FEDERAL CENTERS FOR DISEASE CONTROL AND
PREVENTION FOUND SUICIDE TO BE THE TENTH LEADING CAUSE OF DEATH
FOR ALL AGES IN 2016 AND IS CURRENTLY THE LEADING CAUSE OF DEATH
FOR COLORADO YOUTH WHO ARE TEN THROUGH FOURTEEN YEARS OF AGE;

(II) ACCORDING TO THE COLORADO HEALTH INSTITUTE, COLORADO HAS THE TENTH HIGHEST SUICIDE RATE IN THE NATION, AND RATES OF SUICIDE IN THE EASTERN PLAINS OF COLORADO DOUBLED FROM 2016 TO 2017;

(III) ACCORDING TO THE NATIONAL INSTITUTE OF MENTAL HEALTH, APPROXIMATELY TWENTY ONE POINT FOUR PERCENT OF YOUTH WHO ARE EIGHT THROUGH FIFTEEN YEARS OF AGE EXPERIENCE A SEVERE MENTAL HEALTH DISORDER AT SOME POINT DURING THEIR LIVES;

(IV) ACCORDING TO THE AMERICAN ASSOCIATION OF SUICIDOLOGY, THE SUICIDE RATE FOR YOUTH WHO ARE TEN THROUGH FOURTEEN YEARS OF AGE HAS INCREASED BY MORE THAN FIFTY PERCENT OVER THE PAST THREE DECADES; AND

(V) YOUTH WHO ARE TEN THROUGH FOURTEEN YEARS OF AGE OFTEN AVOID OBTAINING, OR ARE LEGALLY UNABLE TO OBTAIN WITHOUT PARENTAL CONSENT, OUTPATIENT PSYCHOTHERAPY SERVICES THAT WOULD HELP THEM PRIOR TO REACHING CRISIS LEVELS BECAUSE THEY ARE EMBARRASSED OR CONCERNED ABOUT SPEAKING WITH THEIR PARENTS ABOUT THEIR MENTAL HEALTH CONCERNS AND SITUATIONS.

(b) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT IT IS A MATTER OF STATEWIDE CONCERN TO ALLOW YOUTH WHO ARE TWELVE YEARS OF AGE OR OLDER TO HAVE LEGAL ACCESS TO OUTPATIENT PSYCHOTHERAPY SERVICES THAT MIGHT OTHERWISE BE UNAVAILABLE WITHOUT THE CONSENT OF OR NOTIFICATION TO THE YOUTH’S PARENT OR LEGAL GUARDIAN. PROVIDING THESE YOUTH WITH ACCESS TO OUTPATIENT PSYCHOTHERAPY SERVICES IS INTENDED TO REDUCE YOUTH SUICIDES AND ALLOW REGISTERED PSYCHOTHERAPISTS AND LICENSED SOCIAL WORKERS
TO WORK WITH YOUTH TO TEACH THEM FUNCTIONAL COPING SKILLS.

REGISTERED PSYCHOTHERAPISTS AND LICENSED SOCIAL WORKERS WOULD HAVE FURTHER OPPORTUNITY TO HELP THESE YOUTH BUILD HEALTHY CONNECTIONS WITH PARENTS OR LEGAL GUARDIANS BY INCREASING COMMUNICATION AND STRENGTHENING THE BOND BETWEEN PARENT AND CHILD, THUS BUILDING AN ONGOING, NONCLINICAL SUPPORT SYSTEM FOR THE YOUTH TO USE TO MANAGE HIS OR HER MENTAL HEALTH CONCERNS.

(2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A REGISTERED PSYCHOTHERAPIST OR LICENSED SOCIAL WORKER MAY, AT A MINOR'S REQUEST, PROVIDE PSYCHOTHERAPY SERVICES, AS DEFINED IN SECTION 12-43-201 (9)(a), TO A MINOR WHO IS AT LEAST TWELVE YEARS OF AGE, BUT LESS THAN FIFTEEN YEARS OF AGE WITH OR WITHOUT THE CONSENT OF THE MINOR'S PARENT OR LEGAL GUARDIAN. AS USED IN THIS SECTION, PSYCHOTHERAPY SERVICES DO NOT INCLUDE INPATIENT PSYCHOTHERAPY SERVICES. THE MINOR'S CONSENT IS NOT SUBJECT TO DISAFFIRMANCE BECAUSE OF MINORITY.

(b) A REGISTERED PSYCHOTHERAPIST OR LICENSED SOCIAL WORKER MAY NOT PROVIDE PSYCHOTHERAPY SERVICES TO A MINOR WHO IS YOUNGER THAN TWELVE YEARS OF AGE WITHOUT THE CONSENT OF THE MINOR'S PARENT OR LEGAL GUARDIAN. A REGISTERED PSYCHOTHERAPIST OR LICENSED SOCIAL WORKER MAY PROVIDE PSYCHOTHERAPY SERVICES TO A MINOR WHO IS FIFTEEN YEARS OF AGE OR OLDER PURSUANT TO SECTION 27-65-103 (2).

(c) THE REGISTERED PSYCHOTHERAPIST OR LICENSED SOCIAL WORKER PROVIDING PSYCHOTHERAPY SERVICES TO A MINOR PURSUANT TO THIS SUBSECTION (2) IS NOT REQUIRED TO, BUT MAY, WITH THE CONSENT OF THE MINOR, ADVISE THE MINOR'S PARENT OR LEGAL GUARDIAN OF THE
PSYCHOTHERAPY SERVICES PROVIDED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. A REGISTERED PSYCHOTHERAPIST OR LICENSED SOCIAL WORKER PROVIDING PSYCHOTHERAPY SERVICES IS ENCOURAGED TO OBTAIN THE CONSENT OF THE MINOR TO SPEAK TO THE MINOR'S PARENT OR LEGAL GUARDIAN.

(3) IF A MINOR WHO IS RECEIVING PSYCHOTHERAPY SERVICES PURSUANT TO THIS SECTION COMMUNICATES TO THE REGISTERED PSYCHOTHERAPIST OR LICENSED SOCIAL WORKER A CLEAR AND IMMINENT INTENT OR THREAT TO INFlict SERIOUS BODILY HARM ON HIMSELF OR HERSELF OR OTHERS, THE REGISTERED PSYCHOTHERAPIST OR LICENSED SOCIAL WORKER IS SUBJECT TO THE PROVISIONS OF SECTION 13-21-117 (2).

SECTION 3. In Colorado Revised Statutes, add 22-2-127.9 as follows:

22-2-127.9. Mental health education literacy - resource bank - technical assistance. (1) The department, with assistance from the office of suicide prevention created pursuant to section 25-1.5-101 (1)(w)(I), the Colorado youth advisory council created pursuant to section 2-2-1302, and the suicide prevention commission created pursuant to section 25-1.5-111, shall create and maintain a resource bank of evidence-based, research-based, and promising program materials and curricula pertaining to mental health, which materials and curricula may be used in elementary and secondary schools in the state. The resource bank and curricula must be youth friendly, culturally sensitive, and available in both English and Spanish. In creating the resource bank and curricula, the department may provide internet links to resources and materials pertaining to mental health.
HEALTH AVAILABLE FROM OTHER ENTITIES THAT THE DEPARTMENT FINDS
RELIABLE. ADDITIONALLY, THE DEPARTMENT SHALL SOLICIT INPUT FROM
PERSONS, INCLUDING YOUTH, WITHIN AND OUTSIDE OF THE MENTAL
HEALTH PROFESSION, INCLUDING BOTH COMMUNITY AND SCHOOL MENTAL
HEALTH PROFESSIONALS. SUBJECT TO AVAILABLE APPROPRIATIONS, THE
DEPARTMENT SHALL SOLICIT REQUESTS FOR INFORMATION AND MAY
CONTRACT FOR:

(a) THE ORGANIZATION AND ENHANCEMENT OF THE RESOURCE
BANK, INCLUDING MATERIALS ON THE PREVENTION OF SUICIDE AND
EDUCATION ON MENTAL HEALTH;

(b) THE DEVELOPMENT OF MENTAL HEALTH CURRICULA FOR
SCHOOLS AND PROVIDING SUCH CURRICULA TO SCHOOLS; AND

(c) TRAINING FOR EDUCATORS AND SCHOOL STAFF CONCERNING
MENTAL HEALTH.

(2) ON AND AFTER JULY 1, 2020, THE DEPARTMENT SHALL MAKE
MATERIAL IN THE RESOURCE BANK AVAILABLE WITHOUT CHARGE TO
SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER SCHOOLS,
BOARDS OF COOPERATIVE SERVICES, PROFESSIONAL EDUCATORS, PARENTS
OR GUARDIANS OF YOUTH, STUDENTS, AND COMMUNITY PROVIDERS. AT
THE REQUEST OF A SCHOOL DISTRICT, CHARTER SCHOOL, INSTITUTE
CHARTER SCHOOL, OR BOARD OF COOPERATIVE SERVICES, THE
DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO THE SCHOOL
DISTRICT, CHARTER SCHOOL, INSTITUTE CHARTER SCHOOL, OR BOARD OF
COOPERATIVE SERVICES IN DESIGNING AGE-APPROPRIATE CURRICULA
PERTAINING TO MENTAL HEALTH.

(3) THE MATERIALS AND RESOURCES AVAILABLE TO STUDENTS
MUST BE DEVELOPED AND UPDATED WITH INPUT FROM YOUTH.
(4) School districts, charter schools, institute charter schools, and boards of cooperative services are encouraged to report to the department on the effectiveness of the resource bank and curricula and to recommend changes to improve the resource bank or curricula. The department is encouraged to update the resource bank and curricula based on recommendations from school districts, charter schools, institute charter schools, boards of cooperative services, professional educators, parents or guardians of youth, students, and community providers.

SECTION 4. In Colorado Revised Statutes, 22-7-1005, add (2.3) as follows:

22-7-1005. Preschool through elementary and secondary education - aligned standards - adoption - revisions. (2.3) On or before July 1, 2020, the state board shall adopt standards that identify the knowledge and skills that an elementary through secondary education student should acquire related to mental health, including suicide prevention.

SECTION 5. 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.