

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0257.01 Shelby Ross x4510

HOUSE BILL 22-1256

HOUSE SPONSORSHIP

Amabile and McCluskie, Pelton

SENATE SPONSORSHIP

Moreno and Gardner,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO CIVIL INVOLUNTARY COMMITMENT**
102 **STATUTES FOR PERSONS WITH MENTAL HEALTH DISORDERS,**
103 **AND, IN CONNECTION THEREWITH, MAKING AN 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>.)

Current law sets forth emergency procedures to transport a person for a screening and to detain a person for a 72-hour treatment and evaluation if the person appears to have a mental health disorder, and as a result of the mental health disorder, appears to be an imminent danger to the person's self or others, or appears to be gravely disabled. Current

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.

law also sets forth procedures to certify a person for short-term or long-term care and treatment if the person has a mental health disorder, and as a result of the mental health disorder, is a danger to the person's self or others, or is gravely disabled. The bill modifies these procedures by:

- Transferring duties of the executive director of the department of human services to the commissioner (commissioner) of the behavioral health administration (BHA);
- Limiting who can take a person into protective custody and transport the person to an outpatient mental health facility, a facility designated by the commissioner of the BHA (designated facility), or an emergency medical services facility (EMS facility) if the person has probable cause to believe a person is experiencing a behavioral health crisis;
- Requiring the facility where the person is transported to require an application, in writing, stating the circumstances and specific facts under which the person's condition was called to the attention of a certified peace officer or emergency medical services provider;
- Requiring an intervening professional to screen the person immediately or within 8 hours after the person's arrival at the facility to determine if the person meets the criteria for an emergency mental health hold;
- Establishing certain rights for a person being transported, which must be explained prior to transporting the person;
- Requiring a petition for certification for long-term treatment and care to be filed with the court at least 30 days prior to the expiration of the extended certification and requiring the petition to include a recommendation as to whether the certification should take place on an inpatient or outpatient basis;
- Effective July 1, 2023:
 - Subjecting a person who files a malicious or false petition for an evaluation of a respondent to criminal prosecution;
 - Authorizing a certified peace officer to transport a person to an emergency medical services facility (EMS facility), even if a warrant has been issued for the person's arrest, if the certified peace officer believes it is in the best interest of the person;
 - Authorizing an intervening professional or certified peace officer to initiate an emergency mental health hold at the time of screening the respondent;
 - Authorizing a secure transportation provider to take

- a respondent into custody and transport the person to an EMS facility or designated facility for an emergency mental health hold;
 - Expanding the list of professionals who may terminate the emergency mental health hold;
 - Requiring the evaluation to be completed using a standardized form approved by the commissioner;
 - Expanding who can initiate a certification to include an advanced practice registered nurse with training in psychiatric nursing and prescriptive authority;
 - Requiring an EMS facility to immediately notify the BHA if a person is evaluated and the evaluating professional determines that the person continues to meet the criteria for an emergency mental health hold and the initial emergency mental health hold is set to expire before an appropriate placement is located;
 - Requiring the BHA to support the EMS facility in locating an appropriate placement option. If an appropriate placement option cannot be located, the bill authorizes the EMS facility to place the person under a second emergency mental health hold and requires the court to immediately appoint an attorney.
 - Authorizing a designated facility to place the person under a second emergency mental health hold if the person has been recently transferred from an EMS facility to the designated facility and the designated facility is unable to complete the evaluation before the initial emergency mental health hold is set to expire; and
 - Requiring the facility to provide the person with a discharge summary and a copy of the completed evaluation; facilitate a follow-up appointment within 7 calendar days after discharge; attempt to follow up with the person 48 hours after discharge; and encourage the person to designate a family member, friend, or lay person to participate in the person's discharge planning.
- Effective January 1, 2025:
 - Authorizing the court to certify a respondent for not more than 3 months for short-term treatment and place the respondent in the BHA's custody without the need for an emergency mental health hold upon a petition of certain individuals;

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**Care and Treatment of Persons
with Mental Health Disorders**

27-65-101. Legislative declaration. (1) The general assembly declares that ~~subject to available appropriations,~~ the purposes of this article 65 are:

(a) To secure for each person with a mental health disorder such care and treatment suited to ~~his or her~~ THE PERSON'S needs and to ensure that the care and treatment are skillfully and humanely administered with full respect for the person's dignity and personal integrity;

(b) To deprive a person of ~~his or her~~ THE PERSON'S liberty for purposes of care or treatment only when less restrictive alternatives are unavailable and only when ~~his or her~~ THE PERSON'S safety or the safety of others is endangered;

(c) To provide the fullest possible measure of privacy, dignity, and other rights to persons undergoing care and treatment for a mental health disorder;

(d) To encourage the use of voluntary, rather than coercive, measures to provide care and treatment for mental health disorders and to provide the care and treatment in the least restrictive setting;

(e) To provide appropriate information to family members concerning the location and fact of admission of a person with a mental health disorder to inpatient or residential care and treatment;

(f) To encourage the appropriate participation of family members in the care and treatment of a person with a mental health disorder and, when appropriate, to provide information to family members in order to facilitate that participation; and

(g) To facilitate the recovery and resiliency of each person who

1 receives care and treatment pursuant to this article 65.

2 (2) To carry out these purposes, ~~subject to available~~
3 ~~appropriations~~, the provisions of this ~~article shall~~ ARTICLE 65 MUST be
4 liberally construed.

5 **27-65-102. Definitions.** As used in this article 65, unless the
6 context otherwise requires:

7 (1) "Acute treatment unit" means a facility or a distinct part of a
8 facility for short-term psychiatric care, which may include treatment for
9 substance use disorders, that provides a total, twenty-four-hour,
10 therapeutically planned and professionally staffed environment for
11 persons who do not require inpatient hospitalization but need more
12 intense and individual services than are available on an outpatient basis,
13 such as crisis management and stabilization services.

14 (2) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
15 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
16 27-60-203.

17 (3) "BEHAVIORAL HEALTH CRISIS" MEANS A SIGNIFICANT
18 DISRUPTION IN A PERSON'S MENTAL OR EMOTIONAL STABILITY OR
19 FUNCTIONING RESULTING IN AN URGENT NEED FOR IMMEDIATE
20 ASSESSMENT AND TREATMENT TO PREVENT A SERIOUS DETERIORATION IN
21 THE PERSON'S MENTAL OR PHYSICAL HEALTH.

22 (4) "BEHAVIORAL HEALTH CRISIS RESPONSE TEAM" MEANS A
23 MOBILE TEAM THAT RESPONDS TO PEOPLE IN THE COMMUNITY WHO ARE IN
24 A BEHAVIORAL HEALTH CRISIS AND INCLUDES AT LEAST ONE LICENSED OR
25 BACHELOR-DEGREE-LEVEL BEHAVIORAL HEALTH WORKER. A
26 "BEHAVIORAL HEALTH CRISIS RESPONSE TEAM" INCLUDES, BUT IS NOT
27 LIMITED TO, A CO-RESPONDER MODEL, MOBILE CRISIS RESPONSE UNIT, OR

1 A COMMUNITY RESPONSE TEAM.

2 ~~(1.5)~~ (5) "Behavioral health entity" means a facility or provider
3 organization engaged in providing community-based health services,
4 which may include behavioral health disorder services, alcohol use
5 disorder services, or substance use disorder services, including crisis
6 stabilization, acute or ongoing treatment, or community mental health
7 center services as described in section 27-66-101 (2) and (3), but does not
8 include:

9 (a) Residential child care facilities as defined in section 26-6-102
10 (33); or

11 (b) Services provided by a licensed or certified mental health-care
12 provider under the provider's individual professional practice act on the
13 provider's own premises.

14 ~~(2)~~ (6) "Certified peace officer" means any certified peace officer
15 as described in section 16-2.5-102. ~~C.R.S.~~

16 (7) "COMMISSIONER" MEANS THE COMMISSIONER OF THE
17 BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
18 27-60-203.

19 ~~(3)~~ (8) "Court" means any district court of the state of Colorado
20 and the probate court in the city and county of Denver.

21 ~~(4)~~ (9) "Court-ordered evaluation" means an evaluation ordered
22 by a court pursuant to section 27-65-106.

23 ~~(4.5)~~ (10) "Danger to THE PERSON'S self or others" means:

24 (a) ~~With respect to an individual, that the individual~~ A PERSON
25 poses a substantial risk of physical harm to ~~himself or herself~~ THE
26 PERSON'S SELF as manifested by evidence of recent threats of or attempts
27 at suicide or serious bodily harm to ~~himself or herself~~ THE PERSON'S SELF;

1 or

2 (b) ~~With respect to other persons, that the individual~~ A PERSON
3 poses a substantial risk of physical harm to another person or persons, as
4 manifested by evidence of recent homicidal or other violent behavior by
5 the person in question, or by evidence that others are placed in reasonable
6 fear of violent behavior and serious physical harm to them, as evidenced
7 by a recent overt act, attempt, or threat to do serious physical harm by the
8 person in question.

9 ~~(5)~~ (11) "Department" means the department of human services.

10 ~~(5.5)~~ (12) "Emergency medical services facility" means a facility
11 ~~licensed pursuant to part 1 of article 3 of title 25 or certified pursuant to~~
12 ~~section 25-1.5-103, or any other licensed and certified facility that~~
13 ~~provides emergency medical services~~ GENERAL HOSPITAL WITH AN
14 EMERGENCY DEPARTMENT OR A FREESTANDING EMERGENCY
15 DEPARTMENT, AS DEFINED IN SECTION 25-1.5-114 (5). An emergency
16 medical services facility is not required to be, but may elect to become,
17 a facility designated or approved by the ~~executive director for a~~
18 ~~seventy-two-hour treatment and evaluation pursuant to section 27-65-105~~
19 COMMISSIONER.

20 (13) "EMERGENCY MEDICAL SERVICES PROVIDER" HAS THE SAME
21 MEANING AS SET FORTH IN SECTION 25-3.5-103 (8).

22 ~~(6)~~ (14) "Executive director" means the executive director of the
23 department of human services.

24 ~~(7)~~ (15) "Facility" means a public hospital or a licensed private
25 hospital, ~~clinic~~, behavioral health entity, community mental health center
26 or clinic, acute treatment unit, ~~institution~~, or residential child care facility
27 that provides treatment for persons with mental health disorders.

1 ~~(8)~~ (16) "Family member" means a spouse, PARTNER IN A CIVIL
2 UNION, AS DEFINED IN SECTION 14-15-103 (5), parent, adult child, or adult
3 sibling of a person with a mental health disorder.

4 ~~(9)~~ (17) "Gravely disabled" means a condition in which a person,
5 as a result of a mental health disorder, is incapable of making informed
6 decisions about or providing for ~~his or her~~ THE PERSON'S essential needs
7 without significant supervision and assistance from other people. As a
8 result of being incapable of making these informed decisions, a person
9 who is gravely disabled is at risk of substantial bodily harm, dangerous
10 worsening of any concomitant serious physical illness, significant
11 psychiatric deterioration, or mismanagement of ~~his or her~~ THE PERSON'S
12 essential needs that could result in substantial bodily harm. A person of
13 any age may be "gravely disabled", but ~~such~~ THE term does not include a
14 person whose decision-making capabilities are limited solely by ~~his or her~~
15 THE PERSON'S developmental disability.

16 ~~(10)~~ (18) "Hospitalization" means twenty-four-hour out-of-home
17 placement for treatment in a facility for a person with a mental health
18 disorder.

19 ~~(11)~~ (19) "Independent professional person" means a professional
20 person ~~as defined in subsection (17) of this section~~, who evaluates a
21 minor's condition as an independent decision-maker and whose
22 recommendations are based on the standard of what is in the best interest
23 of the minor. The professional person may be associated with the
24 admitting ~~mental health~~ facility if ~~he or she~~ THE PROFESSIONAL PERSON is
25 free to independently evaluate the minor's condition and need for
26 treatment and has the authority to refuse admission to any minor who
27 does not satisfy the statutory standards specified in ~~section 27-65-103 (3)~~

1 SECTION 27-65-104 (2).

2 ~~(11.3)~~ (20) "Intervening professional" means a person described
3 ~~in section 27-65-105 (1)(a)(II) who may effect a seventy-two-hour hold~~
4 ~~under the provisions outlined in section 27-65-105~~ WHO IS ONE OF THE
5 FOLLOWING:

6 (a) A PROFESSIONAL PERSON;

7 (b) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION
8 12-240-113;

9 (c) AN ADVANCED PRACTICE REGISTERED NURSE, AS DEFINED IN
10 SECTION 12-255-104 (1);

11 (d) A REGISTERED PROFESSIONAL NURSE, AS DEFINED IN SECTION
12 12-255-104 (11), WHO HAS SPECIFIC MENTAL HEALTH TRAINING AS
13 IDENTIFIED BY THE BHA;

14 (e) A CLINICAL SOCIAL WORKER LICENSED PURSUANT TO PART 4 OF
15 ARTICLE 245 OF TITLE 12;

16 (f) A MARRIAGE AND FAMILY THERAPIST LICENSED PURSUANT TO
17 PART 5 OF ARTICLE 245 OF TITLE 12;

18 (g) A PROFESSIONAL COUNSELOR LICENSED PURSUANT TO PART 6
19 OF ARTICLE 245 OF TITLE 12; OR

20 (h) AN ADDICTION COUNSELOR LICENSED PURSUANT TO PART 8 OF
21 ARTICLE 245 OF TITLE 12.

22 (21) "LAY PERSON" MEANS A PERSON IDENTIFIED BY ANOTHER
23 PERSON WHO IS DETAINED ON AN INVOLUNTARY EMERGENCY MENTAL
24 HEALTH HOLD PURSUANT TO SECTION 27-65-106, CERTIFIED FOR
25 SHORT-TERM TREATMENT PURSUANT TO SECTION 27-65-109, OR
26 CERTIFIED FOR LONG-TERM CARE AND TREATMENT PURSUANT TO SECTION
27 27-65-110 WHO IS AUTHORIZED TO PARTICIPATE IN ACTIVITIES RELATED

1 TO THE PERSON'S INVOLUNTARY EMERGENCY MENTAL HEALTH HOLD,
2 SHORT-TERM TREATMENT, OR LONG-TERM TREATMENT, INCLUDING COURT
3 APPEARANCES, DISCHARGE PLANNING, AND GRIEVANCES. THE PERSON
4 MAY RESCIND THE LAY PERSON'S AUTHORIZATION AT ANY TIME.

5 ~~(11.5)~~ (22) "Mental health disorder" includes one or more
6 substantial disorders of the cognitive, volitional, or emotional processes
7 that grossly impairs judgment or capacity to recognize reality or to control
8 behavior. An intellectual or developmental disability is insufficient to
9 either justify or exclude a finding of a mental health disorder pursuant to
10 the provisions of this article 65.

11 ~~(12)~~ (23) "Minor" means a person under eighteen years of age;
12 except that the term does not include a person who is fifteen years of age
13 or older who is living separately and apart from ~~his or her~~ THE PERSON'S
14 parent or legal guardian and is managing ~~his or her~~ THE PERSON'S OWN
15 financial affairs, regardless of ~~his or her~~ THE PERSON'S source of income,
16 or who is married and living separately and apart from ~~his or her~~ THE
17 PERSON'S parent or legal guardian.

18 ~~(13)~~ (24) "Patient representative" means a person designated by
19 a mental health facility to process patient complaints or grievances or to
20 represent patients who are minors pursuant to ~~section 27-65-103 (5)~~
21 SECTION 27-65-104 (4).

22 ~~(14) Repealed.~~

23 ~~(15)~~ (25) "Petitioner" means any person who files any petition in
24 any proceeding in the interest of any person who allegedly has a mental
25 health disorder or is allegedly gravely disabled.

26 ~~(16)~~ (26) "Physician" means a person licensed to practice
27 medicine in this state.

1 (17) (27) "Professional person" means a person licensed to
2 practice medicine in this state, a psychologist ~~certified~~ LICENSED to
3 practice in this state, or a person licensed and in good standing to practice
4 medicine in another state or a psychologist ~~certified~~ LICENSED to practice
5 and in good standing in another state who is providing medical or clinical
6 services at a treatment facility in this state that is operated by the armed
7 forces of the United States, the United States public health service, or the
8 United States department of veterans affairs.

9
10 (18) (28) "Residential child care facility" ~~means a facility licensed~~
11 ~~by the state department of human services pursuant to article 6 of title 26,~~
12 ~~C.R.S., to provide group care and treatment for children as such facility~~
13 ~~is defined~~ HAS THE SAME MEANING AS SET FORTH in section 26-6-102
14 (33). ~~C.R.S.~~ A residential child care facility may be eligible for
15 designation by the ~~executive director of the department of human services~~
16 COMMISSIONER pursuant to this ~~article~~ ARTICLE 65.

17 (19) (29) "Respondent" means either a person alleged in a petition
18 filed pursuant to this article 65 to have a mental health disorder or be
19 gravely disabled or a person certified pursuant to the provisions of this
20 article 65.

21 (20) (30) "Screening" means a review of all petitions; to consist
22 of an interview with the petitioner and, whenever possible, the
23 respondent; an assessment of the problem; an explanation of the petition
24 to the respondent; and a determination of whether the respondent needs
25 and, if so, will accept on a voluntary basis, A comprehensive evaluation,
26 treatment, referral, and other appropriate services, either on an inpatient
27 or an outpatient basis.

1 (31) "SECURE TRANSPORTATION PROVIDER" MEANS A PROVIDER
2 LICENSED PURSUANT TO SECTION 25-3.5-310 TO PROVIDE PUBLIC OR
3 PRIVATE SECURE TRANSPORTATION SERVICES.

4 **27-65-103. Voluntary applications for mental health services.**

5 (1) Nothing in this article 65 in any way limits the right of any person to
6 make A voluntary application at any time to any public or private agency
7 or professional person for mental health services, either by direct
8 application in person or by referral from any other public or private
9 agency or professional person. Subject to section 15-14-316 (4), a ward,
10 as defined in section 15-14-102 (15), may be admitted to A hospital or
11 institutional care and treatment for a mental health disorder ~~by consent of~~
12 WITH the ~~guardian~~ GUARDIAN'S CONSENT for ~~so~~ AS long as the ward
13 agrees to such care and treatment. ~~Within ten days after any such~~
14 ~~admission,~~ The guardian shall IMMEDIATELY notify in writing the court
15 that appointed the guardian of the admission.

16 ~~(9)~~ (2) For the purpose of this ~~article~~ ARTICLE 65, the treatment by
17 prayer in the practice of the religion of any church ~~which~~ THAT teaches
18 reliance on spiritual means alone for healing ~~shall be~~ IS considered a form
19 of treatment.

20 ~~(10)~~ (3) The medical and legal status of all voluntary patients
21 receiving treatment for mental health disorders in inpatient or custodial
22 facilities must be reviewed at least once every six months.

23 ~~(11)~~ (4) Voluntary patients ~~shall be~~ ARE afforded all the rights and
24 privileges customarily granted by hospitals to their patients.

25 ~~(12)~~ (5) If at any time during ~~a seventy-two-hour evaluation~~ AN
26 EMERGENCY MENTAL HEALTH HOLD of a person who is confined
27 involuntarily the facility staff requests the person to sign in voluntarily

1 and ~~he or she~~ THE PERSON elects to do so, the following advisement shall
2 be given orally and in writing and an appropriate notation shall be made
3 in ~~his or her~~ THE PERSON'S medical record by the professional person or
4 ~~his or her~~ THE PROFESSIONAL PERSON'S designated agent:

5 **NOTICE**

6 The decision to sign in voluntarily should be made by you alone
7 and should be free from any force or pressure implied or otherwise. If you
8 do not feel that you are able to make a truly voluntary decision, you may
9 continue to be held at the hospital involuntarily. As an involuntary
10 patient, you will have the right to protest your confinement and request
11 a hearing before a judge.

12 **27-65-104. Voluntary applications for mental health services**
13 **- treatment of minors - definition.** (1) [Formerly 27-65-103
14 (2)] Notwithstanding any other provision of law, a minor who is fifteen
15 years of age or older, whether with or without the consent of a parent or
16 legal guardian, may consent to receive mental health services to be
17 rendered by a facility, ~~or by~~ a professional person, or mental health
18 professional licensed pursuant to part 3, 4, 5, 6, or 8 of article 245 of title
19 12 in any practice setting. Such consent ~~shall~~ IS not ~~be~~ subject to
20 disaffirmance because of minority. The professional person or licensed
21 mental health professional rendering mental health services to a minor
22 may, with or without the consent of the minor, advise the MINOR'S parent
23 or legal guardian ~~of the minor~~ of the services given or needed.

24 (2) [Formerly 27-65-103 (3)] A minor who is fifteen years of age
25 or older or a MINOR'S parent or legal guardian, ~~of a minor~~ on the minor's
26 behalf, may make A voluntary application for hospitalization. AN
27 application for hospitalization on behalf of a minor who is under fifteen

1 years of age and who is a ward of the department of human services shall
2 MUST not be made unless a guardian ad litem has been appointed for the
3 minor or a petition for the same has been filed with the court by the
4 agency having custody of the minor; except that such an application for
5 hospitalization may be made under emergency circumstances requiring
6 immediate hospitalization, in which case the agency shall file a petition
7 for appointment of a guardian ad litem within seventy-two hours after
8 application for admission is made, and the court shall IMMEDIATELY
9 appoint a guardian ad litem. ~~forthwith.~~ Procedures for hospitalization of
10 ~~such~~ A minor may proceed pursuant to this section once a petition for
11 appointment of a guardian ad litem has been filed, if necessary. Whenever
12 ~~such~~ AN application for hospitalization is made, an independent
13 professional person shall interview the minor and conduct a careful
14 investigation into the minor's background, using all available sources,
15 including, but not limited to, the MINOR'S parents or legal guardian, ~~and~~
16 the MINOR'S school, and any other social SERVICE agencies. Prior to
17 admitting a minor for hospitalization, the independent professional person
18 shall make the following findings:

19 (a) That the minor has a mental health disorder and is in need of
20 hospitalization;

21 (b) That a less restrictive treatment alternative is inappropriate or
22 unavailable; and

23 (c) That hospitalization is likely to be beneficial.

24 (3) **[Formerly 27-65-103 (4)]** An interview and investigation by
25 an independent professional person ~~shall not be~~ IS NOT required for a
26 minor who is fifteen years of age or older and who, upon the
27 recommendation of ~~his or her~~ THE MINOR'S treating professional person,

1 seeks voluntary hospitalization with the consent of ~~his or her~~ THE MINOR'S
2 parent or legal guardian. In order to assure that the minor's consent to
3 such hospitalization is voluntary, the minor shall be advised, at or before
4 the time of admission, of ~~his or her~~ THE MINOR'S right to refuse to sign the
5 admission consent form and ~~his or her~~ THE MINOR'S right to revoke ~~his or~~
6 ~~her~~ THE MINOR'S consent at a later date. If a minor admitted pursuant to
7 this ~~subsection (4)~~ SUBSECTION (3) subsequently revokes ~~his or her~~ THE
8 MINOR'S consent after admission, a review of ~~his or her~~ THE MINOR'S need
9 for hospitalization pursuant to ~~subsection (5)~~ SUBSECTION (4) of this
10 section ~~shall~~ MUST be initiated immediately.

11 (4) [Formerly 27-65-103 (5)] (a) The need for continuing
12 hospitalization of all voluntary MINOR patients ~~who are minors shall~~ MUST
13 be formally reviewed at least every two months. Review pursuant to this
14 ~~subsection (5) shall~~ SUBSECTION (4) MUST fulfill the requirement specified
15 in section 19-1-115 (8) C.R.S., when the minor is fifteen years of age or
16 older and consenting to hospitalization.

17 (b) The review ~~shall~~ MUST be conducted by an independent
18 professional person who is not a member of the minor's treating team; or,
19 if the minor, ~~his or her~~ THE MINOR'S physician, and the minor's parent or
20 LEGAL guardian do not object to the need for continued hospitalization,
21 the review required pursuant to this ~~subsection (5)~~ SUBSECTION (4) may
22 be conducted internally by the hospital staff.

23 (c) The independent professional person shall determine whether
24 the minor continues to meet the criteria specified in ~~subsection (3)~~
25 SUBSECTION (2) of this section and whether continued hospitalization is
26 appropriate and shall, ~~at least~~ AT A MINIMUM, conduct an investigation
27 pursuant to ~~subsection (3)~~ SUBSECTION (2) of this section.

1 (d) Ten days prior to the review, the patient representative at the
2 mental health facility shall notify the minor of the date of the review and
3 shall assist the minor in articulating to the independent professional
4 person ~~his or her~~ THE MINOR'S wishes concerning continued
5 hospitalization.

6 (e) Nothing in this section ~~shall be construed to limit~~ LIMITS a
7 minor's right to seek release from the facility pursuant to any other
8 ~~provisions under the~~ PROVISION OF law.

9 (5) [Formerly 27-65-103 (6)] Every six months the review
10 required pursuant to ~~subsection (5)~~ SUBSECTION (4) of this section shall
11 be conducted by an independent professional person who is not a member
12 of the minor's treating team and who has not previously reviewed the
13 ~~child~~ MINOR pursuant to ~~subsection (5)~~ SUBSECTION (4) of this section.

14 (6) [Formerly 27-65-103 (7)] (a) When a minor does not consent
15 to or objects to continued hospitalization, the need for such continued
16 hospitalization ~~shall~~ MUST, within ten days, be reviewed pursuant to
17 ~~subsection (5)~~ SUBSECTION (4) of this section by an independent
18 professional person who is not a member of the minor's treating team and
19 who has not previously reviewed the ~~child~~ MINOR pursuant to this
20 ~~subsection (7)~~ SUBSECTION (6). The minor shall be informed of the results
21 of ~~such~~ THE review within three days ~~of~~ AFTER THE REVIEW'S completion.
22 ~~of such review~~. If the conclusion reached by ~~such~~ THE professional person
23 is that the minor no longer meets the standards for hospitalization
24 specified in ~~subsection (3)~~ SUBSECTION (2) of this section, the minor ~~shall~~
25 MUST be discharged.

26 (b) If, twenty-four hours after being informed of the results of the
27 review specified in ~~paragraph (a) of this subsection (7)~~ SUBSECTION (6)(a)

1 OF THIS SECTION, a minor continues to affirm the objection to
2 hospitalization, ~~the minor shall be advised by~~ the director of the facility
3 or ~~his or her~~ THE DIRECTOR'S duly appointed representative SHALL ADVISE
4 THE MINOR that the minor has the right to retain and consult with an
5 attorney at any time and that the director or ~~his or her~~ THE DIRECTOR'S
6 duly appointed representative shall file, within three days after the request
7 of the minor, a statement requesting an attorney for the minor or, if the
8 minor is under fifteen years of age, a guardian ad litem. The minor; ~~his or~~
9 ~~her~~ THE MINOR'S attorney, if any; and ~~his or her~~ THE MINOR'S parent, legal
10 guardian, or guardian ad litem, if any, shall ~~also~~ be given written notice
11 that a hearing upon the recommendation for continued hospitalization
12 may be had before the court or a jury upon written request directed to the
13 court pursuant to ~~paragraph (d) of this subsection (7)~~ SUBSECTION (6)(d)
14 OF THIS SECTION.

15 (c) Whenever the statement requesting an attorney is filed with the
16 court, the court shall ascertain whether the minor has retained counsel,
17 and, if ~~he or she~~ THE MINOR has not, the court shall, within three days,
18 appoint an attorney to represent the minor, or if the minor is under fifteen
19 years of age, a guardian ad litem. Upon receipt of a petition filed by the
20 guardian ad litem, the court shall appoint an attorney to represent the
21 minor under fifteen years of age.

22 (d) (I) The minor or ~~his or her~~ THE MINOR'S attorney or guardian
23 ad litem may, at any time after the minor has continued to affirm ~~his or~~
24 ~~her~~ THE MINOR'S objection to hospitalization pursuant to ~~subsection (7)(b)~~
25 SUBSECTION (6)(b) of this section, file a written request that the
26 recommendation for continued hospitalization be reviewed by the court
27 or that the treatment be on an outpatient basis. If review is requested, the

1 court shall hear the matter within ten days after the request, and the court
2 shall give notice OF THE TIME AND PLACE OF THE HEARING to the minor;
3 ~~his or her~~ THE MINOR'S attorney, if any; ~~his or her~~ THE MINOR'S parents or
4 legal guardian; ~~his or her~~ THE MINOR'S guardian ad litem, if any; the
5 independent professional person; and the minor's treating team. ~~of the~~
6 ~~time and place of the hearing~~. The hearing must be held in accordance
7 with ~~section 27-65-111~~ SECTION 27-65-113; except that the court or jury
8 shall determine that the minor is in need of care and treatment if the court
9 or jury makes the following findings:

10 (A) That the minor has a mental health disorder and is in need of
11 hospitalization;

12 (B) That a less restrictive treatment alternative is inappropriate or
13 unavailable; and

14 (C) That hospitalization is likely to be beneficial.

15 (II) At the conclusion of the hearing, the court may enter an order
16 confirming the recommendation for continued hospitalization, discharge
17 the minor, or enter any other appropriate order.

18 (e) For purposes of this ~~subsection (7)~~ SUBSECTION (6), "objects
19 to hospitalization" means that a minor, with the necessary assistance of
20 hospital staff, has written ~~his or her~~ THE MINOR'S objections to continued
21 hospitalization and has been given an opportunity to affirm or disaffirm
22 such objections forty-eight hours after the objections are first written.

23 (f) A minor may not again object to hospitalization pursuant to
24 this ~~subsection (7)~~ SUBSECTION (6) until ninety days after conclusion of
25 proceedings pursuant to this ~~subsection (7)~~ SUBSECTION (6).

26 (g) In addition to the rights specified ~~under section 27-65-117~~ IN
27 SECTION 27-65-119 for persons receiving evaluation, care, or treatment,

1 a written notice specifying the rights of minor children under this section
2 ~~shall~~ MUST be given to each minor upon admission to hospitalization.

3 (7) [Formerly 27-65-103 (8)] A minor who no longer meets the
4 standards for hospitalization specified in ~~subsection (3)~~ SUBSECTION (2)
5 of this section ~~shall~~ MUST be discharged.

6 **27-65-105. [Formerly 27-65-104] Rights of respondents.** Unless
7 specifically stated in an order by the court, a respondent ~~shall~~ DOES not
8 forfeit any legal right or suffer legal disability by reason of the provisions
9 of this ~~article~~ ARTICLE 65.

10 **27-65-106. Emergency mental health hold - screening -**
11 **court-ordered evaluation - discharge instructions - respondent's**
12 **rights - report.** (1) [Formerly 27-65-105 (1)] Emergency procedure may
13 be invoked under one of the following conditions:

14 (a) ~~(I)~~ When any person appears to have a mental health disorder
15 and, as a result of such mental health disorder, appears to be an imminent
16 danger to others or to ~~himself or herself~~ THE PERSON'S SELF or appears to
17 be gravely disabled, then an intervening professional ~~as specified in~~
18 ~~subsection (1)(a)(II) of this section~~ OR CERTIFIED PEACE OFFICER, upon
19 probable cause and with such assistance as may be required, may take the
20 person into custody, or cause the person to be taken into custody, and
21 placed in a facility designated or approved by the executive director for
22 a seventy-two-hour treatment and evaluation. If such a facility is not
23 available, the person may be taken to an emergency medical services
24 facility.

25 ~~(I.5) When any person appears to have a mental health disorder~~
26 ~~and, as a result of such mental health disorder, is in need of immediate~~
27 ~~evaluation for treatment in order to prevent physical or psychiatric harm~~

1 ~~to others or to himself or herself, then an intervening professional, as~~
2 ~~specified in subsection (1)(a)(II) of this section, upon probable cause and~~
3 ~~with such assistance as may be required, may immediately transport the~~
4 ~~person to an outpatient mental health facility or other clinically~~
5 ~~appropriate facility designated or approved by the executive director. If~~
6 ~~such a facility is not available, the person may be taken to an emergency~~
7 ~~medical services facility.~~

8 ~~(H) The following persons may act as intervening professionals~~
9 ~~to effect a seventy-two-hour hold, as provided in subsections (1)(a)(I) and~~
10 ~~(1)(a)(I.5) of this section:~~

11 ~~(A) A certified peace officer;~~

12 ~~(B) A professional person;~~

13 ~~(C) A registered professional nurse as defined in section~~
14 ~~12-255-104 (11) who by reason of postgraduate education and additional~~
15 ~~nursing preparation has gained knowledge, judgment, and skill in~~
16 ~~psychiatric or mental health nursing;~~

17 ~~(D) A licensed marriage and family therapist, licensed~~
18 ~~professional counselor, or addiction counselor licensed under part 5, 6, or~~
19 ~~8 of article 245 of title 12 who, by reason of postgraduate education and~~
20 ~~additional preparation, has gained knowledge, judgment, and skill in~~
21 ~~psychiatric or clinical mental health therapy, forensic psychotherapy, or~~
22 ~~the evaluation of mental health disorders; or~~

23 ~~(E) A licensed clinical social worker licensed under the provisions~~
24 ~~of part 4 of article 245 of title 12.~~

25 (b) Upon an affidavit sworn to or affirmed before a judge that
26 relates sufficient facts to establish that a person appears to have a mental
27 health disorder and, as a result of the mental health disorder, appears to

1 be an imminent danger to others or to ~~himself or herself~~ THE PERSON'S
2 SELF or appears to be gravely disabled, the court may order the person
3 described in the affidavit to be taken into custody and placed in a facility
4 designated or approved by the executive director for a seventy-two-hour
5 treatment and evaluation. Whenever in this article 65 a facility is to be
6 designated or approved by the executive director, hospitals, if available,
7 must be approved or designated in each county before other facilities are
8 approved or designated. Whenever in this article 65 a facility is to be
9 designated or approved by the executive director as a facility for a stated
10 purpose and the facility to be designated or approved is a private facility,
11 the consent of the private facility to the enforcement of standards set by
12 the executive director is a prerequisite to the designation or approval.

13 ~~(c) Upon an affidavit sworn to or affirmed before a judge that~~
14 ~~relates sufficient facts to establish that a person appears to have a mental~~
15 ~~health disorder and, as a result of the mental health disorder, is in need of~~
16 ~~immediate evaluation for treatment to prevent physical or psychiatric~~
17 ~~harm to others or to himself or herself, the court may order the person~~
18 ~~described in the affidavit to be transported to an outpatient mental health~~
19 ~~facility or other clinically appropriate facility designated or approved by~~
20 ~~the executive director.~~

21 (d) **[Formerly 27-65-106 (2)]** Any individual may petition the
22 court in the county in which the respondent resides or is physically
23 present alleging that there is a person who appears to have a mental health
24 disorder and, as a result of the mental health disorder, appears to be a
25 danger to others or to ~~himself or herself~~ THE PERSON'S SELF or appears to
26 be gravely disabled and requesting an evaluation of the person's
27 condition.

1 (2) **[Formerly 27-65-105 (2)]** When a person is taken into custody
2 pursuant to subsection (1) of this section, ~~he or she~~ THE PERSON must not
3 be detained in a jail, lockup, or other place used for the confinement of
4 persons charged with or convicted of penal offenses.

5 (3) **[Formerly 27-65-105 (3)]** When a person is taken into
6 emergency custody by an intervening professional OR CERTIFIED PEACE
7 OFFICER pursuant to subsection (1) of this section and is presented to an
8 emergency medical services facility or a facility that is designated or
9 approved by the executive director, the facility shall require an
10 application in writing, stating the circumstances under which the person's
11 condition was called to the attention of the intervening professional OR
12 CERTIFIED PEACE OFFICER and further stating sufficient facts, obtained
13 from the intervening professional's OR CERTIFIED PEACE OFFICER'S
14 personal observations or obtained from others whom ~~he or she~~ THE
15 INTERVENING PROFESSIONAL OR CERTIFIED PEACE OFFICER reasonably
16 believes to be reliable, to establish that the person has a mental health
17 disorder and, as a result of the mental health disorder, is an imminent
18 danger to others or to ~~himself or herself~~ THE PERSON'S SELF, is gravely
19 disabled, or is in need of immediate evaluation for treatment. The
20 application must indicate when the person was taken into custody and
21 who brought the person's condition to the attention of the intervening
22 professional OR CERTIFIED PEACE OFFICER. A copy of the application must
23 be furnished to the person being evaluated, and the application must be
24 retained in accordance with ~~the provisions of section 27-65-121 (4)~~
25 SECTION 27-65-123 (4).

26 (4) (a) **[Formerly 27-65-106 (3)]** The petition for a court-ordered
27 evaluation must contain the following:

1 (I) The name and address of the petitioner and ~~his or her~~ THE
2 PETITIONER'S interest in the case;

3 (II) The name of the person for whom evaluation is sought who
4 ~~shall be~~ IS designated as the respondent, and, if known to the petitioner,
5 the address, age, sex, marital status, and occupation of the respondent;

6 (III) Allegations of fact indicating that the respondent may have
7 a mental health disorder and, as a result of the mental health disorder, be
8 a danger to others or to ~~himself or herself~~ THE RESPONDENT'S SELF or be
9 gravely disabled and showing reasonable grounds to warrant an
10 evaluation;

11 (IV) The name and address of every person known or believed by
12 the petitioner to be legally responsible for the care, support, and
13 maintenance of the respondent, if available;

14 (V) The name, address, and telephone number of the attorney, if
15 any, who has most recently represented the respondent. If there is no
16 attorney, there shall be a statement as to whether, to the best knowledge
17 of the petitioner, the respondent meets the criteria established by the legal
18 aid agency operating in the county or city and county for it to represent
19 a client.

20 (b) **[Formerly 27-65-106 (4)]** Upon receipt of a petition satisfying
21 the requirements of ~~subsection (3)~~ SUBSECTION (4)(a) of this section, the
22 court shall designate a facility, approved by the executive director, ~~or a~~
23 AN INTERVENING professional, ~~person~~, OR A CERTIFIED PEACE OFFICER to
24 provide screening of the respondent to determine whether there is
25 probable cause to believe the allegations.

26 (c) **[Formerly 27-65-106 (5)]** Following screening, the facility, ~~or~~
27 INTERVENING professional, ~~person~~, OR CERTIFIED PEACE OFFICER

1 designated by the court shall file ~~his or her~~ A report with the court. The
2 report must include a recommendation as to whether there is probable
3 cause to believe that the respondent has a mental health disorder and, as
4 a result of the mental health disorder, is a danger to others or to ~~himself~~
5 ~~or herself~~ THE RESPONDENT'S SELF or is gravely disabled and whether the
6 respondent will voluntarily receive evaluation or treatment. The screening
7 report submitted to the court PURSUANT TO THIS SUBSECTION (4)(c) is
8 confidential in accordance with ~~section 27-65-121~~ SECTION 27-65-123
9 and must be furnished to the respondent or ~~his or her~~ THE RESPONDENT'S
10 attorney or personal representative.

11 (d) **[Formerly 27-65-106 (6)]** Whenever it appears, by petition and
12 screening pursuant to this section, to the satisfaction of the court that
13 probable cause exists to believe that the respondent has a mental health
14 disorder and, as a result of the mental health disorder, is a danger to
15 others or to ~~himself or herself~~ THE RESPONDENT'S SELF or is gravely
16 disabled and that efforts have been made to secure the cooperation of the
17 respondent, who has refused or failed to accept evaluation voluntarily, the
18 court shall issue an order for evaluation authorizing a certified peace
19 officer OR SECURE TRANSPORTATION PROVIDER to take the respondent into
20 custody and ~~place him or her~~ TRANSPORT THE RESPONDENT ~~in~~ TO a facility
21 designated by the executive director for seventy-two-hour treatment and
22 evaluation. At the time of taking the respondent into custody, a copy of
23 the petition and the order for evaluation must be given to the respondent
24 and promptly thereafter to any one person designated by the respondent
25 and to the person in charge of the seventy-two-hour treatment and
26 evaluation facility named in the order or ~~his or her~~ THE PERSON'S
27 designee.

1 (5) **[Formerly 27-65-105 (4)]** If the seventy-two-hour treatment
2 and evaluation facility admits the person, it may detain ~~him or her~~ THE
3 PERSON for evaluation and treatment for a period not to exceed
4 seventy-two hours excluding Saturdays, Sundays, and holidays if
5 evaluation and treatment services are not available on those days. For the
6 purposes of this ~~subsection (4)~~ SUBSECTION (5), evaluation and treatment
7 services are not deemed to be available merely because a professional
8 person is on call during weekends or holidays. If, in the opinion of the
9 professional person in charge of the evaluation, the person can be
10 properly cared for without being detained, ~~he or she~~ THE PERSON shall be
11 provided services on a voluntary basis.

12 (6) **[Formerly 27-65-105 (5)]** Each person admitted to a
13 seventy-two-hour treatment and evaluation facility under the provisions
14 of this ~~article~~ ARTICLE 65 shall receive an evaluation as soon as possible
15 after ~~he or she~~ THE PERSON is admitted and shall receive such treatment
16 and care as ~~his or her~~ THE PERSON'S condition requires for the full period
17 that ~~he or she~~ THE PERSON is held. The person ~~shall~~ MUST be released
18 before seventy-two hours have elapsed if, in the opinion of the
19 professional person in charge of the evaluation, the person no longer
20 requires evaluation or treatment. Persons who have been detained for
21 seventy-two-hour evaluation and treatment shall be released, referred for
22 further care and treatment on a voluntary basis, or certified for treatment
23 pursuant to ~~section 27-65-107~~ SECTION 27-65-109.

24 (7) to (8) **Reserved.**

25 (9) **[Formerly 27-65-105 (7)]** (a) On or before July 1, 2019, and
26 each July 1 thereafter, each emergency medical services facility that has
27 treated a person pursuant to this section shall provide an annual report to

1 the department that includes only aggregate and nonidentifying
2 information concerning persons who were treated at an emergency
3 medical services facility pursuant to this section. The report must comply
4 with ~~the provisions of~~ section 24-1-136 (9) and is exempt from the
5 ~~provisions of~~ section 24-1-136 (11)(a)(I). The report must contain the
6 following:

- 7 (I) The names and counties of the facilities;
- 8 (II) The total number of persons treated pursuant to this section,
9 including a summary of demographic information;
- 10 (III) A summary regarding the different reasons for which persons
11 were treated pursuant to this section; and
- 12 (IV) A summary of the disposition of persons transferred to a
13 designated facility.

14 (b) (I) Any information aggregated and provided to the
15 department pursuant to this ~~subsection (7)~~ SUBSECTION (9) is privileged
16 and confidential. Such information must not be made available to the
17 public except in an aggregate format that cannot be used to identify an
18 individual facility. The information is not subject to civil subpoena and
19 is not discoverable or admissible in any civil, criminal, or administrative
20 proceeding against an emergency medical services facility or health-care
21 professional. The information must be used only to assess statewide
22 behavioral health services needs and to plan for sufficient levels of
23 statewide behavioral health services. In the collection of data to
24 accomplish the requirements of this ~~subsection (7)~~ SUBSECTION (9), the
25 department shall protect the confidentiality of patient records, in
26 accordance with state and federal laws, and shall not disclose any public
27 identifying or proprietary information of any hospital, hospital

1 administrator, health-care professional, or employee of a health-care
2 facility.

3 (II) ~~Subsection (7)(b)(I)~~ SUBSECTION (9)(b)(I) of this section does
4 not apply to information that is otherwise available from a source outside
5 of the data collection activities required pursuant to ~~subsection (7)(a)~~
6 SUBSECTION (9)(a) of this section.

7 **27-65-107. Emergency transportation - application - screening**

8 **- respondent's rights.** (1) (a) WHEN A CERTIFIED PEACE OFFICER OR
9 EMERGENCY MEDICAL SERVICES PROVIDER HAS PROBABLE CAUSE TO
10 BELIEVE A PERSON IS EXPERIENCING A BEHAVIORAL HEALTH CRISIS OR IS
11 GRAVELY DISABLED AND, AS A RESULT, WITHOUT PROFESSIONAL
12 INTERVENTION THE PERSON MAY BE A DANGER TO THE PERSON'S SELF OR
13 OTHERS, THEN THE CERTIFIED PEACE OFFICER OR EMERGENCY MEDICAL
14 SERVICES PROVIDER MAY TAKE THE PERSON INTO PROTECTIVE CUSTODY
15 AND TRANSPORT THE PERSON TO AN OUTPATIENT MENTAL HEALTH
16 FACILITY OR A FACILITY DESIGNATED BY THE COMMISSIONER OR OTHER
17 CLINICALLY APPROPRIATE FACILITY DESIGNATED BY THE COMMISSIONER.
18 IF SUCH A SERVICE IS NOT AVAILABLE, THE PERSON MAY BE TAKEN TO AN
19 EMERGENCY MEDICAL SERVICES FACILITY.

20 (b) AN INDIVIDUAL MAY NOT BE TRANSPORTED PURSUANT TO THIS
21 SUBSECTION (1) IF AN INTERVENING PROFESSIONAL HAS ASSESSED THE
22 PERSON DURING THE SAME EMERGENCY EVENT AND DETERMINED THE
23 INDIVIDUAL DOES NOT MEET THE CRITERIA FOR AN EMERGENCY MENTAL
24 HEALTH HOLD PURSUANT TO SECTION 27-65-106.

25 (c) IF A BEHAVIORAL HEATH CRISIS RESPONSE TEAM IS KNOWN TO
26 BE AVAILABLE IN A TIMELY MANNER, THE CERTIFIED PEACE OFFICER OR
27 EMERGENCY MEDICAL SERVICES PROVIDER SHALL ACCESS THE

1 BEHAVIORAL HEALTH CRISIS RESPONSE TEAM PRIOR TO TRANSPORTING AN
2 INDIVIDUAL INVOLUNTARILY PURSUANT TO THIS SUBSECTION (1).

3 (2) WHEN A PERSON IS TRANSPORTED AGAINST THE PERSON'S WILL
4 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE FACILITY SHALL
5 REQUIRE AN APPLICATION, IN WRITING, STATING THE CIRCUMSTANCES
6 UNDER WHICH THE PERSON'S CONDITION WAS CALLED TO THE ATTENTION
7 OF THE CERTIFIED PEACE OFFICER OR EMERGENCY MEDICAL SERVICES
8 PROVIDER AND FURTHER STATING SUFFICIENT FACTS, OBTAINED FROM
9 PERSONAL OBSERVATIONS OR OBTAINED FROM OTHERS WHOM THE
10 CERTIFIED PEACE OFFICER OR EMERGENCY MEDICAL SERVICES PROVIDER
11 REASONABLY BELIEVES TO BE RELIABLE, TO ESTABLISH THAT THE PERSON
12 IS EXPERIENCING A BEHAVIORAL HEALTH CRISIS OR IS GRAVELY DISABLED
13 AND, AS A RESULT, IT IS BELIEVED THAT WITHOUT PROFESSIONAL
14 INTERVENTION THE PERSON MAY BE A DANGER TO THE PERSON'S SELF OR
15 OTHERS. THE APPLICATION MUST INDICATE THE NAME OF THE PERSON AND
16 THE TIME THE PERSON WAS TRANSPORTED. A COPY OF THE APPLICATION
17 MUST BE FURNISHED TO THE PERSON BEING TRANSPORTED.

18 (3) ONCE THE PERSON IS PRESENTED TO THE FACILITY, AN
19 INTERVENING PROFESSIONAL SHALL SCREEN THE PERSON IMMEDIATELY.
20 IF AN INTERVENING PROFESSIONAL IS NOT IMMEDIATELY AVAILABLE, THE
21 PERSON MUST BE SCREENED WITHIN EIGHT HOURS AFTER THE PERSON'S
22 ARRIVAL AT THE FACILITY TO DETERMINE IF THE PERSON MEETS CRITERIA
23 FOR AN EMERGENCY MENTAL HEALTH HOLD PURSUANT TO SECTION
24 27-65-106. ONCE THE SCREENING IS COMPLETED AND IF THE PERSON
25 MEETS THE CRITERIA, THE INTERVENING PROFESSIONAL SHALL FIRST
26 PURSUE VOLUNTARY TREATMENT AND EVALUATION. IF THE PERSON
27 REFUSES OR THE INTERVENING PROFESSIONAL HAS REASONABLE GROUNDS

1 TO BELIEVE THE PERSON WILL NOT REMAIN VOLUNTARILY, THE
2 INTERVENING PROFESSIONAL MAY PLACE THE PERSON UNDER AN
3 EMERGENCY MENTAL HEALTH HOLD PURSUANT TO SECTION 27-65-106.

4 (4) (a) A PERSON DETAINED PURSUANT TO THIS SECTION HAS THE
5 FOLLOWING RIGHTS WHILE BEING DETAINED, WHICH MUST BE EXPLAINED
6 TO THE PERSON BEFORE BEING TRANSPORTED TO A RECEIVING FACILITY:

7 (I) TO NOT BE DETAINED FOR LONGER THAN FOURTEEN HOURS, TO
8 NOT BE TRANSPORTED FOR LONGER THAN SIX HOURS, AND TO RECEIVE AN
9 EVALUATION WITHIN EIGHT HOURS AFTER BEING PRESENTED TO THE
10 RECEIVING FACILITY;

11 (II) TO REQUEST A PHONE CALL TO AN INTERESTED PARTY PRIOR
12 TO BEING TRANSPORTED. IF THE CERTIFIED PEACE OFFICER OR EMERGENCY
13 MEDICAL SERVICES PROVIDER BELIEVES ACCESS TO A PHONE POSES A
14 PHYSICAL DANGER TO THE PERSON OR SOMEONE ELSE, THE RECEIVING
15 FACILITY SHALL MAKE THE CALL ON THE PERSON'S BEHALF IMMEDIATELY
16 UPON ARRIVAL AT THE RECEIVING FACILITY.

17 (III) TO WEAR THE PERSON'S OWN CLOTHES AND KEEP AND USE
18 PERSONAL POSSESSIONS THAT THE PERSON HAD IN THE PERSON'S
19 POSSESSION AT THE TIME OF DETAINMENT, INCLUDING A CELL PHONE;

20 (IV) TO HAVE APPROPRIATE ACCESS TO ADEQUATE WATER AND
21 FOOD AND TO HAVE THE PERSON'S NUTRITIONAL NEEDS MET IN A MANNER
22 THAT IS CONSISTENT WITH RECOGNIZED DIETARY PRACTICES;

23 (V) TO BE TREATED FAIRLY, WITH RESPECT AND RECOGNITION OF
24 THE PERSON'S DIGNITY AND INDIVIDUALITY; AND

25 (VI) TO FILE A GRIEVANCE WITH THE BEHAVIORAL HEALTH
26 ADMINISTRATION, THE DEPARTMENT OF PUBLIC HEALTH AND
27 ENVIRONMENT, OR THE OFFICE OF THE OMBUDSMAN FOR BEHAVIORAL

1 HEALTH ACCESS TO CARE ESTABLISHED PURSUANT TO PART 3 OF ARTICLE
2 80 OF TITLE 27.

3 (b) A PERSON'S RIGHTS PURSUANT TO SUBSECTION (4)(a) OF THIS
4 SECTION MAY ONLY BE DENIED IF ACCESS TO THE ITEM, PROGRAM, OR
5 SERVICE WOULD ENDANGER THE SAFETY OF THE PERSON OR ANOTHER
6 PERSON IN CLOSE PROXIMITY AND MAY ONLY BE DENIED BY A PERSON
7 INVOLVED IN THE PERSON'S CARE OR TRANSPORTATION. DENIAL OF ANY
8 RIGHT MUST BE ENTERED INTO THE PERSON'S TREATMENT RECORD OR
9 BEHAVIORAL HEALTH ADMINISTRATION-APPROVED FORM. INFORMATION
10 PERTAINING TO A DENIAL OF RIGHTS CONTAINED IN THE PERSON'S
11 TREATMENT RECORD MUST BE MADE AVAILABLE, UPON REQUEST, TO THE
12 PERSON, THE PERSON'S ATTORNEY, OR THE PERSON'S LAY PERSON.

13 **27-65-108. Care coordination for persons certified or**
14 **in need of ongoing treatment.** (1) THE BEHAVIORAL HEALTH
15 ADMINISTRATION SHALL, DIRECTLY OR THROUGH CONTRACT, PROVIDE
16 CARE COORDINATION SERVICES TO A PERSON CERTIFIED PURSUANT TO
17 SECTION 27-65-109, 27-65-110, OR 27-65-111, INCLUDING A PERSON
18 WHOSE CERTIFICATION IS TERMINATED BUT WHOM THE BHA DETERMINES
19 IS IN NEED OF ONGOING TREATMENT AND SERVICES.

20 (2) THE BHA SHALL PROVIDE CARE COORDINATION SERVICES TO
21 SUPPORT A PERSON WHO IS DISCHARGING FROM CARE, TRANSFERRING
22 PROVIDERS, OR SECURING OTHER SUPPORTIVE SERVICES. A FACILITY
23 DESIGNATED BY THE COMMISSIONER SHALL NOTIFY AND ENGAGE THE
24 BHA PRIOR TO TERMINATING OR TRANSFERRING ANY CERTIFICATION.

25 **27-65-109. Certification for short-term treatment - procedure.**
26 (1) [Formerly 27-65-107 (1)] If a person detained for seventy-two hours
27 pursuant to the provisions of section 27-65-105 or a respondent under

1 court order for evaluation pursuant to section 27-65-106 has received an
2 evaluation, ~~he or she~~ THE PERSON may be certified for not more than three
3 months ~~of~~ FOR short-term treatment under the following conditions:

4 (a) The professional staff of the agency or facility providing
5 seventy-two-hour treatment and evaluation has analyzed the person's
6 condition and has found the person has a mental health disorder and, as
7 a result of the mental health disorder, is a danger to others or to ~~himself~~
8 ~~or herself~~ THE PERSON'S SELF or is gravely disabled;

9 (b) The person has been advised of the availability of, but has not
10 accepted, voluntary treatment; but, if reasonable grounds exist to believe
11 that the person will not remain in a voluntary treatment program, ~~his or~~
12 ~~her~~ THE PERSON'S acceptance of voluntary treatment ~~shall~~ DOES not
13 preclude certification; AND

14 (c) The facility ~~which~~ THAT will provide short-term treatment has
15 been designated or approved by the executive director to provide such
16 treatment.

17 (2) **[Formerly 27-65-107 (2)]** The notice of certification must be
18 signed by a professional person on the staff of the evaluation facility who
19 participated in the evaluation and must:

20 (a) State facts sufficient to establish reasonable grounds to believe
21 that the person has a mental health disorder and, as a result of the mental
22 health disorder, is a danger to others or to ~~himself or herself~~ THE PERSON'S
23 SELF or is gravely disabled; ~~The certification must~~

24 (b) Be filed with the court within forty-eight hours, excluding
25 Saturdays, Sundays, and court holidays, of the date of certification; ~~The~~
26 ~~certification must~~ AND

27 (c) Be filed with the court in the county in which the respondent

1 resided or was physically present immediately prior to being taken into
2 custody.

3 (3) **[Formerly 27-65-107 (3)]** Within twenty-four hours ~~of~~ AFTER
4 certification, copies of the certification ~~shall~~ MUST be personally delivered
5 to the respondent, and a copy ~~shall~~ MUST be kept by the evaluation facility
6 as part of the ~~person's~~ RESPONDENT'S record. The respondent ~~shall~~ MUST
7 also be asked to designate one other person whom ~~he or she~~ THE
8 RESPONDENT wishes informed regarding certification. If ~~he or she~~ THE
9 RESPONDENT is incapable of making such a designation at the time the
10 certification is delivered, ~~he or she shall~~ THE RESPONDENT MUST be asked
11 to designate such person as soon as ~~he or she~~ THE RESPONDENT is capable.
12 In addition to the copy of the certification, the respondent ~~shall~~ MUST be
13 given a written notice that a hearing upon ~~his or her~~ THE RESPONDENT'S
14 certification for short-term treatment may be had before the court or a jury
15 upon written request directed to the court pursuant to subsection (6) of
16 this section.

17 (4) **[Formerly 27-65-107 (4)]** Upon certification of the
18 respondent, the facility designated for short-term treatment ~~shall have~~ HAS
19 custody of the respondent.

20 (5) **[Formerly 27-65-107 (5)]** Whenever a certification is filed
21 with the court BY A PROFESSIONAL PERSON, the court ~~if it has not already~~
22 ~~done so under section 27-65-106 (10)~~, shall ~~forthwith~~ IMMEDIATELY
23 appoint an attorney to represent the respondent. ~~The court shall determine~~
24 ~~whether the respondent is able to afford an attorney. If the respondent~~
25 ~~cannot afford counsel, the court shall appoint either counsel from the~~
26 ~~legal services program operating in that jurisdiction or private counsel to~~
27 ~~represent the respondent.~~ THE RESPONDENT HAS THE RIGHT TO AN

1 ATTORNEY FOR ALL PROCEEDINGS CONDUCTED PURSUANT TO THIS
2 SECTION, INCLUDING ANY APPEALS. The attorney representing the
3 respondent ~~shall~~ MUST be provided with a copy of the certification
4 immediately upon ~~his or her~~ THE ATTORNEY'S appointment. ~~Waiver of~~
5 ~~counsel must be knowingly and intelligently made in writing and filed~~
6 ~~with the court by the respondent. In the event that a respondent who is~~
7 ~~able to afford an attorney fails to pay the appointed counsel, such counsel,~~
8 ~~upon application to the court and after appropriate notice and hearing,~~
9 ~~may obtain a judgment for reasonable attorney fees against the respondent~~
10 ~~or person making request for such counsel or both the respondent and~~
11 ~~such person~~ THE RESPONDENT MAY ONLY WAIVE COUNSEL WHEN THE
12 RESPONDENT MAKES A KNOWING AND INTELLIGENT WAIVER IN FRONT OF
13 THE COURT.

14 (6) [Formerly 27-65-107 (6)] The respondent for short-term
15 treatment or ~~his or her~~ THE RESPONDENT'S attorney may at any time file
16 a written request that the certification for short-term treatment or the
17 treatment be reviewed by the court or that the treatment be on an
18 outpatient basis. If review is requested, the court shall hear the matter
19 within ten days after the request, and the court shall give notice to the
20 respondent and ~~his or her~~ THE RESPONDENT'S attorney and the certifying
21 and treating professional person of the time and place thereof. The
22 hearing ~~shall~~ MUST be held in accordance with ~~section 27-65-111~~ SECTION
23 27-65-113. At the conclusion of the hearing, the court may enter or
24 confirm the certification for short-term treatment, discharge the
25 respondent, or enter any other appropriate order, subject to available
26 appropriations.

27 (7) [Formerly 27-65-107 (7)] Records and papers in proceedings

1 under this section ~~and section 27-65-108 shall~~ MUST be maintained
2 separately by the clerks of the several courts. Upon the release of any
3 respondent in accordance with ~~the provisions of section 27-65-110~~
4 SECTION 27-65-112, the facility shall notify the clerk of the court within
5 five days ~~of~~ AFTER the release, and the clerk shall forthwith seal the
6 record in the case and omit the name of the respondent from the index of
7 cases in ~~such~~ THE court until and unless the respondent becomes subject
8 to an order of long-term care and treatment pursuant to ~~section 27-65-109~~
9 SECTION 27-65-110 or until and unless the court orders them opened for
10 good cause shown. In the event a petition is filed pursuant to ~~section~~
11 ~~27-65-109, such~~ SECTION 27-65-110, THE certification record may be
12 opened and become a part of the record in the long-term care and
13 treatment case and the name of the respondent indexed.

14 (8) [Formerly 27-65-107 (8)] Whenever it appears to the court, by
15 reason of a report by the treating professional person or any other report
16 satisfactory to the court, that a respondent detained for evaluation and
17 treatment or certified for treatment should be transferred to another
18 facility for treatment and the safety of the respondent or the public
19 requires that the respondent be transported by A secure transportation ~~as~~
20 ~~defined in section 25-3.5-103 (11.4)~~ PROVIDER, or a ~~sheriff,~~ LAW
21 ENFORCEMENT AGENCY, the court may issue an order directing the ~~sheriff~~
22 ~~or the sheriff's designee,~~ LAW ENFORCEMENT AGENCY WHERE THE
23 RESPONDENT RESIDES to deliver the respondent to the designated facility.

24 (9) A RESPONDENT CERTIFIED FOR SHORT-TERM TREATMENT MAY
25 BE DISCHARGED UPON THE SIGNATURE OF THE TREATING MEDICAL
26 PROFESSIONAL AND THE MEDICAL DIRECTOR OF THE FACILITY. A
27 RESPONDENT CERTIFIED FOR SHORT-TERM TREATMENT ON AN OUTPATIENT

1 BASIS MAY BE DISCHARGED UPON THE SIGNATURE OF THE APPROVED
2 PROFESSIONAL PERSON OVERSEEING THE RESPONDENT'S TREATMENT, AND
3 THE PROFESSIONAL PERSON SHALL NOTIFY THE BHA PRIOR TO THE
4 DISCHARGE. A FACILITY OR PROGRAM SHALL MAKE THE RESPONDENT'S
5 DISCHARGE INSTRUCTIONS AVAILABLE TO THE RESPONDENT, THE
6 RESPONDENT'S ATTORNEY, AND THE RESPONDENT'S LEGAL GUARDIAN, IF
7 APPLICABLE, WITHIN SEVEN DAYS AFTER DISCHARGE, IF REQUESTED. A
8 FACILITY OR PROGRAM THAT IS TRANSFERRING A RESPONDENT TO A
9 DIFFERENT TREATMENT FACILITY OR TO AN OUTPATIENT PROVIDER SHALL
10 PROVIDE ALL TREATMENT RECORDS TO THE FACILITY OR PROVIDER
11 ACCEPTING THE RESPONDENT AT LEAST TWENTY-FOUR HOURS PRIOR TO
12 THE TRANSFER.

13 (10) **[Formerly 27-65-108]** If the professional person in charge of
14 the evaluation and treatment believes that a period longer than three
15 months is necessary for treatment of the respondent, ~~he or she~~ THE
16 PROFESSIONAL PERSON shall file with the court an extended certification.
17 ~~No~~ Extended certification for treatment ~~shall be~~ IS NOT for a period of
18 more than three months. The respondent ~~shall be~~ IS entitled to a hearing
19 on the extended certification under the same conditions as in an original
20 certification. The attorney initially representing the respondent shall
21 continue to represent ~~that person~~ THE RESPONDENT, unless the court
22 appoints another attorney.

23 **27-65-110. Long-term care and treatment of persons with**
24 **mental health disorders - procedure.** (1) **[Formerly 27-65-109**
25 **(1)]** Whenever a respondent has received ~~short-term treatment for five~~
26 ~~consecutive months pursuant to the provisions of sections 27-65-107 and~~
27 ~~27-65-108~~ AN EXTENDED CERTIFICATION FOR TREATMENT PURSUANT

1 SECTION 27-65-109 (10), the professional person in charge of the
2 ~~evaluation and treatment~~ CERTIFICATION FOR SHORT-TERM TREATMENT OR
3 THE BEHAVIORAL HEALTH ADMINISTRATION may file a petition with the
4 court AT LEAST THIRTY DAYS PRIOR TO THE EXPIRATION DATE OF THE
5 EXTENDED CERTIFICATION for long-term care and treatment of the
6 respondent under the following conditions:

7 (a) The professional staff of the agency or facility providing
8 short-term treatment has analyzed the respondent's condition and has
9 found that the respondent has a mental health disorder and, as a result of
10 the mental health disorder, is a danger to ~~others or to himself or herself~~
11 THE RESPONDENT'S SELF OR OTHERS or is gravely disabled;

12 (b) The respondent has been advised of the availability of, but has
13 not accepted, voluntary treatment; but, if reasonable grounds exist to
14 believe that the respondent will not remain in a voluntary treatment
15 program, ~~his or her~~ THE RESPONDENT'S acceptance of voluntary treatment
16 ~~shall~~ DOES not preclude an order pursuant to this section; AND

17 (c) The facility that will provide long-term care and treatment has
18 been designated ~~or approved by the executive director~~ BY THE
19 COMMISSIONER to provide the care and treatment.

20 (2) **[Formerly 27-65-109 (2)]** Every petition for long-term care
21 and treatment ~~shall~~ MUST include a request for a hearing before the court
22 prior to the expiration of six months ~~from~~ AFTER the date of original
23 certification AND PROVIDE A RECOMMENDATION AS TO WHETHER THE
24 CERTIFICATION FOR LONG-TERM CARE AND TREATMENT SHOULD TAKE
25 PLACE ON AN INPATIENT OR OUTPATIENT BASIS. A copy of the petition
26 ~~shall~~ MUST be delivered personally to the respondent for whom long-term
27 care and treatment is sought and ~~mailed to his or her~~ ELECTRONICALLY

1 DELIVERED TO THE RESPONDENT'S attorney of record simultaneously with
2 the filing. ~~thereof.~~

3 (3) [Formerly 27-65-109 (3)] Within ten days after receipt of the
4 petition, the respondent or ~~his or her~~ THE RESPONDENT'S attorney may
5 request A HEARING BEFORE THE COURT OR a jury trial by filing a written
6 request ~~therefor~~ with the court.

7 (4) [Formerly 27-65-109 (4)] The court or jury shall determine
8 whether the conditions of subsection (1) of this section are met and
9 whether the respondent has a mental health disorder and, as a result of the
10 mental health disorder, is a danger to ~~others or to himself or herself~~ THE
11 RESPONDENT'S SELF OR OTHERS or is gravely disabled. The court shall
12 ~~thereupon~~ issue an order of long-term care and treatment for a term not
13 to exceed six months, ~~or it shall~~ discharge the respondent for whom
14 long-term care and treatment was sought, or ~~it shall~~ enter any other
15 appropriate order. ~~subject to available appropriations.~~ An order for
16 long-term care and treatment must grant custody of the respondent to the
17 ~~department~~ BEHAVIORAL HEALTH ADMINISTRATION for placement with an
18 agency or facility designated by the ~~executive director~~ COMMISSIONER to
19 provide long-term care and treatment. THE BEHAVIORAL HEALTH
20 ADMINISTRATION MAY DELEGATE THE PHYSICAL CUSTODY OF THE
21 RESPONDENT TO A FACILITY DESIGNATED BY THE COMMISSIONER AND THE
22 REQUIREMENT FOR THE PROVISION OF SERVICES AND CARE COORDINATION.
23 When a petition contains a request that a specific legal disability be
24 imposed or that a specific legal right be deprived, the court may order the
25 disability imposed or the right deprived if the court or a jury has
26 determined that the respondent has a mental health disorder or is gravely
27 disabled and that, ~~by reason thereof~~ AS A RESULT, the ~~person~~ RESPONDENT

1 is unable to competently exercise ~~said~~ THE SPECIFIC LEGAL right or
2 perform the function ~~as to~~ FOR which the disability is sought to be
3 imposed. Any interested person may ask leave of the court to intervene
4 as a copetitioner for the purpose of seeking the imposition of a legal
5 disability or the deprivation of a legal right.

6 (5) [Formerly 27-65-109 (5)] An original order of long-term care
7 and treatment or any extension of such order expires on the date
8 specified, unless further extended as provided in this subsection (5). If an
9 extension is being sought, the professional person in charge of the
10 evaluation and treatment shall certify to the court at least thirty days prior
11 to the expiration date of the order in force that an extension of the order
12 is necessary for the care and treatment of the respondent subject to the
13 order in force, and a copy of the certification must be SIMULTANEOUSLY
14 delivered to the respondent and ~~simultaneously mailed to his or her~~
15 ELECTRONICALLY DELIVERED TO THE RESPONDENT'S attorney of record.
16 At least twenty days before the expiration of the order, the court shall
17 give written notice to the respondent and ~~his or her~~ THE RESPONDENT'S
18 attorney of record that a hearing upon the extension may be had before
19 the court or a jury upon written request to the court within ten days after
20 receipt of the notice. If a hearing is not requested by the respondent
21 within such time, the court may proceed ex parte. If a hearing is timely
22 requested, ~~it~~ THE HEARING must be held before the expiration date of the
23 order in force. If the court or jury finds that the conditions of subsection
24 (1) of this section continue to be met and that the respondent has a mental
25 health disorder and, as a result of the mental health disorder, is a danger
26 to others or to ~~himself or herself~~ THE RESPONDENT'S SELF or is gravely
27 disabled, the court shall issue an extension of the order. Any extension

1 must not exceed six months, but there may be as many extensions as the
2 court orders pursuant to this section.

3 (6) A RESPONDENT CERTIFIED FOR LONG-TERM CARE AND
4 TREATMENT MAY BE DISCHARGED FROM THE FACILITY UPON THE
5 SIGNATURE OF THE TREATING PROFESSIONAL PERSON AND MEDICAL
6 DIRECTOR OF THE FACILITY, AND THE FACILITY SHALL NOTIFY THE BHA
7 PRIOR TO THE RESPONDENT'S DISCHARGE. THE FACILITY SHALL MAKE THE
8 RESPONDENT'S DISCHARGE INSTRUCTIONS AVAILABLE TO THE
9 RESPONDENT, THE RESPONDENT'S ATTORNEY, THE RESPONDENT'S LAY
10 PERSON, AND THE RESPONDENT'S LEGAL GUARDIAN, IF APPLICABLE, WITHIN
11 ONE WEEK AFTER DISCHARGE, IF REQUESTED. A FACILITY THAT IS
12 TRANSFERRING A RESPONDENT TO A DIFFERENT FACILITY OR TO AN
13 OUTPATIENT PROGRAM SHALL PROVIDE ALL TREATMENT RECORDS TO THE
14 FACILITY OR PROVIDER ACCEPTING THE RESPONDENT AT LEAST
15 TWENTY-FOUR HOURS PRIOR TO THE TRANSFER.

16 **27-65-111. Certification on an outpatient basis - short-term**
17 **and long-term care.** (1) ANY RESPONDENT CERTIFIED PURSUANT TO
18 SECTION 27-65-109 OR 27-65-110 MAY BE PROVIDED TREATMENT ON AN
19 OUTPATIENT BASIS. THE OUTPATIENT TREATMENT PROVIDER SHALL
20 DEVELOP A TREATMENT PLAN FOR THE RESPONDENT RECEIVING
21 TREATMENT ON AN OUTPATIENT BASIS WITH THE GOAL OF THE
22 RESPONDENT FINDING AND SUSTAINING RECOVERY. THE TREATMENT PLAN
23 MUST INCLUDE MEASURES TO KEEP THE RESPONDENT OR OTHERS SAFE, AS
24 INFORMED BY THE RESPONDENT'S NEED FOR CERTIFICATION. THE
25 TREATMENT PLAN MAY INCLUDE, BUT IS NOT LIMITED TO:

- 26 (a) INTENSIVE CASE MANAGEMENT;
- 27 (b) ASSERTIVE COMMUNITY TREATMENT;

- 1 (c) PEER RECOVERY SERVICES;
- 2 (d) INDIVIDUAL OR GROUP THERAPY;
- 3 (e) DAY OR PARTIAL-DAY PROGRAMMING ACTIVITIES;
- 4 (f) INTENSIVE OUTPATIENT PROGRAMS;
- 5 (g) EDUCATIONAL AND VOCATIONAL TRAINING OR ACTIVITIES; AND
- 6 (h) HOUSING AND TRANSPORTATION ASSISTANCE.

7 (2) THE RESPONDENT, THE RESPONDENT'S LEGAL GUARDIAN, THE
8 RESPONDENT'S PATIENT REPRESENTATIVE OR THE RESPONDENT'S LAY
9 PERSON, OR ANY PARTY AT ANY COURT HEARING MAY CONTEST A
10 RESPONDENT'S TREATMENT REGIMEN, INCLUDING COURT-ORDERED
11 MEDICATIONS, AT ANY COURT HEARING RELATED TO THE RESPONDENT'S
12 CERTIFICATION FOR TREATMENT.

13 (3) THE FACILITY RESPONSIBLE FOR PROVIDING SERVICES TO A
14 RESPONDENT ON A CERTIFICATION ON AN OUTPATIENT BASIS SHALL
15 PROACTIVELY REACH OUT TO THE RESPONDENT TO ENGAGE THE
16 RESPONDENT IN TREATMENT. IF THE RESPONDENT REFUSES TREATMENT OR
17 COURT-ORDERED MEDICATION AND IS DECOMPENSATING
18 PSYCHIATRICALY, THE COURT MAY ORDER A CERTIFIED PEACE OFFICER OR
19 SECURE TRANSPORTATION PROVIDER TO TRANSPORT THE RESPONDENT TO
20 AN APPROPRIATE, LEAST RESTRICTIVE DESIGNATED FACILITY IN
21 COLLABORATION WITH THE BEHAVIORAL HEALTH ADMINISTRATION AND
22 THE PROVIDER HOLDING THE CERTIFICATION. THE RESPONDENT DOES NOT
23 NEED TO BE IMMINENTLY DANGEROUS TO THE RESPONDENT'S SELF OR
24 OTHERS FOR THE PROVIDER TO REQUEST, AND THE COURT TO ORDER,
25 TRANSPORTATION TO A FACILITY FOR THE RESPONDENT TO RECEIVE
26 TREATMENT AND COURT-ORDERED MEDICATIONS. THE FACILITY
27 RESPONSIBLE FOR PROVIDING SERVICES TO A RESPONDENT ON A

1 CERTIFICATION ON AN OUTPATIENT BASIS SHALL PROVIDE THE COURT
2 INFORMATION ON THE FACILITY'S PROACTIVE OUTREACH TO THE
3 RESPONDENT AND THE PROFESSIONAL PERSON'S AND PSYCHIATRIC
4 ADVANCED PRACTICE REGISTERED NURSE'S BASIS FOR MEDICAL OPINION.

5 (4) IF A RESPONDENT IS PLACED IN A MORE RESTRICTIVE SETTING,
6 THE RESPONDENT HAS THE RIGHT TO JUDICIAL REVIEW WITHIN TEN DAYS
7 AFTER FILING A WRITTEN REQUEST.

8 (5) (a) IN ADDITION TO ANY OTHER LIMITATION ON LIABILITY, A
9 PERSON PROVIDING CARE TO A RESPONDENT PLACED ON SHORT-TERM OR
10 LONG-TERM CERTIFICATION ON AN OUTPATIENT BASIS IS ONLY LIABLE FOR
11 HARM SUBSEQUENTLY CAUSED BY OR TO A RESPONDENT WHO:

12 (I) HAS BEEN TERMINATED FROM CERTIFICATION DESPITE MEETING
13 STATUTORY CRITERIA FOR CERTIFICATION PURSUANT TO SECTION
14 27-65-109 OR 27-65-110; OR

15 (II) PROVIDED SERVICES TO THE RESPONDENT NOT WITHIN THE
16 SCOPE OF THE PERSON'S PROFESSIONAL LICENSE, OR WAS RECKLESS OR
17 GROSSLY NEGLIGENT IN PROVIDING SERVICES.

18 (b) A PROVIDER IS NOT LIABLE IF A RESPONDENT'S CERTIFICATION
19 IS TERMINATED, DESPITE MEETING CRITERIA FOR CERTIFICATION, IF THE
20 PROVIDER IS UNABLE TO LOCATE THE RESPONDENT DESPITE PROACTIVE
21 AND REASONABLE OUTREACH.

22 (6) A RESPONDENT SUBJECT TO A SHORT-TERM OR LONG-TERM
23 CERTIFICATION ON AN OUTPATIENT BASIS HAS THE FOLLOWING RIGHTS, IN
24 ADDITION TO THOSE ENUMERATED IN SECTION 27-65-119:

25 (a) TO REQUEST A CHANGE TO VOLUNTARY STATUS. A CHANGE TO
26 VOLUNTARY STATUS MAY BE DENIED BY THE SUPERVISING PROFESSIONAL
27 PERSON OR ADVANCED PRACTICE REGISTERED NURSE WITH TRAINING IN

1 PSYCHIATRIC NURSING RESPONSIBLE FOR THE RESPONDENT'S TREATMENT
2 IF THE PROFESSIONAL PERSON OR ADVANCED PRACTICE REGISTERED NURSE
3 WITH TRAINING IN PSYCHIATRIC NURSING DETERMINES REASONABLE
4 GROUNDS EXIST TO BELIEVE THAT THE RESPONDENT WILL NOT REMAIN IN
5 A VOLUNTARY TREATMENT PROGRAM.

6 (b) TO BE TREATED FAIRLY, WITH RESPECT AND RECOGNITION OF
7 THE RESPONDENT'S DIGNITY AND INDIVIDUALITY, BY ALL EMPLOYEES OF
8 THE TREATMENT FACILITY WITH WHOM THE RESPONDENT COMES IN
9 CONTACT;

10 (c) TO APPROPRIATE TREATMENT, WHICH MUST BE ADMINISTERED
11 SKILLFULLY, SAFELY, AND HUMANELY. A RESPONDENT SHALL RECEIVE
12 TREATMENT SUITED TO THE RESPONDENT'S NEEDS THAT MUST BE
13 DETERMINED IN COLLABORATION WITH THE RESPONDENT.

14 (d) TO NOT BE DISCRIMINATED AGAINST ON THE BASIS OF AGE,
15 RACE, ETHNICITY, RELIGION, CULTURE, SPOKEN LANGUAGE, PHYSICAL OR
16 MENTAL DISABILITY, SOCIOECONOMIC STATUS, SEX, SEXUAL ORIENTATION,
17 GENDER IDENTITY, OR GENDER EXPRESSION;

18 (e) TO RETAIN AND CONSULT WITH AN ATTORNEY AT ANY TIME;

19 (f) WITHIN FORTY-EIGHT HOURS AFTER THE RESPONDENT'S
20 REQUEST, TO SEE AND RECEIVE THE SERVICES OF A PATIENT
21 REPRESENTATIVE, INCLUDING A PEER SPECIALIST, WHO HAS NO DIRECT OR
22 INDIRECT CLINICAL, ADMINISTRATIVE, OR FINANCIAL RESPONSIBILITY FOR
23 THE RESPONDENT;

24 (g) TO HAVE THE RESPONDENT'S BEHAVIORAL HEALTH ORDERS FOR
25 SCOPE OF TREATMENT OR PSYCHIATRIC ADVANCE DIRECTIVE REVIEWED
26 AND CONSIDERED BY THE COURT AS THE PREFERRED TREATMENT OPTION
27 FOR INVOLUNTARY ADMINISTRATION OF MEDICATIONS UNLESS, BY CLEAR

1 AND CONVINCING EVIDENCE, THE RESPONDENT'S DIRECTIVE DOES NOT
2 QUALIFY AS EFFECTIVE PARTICIPATION IN BEHAVIORAL HEALTH
3 DECISION-MAKING;

4 (h) TO HAVE THE RESPONDENT'S INFORMATION AND RECORDS
5 DISCLOSED TO ADULT FAMILY MEMBERS AND A LAY PERSON PURSUANT TO
6 SECTION 27-65-123;

7 (i) TO HAVE ACCESS TO A REPRESENTATIVE WITHIN THE FACILITY
8 WHO PROVIDES ASSISTANCE TO FILE A GRIEVANCE; AND

9 (j) TO HAVE THE RIGHT TO FILE A MOTION WITH THE COURT AT ANY
10 TIME TO CONTEST THE CERTIFICATION.

11 **27-65-112. [Formerly 27-65-110] Termination of short-term**
12 **and long-term treatment - escape.** (1) An original OR EXTENDED
13 certification for short-term treatment ~~under section 27-65-107, or an~~
14 ~~extended certification under section 27-65-108~~ or an order for long-term
15 care and treatment or any extension thereof ~~shall terminate~~ TERMINATES
16 as soon as, in the opinion of the professional person in charge of
17 treatment of the respondent, the respondent has received sufficient benefit
18 from such treatment for ~~him or her~~ THE RESPONDENT to leave. Whenever
19 a certification or extended certification is terminated ~~under~~ PURSUANT TO
20 this section, the professional person in charge of providing treatment shall
21 ~~so~~ notify the court in writing within five days ~~of~~ AFTER such termination.
22 ~~Such~~ THE professional person may also prescribe day care, night care, or
23 any other similar mode of treatment prior to termination.

24 (2) Before termination, an escaped respondent may be returned to
25 the facility by order of the court without a hearing or by the
26 superintendent or director of ~~such~~ THE facility without order of court.
27 After termination, a respondent may be returned to the ~~institution~~

1 FACILITY only in accordance with ~~the provisions of this article~~ ARTICLE
2 65.

3 **27-65-113. [Formerly 27-65-111] Hearing procedures -**
4 **jurisdiction.** (1) Hearings before the court pursuant to ~~section~~
5 ~~27-65-107, 27-65-108, or 27-65-109~~ SECTION 27-65-109 OR 27-65-110 are
6 conducted in the same manner as other civil proceedings before the court.
7 The burden of proof is on the person or facility seeking to detain the
8 respondent. The court or jury shall determine that the respondent is in
9 need of care and treatment only if the court or jury finds by clear and
10 convincing evidence that the ~~person~~ RESPONDENT has a mental health
11 disorder and, as a result of the mental health disorder, is a danger to
12 ~~others or to himself or herself~~ THE RESPONDENT'S SELF OR OTHERS or is
13 gravely disabled.

14 (2) The court, after consultation with respondent's counsel to
15 obtain counsel's recommendations, may appoint a professional person to
16 examine the respondent for whom short-term treatment or long-term care
17 and treatment is sought and to testify at the hearing before the court as to
18 the results of ~~his or her~~ THE PROFESSIONAL PERSON'S examination. The
19 court-appointed professional person shall act solely in an advisory
20 capacity, and no presumption ~~shall attach to his or her~~ IS ATTACHED TO
21 THE PROFESSIONAL PERSON'S findings.

22 (3) Every respondent subject to an order for short-term treatment
23 or long-term care and treatment ~~shall~~ MUST be advised of ~~his or her~~ THE
24 RESPONDENT'S right to appeal the order by the court at the conclusion of
25 any hearing AND, as a result, ~~of which such an~~ THE order may be entered.

26 (4) The court in which the petition is filed under section
27 27-65-106 or the certification is filed ~~under section 27-65-107~~ shall be

1 PURSUANT TO SECTION 27-65-109 IS the court of original jurisdiction and
2 of continuing jurisdiction for any further proceedings ~~under this article~~
3 PURSUANT TO THIS ARTICLE 65. When the convenience of the parties and
4 the ends of justice would be promoted by a change in the court having
5 jurisdiction, the court may order a transfer of the proceeding to another
6 county. Until further order of the transferee court, if any, it ~~shall be~~ IS the
7 court of continuing jurisdiction.

8 (5) (a) In the event that a respondent or a person found not guilty
9 by reason of impaired mental condition pursuant to section 16-8-103.5
10 (5), ~~C.R.S.~~, or by reason of insanity pursuant to section 16-8-105 (4) or
11 16-8-105.5, ~~C.R.S.~~, refuses to accept medication, the court having
12 jurisdiction of the action pursuant to subsection (4) of this section, the
13 court committing the person or defendant to the custody of the department
14 pursuant to section 16-8-103.5 (5), 16-8-105 (4), or 16-8-105.5, ~~C.R.S.~~,
15 or the court of the jurisdiction in which the designated facility treating the
16 respondent or person is located ~~shall have~~ HAS jurisdiction and venue to
17 accept a petition by a treating physician and to enter an order requiring
18 that the respondent or person accept such treatment or, in the alternative,
19 that the medication be forcibly administered to ~~him or her~~ THE
20 RESPONDENT OR PERSON. The court of the jurisdiction in which the
21 designated facility is located shall not exercise its jurisdiction without the
22 permission of the court that committed the person to the custody of the
23 department. Upon the filing of such a petition, the court shall appoint an
24 attorney, if one has not been appointed, to represent the respondent or
25 person and hear the matter within ten days.

26 (b) In any case brought ~~under paragraph (a) of this subsection (5)~~
27 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION in a court for the

1 county in which the treating facility is located, the county where the
2 proceeding was initiated pursuant to subsection (4) of this section or the
3 court committing the person to the custody of the department pursuant to
4 section 16-8-103.5 (5), 16-8-105 (4), or 16-8-105.5, ~~€R.S.~~, shall either
5 reimburse the county in which the proceeding pursuant to this subsection
6 (5) was filed and in which the proceeding was held for the reasonable
7 costs incurred in conducting the proceeding or conduct the proceeding
8 itself using its own personnel and resources, including its own district or
9 county attorney, as the case may be.

10 (c) In the case of a defendant who is found incompetent to
11 proceed pursuant to section 16-8.5-103 ~~€R.S.~~, and who refuses to accept
12 medication, the jurisdiction for the petition for involuntary treatment
13 procedures ~~shall be~~ IS as set forth in section 16-8.5-112. ~~€R.S.~~

14 (6) All ADVERSARIAL proceedings ~~under this article~~ PURSUANT TO
15 THIS ARTICLE 65, including proceedings to impose a legal disability
16 pursuant to section 27-65-127, ~~shall~~ MUST be conducted by the district
17 attorney of the county where the proceeding is held or by a qualified
18 attorney acting for the district attorney appointed by the district court for
19 that purpose; except that, in any county or in any city and county having
20 a population exceeding fifty thousand persons, the proceedings ~~shall~~
21 MUST be conducted by the county attorney or by a qualified attorney
22 acting for the county attorney appointed by the district court. In any case
23 in which there has been a change of venue to a county other than the
24 county of residence of the respondent or the county in which the
25 certification proceeding was commenced, the county from which the
26 proceeding was transferred shall either reimburse the county to which the
27 proceeding was transferred and in which the proceeding was held for the

1 reasonable costs incurred in conducting the proceeding or conduct the
2 proceeding itself using its own personnel and resources, including its own
3 district or county attorney, as the case may be.

4 (7) Upon request of a LEGAL guardian appointed pursuant to
5 article 14 of title 15, ~~C.R.S.~~, the LEGAL guardian may intervene in any
6 proceeding ~~under this article~~ BROUGHT PURSUANT TO THIS ARTICLE 65
7 concerning ~~his or her~~ THE LEGAL GUARDIAN'S ward and, through counsel,
8 may present evidence and represent to the court the views of the LEGAL
9 guardian concerning the appropriate disposition of the case.

10 (8) A LAY PERSON MAY SUBMIT AN AFFIDAVIT TO THE COURT
11 CONCERNING THE LAY PERSON'S RELATIONSHIP TO THE RESPONDENT, HOW
12 LONG THE LAY PERSON HAS KNOWN THE RESPONDENT, THE LAY PERSON'S
13 PHYSICAL ADDRESS, AND THE LAY PERSON'S VIEWS CONCERNING THE
14 APPROPRIATE DISPOSITION OF THE RESPONDENT'S CASE.

15 **27-65-114. [Formerly 27-65-112] Appeals.** Appellate review of
16 any order of short-term treatment or long-term care and treatment may be
17 had as provided in the Colorado appellate rules. ~~Such AN appeal shall~~
18 MUST be advanced upon the calendar of the appellate court and ~~shall~~
19 MUST be decided at the earliest practicable time. Pending disposition by
20 the appellate court, ~~it~~ THE COURT may make such order as ~~it~~ THE COURT
21 may consider proper in the premises relating to the care and custody of
22 the respondent.

23 **27-65-115. [Formerly 27-65-113] Habeas corpus.** Any person
24 detained pursuant to this ~~article shall be~~ ARTICLE 65 IS entitled to an order
25 in the nature of habeas corpus upon proper petition to any court generally
26 empowered to issue orders in the nature of habeas corpus.

27 **27-65-116. [Formerly 27-65-114] Restoration of rights.** Any

1 person who, by reason of a judicial decree entered by a court of this state
2 prior to July 1, 1975, is adjudicated as a person with a mental illness ~~shall~~
3 ~~be~~ IS deemed to have been restored to legal capacity and competency.

4 **27-65-117. [Formerly 27-65-115] Discrimination - definition.**

5 No person who has received AN evaluation or treatment ~~under any~~
6 ~~provisions of this article shall be~~ PURSUANT TO THIS ARTICLE 65 MAY BE
7 discriminated against ~~because of such status~~ FOR RECEIVING AN
8 EVALUATION OR TREATMENT. For purposes of this section,
9 "discrimination" means giving any undue weight to the fact of
10 hospitalization or outpatient care and treatment unrelated to a person's
11 present capacity to meet standards applicable to all persons. Any person
12 who suffers injury by reason of a violation of this section ~~shall have~~ HAS
13 a civil cause of action.

14 **27-65-118. [Formerly 27-65-116] Right to treatment - rules.**

15 (1) (a) Any person receiving AN evaluation or treatment ~~under any of the~~
16 ~~provisions of this article~~ PURSUANT TO THIS ARTICLE 65 is entitled to
17 medical and psychiatric care and treatment, with regard to services listed
18 in section 27-66-101 and services listed in rules authorized by section
19 27-66-102, suited to meet ~~his or her~~ THE PERSON'S individual needs,
20 delivered in such a way as to keep ~~him or her~~ THE PERSON in the least
21 restrictive environment, and delivered in such a way as to include the
22 opportunity for participation of family members in ~~his or her~~ THE
23 PERSON'S program of care and treatment, when appropriate. ~~all subject to~~
24 ~~available appropriations.~~ Nothing in this ~~paragraph (a)~~ shall create
25 SUBSECTION (1)(a) CREATES any right with respect to any person other
26 than the person receiving AN evaluation, care, or treatment. The
27 professional person and the agency or facility providing AN evaluation,

1 care, or treatment shall keep records detailing all care and treatment
2 received by ~~such~~ THE person, and ~~such~~ THE records ~~shall~~ MUST be made
3 available, upon ~~that~~ THE person's written authorization, to ~~his or her~~ THE
4 PERSON'S attorney or ~~his or her~~ THE PERSON'S personal physician. ~~Such~~
5 THE records ~~shall be~~ ARE permanent records and MUST BE retained in
6 accordance with ~~the provisions of section 27-65-121 (4)~~ SECTION
7 27-65-123 (4).

8 (b) Any person receiving AN evaluation or treatment ~~under any of~~
9 ~~the provisions of this article is entitled to~~ PURSUANT TO THIS ARTICLE 65
10 MAY petition the court pursuant to ~~the provisions of~~ section 13-45-102,
11 C.R.S., ~~subject to available appropriations,~~ for release to a less restrictive
12 setting within or without a treating facility or release from a treating
13 facility when adequate medical and psychiatric care and treatment ~~is~~ ARE
14 not administered.

15 (2) The ~~department~~ BEHAVIORAL HEALTH ADMINISTRATION shall
16 ~~adopt regulations~~ PROMULGATE RULES to assure that each agency or
17 facility providing AN evaluation, care, or treatment ~~shall require~~ REQUIRES
18 the following:

19 (a) Consent for specific therapies and major medical treatment in
20 the nature of surgery. The nature of the consent, by whom it is given, and
21 under what conditions, ~~shall be~~ IS determined by rules of the ~~department~~
22 BEHAVIORAL HEALTH ADMINISTRATION.

23 (b) The order of a physician for any treatment or specific therapy
24 based on appropriate medical examinations;

25 (c) Notation in the patient's treatment record of periodic
26 examinations, evaluations, orders for treatment, and specific therapies,
27 signed by personnel involved;

1 (d) Conduct according to the guidelines contained in the
2 regulations of the federal government and the ~~department~~ BEHAVIORAL
3 HEALTH ADMINISTRATION with regard to clinical investigations, research,
4 experimentation, and testing of any kind; and

5 (e) Documentation of the findings, conclusions, and decisions in
6 any administrative review of a decision to release or withhold the
7 information requested by a family member OR LAY PERSON pursuant to
8 ~~section 27-65-121(1)(g) or (1)(h)~~ SECTION 27-65-123 (1)(g) OR (1)(h) and
9 documentation of any information given to a family member OR LAY
10 PERSON.

11 **27-65-119. [Formerly 27-65-117] Rights of persons receiving**
12 **care or treatment.** (1) Each person receiving evaluation, care, or
13 treatment ~~under~~ PURSUANT TO any provision of this ~~article~~ ARTICLE 65 has
14 the following rights and shall be advised of such rights by the facility:

15 (a) To receive and send sealed correspondence. No incoming or
16 outgoing correspondence shall be opened, delayed, held, or censored by
17 the personnel of the facility.

18 (b) To have access to letter-writing materials, including postage,
19 and to have staff members of the facility assist ~~him or her~~ THE PERSON if
20 THE PERSON IS unable to write, prepare, and mail correspondence;

21 (c) To have ready access to telephones, both to make and to
22 receive calls in privacy;

23 (d) To have frequent and convenient opportunities to meet with
24 visitors. Each person may see ~~his or her~~ THE PERSON'S attorney,
25 ~~clergyman~~, CLERGYPERSON, or physician at any time.

26 (e) To wear ~~his or her~~ THE PERSON'S own clothes, keep and use ~~his~~
27 ~~or her~~ THE PERSON'S own personal possessions, and keep and be allowed

1 to spend a reasonable sum of ~~his or her~~ THE PERSON'S own money.

2 (2) A person's rights under subsection (1) of this section may be
3 denied for good cause only by the professional person providing
4 treatment. Denial of any right ~~shall~~ MUST in all cases be entered into the
5 person's treatment record. Information pertaining to a denial of rights
6 contained in the person's treatment record ~~shall~~ MUST be made available,
7 upon request, to the person, or ~~his or her~~ THE PERSON'S attorney.

8 (3) No person admitted to or in a facility shall be fingerprinted
9 unless required by other provisions of law.

10 (4) A person may be photographed upon admission for
11 identification and the administrative purposes of the facility. The
12 photographs ~~shall be~~ ARE confidential and ~~shall~~ MUST not be released by
13 the facility except pursuant to court order. No other nonmedical
14 photographs ~~shall~~ MAY be taken or used without appropriate consent or
15 authorization.

16 (5) Any person receiving evaluation or treatment ~~under~~ PURSUANT
17 TO any of the provisions of this ~~article~~ ARTICLE 65 is entitled to a written
18 copy of all ~~his or her~~ THE PERSON'S rights enumerated in this section, and
19 a minor child shall receive written notice of ~~his or her~~ THE MINOR'S rights
20 as provided in ~~section 27-65-103 (7)(g)~~ SECTION 27-65-104 (6)(g). A list
21 of ~~such~~ rights ~~shall~~ MUST be prominently posted in all evaluation and
22 treatment facilities.

23 **27-65-120. [Formerly 27-65-118] Administration or monitoring**
24 **of medications to persons receiving treatment.** The ~~executive director~~
25 COMMISSIONER has the power to direct the administration or monitoring
26 of medications in conformity with part 3 of article 1.5 of title 25 ~~C.R.S.~~;
27 to persons receiving treatment in facilities ~~created~~ DESIGNATED pursuant

1 to this ~~article~~ ARTICLE 65.

2 **27-65-121. [Formerly 27-65-119] Employment of persons in a**
3 **facility - rules.** The ~~department~~ BEHAVIORAL HEALTH ADMINISTRATION
4 shall adopt rules governing the employment and compensation ~~therefor~~
5 ~~of~~ FOR THE ADMINISTRATION OF CARE OR TREATMENT TO persons
6 receiving care or treatment ~~under any provision of this article~~ PURSUANT
7 TO THIS ARTICLE 65. The ~~department~~ BEHAVIORAL HEALTH
8 ADMINISTRATION shall establish standards for reasonable compensation
9 for such employment.

10 **27-65-122. [Formerly 27-65-120] Voting in public elections.**
11 Any person receiving evaluation, care, or treatment ~~under~~ PURSUANT TO
12 this ~~article shall~~ ARTICLE 65 MUST be given the opportunity to exercise ~~his~~
13 ~~or her~~ THE PERSON'S right to register and to vote in primary and general
14 elections. The agency or facility providing evaluation, care, or treatment
15 shall assist ~~such persons~~ THE PERSON, upon ~~their~~ THE PERSON'S request,
16 to obtain voter registration forms and mail ballots and to comply with any
17 other prerequisite for voting.

18 **27-65-123. [Formerly 27-65-121] Records.** (1) Except as
19 provided in subsection (2) of this section, all information obtained and
20 records prepared in the course of providing any services ~~pursuant to this~~
21 ~~article 65~~ to ~~individuals~~ ANY PERSON pursuant to any provision of this
22 article 65 are confidential and privileged matter. The information and
23 records may be disclosed only:

24 (a) In communications between qualified professional personnel
25 in the provision of services or appropriate referrals;

26 (b) When the recipient of services designates persons to whom
27 information or records may be released; but, if a recipient of services is

1 a ward or conservatee and ~~his or her~~ THE WARD'S OR CONSERVATEE'S
2 guardian or conservator designates, in writing, persons to whom records
3 or information may be disclosed, the designation ~~shall be~~ IS valid in lieu
4 of the designation by the recipient; except that nothing in this section
5 ~~shall be construed to compel~~ COMPELS a physician, psychologist, social
6 worker, nurse, attorney, or other professional personnel to reveal
7 information that has been given to ~~him or her~~ THE PERSON in confidence
8 by members of a patient's family or other informants;

9 (c) To the extent necessary to make claims on behalf of a recipient
10 of aid, insurance, or medical assistance to which ~~he or she~~ THE RECIPIENT
11 may be entitled;

12 (d) If the ~~department~~ BEHAVIORAL HEALTH ADMINISTRATION has
13 promulgated rules for the conduct of research. Such rules ~~shall~~ MUST
14 include, but ARE not ~~be~~ limited to, the requirement that all researchers
15 must sign an oath of confidentiality. All identifying information
16 concerning individual patients, including names, addresses, telephone
17 numbers, and social security numbers, ~~shall~~ MUST not be disclosed for
18 research purposes.

19 (e) To the courts, as necessary ~~to~~ FOR the administration of ~~the~~
20 ~~provisions of this article~~ ARTICLE 65;

21 (f) To persons authorized by an order of court after notice and
22 opportunity for hearing to the person to whom the record or information
23 pertains and the custodian of the record or information pursuant to the
24 Colorado rules of civil procedure;

25 (g) To ~~adult~~ family members upon admission of a person with a
26 mental health disorder for inpatient or residential care and treatment. The
27 only information that may be released pursuant to this subsection (1)(g)

1 is the location and fact of admission of the person with a mental health
2 disorder who is receiving care and treatment. The disclosure of location
3 is governed by the procedures in ~~section 27-65-122~~ SECTION 27-65-124
4 and is subject to review pursuant to ~~section 27-65-122~~ SECTION
5 27-65-124.

6 (h) To ~~adult~~ family members OR A LAY PERSON actively
7 participating in the care and treatment of a person with a mental health
8 disorder, regardless of the length of the participation. The information
9 released pursuant to this subsection (1)(h) is limited to one or more of the
10 following: The diagnosis, the prognosis, the need for hospitalization and
11 anticipated length of stay, the discharge plan, the medication administered
12 and side effects of the medication, and the short-term and long-term
13 treatment goals. The disclosure is governed by the procedures in ~~section~~
14 ~~27-65-122 (2)~~ SECTION 27-65-124 (2) and is subject to review pursuant to
15 ~~section 27-65-122~~ SECTION 27-65-124.

16 (i) In accordance with state and federal law to the agency
17 designated pursuant to the federal "Protection and Advocacy for
18 Individuals with Mental Illness Act", 42 U.S.C. sec. 10801 et seq., as the
19 governor's protection and advocacy system for Colorado.

20 (2) Nothing in ~~paragraph (g) or (h) of subsection (1)~~ SUBSECTION
21 (1)(g) OR (1)(h) of this section shall be deemed to preclude PRECLUDES
22 the release of information to a parent concerning ~~his or her~~ THE PARENT'S
23 minor child.

24 (3) (a) Nothing in this ~~article shall be construed as rendering~~
25 ARTICLE 65 RENDERS privileged or confidential any information, except
26 written medical records and information that is privileged ~~under~~
27 PURSUANT TO section 13-90-107, ~~C.R.S.~~, concerning observed behavior

1 that constitutes a criminal offense committed upon the premises of any
2 facility providing services ~~under this article~~ PURSUANT TO THIS ARTICLE
3 65 or any criminal offense committed against any person while
4 performing or receiving services ~~under this article~~ PURSUANT TO THIS
5 ARTICLE 65.

6 (b) ~~The provisions of~~ Subsection (1) of this section ~~shall~~ DOES not
7 apply to physicians or psychologists eligible to testify concerning a
8 criminal defendant's mental condition pursuant to section 16-8-103.6.
9 ~~C.R.S.~~

10 (4) (a) All facilities shall maintain and retain permanent records,
11 including all applications as required pursuant to ~~section 27-65-105 (3)~~
12 SECTION 27-65-106 (3).

13 (b) Outpatient or ambulatory care facilities shall retain all records
14 for a minimum of seven years after discharge from the facility for persons
15 who were eighteen years of age or older when admitted to the facility, or
16 until twenty-five years of age for persons who were under eighteen years
17 of age when admitted to the facility.

18 (c) Inpatient or hospital care facilities shall retain all records for
19 a minimum of ten years after discharge from the facility for persons who
20 were eighteen years of age or older when admitted to the facility, or until
21 twenty-eight years of age for persons who were under eighteen years of
22 age when admitted to the facility.

23 (5) Nothing in this section ~~shall be construed to prohibit or limit~~
24 PROHIBITS OR LIMITS the sharing of information by a state institution of
25 higher education police department to authorized university
26 administrators pursuant to section 23-5-141. ~~C.R.S.~~

27 **27-65-124. [Formerly 27-65-122] Request for release of**

1 **information - procedures - review of a decision concerning release of**
2 **information.** (1) When a family member requests the location and fact
3 of admission of a person with a mental health disorder pursuant to ~~section~~
4 ~~27-65-121 (1)(g)~~ SECTION 27-65-123 (1)(g), the treating professional
5 person or ~~his or her~~ THE PROFESSIONAL PERSON'S designee, who must be
6 a professional person, shall decide whether to release or withhold such
7 information. The location must be released unless the treating
8 professional person or ~~his or her~~ THE PROFESSIONAL PERSON'S designee
9 determines, after an interview with the person with a mental health
10 disorder, that release of the information to a particular family member
11 would not be in the best interests of the person with a mental health
12 disorder. Any decision to withhold information requested pursuant to
13 ~~section 27-65-121 (1)(g)~~ SECTION 27-65-123 (1)(g) is subject to
14 administrative review pursuant to this section upon request of a family
15 member or the person with a mental health disorder. The treating facility
16 shall make a record of the information given to a family member pursuant
17 to this subsection (1). For the purposes of this subsection (1), an adult
18 person having a similar relationship to a person with a mental health
19 disorder as a spouse, LAY PERSON, parent, child, or sibling of a person
20 with a mental health disorder may also request the location and fact of
21 admission concerning a person with a mental health disorder.

22 (2) (a) When a family member requests information pursuant to
23 ~~section 27-65-121 (1)(h)~~ SECTION 27-65-123 (1)(h) concerning a person
24 with a mental health disorder, the treating professional person or ~~his or~~
25 ~~her~~ THE PROFESSIONAL PERSON'S designee, shall determine whether the
26 person with a mental health disorder is capable of making a rational
27 decision in weighing ~~his or her~~ THE PERSON'S confidentiality interests and

1 the care and treatment interests implicated by the release of information.
2 The treating professional person or ~~his or her~~ THE PROFESSIONAL
3 PERSON'S designee shall then determine whether the person with a mental
4 health disorder consents or objects to the release of information.
5 Information must be released or withheld in the following circumstances:

6 (I) If the treating professional person or ~~his or her~~ THE
7 PROFESSIONAL PERSON'S designee makes a finding that the person with a
8 mental health disorder is capable of making a rational decision
9 concerning ~~his or her~~ THE PERSON'S interests and the person with a mental
10 health disorder consents to the release of information, the treating
11 professional person or ~~his or her~~ THE PROFESSIONAL PERSON'S designee
12 shall order the release of the information unless ~~he or she~~ THE
13 PROFESSIONAL PERSON OR THE PROFESSIONAL PERSON'S DESIGNEE
14 determines that the release would not be in the best interests of the person
15 with a mental health disorder.

16 (II) If the treating professional person or ~~his or her~~ THE
17 PROFESSIONAL PERSON'S designee makes a finding that the person with a
18 mental health disorder is capable of making a rational decision
19 concerning ~~his or her~~ THE PERSON'S interests and the person with a mental
20 health disorder objects to the release of information, the treating
21 professional person or ~~his or her~~ THE PROFESSIONAL PERSON'S designee
22 shall not order the release of the information.

23 (III) If the treating professional person or ~~his or her~~ THE
24 PROFESSIONAL PERSON'S designee makes a finding that the person with a
25 mental health disorder is not capable of making a rational decision
26 concerning ~~his or her~~ THE PERSON'S interests, the treating professional
27 person or ~~his or her~~ THE PROFESSIONAL PERSON'S designee may order the

1 release of the information if ~~he or she~~ THE PROFESSIONAL PERSON OR THE
2 PROFESSIONAL PERSON'S DESIGNEE determines that the release would be
3 in the best interests of the person with a mental health disorder.

4 (IV) Any determination as to capacity pursuant to this subsection
5 (2)(a) must be used only for the limited purpose of this subsection (2)(a).

6 (b) A decision by a treating professional person or ~~his or her~~ THE
7 PROFESSIONAL PERSON'S designee concerning the capability of a person
8 with a mental health disorder pursuant to subsection (2)(a)(III) of this
9 section is subject to administrative review upon the request of the person
10 with a mental health disorder. A decision by a treating professional
11 person or ~~his or her~~ THE PROFESSIONAL PERSON'S designee to order the
12 release or withholding of information pursuant to subsection (2)(a)(III)
13 of this section is subject to administrative review upon the request of
14 either a family member or the person with a mental health disorder.

15 (c) The director of the treating facility shall make a record of any
16 information given to a family member pursuant to subsection (2)(a) of
17 this section and ~~section 27-65-121(1)(h)~~ SECTION 27-65-123 (1)(h).

18 (3) When administrative review is requested ~~either~~ pursuant to
19 subsection (1) or ~~subsection~~ (2)(b) of this section, the director of the
20 facility providing care and treatment to the person with a mental health
21 disorder shall cause an objective and impartial review of the decision to
22 withhold or release information. The director of the facility shall conduct
23 the review, if ~~he or she~~ THE DIRECTOR is a professional person. If the
24 director is not available or if the director cannot provide an objective and
25 impartial review, the review ~~shall~~ MUST be conducted by a professional
26 person designated by the director of the facility. The review must include,
27 but need not be limited to, an interview with the person with a mental

1 health disorder. The facility providing care and treatment shall document
2 the review of the decision.

3 (4) If a person with a mental health disorder objects to the release
4 or withholding of information, the person with a mental health disorder
5 and ~~his or her~~ THE PERSON'S attorney, if any, must be provided with
6 information concerning the procedures for administrative review of a
7 decision to release or withhold information. The person with a mental
8 health disorder must be informed of any information proposed to be
9 withheld or released and to whom and be given a reasonable opportunity
10 to initiate the administrative review process before information
11 concerning ~~his or her~~ THE PERSON'S care and treatment is released.

12 (5) A family member whose request for information is denied
13 ~~shall~~ MUST be provided with information concerning the procedures for
14 administrative review of a decision to release or withhold information.

15 (6) A person with a mental health disorder may file a written
16 request for review by the court of a decision made upon administrative
17 review to release information to a family member requested pursuant to
18 ~~section 27-65-121 (1)(h)~~ SECTION 27-65-123 (1)(h) and proposed to be
19 released pursuant to subsection (2) of this section. If judicial review is
20 requested, the court shall hear the matter within ten days after the request,
21 and the court shall give notice to the person with a mental health disorder
22 and ~~his or her~~ THE PERSON'S attorney, the treating professional person, and
23 the person who made the decision upon administrative review of the time
24 and place of the hearing. The hearing must be conducted in the same
25 manner as other civil proceedings before the court.

26 (7) In order to allow a person with a mental health disorder an
27 opportunity to seek judicial review, the treating facility or the treating

1 professional person or ~~his or her~~ THE PROFESSIONAL PERSON'S designee
2 shall not release information requested pursuant to ~~section 27-65-121~~
3 ~~(1)(h)~~ SECTION 27-65-123 (1)(h) until five days after the determination
4 upon administrative review of the director or ~~his or her~~ THE DIRECTOR'S
5 designee is received by the person with a mental health disorder, and,
6 once judicial review is requested, the treating facility or the treating
7 professional person or ~~his or her~~ THE PROFESSIONAL PERSON'S designee
8 shall not release information except by court order. However, if the
9 person with a mental health disorder indicates an intention not to appeal
10 a determination upon administrative review that is adverse to ~~him or her~~
11 THE PERSON concerning the release of information, the information may
12 be released less than five days after the determination upon review is
13 received by the person with a mental health disorder.

14 (8) This section provides for the release of information only and
15 ~~shall not be~~ IS NOT deemed to authorize the release of the written medical
16 record without authorization by the patient or as otherwise provided by
17 law.

18 (9) For purposes of this section, the treating professional person's
19 designee shall be a professional person.

20 **27-65-125. [Formerly 27-65-123] Treatment in federal**
21 **facilities.** (1) If a person is certified ~~under the provisions of this article~~
22 PURSUANT TO THIS ARTICLE 65 and is eligible for hospital care or
23 treatment by an agency of the United States, and if a certificate of
24 notification from ~~said~~ THE agency showing that facilities are available and
25 that the person is eligible for care or treatment ~~therein~~, is received, the
26 court may order ~~him or her~~ THE PERSON to be placed in the custody of the
27 agency for hospitalization. When any person is admitted pursuant to an

1 order of court to any hospital or institution operated by any agency of the
2 United States within or ~~without~~ OUTSIDE this state, the person ~~shall be~~ IS
3 subject to the rules and regulations of the agency. The chief officer of any
4 hospital or institution operated by an agency ~~and~~ in which the person is
5 so hospitalized shall, with respect to the person, be vested with the same
6 powers as the chief officer of the Colorado mental health institute at
7 Pueblo with respect to detention, custody, transfer, conditional release, or
8 discharge of patients. Jurisdiction ~~shall be~~ IS retained in the appropriate
9 courts of this state to inquire into the mental condition of ~~persons~~ A
10 PERSON so hospitalized and to determine the necessity for continuance of
11 ~~their~~ THE PERSON'S hospitalization.

12 (2) An order of a court of competent jurisdiction of another state,
13 territory, or the District of Columbia authorizing hospitalization of a
14 person to any agency of the United States ~~shall have~~ HAS the same effect
15 as to ~~said~~ THE person while in this state as in the jurisdiction in which the
16 court entering the order is situated; the courts of the state or district
17 issuing the order ~~shall be deemed to have retained~~ RETAIN jurisdiction of
18 the person so hospitalized for the purpose of inquiring into ~~his or her~~ THE
19 PERSON'S mental condition and ~~of~~ FOR determining the necessity for
20 continuance of ~~his or her~~ THE PERSON'S hospitalization. Consent is ~~hereby~~
21 given to the application of the law of the state or district in which the
22 court issuing the order for hospitalization is located, with respect to the
23 authority of the chief officer of any hospital or institution operated in this
24 state by any agency of the United States to retain custody, ~~to~~ transfer, ~~to~~
25 conditionally release, or ~~to~~ discharge the person hospitalized.

26 **27-65-126. [Formerly 27-65-124] Transfer of persons into and**
27 **out of Colorado - reciprocal agreements.** The transfer of ~~persons~~ A

1 PERSON hospitalized voluntarily ~~under the provisions of this article~~
2 PURSUANT TO THIS ARTICLE 65 out of Colorado or under the laws of
3 another jurisdiction into Colorado ~~shall be~~ ARE governed by the
4 provisions of the interstate compact on mental health.

5 **27-65-127. Imposition of legal disability - deprivation of legal**
6 **right - restoration.** (1) (a) When an interested person wishes to obtain
7 a determination as to the imposition of a legal disability or the deprivation
8 of a legal right for a person who has a mental health disorder and who is
9 a danger to ~~himself or herself~~ or THE PERSON'S SELF OR others, is gravely
10 disabled, or is insane, as defined in section 16-8-101, and who is not then
11 subject to proceedings pursuant to this article 65 or part 3 or part 4 of
12 article 14 of title 15, the interested person may petition the court for a
13 specific finding as to the legal disability or deprivation of a legal right.
14 Actions commenced pursuant to this subsection (1) may include but are
15 not limited to actions to determine contractual rights and rights with
16 regard to the operation of motor vehicles.

17 (b) The petition ~~shall~~ MUST set forth the disability to be imposed
18 or the legal right to be deprived and the reasons. ~~therefor.~~

19 (2) The court may impose a legal disability or may deprive a
20 ~~person~~ RESPONDENT of a legal right only upon finding both of the
21 following:

22 (a) That the respondent is a person with a mental health disorder
23 and is a danger to ~~himself or herself~~ THE RESPONDENT'S SELF or others, IS
24 gravely disabled, or insane, as defined in section 16-8-101; AND

25 (b) That the requested disability or deprivation is both necessary
26 and desirable.

27 (3) To have a legal disability removed or a legal right restored,

1 any interested person may file a petition with the court ~~which~~ THAT made
2 the original finding. No legal disability ~~shall~~ MAY be imposed nor a legal
3 right be deprived for a period of more than six months without a review
4 hearing by the court at the end of six months, at which TIME the findings
5 specified in subsection (2) of this section ~~shall~~ MUST be reaffirmed to
6 justify continuance of the disability or deprivation. A copy of the petition
7 ~~shall~~ MUST be served on the person who filed the original petition, on the
8 person whose rights are affected if ~~he or she~~ THE PERSON is not the
9 petitioner, and upon the facility where the person whose rights are
10 affected resides, if any.

11 (4) Whenever any proceedings are instituted or conducted
12 pursuant to this section, the following procedures ~~shall~~ apply:

13 (a) Upon the filing of a petition, the court shall appoint an
14 ~~attorney-at-law~~ ATTORNEY to represent the respondent. The respondent
15 may replace ~~said~~ THE attorney with an attorney of the respondent's own
16 ~~selection~~ CHOOSING at any time. Attorney fees for an indigent respondent
17 ~~shall be~~ ARE paid by the court.

18 (b) The court, upon request of an indigent respondent or ~~his or her~~
19 THE RESPONDENT'S attorney, shall appoint, at the court's expense, one or
20 more professional persons of the respondent's ~~selection~~ CHOOSING to
21 assist the respondent in the preparation of ~~his or her~~ THE RESPONDENT'S
22 case.

23 (c) Upon demand made at least five days prior to the date of
24 hearing, the respondent ~~shall have~~ HAS the right to a trial of all issues by
25 a jury of six.

26 (d) At all times the burden ~~shall be~~ IS upon the person seeking
27 imposition of a disability or deprivation of a legal right or opposing

1 removal of a disability or deprivation to prove all essential elements by
2 clear and convincing evidence.

3 (e) Pending a hearing, the court may issue an order temporarily
4 imposing a disability or depriving the respondent of a legal right for a
5 period of not more than ten days in conformity with the standards for
6 issuance of ex parte temporary restraining orders in civil cases, but no
7 individual habilitation or rehabilitation plan shall be IS required prior to
8 the issuance of such THE order.

9 (f) Except as otherwise provided in this subsection (4), all
10 proceedings shall MUST be held in conformance with the Colorado rules
11 of civil procedure, but no costs shall MAY be assessed against the
12 respondent.

13 ~~(5) Any person who, by reason of a judicial decree or order~~
14 ~~entered by a court of this state prior to July 1, 1979, is under the~~
15 ~~imposition of a legal disability or has been deprived of a legal right~~
16 ~~pursuant to this section as it existed prior to July 1, 1979, shall be released~~
17 ~~from such decree or order on December 31, 1979.~~

18 **27-65-128. Administration - rules.** The department BEHAVIORAL
19 HEALTH ADMINISTRATION shall make such PROMULGATE ANY rules as will
20 NECESSARY TO consistently enforce the provisions of this article ARTICLE
21 65. THE BEHAVIORAL HEALTH ADMINISTRATION SHALL PROACTIVELY
22 TRAIN PROVIDERS, FACILITIES, COUNTIES, JUDGES, MAGISTRATES,
23 INTERVENING PROFESSIONALS, AND CERTIFIED PEACE OFFICERS ON THE
24 PROCEDURES UNDER THIS ARTICLE 65, WHICH TRAINING MUST INCLUDE AN
25 UNDERSTANDING OF THE CRITERIA FOR INVOKING AN EMERGENCY MENTAL
26 HEALTH HOLD PURSUANT TO SECTION 27-65-106, AND THE DEFINITION OF
27 "GRAVELY DISABLED" AND HOW A PERSON WHO IS GRAVELY DISABLED

1 ~~MAY PRESENT PHYSICALLY AND PSYCHIATRICALY.~~

2 **27-65-129. Payment for counsel.** In order to provide legal
3 representation to persons eligible ~~therefor as provided in~~ FOR AN
4 ATTORNEY PURSUANT TO ~~this article~~ ARTICLE 65, the judicial department
5 ~~is authorized to~~ SHALL pay, out of ~~appropriations made therefor~~ MONEY
6 APPROPRIATED by the general assembly, sums directly to THE appointed
7 ~~counsel~~ ATTORNEY on a case-by-case basis or, on behalf of the state, to
8 ~~make~~ SHALL PAY lump-sum grants to and contract with individual
9 attorneys, legal partnerships, legal professional corporations, public
10 interest law firms, or nonprofit legal services corporations.

11 **27-65-130. Advisory board - created - service standards and**
12 **rules.** (1) ~~[Formerly 27-65-131]~~ (a) An advisory board, referred to IN
13 THIS SECTION as the "board", ~~in this section,~~ to the ~~department~~
14 BEHAVIORAL HEALTH ADMINISTRATION is established for the purpose of
15 assisting and advising the ~~executive director~~ COMMISSIONER in
16 accordance with ~~section 27-65-130~~ SUBSECTION (2) OF THIS SECTION in
17 the development of service standards and rules. The board consists of ~~not~~
18 ~~less~~ NO FEWER than eleven ~~nor~~ BUT NOT more than fifteen members
19 appointed by the governor, AS FOLLOWS:

20 (I) ~~The board includes~~ One representative ~~each~~ from the ~~office of~~
21 ~~behavioral health,~~ the department of human services;

22 (II) ONE REPRESENTATIVE FROM THE BEHAVIORAL HEALTH
23 ADMINISTRATION;

24 (III) ONE REPRESENTATIVE FROM the department of public health
25 and environment;

26 (IV) ONE REPRESENTATIVE FROM the university of Colorado
27 health sciences center; ~~and~~

1 (V) ONE REPRESENTATIVE FROM a leading professional association
2 of psychiatrists in this state; ~~at least~~

3 (VI) One member representing proprietary skilled health-care
4 facilities;

5 (VII) One member representing nonprofit health-care facilities;

6 (VIII) One member representing the Colorado bar association;

7 (IX) One member representing consumers of services for persons
8 with mental health disorders;

9 (X) One member representing families of persons with mental
10 health disorders;

11 (XI) One member representing children's health-care facilities;
12 and

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

16 (b) In making appointments to the board, the governor is
17 encouraged to include representation by at least one member who is a
18 person with a disability, as defined in section 24-34-301 (2.5), a family
19 member of a person with a disability, or a member of an advocacy group
20 for persons with disabilities, provided that the other requirements of this
21 section are met.

22 (2) **[Formerly 27-65-130]** The advisory board ~~created by section~~
23 ~~27-65-131~~ is responsible for recommending standards and rules relevant
24 to the provisions of this article 65 for the programs of mental health
25 services to those patients in any health-care facility that has either
26 separate facilities for the care, treatment, and rehabilitation of persons
27 with mental health disorders or those health-care facilities that have as

1 ~~their~~ THE HEALTH-CARE FACILITY'S only purpose the care and treatment
2 of such persons.

3 **27-65-131. Data report.** (1) BEGINNING JANUARY 1, 2025, AND
4 EACH JANUARY 1 THEREAFTER, THE BEHAVIORAL HEALTH
5 ADMINISTRATION SHALL ANNUALLY SUBMIT A REPORT TO THE GENERAL
6 ASSEMBLY ON THE OUTCOMES AND EFFECTIVENESS OF THE INVOLUNTARY
7 COMMITMENT SYSTEM DESCRIBED IN THIS ARTICLE 65, DISAGGREGATED
8 BY REGION, INCLUDING ANY RECOMMENDATIONS TO IMPROVE THE SYSTEM
9 AND OUTCOMES FOR PERSONS INVOLUNTARY COMMITTED OR CERTIFIED
10 PURSUANT TO THIS ARTICLE 65. THE REPORT MUST INCLUDE AGGREGATED
11 AND DISAGGREGATED NONIDENTIFYING INDIVIDUAL-LEVEL DATA. AT A
12 MINIMUM, THE REPORT MUST INCLUDE:

13 (a) THE NUMBER OF SEVENTY-TWO-HOUR EMERGENCY MENTAL
14 HEALTH HOLDS THAT OCCURRED IN THE STATE AND THE NUMBER OF
15 PEOPLE PLACED ON A SEVENTY-TWO-HOUR EMERGENCY MENTAL HEALTH
16 HOLD, INCLUDING:

17 (I) A SUMMARY OF THE REASON EACH PERSON WAS PLACED ON AN
18 EMERGENCY MENTAL HEALTH HOLD;

19 (II) DEMOGRAPHIC INFORMATION OF EACH PERSON PLACED ON AN
20 EMERGENCY MENTAL HEALTH HOLD;

21 (III) DISPOSITION OF EACH PERSON PLACED ON AN EMERGENCY
22 MENTAL HEALTH HOLD;

23 (IV) HOW OFTEN A FACILITY WAS REQUIRED TO ASK FOR
24 ASSISTANCE FROM THE BEHAVIORAL HEALTH ADMINISTRATION TO FIND
25 PLACEMENT FOR THE PERSON PURSUANT TO SECTION 27-65-106 AND IF
26 PLACEMENT WAS FOUND, THE AVERAGE LENGTH OF TIME A PERSON HAD TO
27 WAIT FOR THE PLACEMENT AND THE CHALLENGES ENCOUNTERED IN

1 FINDING A PLACEMENT;

2 (V) HOW MANY SUBSEQUENT EMERGENCY MENTAL HEALTH HOLDS
3 WERE PLACED PURSUANT TO SECTION 27-65-106 DUE TO A LACK OF
4 APPROPRIATE PLACEMENT OPTIONS; AND

5 (VI) HOW EACH EMERGENCY MENTAL HEALTH HOLD ORIGINATED,
6 WHETHER BY A CERTIFIED PEACE OFFICER; INTERVENING PROFESSIONAL,
7 INCLUDING SPECIFIC PROFESSIONAL TYPE; OR A COURT ORDER;

8 (b) THE NUMBER AND CHARACTERISTICS OF EACH CERTIFICATION
9 FOR SHORT-TERM TREATMENT, INCLUDING AN EXTENSION OF SHORT-TERM
10 TREATMENT, AND LONG-TERM CARE AND TREATMENT THAT OCCURRED IN
11 THE STATE, INCLUDING:

12 (I) THE NUMBER OF INPATIENT VERSUS OUTPATIENT
13 CERTIFICATIONS;

14 (II) THE REASON FOR INITIATING EACH CERTIFICATION;

15 (III) THE NUMBER OF CERTIFICATIONS INITIATED BY A COURT
16 ORDER, PROFESSIONAL PERSON, OR CERTIFIED PEACE OFFICER;

17 (IV) THE AVERAGE LENGTH OF EACH CERTIFICATION;

18 (V) THE DEMOGRAPHICS OF EACH INDIVIDUAL ON A CERTIFICATION
19 FOR SHORT-TERM TREATMENT;

20 (VI) THE SERVICES PROVIDED;

21 (VII) THE SERVICES NEEDED THAT WERE NOT AVAILABLE; AND

22 (VIII) ANY IDENTIFIED BARRIERS PREVENTING THE PROVISION OF
23 NEEDED SERVICES;

24 (c) THE OUTCOME OF EACH CERTIFICATION FOR SHORT-TERM
25 TREATMENT AND CERTIFICATION FOR LONG-TERM CARE AND TREATMENT;

26 (d) THE REASON EACH CERTIFICATION WAS DISCONTINUED,
27 DISAGGREGATED BY THOSE SUCCESSFULLY DISCHARGED, VOLUNTARILY

1 DISCHARGED, TRANSFERRED, NOT LOCATED, WITH TREATMENT
2 COMPLIANCE CONCERNS, UNABLE TO TRANSFER TO ANOTHER FACILITY OR
3 PROVIDER, FOR LACK OF PAYMENT TO TREATMENT PROVIDERS, AND FOR
4 ANY OTHER REASONS;

5 (e) THE PERSON'S HOUSING AND EMPLOYMENT STATUS WHEN
6 CERTIFICATION WAS DISCONTINUED;

7 (f) WHAT SERVICES WERE PROVIDED VERSUS WHAT SERVICES
8 WERE MOST FREQUENTLY NEEDED BY PEOPLE CERTIFIED ON AN
9 OUTPATIENT BASIS;

10 (g) BARRIERS AND OPPORTUNITIES WITH LOCAL PROVIDERS, THE
11 JUDICIAL BRANCH, AND LAW ENFORCEMENT; AND

12 (h) HOW MANY INDIVIDUALS WERE PLACED IN THE CUSTODY OF
13 THE BEHAVIORAL HEALTH ADMINISTRATION ON A CERTIFICATION FOR
14 SHORT-TERM TREATMENT WHO WERE CONCURRENTLY INVOLVED IN THE
15 CRIMINAL JUSTICE SYSTEM, INCLUDING THE OUTCOMES OF EACH PERSON
16 AND ANY BARRIERS AND OPPORTUNITIES THAT MAY EXIST TO BETTER
17 SERVE THE POPULATION.

18 **SECTION 2.** In Colorado Revised Statutes, **amend as added by**
19 **House Bill 22-1256** 27-65-106 as follows:

20 **27-65-106. Emergency mental health hold - screening -**
21 **court-ordered evaluation - discharge instructions - respondent's**
22 **rights.** (1) [Formerly 27-65-105 (1)] ~~Emergency procedure~~ AN
23 EMERGENCY MENTAL HEALTH HOLD may be invoked under one of the
24 following conditions:

25 (a) (I) When ~~any~~ A CERTIFIED PEACE OFFICER HAS PROBABLE
26 CAUSE TO BELIEVE A person ~~appears to have~~ HAS a mental health disorder
27 and, as a result of ~~such~~ THE mental health disorder, ~~appears to be~~ IS an

1 imminent danger to THE PERSON'S SELF OR others ~~the person's self~~ or
2 ~~appears to be~~ IS gravely disabled, THE CERTIFIED PEACE OFFICER MAY
3 TAKE THE PERSON INTO PROTECTIVE CUSTODY AND TRANSPORT THE
4 PERSON TO █ A FACILITY DESIGNATED BY THE COMMISSIONER FOR AN
5 EMERGENCY MENTAL HEALTH HOLD. IF SUCH A FACILITY IS NOT
6 AVAILABLE, THE CERTIFIED PEACE OFFICER MAY TRANSPORT THE PERSON
7 TO AN EMERGENCY MEDICAL SERVICES FACILITY. THE CERTIFIED PEACE
8 OFFICER MAY REQUEST ASSISTANCE FROM A BEHAVIORAL HEALTH CRISIS
9 RESPONSE TEAM OR EMERGENCY MEDICAL SERVICES PROVIDER FOR
10 ASSISTANCE IN DETAINING AND TRANSPORTING THE PERSON; OR ~~then an~~
11 ~~intervening professional, or certified officer, upon probable cause and~~
12 ~~with such assistance as may be required, may take the person into~~
13 ~~custody, or cause the person to be taken into custody, and placed in a~~
14 ~~facility designated or approved by the executive director for a~~
15 ~~seventy-two-hour treatment and evaluation. If such a facility is not~~
16 ~~available, the person may be taken to an emergency medical services~~
17 ~~facility.~~

18 (I.5) ~~When any person appears to have a mental health disorder~~
19 ~~and, as a result of such mental health disorder, is in need of immediate~~
20 ~~evaluation for treatment in order to prevent physical or psychiatric harm~~
21 ~~to others or to the person's self, then an intervening professional, or~~
22 ~~certified peace officer, upon probable cause and with such assistance as~~
23 ~~may be required, may immediately transport the person to an outpatient~~
24 ~~mental health facility or other clinically appropriate facility designated or~~
25 ~~approved by the executive director. If such a facility is not available, the~~
26 ~~person may be taken to an emergency medical services facility.~~

27 (b) ~~Upon an affidavit sworn to or affirmed before a judge that~~

1 relates sufficient facts to establish that a person appears to have a mental
2 health disorder and, as a result of the mental health disorder, appears to
3 be an imminent danger to others or to the person's self or appears to be
4 gravely disabled, the court may order the person described in the affidavit
5 to be taken into custody and placed in a facility designated or approved
6 by the executive director for a seventy-two-hour treatment and evaluation.
7 Whenever in this article 65 a facility is to be designated or approved by
8 the executive director, hospitals, if available, must be approved or
9 designated in each county before other facilities are approved or
10 designated. Whenever in this article 65 a facility is to be designated or
11 approved by the executive director as a facility for a stated purpose and
12 the facility to be designated or approved is a private facility, the consent
13 of the private facility to the enforcement of standards set by the executive
14 director is a prerequisite to the designation or approval.

15 (c) Upon an affidavit sworn to or affirmed before a judge that
16 relates sufficient facts to establish that a person appears to have a mental
17 health disorder and, as a result of the mental health disorder, is in need of
18 immediate evaluation for treatment to prevent physical or psychiatric
19 harm to others or to the person's self, the court may order the person
20 described in the affidavit to be transported to an outpatient mental health
21 facility or other clinically appropriate facility designated or approved by
22 the executive director.

23 (II) WHEN AN INTERVENING PROFESSIONAL REASONABLY BELIEVES
24 THAT A PERSON APPEARS TO HAVE A MENTAL HEALTH DISORDER AND, AS
25 A RESULT OF THE MENTAL HEALTH DISORDER, APPEARS TO BE AN
26 IMMINENT DANGER TO THE PERSON'S SELF OR OTHERS OR APPEARS TO BE
27 GRAVELY DISABLED, THE INTERVENING PROFESSIONAL MAY CAUSE THE

1 PERSON TO BE TAKEN INTO PROTECTIVE CUSTODY AND TRANSPORTED TO
2 A FACILITY DESIGNATED BY THE COMMISSIONER FOR AN EMERGENCY
3 MENTAL HEALTH HOLD. IF SUCH A FACILITY IS NOT AVAILABLE, THE
4 CERTIFIED PEACE OFFICER MAY TRANSPORT THE PERSON TO AN
5 EMERGENCY MEDICAL SERVICES FACILITY. THE INTERVENING
6 PROFESSIONAL MAY REQUEST ASSISTANCE FROM A CERTIFIED PEACE
7 OFFICER, EMERGENCY MEDICAL SERVICES PROVIDER, A SECURE
8 TRANSPORTATION PROVIDER, OR A BEHAVIORAL HEALTH CRISIS RESPONSE
9 TEAM FOR ASSISTANCE IN DETAINING AND TRANSPORTING THE PERSON.

10 (d) (b) (I) ~~individual may petition~~ WHEN A PERSON PETITIONS the
11 court in the county in which the respondent resides or is physically
12 present REQUESTING AN EVALUATION OF THE RESPONDENT'S CONDITION
13 AND alleging that ~~there is a person who~~ THE RESPONDENT appears to have
14 a mental health disorder and, as a result of the mental health disorder,
15 appears to be a danger to THE RESPONDENT'S SELF OR others ~~or to the~~
16 ~~person's self~~ or appears to be gravely disabled. ~~and requesting an~~
17 ~~evaluation of the person's condition.~~

18 (II) ANY PERSON WHO FILES A MALICIOUS OR FALSE PETITION FOR
19 AN EVALUATION OF A RESPONDENT PURSUANT TO THIS SECTION IS SUBJECT
20 TO CRIMINAL PROSECUTION.

21 (2) When a person is taken into custody pursuant to subsection (1)
22 of this section, the person must not be detained in a jail, lockup, or other
23 place used for the confinement of persons charged with or convicted of
24 penal offenses. UNLESS OTHERWISE REQUIRED BY LAW, A CERTIFIED
25 PEACE OFFICER MAY TRANSPORT THE PERSON TO AN EMERGENCY MEDICAL
26 SERVICES FACILITY OR FACILITY DESIGNATED BY THE COMMISSIONER EVEN
27 IF A WARRANT HAS BEEN ISSUED FOR THE PERSON'S ARREST IF THE

1 CERTIFIED PEACE OFFICER BELIEVES IT IS IN THE BEST INTEREST OF THE
2 PERSON. THE PERSON MUST NOT BE HELD ON AN EMERGENCY MENTAL
3 HEALTH HOLD FOR LONGER THAN SEVENTY-TWO HOURS AFTER THE HOLD
4 IS PLACED OR ORDERED, UNLESS OTHERWISE AUTHORIZED BY OTHER
5 FEDERAL OR STATE LAWS, INCLUDING THE FEDERAL "EMERGENCY
6 MEDICAL TREATMENT AND LABOR ACT", 42 U.S.C. SEC. 1395dd.

7 (3) When a person is ~~taken into emergency custody by an~~
8 ~~intervening professional or certified police officer~~ PLACED ON AN
9 EMERGENCY MENTAL HEALTH HOLD pursuant to subsection (1) of this
10 section and is presented to an emergency medical services facility or a
11 facility ~~that is~~ designated ~~or approved~~ by the ~~executive director~~
12 COMMISSIONER, the facility shall require ~~an~~ A BEHAVIORAL HEALTH
13 ADMINISTRATION-APPROVED application in writing, stating the
14 circumstances under which the person's condition was called to the
15 attention of the intervening professional or certified peace officer and
16 further stating sufficient facts, obtained from the intervening
17 professional's or certified peace officer's personal observations or
18 obtained from others whom the intervening professional or certified peace
19 officer reasonably believes to be reliable, to establish that the person has
20 a mental health disorder and, as a result of the mental health disorder, is
21 an imminent danger to THE PERSON'S SELF OR others or ~~the person's self~~
22 ~~is gravely disabled. or is in need of immediate evaluation for treatment.~~
23 The application must indicate when the person was taken into custody and
24 who brought the person's condition to the attention of the intervening
25 professional OR CERTIFIED PEACE OFFICER. A copy of the application must
26 be furnished to the person being evaluated, and the application must be
27 retained in accordance with ~~the provisions of section 27-65-121 (4)~~

1 SECTION 27-65-123 (4).

2 (4) (a) The petition for a court-ordered evaluation FILED
3 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION must contain the
4 following:

5 (I) The name and address of the petitioner and the petitioner's
6 interest in the case;

7 (II) The name of the ~~person~~ RESPONDENT for whom evaluation is
8 sought, ~~who is designated as the respondent~~, and, if known to the
9 petitioner, the address, age, ~~sex~~ GENDER, marital status, ~~and~~ occupation,
10 ~~of the respondent~~, AND ANY ANIMALS OR DEPENDENT CHILDREN IN THE
11 RESPONDENT'S CARE;

12 (III) Allegations of fact indicating that the respondent may have
13 a mental health disorder and, as a result of the mental health disorder, be
14 a danger to THE RESPONDENT'S SELF OR others ~~the respondent's self~~ or be
15 gravely disabled and showing reasonable grounds to warrant an
16 evaluation;

17 (IV) The name and address of every person known or believed by
18 the petitioner to be legally responsible for the care, support, and
19 maintenance of the respondent, if available; AND

20 (V) The name, address, and telephone number of the attorney, if
21 any, who has most recently represented the respondent. ~~If there is no~~
22 ~~attorney, there shall be a statement as to whether, to the best knowledge~~
23 ~~of the petitioner, the respondent meets the criteria established by the legal~~
24 ~~aid agency operating in the county or city and county for it to represent~~
25 ~~a client.~~

26 (b) Upon receipt of a petition satisfying the requirements of
27 subsection (4)(a) of this section, IF THE COURT IS NOT SATISFIED THAT

1 PROBABLE CAUSE EXISTS TO ISSUE AN ORDER FOR AN EVALUATION, the
2 court shall ~~designate~~ IDENTIFY a facility ~~approved~~ DESIGNATED by the
3 ~~executive director~~ COMMISSIONER, an intervening professional, or
4 certified peace officer to provide screening of the respondent to determine
5 whether ~~there is~~ probable cause EXISTS to believe the allegations.

6 (c) Following THE screening DESCRIBED IN SUBSECTION (4)(b) OF
7 THIS SECTION, the facility, intervening professional, or certified peace
8 officer designated by the court shall file a report with the court AND MAY
9 INITIATE AN EMERGENCY MENTAL HEALTH HOLD AT THE TIME OF
10 SCREENING. The report must include a recommendation as to whether
11 ~~there is~~ probable cause EXISTS to believe that the respondent has a mental
12 health disorder and, as a result of the mental health disorder, is a danger
13 to THE RESPONDENT'S SELF OR others ~~the respondent's self~~ or is gravely
14 disabled and whether the respondent will voluntarily receive evaluation
15 or treatment. The screening report submitted to the court pursuant to this
16 subsection (4)(c) is confidential in accordance with section 27-65-123 and
17 must be furnished to the respondent or the respondent's attorney or
18 personal representative.

19 (d) Whenever it appears, by petition and screening pursuant to this
20 section, to the satisfaction of the court that probable cause exists to
21 believe that the respondent has a mental health disorder and, as a result
22 of the mental health disorder, is a danger to THE RESPONDENT'S SELF OR
23 others ~~the respondent's self~~ or is gravely disabled and that efforts have
24 been made to secure the cooperation of the respondent ~~who~~ BUT THE
25 RESPONDENT has refused or failed to accept evaluation voluntarily, the
26 court shall issue an order for evaluation authorizing a certified peace
27 officer or secure transportation provider to take the respondent into

1 custody and transport the respondent to a facility designated by the
2 ~~executive director~~ COMMISSIONER for ~~seventy-two-hour treatment and~~
3 ~~evaluation~~ AN EMERGENCY MENTAL HEALTH HOLD. At the time of ~~taking~~
4 the respondent IS TAKEN into custody, a copy of the petition and the order
5 for evaluation must be given to the respondent and promptly thereafter to
6 ~~any~~ THE one LAY person designated by the respondent and to the person
7 in charge of the ~~seventy-two-hour treatment and evaluation~~ facility named
8 in the order or the person's designee. IF THE RESPONDENT REFUSES TO
9 ACCEPT A COPY OF THE PETITION AND THE ORDER FOR EVALUATION, SUCH
10 REFUSAL MUST BE DOCUMENTED IN THE PETITION AND THE ORDER FOR
11 EVALUATION.

12 (5) ~~If the seventy-two-hour treatment and evaluation facility~~
13 ~~admits the person, it~~ WHEN A PERSON IS TRANSPORTED TO AN EMERGENCY
14 MEDICAL SERVICES FACILITY OR A FACILITY DESIGNATED BY THE
15 COMMISSIONER, THE FACILITY may detain the person under an emergency
16 mental health hold for evaluation ~~and treatment~~ for a period not to exceed
17 seventy-two hours ~~excluding Saturdays, Sundays, and holidays if~~
18 ~~evaluation and treatment services are not available on those days. For the~~
19 ~~purposes of this subsection (4), evaluation and treatment services are not~~
20 ~~deemed to be available merely because a professional person is on call~~
21 ~~during weekends or holidays~~ FROM THE TIME THE EMERGENCY MENTAL
22 HEALTH HOLD WAS PLACED OR ORDERED. If, in the opinion of the
23 ~~professional~~ person in charge of the evaluation, the person can be
24 properly cared for without being detained, the person shall be provided
25 services on a voluntary basis. IF THE PERSON IN CHARGE OF THE
26 EVALUATION DETERMINES THE PERSON SHOULD BE RELEASED, THE PERSON
27 IN CHARGE OF THE EVALUATION MAY TERMINATE THE EMERGENCY

1 MENTAL HEALTH HOLD. DURING THE EVALUATION, PROFESSIONAL
2 LIABILITY REMAINS WITH THE PERSON IN CHARGE OF THE EVALUATION.

3 (6) (a) Each person ~~admitted to a seventy-two-hour treatment and~~
4 ~~evaluation facility under the provisions of this article shall~~ DETAINED FOR
5 AN EMERGENCY MENTAL HEALTH HOLD PURSUANT TO THIS SECTION SHALL
6 receive an evaluation as soon as possible after the person is ~~admitted~~
7 PRESENTED TO THE FACILITY and shall receive such treatment and care as
8 the person's condition requires for the full period that the person is held.
9 ~~The person shall be released before seventy-two hours have elapsed if, in~~
10 ~~the opinion of the professional person in charge of the evaluation, the~~
11 ~~person no longer requires evaluation or treatment. Persons who have been~~
12 ~~detained for seventy-two-hour evaluation and treatment shall~~ THE
13 EVALUATION MUST STATE WHETHER THE PERSON SHOULD be released,
14 referred for further care and treatment on a voluntary basis, or certified
15 for SHORT-TERM treatment pursuant to section 27-65-109.

16 (b) EACH EVALUATION MUST BE COMPLETED USING A
17 STANDARDIZED FORM APPROVED BY THE COMMISSIONER AND MAY BE
18 COMPLETED BY A PROFESSIONAL PERSON; A LICENSED ADVANCED
19 PRACTICE REGISTERED NURSE WITH TRAINING IN PSYCHIATRIC NURSING;
20 OR A LICENSED PHYSICIAN ASSISTANT, A LICENSED CLINICAL SOCIAL
21 WORKER, A LICENSED PROFESSIONAL COUNSELOR, OR A LICENSED
22 MARRIAGE AND FAMILY THERAPIST WHO HAS TWO YEARS OF EXPERIENCE
23 IN BEHAVIORAL HEALTH SAFETY AND RISK ASSESSMENT WORKING IN A
24 HEALTH-CARE SETTING.

25 (c) IF THE PERSON CONDUCTING AN EVALUATION PURSUANT TO
26 SUBSECTION (6)(a) OF THIS SECTION IS NOT A PROFESSIONAL PERSON AND
27 THE EVALUATING PERSON RECOMMENDS THE DETAINED PERSON BE

1 CERTIFIED FOR SHORT-TERM TREATMENT PURSUANT TO SECTION
2 27-65-109, THE EVALUATING PERSON SHALL NOTIFY THE FACILITY OF THE
3 RECOMMENDATION. A CERTIFICATION MAY ONLY BE INITIATED BY A
4 PROFESSIONAL PERSON. ■■■

5 (7) (a) IF A PERSON IS EVALUATED AT AN EMERGENCY MEDICAL
6 SERVICES FACILITY AND THE EVALUATING PROFESSIONAL DETERMINES
7 THAT THE PERSON CONTINUES TO MEET THE CRITERIA FOR AN EMERGENCY
8 MENTAL HEALTH HOLD PURSUANT TO SUBSECTION (1) OF THIS SECTION
9 AND THE INITIAL EMERGENCY MENTAL HEALTH HOLD IS EXPECTED TO
10 EXPIRE BEFORE AN APPROPRIATE PLACEMENT IS LOCATED, THE
11 EMERGENCY MEDICAL SERVICES FACILITY SHALL IMMEDIATELY NOTIFY
12 THE BEHAVIORAL HEALTH ADMINISTRATION. ONCE NOTIFIED, THE BHA
13 SHALL SUPPORT THE EMERGENCY MEDICAL SERVICES FACILITY IN
14 LOCATING AN APPROPRIATE PLACEMENT OPTION ON AN INPATIENT OR
15 OUTPATIENT BASIS, WHICHEVER IS CLINICALLY APPROPRIATE.

16 (b) IF AN APPROPRIATE PLACEMENT OPTION CANNOT BE LOCATED
17 PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION AND THE PERSON
18 CONTINUES TO MEET THE CRITERIA FOR AN EMERGENCY MENTAL HEALTH
19 HOLD PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE EMERGENCY
20 MEDICAL SERVICES FACILITY MAY PLACE THE PERSON UNDER A
21 SUBSEQUENT EMERGENCY MENTAL HEALTH HOLD AND THE FACILITY
22 SHALL IMMEDIATELY NOTIFY THE BHA, THE PERSON'S LAY PERSON, AND
23 THE COURT, AND THE COURT SHALL IMMEDIATELY APPOINT AN ATTORNEY
24 TO REPRESENT THE PERSON. ONCE THE COURT IS NOTIFIED, THE
25 EMERGENCY MEDICAL SERVICES FACILITY IS NOT REQUIRED TO TAKE ANY
26 FURTHER ACTION TO PROVIDE THE PERSON WITH AN ATTORNEY UNLESS
27 SPECIFIED IN SUBSECTION (10) OF THIS SECTION. THE EMERGENCY

1 MEDICAL SERVICES FACILITY SHALL NOTIFY THE BHA AFTER EACH
2 EMERGENCY MENTAL HEALTH HOLD IS PLACED. IF THE PERSON HAS BEEN
3 RECENTLY TRANSFERRED FROM AN EMERGENCY MEDICAL SERVICES
4 FACILITY TO A FACILITY DESIGNATED BY THE COMMISSIONER AND THE
5 DESIGNATED FACILITY IS ABLE TO DEMONSTRATE THAT THE FACILITY IS
6 UNABLE TO COMPLETE THE EVALUATION BEFORE THE INITIAL EMERGENCY
7 MENTAL HEALTH HOLD IS SET TO EXPIRE, THE DESIGNATED FACILITY MAY
8 PLACE THE PERSON UNDER A SUBSEQUENT EMERGENCY MENTAL HEALTH
9 HOLD AND SHALL IMMEDIATELY NOTIFY THE BHA AND LAY PERSON.

10 (c) THE BHA SHALL MAINTAIN DATA ON THE CHARACTERISTICS OF
11 EACH PERSON PLACED ON A SUBSEQUENT EMERGENCY MENTAL HEALTH
12 HOLD PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION. THE BHA MAY
13 CONTRACT WITH ENTITIES COORDINATING CARE OR WITH PROVIDERS
14 SERVING WITHIN THE SAFETY NET SYSTEM DEVELOPED PURSUANT TO
15 SECTION 27-63-105 TO MEET THE REQUIREMENTS OF THIS SUBSECTION (7).

16 (8) (a) THE FACILITY SHALL PROVIDE EACH PERSON DETAINED FOR
17 AN EMERGENCY MENTAL HEALTH HOLD DISCHARGE INSTRUCTIONS. THE
18 DISCHARGE INSTRUCTIONS MUST BE COMPLETED FOR EVERY PERSON,
19 REGARDLESS OF THE PERSON'S DISCHARGE STATUS, BEFORE THE PERSON
20 IS RELEASED. IF THE DETAINED PERSON REFUSES TO ACCEPT THE
21 DISCHARGE INSTRUCTIONS, THE REFUSAL MUST BE DOCUMENTED IN THE
22 PERSON'S MEDICAL RECORD. AT A MINIMUM, THE DISCHARGE
23 INSTRUCTIONS MUST INCLUDE:

24 (I) A SUMMARY OF WHY THE PERSON WAS DETAINED OR
25 EVALUATED FOR AN EMERGENCY MENTAL HEALTH HOLD; DETAILED
26 INFORMATION AS TO WHY THE EVALUATING PROFESSIONAL DETERMINED
27 THE PERSON NO LONGER MEETS THE CRITERIA FOR AN EMERGENCY

1 MENTAL HEALTH HOLD OR CERTIFICATION PURSUANT TO SECTION
2 27-65-109; AND WHETHER THE PERSON MAY RECEIVE SERVICES ON A
3 VOLUNTARY BASIS PURSUANT TO SUBSECTION (6) OF THIS SECTION;

4 (II) IF THE PERSON'S MEDICATIONS WERE CHANGED OR THE PERSON
5 WAS NEWLY PRESCRIBED MEDICATIONS DURING THE EMERGENCY MENTAL
6 HEALTH HOLD, A CLINICALLY APPROPRIATE SUPPLY OF MEDICATIONS, AS
7 DETERMINED BY THE JUDGMENT OF A LICENSED HEALTH-CARE PROVIDER,
8 FOR THE PERSON UNTIL THE PERSON CAN ACCESS ANOTHER PROVIDER OR
9 FOLLOW-UP APPOINTMENT;

10 (III) A SAFETY PLAN FOR THE PERSON AND, IF APPLICABLE, THE
11 PERSON'S LAY PERSON;

12 (IV) NOTIFICATION TO THE PERSON'S PRIMARY CARE PROVIDER, IF
13 APPLICABLE;

14 (V) A REFERRAL TO APPROPRIATE SERVICES, IF SUCH SERVICES
15 EXIST IN THE COMMUNITY, IF THE PERSON IS DISCHARGED WITHOUT FOOD,
16 HOUSING, OR ECONOMIC SECURITY. ANY REFERRALS AND LINKAGES MUST
17 BE DOCUMENTED IN THE PERSON'S MEDICAL RECORD.

18 (VI) THE PHONE NUMBER TO CALL OR TEXT THE COLORADO CRISIS
19 SERVICES HOTLINE AND INFORMATION ON THE AVAILABILITY OF PEER
20 SUPPORT SERVICES;

21 (VII) INFORMATION ON HOW TO ESTABLISH A PSYCHIATRIC
22 ADVANCE DIRECTIVE IF ONE IS NOT PRESENTED;

23 (VIII) MEDICATIONS THAT WERE CHANGED DURING THE
24 EMERGENCY MENTAL HEALTH HOLD, INCLUDING ANY MEDICATIONS THAT
25 THE PERSON WAS TAKING OR THAT WERE PREVIOUSLY PRESCRIBED UPON
26 ADMISSION, AND WHICH MEDICATIONS, IF ANY, WERE CHANGED OR
27 DISCONTINUED AT THE TIME OF DISCHARGE;

1 (IX) A LIST OF ANY SCREENING OR DIAGNOSTIC TESTS CONDUCTED
2 DURING THE EMERGENCY MENTAL HEALTH HOLD;

3 (X) A SUMMARY OF THERAPEUTIC TREATMENTS PROVIDED DURING
4 THE EMERGENCY MENTAL HEALTH HOLD;

5 (XI) ANY LABORATORY WORK, INCLUDING BLOOD SAMPLES OR
6 IMAGING THAT WAS COMPLETED OR ATTEMPTED;

7 (XII) THE PERSON'S VITAL SIGNS UPON DISCHARGE FROM THE
8 EMERGENCY MENTAL HEALTH HOLD;

9 (XIII) A COPY OF ANY PSYCHIATRIC ADVANCE DIRECTIVE
10 PRESENTED TO THE FACILITY, IF APPLICABLE; AND

11 (XIV) HOW TO CONTACT THE DISCHARGING FACILITY IF NEEDED.

12 (b) THE FACILITY SHALL DOCUMENT IN THE PERSON'S MEDICAL
13 RECORD WHETHER THE PERSON ACCEPTED THE DISCHARGE INSTRUCTIONS.
14 THE FACILITY SHALL PROVIDE THE DISCHARGE INSTRUCTIONS TO THE
15 PERSON'S PARENT OR LEGAL GUARDIAN IF THE PERSON IS UNDER EIGHTEEN
16 YEARS OF AGE, AND TO THE PERSON'S LAY PERSON, WHEN POSSIBLE.

17 (c) UPON DISCHARGE, THE FACILITY SHALL DISCUSS WITH THE
18 PERSON, THE PERSON'S PARENT OR LEGAL GUARDIAN, OR THE PERSON'S
19 LAY PERSON THE STATEWIDE CARE COORDINATION INFRASTRUCTURE
20 ESTABLISHED IN SECTION 27-60-204 TO FACILITATE A FOLLOW-UP
21 APPOINTMENT FOR THE PERSON WITHIN SEVEN CALENDAR DAYS AFTER THE
22 DISCHARGE. FACILITIES SHALL COMPLY WITH THIS SUBSECTION (8)(c)
23 WHEN THE STATEWIDE CARE COORDINATION INFRASTRUCTURE CREATED
24 IN SECTION 27-60-204 IS FULLY OPERATIONAL, AS DETERMINED BY THE
25 BHA. THE BHA SHALL IMMEDIATELY NOTIFY FACILITIES WHEN THE
26 STATEWIDE CARE COORDINATION INFRASTRUCTURE IS AVAILABLE TO
27 ASSIST PERSONS WITH DISCHARGE.

1 (d) THE FACILITY SHALL, AT A MINIMUM, ATTEMPT TO FOLLOW UP
2 WITH THE PERSON, THE PERSON'S PARENT OR LEGAL GUARDIAN, OR THE
3 PERSON'S LAY PERSON AT LEAST FORTY-EIGHT HOURS AFTER DISCHARGE.
4 THE FACILITY IS ENCOURAGED TO UTILIZE PEER SUPPORT PROFESSIONALS,
5 AS DEFINED IN SECTION 27-60-108 (2)(b), WHEN PERFORMING FOLLOW-UP
6 CARE WITH INDIVIDUALS AND IN DEVELOPING A CONTINUING CARE PLAN
7 PURSUANT TO SUBSECTION (8)(a)(I) OF THIS SECTION. THE FACILITY MAY
8 FACILITATE FOLLOW-UP CARE THROUGH CONTRACTS WITH
9 COMMUNITY-BASED BEHAVIORAL HEALTH PROVIDERS OR THE COLORADO
10 BEHAVIORAL HEALTH CRISIS HOTLINE. IF THE FACILITY FACILITATES
11 FOLLOW-UP CARE THROUGH A THIRD-PARTY CONTRACT, THE FACILITY
12 SHALL OBTAIN AUTHORIZATION FROM THE PERSON TO PROVIDE FOLLOW-UP
13 CARE.

14 (e) THE FACILITY SHALL ENCOURAGE THE PERSON TO DESIGNATE
15 A FAMILY MEMBER, FRIEND, OR OTHER PERSON AS A LAY PERSON TO
16 PARTICIPATE IN THE PERSON'S DISCHARGE PLANNING AND SHALL NOTIFY
17 THE PERSON THAT THE PERSON IS ABLE TO RESCIND THE AUTHORIZATION
18 OF A LAY PERSON AT ANY TIME. IF THE PERSON DESIGNATES A LAY PERSON
19 AND HAS PROVIDED NECESSARY AUTHORIZATION, THE FACILITY SHALL
20 ATTEMPT TO INVOLVE THE LAY PERSON IN THE PERSON'S DISCHARGE
21 PLANNING. THE FACILITY SHALL NOTIFY THE LAY PERSON THAT THE
22 PERSON IS BEING DISCHARGED OR TRANSFERRED.

23 (9) (a) On or before ~~July 1, 2019~~ JULY 1, 2023, and each July 1
24 thereafter, each emergency medical services facility that has ~~treated~~
25 EVALUATED a person pursuant to this section shall provide an annual
26 report to the ~~department~~ BEHAVIORAL HEALTH ADMINISTRATION that
27 includes only aggregate and nonidentifying information concerning

1 persons who were treated at an emergency medical services facility
2 pursuant to this section. The report must comply with section 24-1-136
3 (9) and is exempt from section 24-1-136 (11)(a)(I). The report must
4 contain the following:

- 5 (I) The names and counties of the facilities;
- 6 (II) The total number of persons treated pursuant to this section,
7 including a summary of demographic information;
- 8 (III) A summary regarding the different reasons for which persons
9 were treated pursuant to this section; and
- 10 (IV) A summary of the disposition of persons transferred to a
11 designated facility.

12 (b) (I) Any information aggregated and provided to the
13 ~~department~~ BEHAVIORAL HEALTH ADMINISTRATION pursuant to this
14 subsection (9) is privileged and confidential. Such information must not
15 be made available to the public except in an aggregate format that cannot
16 be used to identify an individual facility. The information is not subject
17 to civil subpoena and is not discoverable or admissible in any civil,
18 criminal, or administrative proceeding against an emergency medical
19 services facility or health-care professional. The information must be used
20 only to assess statewide behavioral health services needs and to plan for
21 sufficient levels of statewide behavioral health services. In ~~the collection~~
22 ~~of data to accomplish~~ COLLECTING THE DATA PURSUANT TO the
23 requirements of this subsection (9), the ~~department~~ BEHAVIORAL HEALTH
24 ADMINISTRATION shall protect the confidentiality of patient records, in
25 accordance with state and federal laws, and shall not disclose any public
26 identifying or proprietary information of any hospital, hospital
27 administrator, health-care professional, or employee of a health-care

1 facility.

2 (II) Subsection (9)(b)(I) of this section does not apply to
3 information that is otherwise available from a source outside of the data
4 collection activities required pursuant to ~~subsection (7)(a)~~ SUBSECTION
5 (9)(a) of this section.

6 (10)(a) A PERSON DETAINED FOR AN EMERGENCY MENTAL HEALTH
7 HOLD PURSUANT TO THIS SECTION HAS THE FOLLOWING RIGHTS:

8 (I) TO BE TOLD [REDACTED] THE REASON FOR THE PERSON'S DETAINMENT
9 AND THE LIMITATIONS OF THE PERSON'S DETAINMENT, INCLUDING A
10 DESCRIPTION OF THE PERSON'S RIGHT TO REFUSE MEDICATION, UNLESS THE
11 PERSON REQUIRES EMERGENCY MEDICATIONS, AND THAT THE DETAINMENT
12 DOES NOT MEAN ALL TREATMENT DURING DETAINMENT IS MANDATORY;

13 (II) TO REQUEST A CHANGE TO VOLUNTARY STATUS;

14 (III) TO BE TREATED FAIRLY, WITH RESPECT AND RECOGNITION OF
15 THE PERSON'S DIGNITY AND INDIVIDUALITY, BY ALL EMPLOYEES OF THE
16 FACILITY WITH WHOM THE PERSON COMES IN CONTACT;

17 (IV) TO NOT BE DISCRIMINATED AGAINST ON THE BASIS OF AGE,
18 RACE, ETHNICITY, RELIGION, CULTURE, SPOKEN LANGUAGE, PHYSICAL OR
19 MENTAL DISABILITY, SOCIOECONOMIC STATUS, SEX, SEXUAL ORIENTATION,
20 GENDER IDENTITY, OR GENDER EXPRESSION;

21 (V) TO RETAIN AND CONSULT WITH AN ATTORNEY AT ANY TIME;
22 EXCEPT THAT, UNLESS SPECIFIED IN SUBSECTION (7)(b) OF THIS SECTION,
23 THE FACILITY IS NOT REQUIRED TO RETAIN AN ATTORNEY ON BEHALF OF
24 THE PERSON BUT MUST ALLOW THE PERSON TO CONTACT AN ATTORNEY;

25 (VI) TO CONTINUE THE PRACTICE OF RELIGION;

26 (VII) WITHIN TWENTY-FOUR HOURS AFTER THE PERSON'S
27 REQUEST, TO SEE AND RECEIVE THE SERVICES OF A PATIENT

1 REPRESENTATIVE WHO HAS NO DIRECT OR INDIRECT CLINICAL,
2 ADMINISTRATIVE, OR FINANCIAL RESPONSIBILITY FOR THE PERSON;

3 (VIII) TO HAVE REASONABLE ACCESS TO TELEPHONES OR OTHER
4 COMMUNICATION DEVICES AND TO MAKE AND TO RECEIVE CALLS OR
5 COMMUNICATIONS IN PRIVATE. FACILITY STAFF SHALL NOT OPEN, DELAY,
6 INTERCEPT, READ, OR CENSOR MAIL OR OTHER COMMUNICATIONS OR USE
7 MAIL OR OTHER COMMUNICATIONS AS A METHOD TO ENFORCE
8 COMPLIANCE WITH FACILITY STAFF.

9 (IX) TO WEAR THE PERSON'S OWN CLOTHES, KEEP AND USE THE
10 PERSON'S OWN PERSONAL POSSESSIONS, INCLUDING THE PERSON'S CELL
11 PHONE, AND KEEP AND BE ALLOWED TO SPEND A REASONABLE SUM OF THE
12 PERSON'S OWN MONEY, UNLESS ACCESS TO THE ITEMS CAUSES THE PERSON
13 TO DESTABILIZE OR CREATES A DANGER TO THE PERSON'S SELF OR OTHERS,
14 AS DETERMINED BY A LICENSED PROVIDER INVOLVED IN THE PERSON'S
15 CARE;

16 (X) TO HAVE THE PERSON'S INFORMATION AND RECORDS
17 DISCLOSED TO FAMILY MEMBERS AND A LAY PERSON PURSUANT TO
18 SECTION 27-65-123;

19 (XI) TO HAVE THE PERSON'S TREATMENT RECORDS REMAIN
20 CONFIDENTIAL, EXCEPT AS REQUIRED BY LAW;

21 (XII) TO NOT BE FINGERPRINTED, UNLESS REQUIRED BY LAW;

22 (XIII) TO NOT BE PHOTOGRAPHED, EXCEPT UPON ADMISSION FOR
23 IDENTIFICATION AND ADMINISTRATIVE PURPOSES. ANY PHOTOGRAPHS
24 MUST BE CONFIDENTIAL AND MUST NOT BE RELEASED BY THE FACILITY
25 EXCEPT PURSUANT TO A COURT ORDER. NONMEDICAL PHOTOGRAPHS MUST
26 NOT BE TAKEN OR USED WITHOUT APPROPRIATE CONSENT OR
27 AUTHORIZATION.

1 (XIV) TO HAVE APPROPRIATE ACCESS TO ADEQUATE WATER,
2 HYGIENE PRODUCTS, AND FOOD AND TO HAVE THE PERSON'S NUTRITIONAL
3 NEEDS MET IN A MANNER THAT IS CONSISTENT WITH RECOGNIZED DIETARY
4 PRACTICES;

5 (XV) TO HAVE PERSONAL PRIVACY TO THE EXTENT POSSIBLE
6 DURING THE COURSE OF TREATMENT; AND

7 (XVI) TO HAVE THE ABILITY TO MEET WITH VISITORS IN
8 ACCORDANCE WITH THE FACILITY'S CURRENT VISITOR GUIDELINES.

9 (b) A PERSON'S RIGHTS UNDER THIS SUBSECTION (10) MAY ONLY
10 BE DENIED IF ACCESS TO THE ITEM, PROGRAM, OR SERVICE CAUSES THE
11 PERSON TO DESTABILIZE OR CREATES A DANGER TO THE PERSON'S SELF OR
12 OTHERS, AS DETERMINED BY A LICENCED PROVIDER INVOLVED IN THE
13 PERSON'S CARE. DENIAL OF ANY RIGHT MUST BE ENTERED INTO THE
14 PERSON'S TREATMENT RECORD AND MUST BE MADE AVAILABLE, UPON
15 REQUEST, TO THE PERSON, THE PERSON'S LEGAL GUARDIAN, OR THE
16 PERSON'S ATTORNEY.

17 (c) A FACILITY SHALL NOT INTENTIONALLY RETALIATE OR
18 DISCRIMINATE AGAINST A DETAINED PERSON OR EMPLOYEE FOR
19 CONTACTING OR PROVIDING INFORMATION TO ANY OFFICIAL OR TO AN
20 EMPLOYEE OF ANY STATE PROTECTION AND ADVOCACY AGENCY OR FOR
21 INITIATING, PARTICIPATING IN, OR TESTIFYING IN A GRIEVANCE PROCEDURE
22 OR IN AN ACTION FOR ANY REMEDY AUTHORIZED PURSUANT TO THIS
23 SECTION. ANY FACILITY THAT VIOLATES THIS SUBSECTION (10) COMMITS
24 AN UNCLASSIFIED MISDEMEANOR AND SHALL BE FINED NOT MORE THAN
25 ONE THOUSAND DOLLARS.

26 (d) ANY PERSON WHOSE RIGHTS ARE DENIED OR VIOLATED
27 PURSUANT TO THIS SECTION HAS THE RIGHT TO FILE A COMPLIANT AGAINST

1 THE FACILITY WITH THE BEHAVIORAL HEALTH ADMINISTRATION AND THE
2 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

3 SECTION 3. In Colorado Revised Statutes, 27-65-109, **amend**
4 **as added by House Bill 22-1256** (1), (2), (3), (4), (6), (7), (8), and (10)
5 as follows:

6 27-65-109. **Certification for short-term treatment - procedure.**

7 (1) If A person ~~detained pursuant to section 27-65-106 has received an~~
8 ~~evaluation, the person~~ may be certified for not more than three months for
9 short-term treatment under the following conditions:

10 (a) ~~the professional staff of the agency or facility providing~~
11 ~~seventy-two-hour treatment and evaluation has analyzed the person's~~
12 ~~condition~~ DETAINING THE PERSON ON AN EMERGENCY MENTAL HEALTH
13 HOLD HAS EVALUATED THE PERSON and has found the person has a mental
14 health disorder and, as a result of the mental health disorder, is a danger
15 to ~~others or to the person's self or others~~ or is gravely disabled; ~~the~~

16 ~~person~~
17 (b) The person has been advised of the availability of, but has not
18 accepted, voluntary treatment; but, if reasonable grounds exist to believe
19 that the person will not remain in a voluntary treatment program, the
20 person's acceptance of voluntary treatment does not preclude certification;
21 **and**

22 (c) The facility OR COMMUNITY PROVIDER that will provide
23 short-term treatment has been designated ~~or approved by the executive~~
24 ~~director~~ BY THE COMMISSIONER to provide such treatment; AND

25 (d) THE PERSON, THE PERSON'S LEGAL GUARDIAN, AND THE
26 PERSON'S LAY PERSON, IF APPLICABLE, HAVE BEEN ADVISED OF THE
27 PERSON'S RIGHT TO AN ATTORNEY AND TO CONTEST THE CERTIFICATION

1 FOR SHORT-TERM TREATMENT.

2 (2) The notice of certification must be signed by a professional
3 person ~~on the staff of the evaluation facility~~ who participated in the
4 evaluation. ~~and~~ THE NOTICE OF CERTIFICATION must:

5 (a) State facts sufficient to establish reasonable grounds to believe
6 that the ~~person~~ RESPONDENT has a mental health disorder and, as a result
7 of the mental health disorder, is a danger to ~~others or to the person's self~~
8 THE RESPONDENT'S SELF OR OTHERS or is gravely disabled;

9 (b) Be filed with the court within forty-eight hours, excluding
10 Saturdays, Sundays, and court holidays, ~~of~~ AFTER the date of certification;
11 ~~and~~

12 (c) Be filed with the court in the county in which the respondent
13 resided or was physically present immediately prior to being taken into
14 custody; AND

15 (d) PROVIDE RECOMMENDATIONS IF THE CERTIFICATION SHOULD
16 TAKE PLACE ON AN INPATIENT OR OUTPATIENT BASIS.

17 (3) Within twenty-four hours after certification, copies of the
18 certification must be personally delivered to the respondent, THE
19 BEHAVIORAL HEALTH ADMINISTRATION, and a copy must be kept by the
20 ~~evaluation~~ EVALUATING facility as part of the respondent's record, IF
21 APPLICABLE. The FACILITY OR COURT SHALL ASK THE respondent ~~must~~
22 ~~also be asked~~ to designate ~~one other person~~ A LAY PERSON whom the
23 respondent wishes TO BE informed regarding certification. If the
24 respondent is incapable of making such a designation at the time the
25 certification is delivered, ~~he or she~~ THE RESPONDENT must be asked to
26 designate ~~such~~ A LAY person as soon as the respondent is capable. In
27 addition to the copy of the certification, the respondent must be given a

1 written notice that a hearing upon the respondent's certification for
2 short-term treatment may be had before the court or a jury upon written
3 request directed to the court pursuant to subsection (6) of this section.

4 (4) Upon certification of the respondent, the facility designated for
5 short-term treatment has custody of the respondent.

6 (6) The respondent ~~for short-term treatment~~ or the respondent's
7 attorney may at any time file a written request that the certification for
8 short-term treatment or the treatment be reviewed by the court or that the
9 treatment be on an outpatient basis. If review is requested, the court shall
10 hear the matter within ten days after the request, and the court shall give
11 notice to the respondent and the respondent's attorney and the certifying
12 and treating professional person of the time and place thereof OF THE
13 HEARING. The hearing must be held in accordance with section
14 27-65-113. At the conclusion of the hearing, the court may enter or
15 confirm the certification for short-term treatment, discharge the
16 respondent, or enter any other appropriate order. ~~subject to available~~
17 ~~appropriations.~~

18 (7) Records and papers in proceedings ~~under~~ PURSUANT TO this
19 section must be maintained separately by the clerks of the several courts.
20 Upon the release of any respondent in accordance with section 27-65-112,
21 the facility shall notify the clerk of the court within five days after the
22 release, and the clerk shall ~~forthwith~~ IMMEDIATELY seal the record in the
23 case and omit the name of the respondent from the index of cases in the
24 court until and unless the respondent becomes subject to an order of
25 CERTIFICATION FOR long-term care and treatment pursuant to section
26 27-65-110 or until and unless the court orders ~~them~~ THE RECORDS opened
27 for good cause shown. In the event a petition is filed pursuant to section

1 27-65-110, the certification record may be opened and become a part of
2 the record in the long-term care and treatment case and the name of the
3 respondent indexed.

4 (8) Whenever it appears to the court, by reason of a report by the
5 treating professional person OR THE BEHAVIORAL HEALTH
6 ADMINISTRATION or any other report satisfactory to the court, that a
7 respondent detained for evaluation and treatment or certified for
8 SHORT-TERM treatment should be transferred to another facility for
9 treatment and the safety of the respondent or the public requires that the
10 respondent be transported by a secure transportation provider or a sheriff
11 A CERTIFIED PEACE OFFICER, the court may issue an order directing the
12 ~~sheriff or the sheriff's designee,~~ THE LAW ENFORCEMENT AGENCY WHERE
13 THE RESPONDENT RESIDES OR SECURE TRANSPORTATION PROVIDER to
14 deliver the respondent to the designated facility.

15 (10) If the professional person in charge of the evaluation and
16 treatment believes that a period longer than three months is necessary for
17 ~~treatment of~~ TO TREAT the respondent, the professional person shall file
18 with the court an extended certification AT LEAST THIRTY DAYS PRIOR TO
19 THE EXPIRATION DATE OF THE ORIGINAL CERTIFICATION. An extended
20 certification for treatment is MUST NOT BE for a period of more than three
21 months. The respondent is entitled to a hearing on the extended
22 certification under the same conditions as an original certification. The
23 attorney initially representing the respondent shall continue to represent
24 the respondent, unless the court appoints another attorney.

25 **SECTION 4.** In Colorado Revised Statutes, **amend as added by**
26 **House Bill 22-1256** 27-65-112 as follows:

27 **27-65-112. Termination of certification for short-term and**

1 **long-term treatment.** (1) An original or extended certification for
2 short-term treatment ISSUED PURSUANT TO SECTION 27-65-109, or an order
3 OR EXTENSION FOR CERTIFICATION for long-term care and treatment ~~or any~~
4 ~~extension thereof~~ PURSUANT TO SECTION 27-65-110 terminates as soon as
5 ~~in the opinion of~~ the professional person in charge of treatment of the
6 respondent AND THE BEHAVIORAL HEALTH ADMINISTRATION DETERMINE
7 the respondent has received sufficient benefit from ~~such~~ THE treatment for
8 the respondent to ~~leave~~ END INVOLUNTARY TREATMENT. Whenever a
9 certification or extended certification is terminated pursuant to this
10 section, the professional person in charge of providing treatment shall ~~so~~
11 notify the court in writing within five days after THE termination. ~~The~~
12 ~~professional person may also prescribe day care, night care, or any other~~
13 ~~similar mode of treatment prior to termination.~~

14 (2) Before termination, ~~an escaped~~ A respondent WHO LEAVES A
15 FACILITY may be returned to the facility by order of the court without a
16 hearing or by the superintendent or director of the facility without ~~order~~
17 ~~of~~ A court ORDER. After termination, a respondent may be returned to the
18 facility only in accordance with this article 65.

19 **SECTION 5.** In Colorado Revised Statutes, **amend as added by**
20 **House Bill 22-1256** 27-65-119 as follows:

21 **27-65-119. [Formerly 27-65-117] Rights of respondents**
22 **certified for short-term treatment or long-term care and treatment.**

23 (1) ~~Each person receiving evaluation, care or treatment pursuant to any~~
24 ~~provision of this article~~ RESPONDENT CERTIFIED FOR SHORT-TERM
25 TREATMENT OR LONG-TERM CARE AND TREATMENT ON AN INPATIENT
26 BASIS PURSUANT TO SECTIONS **27-65-109** AND 27-65-110 has the
27 following rights and shall be advised of such rights by the facility:

1 (a) TO BE TREATED FAIRLY, WITH RESPECT AND RECOGNITION OF
2 THE RESPONDENT'S DIGNITY AND INDIVIDUALITY, BY ALL EMPLOYEES OF
3 THE FACILITY WITH WHOM THE RESPONDENT COMES IN CONTACT;

4 (b) TO NOT BE DISCRIMINATED AGAINST ON THE BASIS OF AGE,
5 RACE, ETHNICITY, RELIGION, CULTURE, SPOKEN LANGUAGE, PHYSICAL OR
6 MENTAL DISABILITY, SOCIOECONOMIC STATUS, SEX, SEXUAL ORIENTATION,
7 GENDER IDENTITY, OR GENDER EXPRESSION;

8 (c) TO RETAIN AND CONSULT WITH AN ATTORNEY AT ANY TIME;

9 (d) TO MEET WITH OR CALL A PERSONAL CLINICIAN, SPIRITUAL
10 ADVISOR, COUNSELOR, CRISIS HOTLINE, FAMILY MEMBER, WORKPLACE,
11 CHILD CARE PROVIDER, OR SCHOOL AT ALL REASONABLE TIMES;

12 (e) TO CONTINUE THE PRACTICE OF RELIGION;

13 (f) WITHIN TWENTY-FOUR HOURS AFTER THE RESPONDENT'S
14 REQUEST, TO SEE AND RECEIVE THE SERVICES OF A PATIENT
15 REPRESENTATIVE WHO HAS NO DIRECT OR INDIRECT CLINICAL,
16 ADMINISTRATIVE, OR FINANCIAL RESPONSIBILITY FOR THE PERSON;

17 ~~(a) (g) To receive and send sealed correspondence, No incoming~~
18 ~~or outgoing correspondence shall be opened, delayed, held, or censored~~
19 ~~by the personnel of the facility~~ AS WELL AS TO BE GIVEN THE ASSISTANCE
20 OF FACILITY STAFF IF THE RESPONDENT IS UNABLE TO WRITE, PREPARE, OR
21 MAIL CORRESPONDENCE. FACILITY STAFF SHALL NOT OPEN, DELAY,
22 INTERCEPT, READ, OR CENSOR MAIL OR OTHER COMMUNICATIONS OR USE
23 MAIL OR OTHER COMMUNICATIONS AS A METHOD TO ENFORCE
24 COMPLIANCE WITH FACILITY STAFF;

25 (h) TO HAVE THE RESPONDENT'S BEHAVIORAL HEALTH ORDERS FOR
26 SCOPE OF TREATMENT OR PSYCHIATRIC ADVANCE DIRECTIVE REVIEWED
27 AND CONSIDERED BY THE COURT AS THE PREFERRED TREATMENT OPTION

1 FOR INVOLUNTARY ADMINISTRATION OF MEDICATIONS UNLESS, BY CLEAR
2 AND CONVINCING EVIDENCE, THE RESPONDENT'S DIRECTIVE DOES NOT
3 QUALIFY AS EFFECTIVE PARTICIPATION IN BEHAVIORAL HEALTH
4 DECISION-MAKING;

5 (i) TO HAVE REASONABLE ACCESS TO TELEPHONES OR OTHER
6 COMMUNICATION DEVICES AND TO MAKE AND RECEIVE CALLS OR
7 COMMUNICATIONS IN PRIVATE;

8 ~~(d)~~ (j) To have frequent and convenient opportunities to meet with
9 visitors; ~~Each person may~~

10 (k) To see ~~the person's~~ THE RESPONDENT'S attorney, clergyperson,
11 or physician at any time;

12 ~~(e)~~ (l) To wear ~~the person's~~ THE RESPONDENT'S own clothes, keep
13 and use ~~his or her~~ THE RESPONDENT'S own personal possessions,
14 INCLUDING THE PERSON'S CELL PHONE, and keep and be allowed to spend
15 a reasonable sum of ~~the person's~~ THE RESPONDENT'S own money;

16 (m) TO HAVE THE RESPONDENT'S INFORMATION AND RECORDS
17 DISCLOSED TO FAMILY MEMBERS AND A LAY PERSON PURSUANT TO
18 SECTION 27-65-123;

19 (n) TO HAVE THE RESPONDENT'S TREATMENT RECORDS REMAIN
20 CONFIDENTIAL, EXCEPT AS REQUIRED BY LAW;

21 (o) TO HAVE APPROPRIATE ACCESS TO ADEQUATE WATER, HYGIENE
22 PRODUCTS, AND FOOD AND TO HAVE THE RESPONDENT'S NUTRITIONAL
23 NEEDS MET IN A MANNER THAT IS CONSISTENT WITH RECOGNIZED DIETARY
24 PRACTICES;

25 (p) TO HAVE PERSONAL PRIVACY TO THE EXTENT POSSIBLE DURING
26 THE COURSE OF TREATMENT; AND

27 (q) TO HAVE ACCESS TO A REPRESENTATIVE WITHIN THE FACILITY

1 WHO PROVIDES ASSISTANCE TO FILE A GRIEVANCE.

2 (2) A ~~person's~~ RESPONDENT'S rights under subsection (1) of this
3 section may be denied ~~for good cause only by the professional person~~
4 ~~providing treatment~~ IF ACCESS TO THE ITEM, PROGRAM, OR SERVICE
5 WOULD ENDANGER THE SAFETY OF THE RESPONDENT OR ANOTHER PERSON
6 IN CLOSE PROXIMITY AND MAY ONLY BE DENIED BY A PERSON INVOLVED
7 IN THE RESPONDENT'S CARE. Denial of any right ~~must in all cases~~ MUST be
8 entered into the ~~person's~~ RESPONDENT'S treatment record. Information
9 pertaining to a denial of rights contained in the ~~person's~~ RESPONDENT'S
10 treatment record must be made available, upon request, to the ~~person~~
11 RESPONDENT, THE RESPONDENT'S LEGAL GUARDIAN, or ~~the person's~~ THE
12 RESPONDENT'S attorney.

13 (3) ~~No person~~ A RESPONDENT admitted to or in a facility ~~shall~~
14 MUST NOT be fingerprinted unless required by other provisions of law.

15 (4) A ~~person~~ RESPONDENT may be photographed upon admission
16 for identification and the administrative purposes of the facility. The
17 photographs are confidential and must not be released by the facility
18 except pursuant to court order. ~~No other~~ Nonmedical photographs ~~may~~
19 SHALL NOT be taken or used without appropriate consent or authorization.

20 (5) Any ~~person~~ RESPONDENT receiving evaluation or treatment
21 under any of the provisions of this article 65 is entitled to a written copy
22 AND VERBAL DESCRIPTION IN A LANGUAGE OR MODALITY ACCESSIBLE TO
23 THE PERSON of all the ~~person's~~ rights enumerated in this section, and a
24 minor child ~~shall~~ MUST receive written notice of the minor's rights as
25 provided in section 27-65-104 (6)(g). A list of the rights must be
26 prominently posted in all evaluation and treatment facilities IN THE
27 PREDOMINANT LANGUAGES OF THE COMMUNITY AND EXPLAINED IN A

1 LANGUAGE OR MODALITY ACCESSIBLE TO THE RESPONDENT. THE FACILITY
2 SHALL ASSIST THE RESPONDENT IN EXERCISING THE RIGHTS ENUMERATED
3 IN THIS SECTION.

4 (6) A FACILITY SHALL NOT INTENTIONALLY RETALIATE OR
5 DISCRIMINATE AGAINST A PERSON OR EMPLOYEE FOR CONTACTING OR
6 PROVIDING INFORMATION TO ANY OFFICIAL OR TO AN EMPLOYEE OF ANY
7 STATE PROTECTION AND ADVOCACY AGENCY, OR FOR INITIATING,
8 PARTICIPATING IN, OR TESTIFYING IN A GRIEVANCE PROCEDURE OR IN AN
9 ACTION FOR ANY REMEDY AUTHORIZED PURSUANT TO THIS SECTION. ANY
10 FACILITY THAT VIOLATES THIS SUBSECTION (6) COMMITS AN UNCLASSIFIED
11 MISDEMEANOR AND SHALL BE FINED NOT MORE THAN ONE THOUSAND
12 DOLLARS.

13 (7) ANY RESPONDENT WHOSE RIGHTS ARE DENIED OR
14 VIOLATED PURSUANT TO THIS SECTION HAS THE RIGHT TO FILE A
15 COMPLAINT AGAINST THE FACILITY WITH THE BEHAVIORAL HEALTH
16 ADMINISTRATION AND THE DEPARTMENT OF PUBLIC HEALTH AND
17 ENVIRONMENT.

18 **SECTION 6.** In Colorado Revised Statutes, 7-60-132, **amend**
19 (1)(a) as follows:

20 **7-60-132. Dissolution by decree of court.** (1) On application by
21 or for a partner, the court shall decree a dissolution if:

22 (a) A partner has been determined by the court to be mentally
23 incompetent to such a degree that the partner is incapable of performing
24 the partner's part of the partnership contract or a court of competent
25 jurisdiction has made such a finding pursuant to part 3 or part 4 of article
26 14 of title 15 or ~~section 27-65-109 (4)~~ SECTION 27-65-110 (4) or
27 27-65-127; ~~C.R.S.;~~

1 **SECTION 7.** In Colorado Revised Statutes, 12-215-115, **amend**
2 (7) as follows:

3 **12-215-115. Discipline of licensees - suspension, revocation,**
4 **denial, and probation - grounds - definitions.** (7) In the event any
5 person holding a license to practice chiropractic in this state is determined
6 to be mentally incompetent or insane by a court of competent jurisdiction
7 and a court enters, pursuant to part 3 or 4 of article 14 of title 15 or
8 ~~section 27-65-109 (4)~~ SECTION 27-65-110 (4) or 27-65-127, an order
9 specifically finding that the mental incompetency or insanity is of such a
10 degree that the person holding a license is incapable of continuing to
11 practice chiropractic, ~~his or her~~ THE PERSON'S license shall automatically
12 be suspended by the board, and, anything in this article 215 to the
13 contrary notwithstanding, the suspension ~~shall~~ MUST continue until the
14 licensee is found by the court to be competent to practice chiropractic.

15 **SECTION 8.** In Colorado Revised Statutes, 12-240-125, **amend**
16 (7) as follows:

17 **12-240-125. Disciplinary action by board - rules.** (7) If any
18 licensee is determined to be mentally incompetent or insane by a court of
19 competent jurisdiction and a court enters, pursuant to part 3 or 4 of article
20 14 of title 15 or ~~section 27-65-109 (4)~~ SECTION 27-65-110 (4) or
21 27-65-127, an order specifically finding that the mental incompetency or
22 insanity is of such a degree that the licensee is incapable of continuing to
23 practice medicine, practice as a physician assistant, or practice as an
24 anesthesiologist assistant, the board shall automatically suspend ~~his or her~~
25 THE LICENSEE'S license, and, anything in this article 240 to the contrary
26 notwithstanding, the suspension must continue until the licensee is found
27 by the court to be competent to practice medicine, practice as a physician

1 assistant, or practice as an anesthesiologist assistant.

2 **SECTION 9.** In Colorado Revised Statutes, 12-245-203.5,
3 **amend** (1) as follows:

4 **12-245-203.5. Minors - consent for outpatient psychotherapy**
5 **services - immunity - definition.** (1) As used in this section, unless the
6 context otherwise requires, "mental health professional" includes a
7 professional person as defined in section 27-65-102 (~~17~~) (27); a mental
8 health professional licensed pursuant to part 3, 4, 5, 6, or 8 of this article
9 245; a licensed professional counselor candidate; a psychologist
10 candidate; or a school social worker licensed by the department of
11 education.

12 **SECTION 10.** In Colorado Revised Statutes, 12-245-216, **amend**
13 (2) and (4)(b) as follows:

14 **12-245-216. Mandatory disclosure of information to clients.**
15 (2) If the client is a ~~child~~ MINOR who is consenting to mental health
16 services pursuant to ~~section 27-65-103~~ SECTION 27-65-104, disclosure
17 ~~shall~~ MUST be made to the ~~child~~ MINOR. If the client is a ~~child~~ MINOR
18 whose parent or legal guardian is consenting to mental health services,
19 disclosure ~~shall~~ MUST be made to the MINOR'S parent or legal guardian.

20 (4) The disclosure of information required by subsection (1) of
21 this section is not required when psychotherapy is being administered in
22 any of the following circumstances:

23 (b) Pursuant to a court order or involuntary procedures pursuant
24 to ~~sections 27-65-105 to 27-65-109~~ SECTIONS 27-65-106 TO 27-65-110;

25 **SECTION 11.** In Colorado Revised Statutes, 12-255-119, **amend**
26 (7) as follows:

27 **12-255-119. Disciplinary procedures of the board - inquiry**

1 **and hearings panels - mental and physical examinations - definitions**
2 **- rules.** (7) In case any nurse is determined to be mentally incompetent
3 or insane by a court of competent jurisdiction and a court enters, pursuant
4 to part 3 or 4 of article 14 of title 15 or ~~section 27-65-109 (4)~~ SECTION
5 27-65-110 (4) or 27-65-127, an order specifically finding that the mental
6 incompetency or insanity is of such a degree that the nurse is incapable
7 of continuing the practice of nursing, the ~~nurse's license~~ BOARD shall
8 automatically ~~be suspended by the board~~ SUSPEND THE NURSE'S LICENSE,
9 and, notwithstanding any provision of this part 1 to the contrary, the
10 suspension ~~shall~~ MUST continue until the nurse is found by the court to be
11 competent to continue the practice of nursing.

12 **SECTION 12.** In Colorado Revised Statutes, 12-290-113, **amend**
13 (8) as follows:

14 **12-290-113. Disciplinary action by board.** (8) If a person
15 holding a license to practice podiatry in this state is determined to be
16 mentally incompetent or insane by a court of competent jurisdiction and
17 a court enters, pursuant to part 3 or 4 of article 14 of title 15 or ~~section~~
18 ~~27-65-109 (4)~~ SECTION 27-65-110 (4) or 27-65-127, an order specifically
19 finding that the mental incompetency or insanity is of such a degree that
20 the person holding a license is incapable of continuing to practice
21 podiatry, the ~~license~~ BOARD shall automatically ~~be suspended by the board~~
22 SUSPEND THE LICENSE, and, anything in this article 290 to the contrary
23 notwithstanding, the suspension ~~shall~~ MUST continue until the licensee is
24 found by the court to be competent to practice podiatry.

25 **SECTION 13.** In Colorado Revised Statutes, 12-315-112, **amend**
26 (1)(v) as follows:

27 **12-315-112. Discipline of licensees.** (1) Upon receipt of a signed

1 complaint by a complainant or upon its own motion, the board may
2 proceed to a hearing in conformity with section 12-315-113. After a
3 hearing, and by a concurrence of a majority of members, the board may
4 take disciplinary or other action as authorized in section 12-20-404
5 against an applicant or a licensed veterinarian for any of the following
6 reasons:

7 (v) A determination that the individual is mentally incompetent by
8 a court of competent jurisdiction and the court has entered, pursuant to
9 part 3 or 4 of article 14 of title 15 or ~~section 27-65-109 (4)~~ SECTION
10 27-65-110 (4) or 27-65-127, an order specifically finding that the mental
11 incompetency is of such a degree that the individual is incapable of
12 continuing to practice veterinary medicine;

13 **SECTION 14.** In Colorado Revised Statutes, 13-5-142, **amend**
14 (1)(c) and (3)(b)(III) as follows:

15 **13-5-142. National instant criminal background check system**
16 **- reporting.** (1) On and after March 20, 2013, the state court
17 administrator shall send electronically the following information to the
18 Colorado bureau of investigation created pursuant to section 24-33.5-401,
19 referred to in this section as the "bureau":

20 (c) The name of each person with respect to whom the court has
21 entered an order for involuntary certification for short-term treatment of
22 a mental health disorder pursuant to ~~section 27-65-107~~ SECTION
23 27-65-109, for extended certification for treatment of a mental health
24 disorder pursuant to ~~section 27-65-108~~ SECTION 27-65-109 (10), or for
25 long-term care and treatment of a mental health disorder pursuant to
26 ~~section 27-65-109~~ SECTION 27-65-110.

27 (3) The state court administrator shall take all necessary steps to

1 cancel a record made by the state court administrator in the national
2 instant criminal background check system if:

3 (b) No less than three years before the date of the written request:

4 (III) The record in the case was sealed pursuant to ~~section~~
5 ~~27-65-107 (7)~~ SECTION 27-65-109 (7), or the court entered an order
6 discharging the person from certification in the nature of habeas corpus
7 pursuant to ~~section 27-65-113~~ SECTION 27-65-115, if the record in the
8 national instant criminal background check system is based on a court
9 order for involuntary certification for short-term treatment of a mental
10 health disorder.

11 **SECTION 15.** In Colorado Revised Statutes, 13-5-142.5, **amend**
12 (2)(a)(III) as follows:

13 **13-5-142.5. National instant criminal background check**
14 **system - judicial process for awarding relief from federal**
15 **prohibitions - legislative declaration. (2) Eligibility.** A person may
16 petition for relief pursuant to this section if:

17 (a) (III) The court has entered an order for the person's involuntary
18 certification for short-term treatment of a mental health disorder pursuant
19 to ~~section 27-65-107~~ SECTION 27-65-109, for extended certification for
20 treatment of a mental health disorder pursuant to ~~section 27-65-108~~
21 SECTION 27-65-109 (10), or for long-term care and treatment of a mental
22 health disorder pursuant to ~~section 27-65-109~~ SECTION 27-65-110; and

23 **SECTION 16.** In Colorado Revised Statutes, **amend** 13-5-142.8
24 as follows:

25 **13-5-142.8. Notice by professional persons.** Under sections
26 13-9-123 (1), 13-9-124 (2), 13-5-142 (1), and 13-5-142.5 (2), an order for
27 involuntary certification for short-term treatment of a mental health

1 disorder pursuant to ~~section 27-65-107~~ shall SECTION 27-65-109 MUST
2 also include a notice filed by a professional person pursuant to ~~section~~
3 ~~27-65-107~~ SECTION 27-65-109, and an order for extended certification for
4 treatment of mental health disorder pursuant to ~~section 27-65-108~~ shall
5 SECTION 27-65-109 (10) MUST also include a notice filed by a professional
6 person pursuant to ~~section 27-65-108~~ SECTION 27-65-109 (10).

7 **SECTION 17.** In Colorado Revised Statutes, 13-9-123, **amend**
8 (1)(c) and (3)(b)(III) as follows:

9 **13-9-123. National instant criminal background check system**
10 **- reporting.** (1) On and after March 20, 2013, the state court
11 administrator shall send electronically the following information to the
12 Colorado bureau of investigation created pursuant to section 24-33.5-401,
13 referred to in this section as the "bureau":

14 (c) The name of each person with respect to whom the court has
15 entered an order for involuntary certification for short-term treatment of
16 a mental health disorder pursuant to ~~section 27-65-107~~ SECTION
17 27-65-109, for extended certification for treatment of a mental health
18 disorder pursuant to ~~section 27-65-108~~ SECTION 27-65-109 (10), or for
19 long-term care and treatment of a mental health disorder pursuant to
20 ~~section 27-65-109~~ SECTION 27-65-110.

21 (3) The state court administrator shall take all necessary steps to
22 cancel a record made by the state court administrator in the national
23 instant criminal background check system if:

24 (b) No less than three years before the date of the written request:

25 (III) The record in the case was sealed pursuant to ~~section~~
26 ~~27-65-107 (7)~~ SECTION 27-65-109 (7), or the court entered an order
27 discharging the person from certification in the nature of habeas corpus

1 pursuant to ~~section 27-65-113~~ SECTION 27-65-115, if the record in the
2 national instant criminal background check system is based on a court
3 order for involuntary certification for short-term treatment of a mental
4 health disorder.

5 **SECTION 18.** In Colorado Revised Statutes, 13-9-124, **amend**
6 (2)(a)(III) as follows:

7 **13-9-124. National instant criminal background check system**
8 **- judicial process for awarding relief from federal prohibitions -**
9 **legislative declaration. (2) Eligibility.** A person may petition for relief
10 pursuant to this section if:

11 (a) (III) The court has entered an order for the person's involuntary
12 certification for short-term treatment of a mental health disorder pursuant
13 to ~~section 27-65-107~~ SECTION 27-65-109, for extended certification for
14 treatment of a mental health disorder pursuant to ~~section 27-65-108~~
15 SECTION 27-65-109 (10), or for long-term care and treatment of a mental
16 health disorder pursuant to ~~section 27-65-109~~ SECTION 27-65-110; and

17 **SECTION 19.** In Colorado Revised Statutes, 13-14.5-105,
18 **amend** (8)(a) as follows:

19 **13-14.5-105. Hearings on petition - grounds for order issuance.**
20 (8) (a) Before issuing an extreme risk protection order, the court shall
21 consider whether the respondent meets the standard for a court-ordered
22 evaluation for persons with mental health disorders pursuant to section
23 27-65-106. If the court determines that the respondent meets the standard,
24 then, in addition to issuing an extreme risk protection order, the court
25 shall order mental health treatment and evaluation authorized pursuant to
26 ~~section 27-65-106 (6)~~ SECTION 27-65-106 (4)(d).

27 **SECTION 20.** In Colorado Revised Statutes, 13-20-401, **amend**

1 (2) as follows:

2 **13-20-401. Definitions.** As used in this part 4, unless the context
3 otherwise requires:

4 (2) "Patient" means the person upon whom a proposed
5 electroconvulsive treatment is to be performed; except that nothing in this
6 part 4 supersedes the provisions of article 65 of title 27 or any rule
7 adopted by the ~~department of human services~~ BEHAVIORAL HEALTH
8 ADMINISTRATION pursuant to ~~section 27-65-116(2)~~ SECTION 27-65-118
9 (2) with regard to the care and treatment of any person unable to exercise
10 written informed consent or of a person with a mental health disorder.

11 **SECTION 21.** In Colorado Revised Statutes, 15-18.7-201,
12 **amend** (9)(b) as follows:

13 **15-18.7-201. Definitions.** As used in this part 2, unless the
14 context otherwise requires:

15 (9) "Health-care provider" means:

16 (b) A professional person, as defined in section 27-65-102 ~~(17)~~
17 ~~(27)~~;

18 **SECTION 22.** In Colorado Revised Statutes, 15-18.7-202,
19 **amend** (5), (6), and (7) as follows:

20 **15-18.7-202. Behavioral health orders for scope of treatment**
21 **- form contents - effect.** (5) A behavioral health orders form may be
22 admissible in a hearing pursuant to ~~section 27-65-111~~ SECTION 27-65-113
23 for the purpose of establishing the adult's behavioral health treatment,
24 medication, and alternative treatment history, decisions, and preferences
25 to be made on behalf of the adult during an involuntary emergency
26 procedure, certification, or commitment authorized pursuant to state law.

27 (6) Nothing in this part 2 means that an adult who has executed a

1 behavioral health orders form has waived the right to a hearing before the
2 court or jury pursuant to ~~section 27-65-111~~ SECTION 27-65-113.

3 (7) Nothing in this part 2 means that an adult who has executed a
4 behavioral health orders form has consented to a petition for involuntary
5 administration of medication authority pursuant to ~~section 27-65-111 (5)~~
6 SECTION 27-65-113 (5).

7 **SECTION 23.** In Colorado Revised Statutes, 16-8.5-105, **amend**
8 (1)(a)(IV) and (6) as follows:

9 **16-8.5-105. Evaluations, locations, time frames, and report.**

10 (1) (a) (IV) Nothing in this subsection (1)(a) limits the availability of a
11 court-ordered evaluation for a person with a mental health disorder
12 pursuant to ~~section 27-65-106~~ or invokes the ~~emergency~~ procedure FOR
13 AN EMERGENCY MENTAL HEALTH HOLD set forth in ~~section 27-65-105~~
14 SECTION 27-65-106.

15 (6) Whenever a competency evaluation is ordered upon the
16 request of either party, the court may notify the county attorney or district
17 attorney required to conduct proceedings pursuant to ~~section 27-65-111~~
18 ~~(6)~~ SECTION 27-65-113 (6) for the county in which the charges are
19 pending and the court liaison hired pursuant to part 2 of article 11.9 of
20 this title 16 of all court dates for return of the report on competency to
21 ensure that all parties are on notice of the expected need for coordinated
22 services and planning with consideration of possible civil certification.

23 **SECTION 24.** In Colorado Revised Statutes, 16-8.5-111, **amend**
24 (2)(a) as follows:

25 **16-8.5-111. Procedure after determination of competency or**
26 **incompetency.** (2) If the final determination made pursuant to section
27 16-8.5-103 is that the defendant is incompetent to proceed, the court has

1 the following options:

2 (a) If the defendant is charged with an offense as outlined in
3 section 16-8.5-116 (7) and the competency evaluation has determined that
4 the defendant meets the standard for civil certification pursuant to article
5 65 of title 27, the court may forgo any order of restoration and
6 immediately order that proceedings be initiated by the county attorney or
7 district attorney required to conduct proceedings pursuant to ~~section~~
8 ~~27-65-111 (6)~~ SECTION 27-65-113 (6) for the civil certification of the
9 defendant and dismiss the charges without prejudice in the interest of
10 justice once civil certification proceedings have been initiated.

11 **SECTION 25.** In Colorado Revised Statutes, 16-8.5-116, **amend**
12 (5), (6)(b), and (10) as follows:

13 **16-8.5-116. Certification - reviews - termination of**
14 **proceedings - rules.** (5) The court shall forward a copy of each report
15 and summary received pursuant to subsections (2), (3), and (4) of this
16 section to the county attorney or district attorney required to conduct
17 proceedings pursuant to ~~section 27-65-111 (6)~~ SECTION 27-65-113 (6) for
18 the county in which the case is pending and to the court liaison.

19 (6) Notwithstanding the time periods provided in subsections (7),
20 (8), and (9) of this section and to ensure compliance with relevant
21 constitutional principles, for any offense for which the defendant remains
22 confined as a result of a determination of incompetency to proceed if the
23 court determines, based on available evidence, that there is not a
24 substantial probability that the defendant will be restored to competency
25 within the reasonably foreseeable future, the court may order the
26 defendant's release from commitment pursuant to this article 8.5 through
27 one or more of the following means:

1 (b) The court may, in coordination with the county attorney or
2 district attorney required to conduct proceedings pursuant to ~~section~~
3 ~~27-65-111 (6)~~ SECTION 27-65-113 (6) for the county in which the
4 defendant is charged, order the commencement of certification
5 proceedings pursuant to the provisions of article 65 of title 27 if the
6 defendant meets the requirements for certification pursuant to article 65
7 of title 27;

8 (10) Prior to the dismissal of charges pursuant to subsection (1),
9 (6), (7), (8), or (9) of this section, the court shall identify whether the
10 defendant meets the requirements for certification pursuant to article 65
11 of title 27, or for the provision of services pursuant to article 10.5 of title
12 27, or whether the defendant will agree to a voluntary commitment. If the
13 court finds the requirements for certification or provision of services are
14 met or the defendant does not agree to a voluntary commitment, the court
15 may stay the dismissal for twenty-one days and notify the department and
16 county attorney or district attorney required to conduct proceedings
17 pursuant to ~~section 27-65-111 (6)~~ 27-65-113 (6) in the relevant
18 jurisdiction of the pending dismissal so as to provide the department and
19 the county attorney or district attorney with the opportunity to pursue
20 certification proceedings or the provision of necessary services.

21 **SECTION 26.** In Colorado Revised Statutes, 18-1.3-204, **amend**
22 (2)(a)(II) as follows:

23 **18-1.3-204. Conditions of probation - interstate compact**
24 **probation transfer cash fund - creation.** (2) (a) When granting
25 probation, the court may, as a condition of probation, require that the
26 defendant:

27 (II) Undergo available medical or psychiatric treatment and

1 remain in a specified institution if required for that purpose. In any case
2 where inpatient psychiatric treatment is indicated, the court shall proceed
3 in accordance with article 65 of title 27 ~~C.R.S.~~, and require the defendant
4 to comply with the recommendation of the professional person in charge
5 of the evaluation required pursuant to section ~~27-65-105~~ or 27-65-106.
6 ~~C.R.S.~~

7 **SECTION 27.** In Colorado Revised Statutes, 18-6.5-102, **amend**
8 (11)(e) as follows:

9 **18-6.5-102. Definitions.** As used in this article 6.5, unless the
10 context otherwise requires:

11 (11) "Person with a disability" means any person who:

12 (e) ~~Is a person with~~ HAS a mental health disorder, as ~~the term is~~
13 defined in section 27-65-102; ~~(11.5);~~

14 **SECTION 28.** In Colorado Revised Statutes, 19-1-115, **amend**
15 (8)(a) as follows:

16 **19-1-115. Legal custody - guardianship - placement out of the**
17 **home - petition for review for need of placement.** (8) (a) Whenever it
18 appears necessary that the placement of a child out of the home will be
19 for longer than ninety days, the placement is voluntary and not
20 court-ordered, and the placement involves the direct expenditure of funds
21 appropriated by the general assembly to the department of human
22 services, a petition for review of need for placement shall be filed by the
23 department or agency with which the child has been placed before the
24 expiration of ninety days in the placement. A decree providing for
25 voluntary placement of a child with an agency in which public ~~moneys~~
26 ~~are~~ MONEY IS expended ~~shall~~ MUST be renewable in circumstances ~~where~~
27 WHEN there is documentation that the child has an emotional, a physical,

1 or an intellectual disability that necessitates care and treatment for a
2 longer duration than ninety days as provided pursuant to this paragraph
3 ~~(a)~~ SUBSECTION (8)(a). The court shall not transfer or require
4 relinquishment of legal custody of, or otherwise terminate the parental
5 rights with respect to, a child who has an emotional, a physical, or an
6 intellectual disability and who was voluntarily placed out of the home for
7 the purposes of obtaining special treatment or care solely because the
8 parent or legal guardian is unable to provide the treatment or care.
9 Whenever a child fifteen years of age or older consents to placement in
10 a mental health facility pursuant to ~~section 27-65-103, C.R.S.,~~ SECTION
11 27-65-104, the review ~~under section 27-65-103 (5), C.R.S., shall~~
12 PURSUANT TO SECTION 27-65-104 (4) MUST be conducted in lieu of and
13 ~~shall~~ MUST fulfill the requirements for review under this paragraph ~~(a)~~
14 SUBSECTION (8)(a).

15 **SECTION 29.** In Colorado Revised Statutes, 19-2.5-102, **amend**
16 (34) as follows:

17 **19-2.5-102. Definitions.** In addition to the terms defined in
18 section 19-1-103, as used in this article 2.5, unless the context otherwise
19 requires:

20 (34) "Mental health hospital placement prescreening" means a
21 face-to-face mental health examination conducted by a mental health
22 professional to determine whether a child should be placed in a facility
23 for evaluation pursuant to ~~section 27-65-105~~ or 27-65-106. The
24 prescreening may include consultation with other mental health
25 professionals and review of all available records on the child.

26 **SECTION 30.** In Colorado Revised Statutes, 19-2.5-305, **amend**
27 **as it exists until July 1, 2024,** (3)(b)(I); and **amend** (3)(b)(II), (3)(b)(III),

1 and (3)(b)(IV) as follows:

2 **19-2.5-305. Detention and shelter - hearing - time limits -**
3 **findings - review - confinement with adult offenders - restrictions.**

4 (3) (b) (I) If it appears that a juvenile being held in detention or
5 temporary shelter may have an intellectual and developmental disability,
6 as described in article 10.5 of title 27, the court or detention personnel
7 shall refer the juvenile to the nearest community-centered board for an
8 eligibility determination. If it appears that a juvenile being held in a
9 detention or temporary shelter facility pursuant to this article 2.5 may
10 have a mental health disorder, as provided in ~~sections 27-65-105 and~~
11 SECTION 27-65-106, the intake personnel or other appropriate personnel
12 shall contact a mental health professional to do a mental health hospital
13 placement prescreening on the juvenile. The court must be notified of the
14 contact and may take appropriate action. If a mental health hospital
15 placement prescreening is requested, it must be conducted in an
16 appropriate place accessible to the juvenile and the mental health
17 professional. A request for a mental health hospital placement
18 prescreening must not extend the time within which a detention hearing
19 must be held pursuant to this section. If a detention hearing has been set
20 but has not yet occurred, the mental health hospital placement
21 prescreening must be conducted prior to the hearing; except that the
22 prescreening must not extend the time within which a detention hearing
23 must be held.

24 (II) If a juvenile has been ordered detained pending an
25 adjudication, disposition, or other court hearing, and the juvenile
26 subsequently appears to have a mental health disorder, as described in
27 section ~~27-65-105 or~~ 27-65-106, the intake personnel or other appropriate

1 personnel shall contact the court with a recommendation for a mental
2 health hospital placement prescreening. A mental health hospital
3 placement prescreening must be conducted at any appropriate place
4 accessible to the juvenile and the mental health professional within
5 twenty-four hours of AFTER the request, excluding Saturdays, Sundays,
6 and legal holidays.

7 (III) When the mental health professional finds, as a result of the
8 prescreening, that the juvenile may have a mental health disorder, the
9 mental health professional shall recommend to the court that the juvenile
10 be evaluated pursuant to section ~~27-65-105~~ or 27-65-106.

11 (IV) Nothing in this subsection (3)(b) precludes the use of
12 ~~emergency~~ procedures FOR AN EMERGENCY MENTAL HEALTH HOLD
13 pursuant to ~~section 27-65-105 (1)~~ SECTION 27-65-106 (1)(a).

14 **SECTION 31.** In Colorado Revised Statutes, 19-2.5-305, **amend**
15 **as it will become effective July 1, 2024,** (3)(b)(I) as follows:

16 **19-2.5-305. Detention and shelter - hearing - time limits -**
17 **findings - review - confinement with adult offenders - restrictions.**

18 (3) (b) (I) If it appears that a juvenile being held in detention or
19 temporary shelter may have an intellectual and developmental disability,
20 as described in article 10.5 of title 27, the court or detention personnel
21 shall refer the juvenile to the nearest case management agency, as defined
22 in section 25.5-6-1702, for an eligibility determination. If it appears that
23 a juvenile being held in a detention or temporary shelter facility pursuant
24 to this article 2.5 may have a mental health disorder, as provided in
25 ~~sections 27-65-105 and~~ SECTION 27-65-106, the intake personnel or other
26 appropriate personnel shall contact a mental health professional to do a
27 mental health hospital placement prescreening on the juvenile. The court

1 must be notified of the contact and may take appropriate action. If a
2 mental health hospital placement prescreening is requested, it must be
3 conducted in an appropriate place accessible to the juvenile and the
4 mental health professional. A request for a mental health hospital
5 placement prescreening must not extend the time within which a
6 detention hearing must be held pursuant to this section. If a detention
7 hearing has been set but has not yet occurred, the mental health hospital
8 placement prescreening must be conducted prior to the hearing; except
9 that the prescreening must not extend the time within which a detention
10 hearing must be held.

11 **SECTION 32.** In Colorado Revised Statutes, 19-2.5-1114,
12 **amend** (1) as follows:

13 **19-2.5-1114. Sentencing - placement based on special needs of**
14 **the juvenile.** (1) Except as otherwise required by section 19-2.5-1127 for
15 an aggravated juvenile offender, the court may order that the juvenile be
16 examined or treated by a physician, surgeon, psychiatrist, or psychologist
17 or that the juvenile receive other special care and may place the juvenile
18 in a hospital or other suitable facility for such purposes; except that a
19 juvenile may not be placed in a mental health facility operated by the
20 department of human services until the juvenile has received a mental
21 health placement prescreening resulting in a recommendation that the
22 juvenile be placed in a facility for an evaluation pursuant to section
23 ~~27-65-105~~ or 27-65-106, or a hearing has been held by the court after
24 notice to all parties, including the department of human services. An
25 order for a ~~seventy-two-hour treatment and evaluation~~ EMERGENCY
26 MENTAL HEALTH HOLD must not be entered unless a hearing is held and
27 evidence indicates that the prescreening report is inadequate, incomplete,

1 or incorrect and that competent professional evidence is presented by a
2 mental health professional that indicates that the juvenile has a behavioral
3 or mental health disorder. The court shall make, prior to the hearing,
4 orders regarding temporary custody of the juvenile as are deemed
5 appropriate.

6 **SECTION 33.** In Colorado Revised Statutes, 19-2.5-1525,
7 **amend** (3)(b)(III) as follows:

8 **19-2.5-1525. Juveniles committed to department of human**
9 **services - evaluation and placement.** (3) (b) (III) If the evaluation
10 report states that the juvenile has a mental health disorder, as described
11 in ~~sections 27-65-105 and~~ SECTION 27-65-106, the department of human
12 services shall initiate proceedings pursuant to article 65 of title 27 and
13 notify the court.

14 **SECTION 34.** In Colorado Revised Statutes, 19-2.5-1532,
15 **amend** (3)(a) as follows:

16 **19-2.5-1532. Juveniles committed to department of human**
17 **services - transfers.** (3) (a) A juvenile committed to the department of
18 human services may be transferred temporarily to any state treatment
19 facility for persons with behavioral or mental health disorders or
20 intellectual and developmental disabilities for purposes of diagnosis,
21 evaluation, and emergency treatment; except that a juvenile may not be
22 transferred to a state treatment facility for persons with mental health
23 disorders until the juvenile has received a mental health hospital
24 placement prescreening resulting in a recommendation that the juvenile
25 be placed in a facility for evaluation pursuant to ~~section 27-65-105 or~~
26 27-65-106. A juvenile committed to the department of human services as
27 an aggravated juvenile offender pursuant to section 19-2.5-1127 or

1 violent juvenile offender pursuant to section 19-2.5-1126 (1)(c) must not
2 be transferred until the treatment facility has a secure setting in which to
3 house the juvenile. The period of temporary transfer pursuant to this
4 subsection (3)(a) must not exceed sixty days.

5 **SECTION 35.** In Colorado Revised Statutes, 19-3-401, **amend**
6 (3)(c)(II) and (3)(c)(III) as follows:

7 **19-3-401. Taking children into custody.** (3) (c) The court orders
8 required by subsections (3)(a) and (3)(b) of this section are not required
9 in the following circumstances:

10 (II) When the newborn child's only identifiable birth parent has
11 been determined by a physician, registered nurse, or qualified mental
12 health professional to meet the criteria specified in ~~section 27-65-105~~
13 SECTION 27-65-106 for custody, treatment, and evaluation of a mental
14 health disorder or grave disability;

15 (III) When both of the newborn child's birth parents have been
16 determined by a physician, registered nurse, or qualified mental health
17 professional to meet the criteria specified in ~~section 27-65-105~~ SECTION
18 27-65-106 for custody, treatment, and evaluation of a mental health
19 disorder or grave disability; or

20 **SECTION 36.** In Colorado Revised Statutes, 19-3-403, **amend**
21 **as it exists until July 1, 2024,** (4)(a); and **amend** (4)(b), (4)(c), and (4)(d)
22 as follows:

23 **19-3-403. Temporary custody - hearing - time limits -**
24 **restriction - rules.** (4) (a) If it appears that any child being held in a
25 shelter facility may have an intellectual and developmental disability, as
26 provided in article 10.5 of title 27, the court shall refer the child to the
27 nearest community-centered board for an eligibility determination. If it

1 appears that any child being held in a shelter facility pursuant to the
2 provisions of this article 3 may have a mental health disorder, as provided
3 in ~~sections 27-65-105 and~~ SECTION 27-65-106, the intake personnel or
4 other appropriate personnel shall contact a mental health professional to
5 do a mental health disorder prescreening on the child. The court shall be
6 notified of the contact and may take appropriate action. If a mental health
7 disorder prescreening is requested, it ~~shall~~ MUST be conducted in an
8 appropriate place accessible to the child and the mental health
9 professional. A request for a mental health disorder prescreening must not
10 extend the time within which a hearing is to be held pursuant to this
11 section. If a hearing has been set but has not yet occurred, the mental
12 health disorder prescreening ~~shall~~ MUST be conducted prior to the hearing;
13 except that the prescreening must not extend the time within which a
14 hearing is to be held pursuant to this section.

15 (b) If a child has been ordered detained pending an adjudication,
16 disposition, or other court hearing and the child subsequently appears to
17 have a mental health disorder, as provided in section ~~27-65-105 or~~
18 27-65-106, the intake personnel or other appropriate personnel shall
19 contact the court with a recommendation for a mental health disorder
20 prescreening. A mental health disorder prescreening ~~shall~~ MUST be
21 conducted at any appropriate place accessible to the child and the mental
22 health professional within twenty-four hours ~~of~~ AFTER the request,
23 excluding Saturdays, Sundays, and legal holidays.

24 (c) If the mental health professional finds, as a result of the
25 prescreening, that the child may have a mental health disorder, the mental
26 health professional shall recommend to the court that the child be
27 evaluated pursuant to section ~~27-65-105 or~~ 27-65-106, and the court shall

1 proceed as provided in section 19-3-506.

2 (d) Nothing in this subsection (4) precludes the use of emergency
3 procedures FOR AN EMERGENCY MENTAL HEALTH HOLD pursuant to
4 ~~section 27-65-105~~ SECTION 27-65-106.

5 **SECTION 37.** In Colorado Revised Statutes, 19-3-403, **amend**
6 **as it will become effective July 1, 2024,** (4)(a) as follows:

7 **19-3-403. Temporary custody - hearing - time limits -**
8 **restriction - rules.** (4) (a) If it appears that any child being held in a
9 shelter facility may have an intellectual and developmental disability, as
10 provided in article 10.5 of title 27, the court shall refer the child to the
11 nearest case management agency, as defined in section 25.5-6-1702, for
12 an eligibility determination. If it appears that any child being held in a
13 shelter facility pursuant to this article 3 may have a mental health
14 disorder, as provided in ~~sections 27-65-105~~ and SECTION 27-65-106, the
15 intake personnel or other appropriate personnel shall contact a mental
16 health professional to do a mental health disorder prescreening on the
17 child. The court must be notified of the contact and may take appropriate
18 action. If a mental health disorder prescreening is requested, it must be
19 conducted in an appropriate place accessible to the child and the mental
20 health professional. A request for a mental health disorder prescreening
21 must not extend the time within which a hearing is to be held pursuant to
22 this section. If a hearing has been set but has not yet occurred, the mental
23 health disorder prescreening must be conducted prior to the hearing;
24 except that the prescreening must not extend the time within which a
25 hearing is to be held pursuant to this section.

26 **SECTION 38.** In Colorado Revised Statutes, 19-3-506, **amend**
27 (1)(b), (1)(c), and (3)(a) as follows:

1 **19-3-506. Child with a mental health disorder or an**
2 **intellectual and developmental disability - procedure.** (1) (b) If it
3 appears from the evidence presented at an adjudicatory hearing or
4 otherwise that a child may have a mental health disorder, as defined in
5 ~~sections 27-65-105 and 27-65-106~~ SECTION 27-65-102, and the child has
6 not had a mental health disorder prescreening pursuant to section
7 19-3-403 (4), the court shall order a prescreening to determine whether
8 the child requires further evaluation. The prescreening ~~shall~~ MUST be
9 conducted as expeditiously as possible, and a prescreening report must be
10 provided to the court within twenty-four hours ~~of~~ AFTER the prescreening,
11 excluding Saturdays, Sundays, and legal holidays.

12 (c) If the mental health professional finds, based upon a
13 prescreening done pursuant to this section or section 19-3-403 (4), that
14 the child may have a mental health disorder, as defined in section
15 27-65-102, the court shall review the prescreening report within
16 twenty-four hours, excluding Saturdays, Sundays, and legal holidays, and
17 order the child placed for an evaluation at a facility designated by the
18 ~~executive director~~ COMMISSIONER of the ~~department of human services~~
19 BEHAVIORAL HEALTH ADMINISTRATION for a ~~seventy-two-hour treatment~~
20 ~~and evaluation~~ EMERGENCY MENTAL HEALTH HOLD pursuant to section
21 ~~27-65-105 or 27-65-106~~. On and after January 1, 1986, if the child to be
22 placed is in a detention facility, the designated facility shall admit the
23 child within twenty-four hours after the court orders an evaluation,
24 excluding Saturdays, Sundays, and legal holidays.

25 (3) (a) When the evaluation conducted pursuant to subsection (1)
26 of this section states that the child has a mental health disorder, as defined
27 in section 27-65-102, the court shall treat the evaluation report as a

1 certification under ~~section 27-65-107~~ SECTION 27-65-109 and shall
2 proceed pursuant to article 65 of title 27, assuming all of the powers
3 granted to a court in such proceedings.

4 **SECTION 39.** In Colorado Revised Statutes, 19-3-508, **amend**
5 (1)(d)(I) and (3) as follows:

6 **19-3-508. Neglected or dependent child - disposition -**
7 **concurrent planning.** (1) When a child has been adjudicated to be
8 neglected or dependent, the court may enter a decree of disposition the
9 same day, but in any event it shall do so within forty-five days unless the
10 court finds that the best interests of the child will be served by granting
11 a delay. In a county designated pursuant to section 19-1-123, if the child
12 is under six years of age at the time a petition is filed in accordance with
13 section 19-3-501 (2), the court shall enter a decree of disposition within
14 thirty days after the adjudication and shall not grant a delay unless good
15 cause is shown and unless the court finds that the best interests of the
16 child will be served by granting the delay. It is the intent of the general
17 assembly that the dispositional hearing be held on the same day as the
18 adjudicatory hearing, whenever possible. If a delay is granted, the court
19 shall set forth the reasons why a delay is necessary and the minimum
20 amount of time needed to resolve the reasons for the delay and shall
21 schedule the hearing at the earliest possible time following the delay.
22 When the proposed disposition is termination of the parent-child legal
23 relationship, the hearing on termination must not be held on the same date
24 as the adjudication, and the time limits set forth above for dispositional
25 hearings do not apply. When the proposed disposition is termination of
26 the parent-child legal relationship, the court may continue the
27 dispositional hearing to the earliest available date for a hearing in

1 accordance with the provisions of subsection (3)(a) of this section and
2 part 6 of this article 3. When the decree does not terminate the
3 parent-child legal relationship, the court shall approve an appropriate
4 treatment plan that must include but not be limited to one or more of the
5 following provisions of subsections (1)(a) to (1)(d) of this section:

6 (d) (I) The court may order that the child be examined or treated
7 by a physician, surgeon, psychiatrist, or psychologist or that ~~he or she~~ THE
8 CHILD receive other special care and may place the child in a hospital or
9 other suitable facility for such purposes; except that the child may not be
10 placed in a mental health facility operated by the department of human
11 services until the child has received a behavioral or mental health disorder
12 prescreening resulting in a recommendation that the child be placed in a
13 facility for evaluation pursuant to ~~section 27-65-105~~ or SECTION
14 27-65-106, or a hearing has been held by the court after notice to all
15 parties, including the department of human services. An order for a
16 ~~seventy-two-hour treatment and evaluation~~ AN EMERGENCY MENTAL
17 HEALTH HOLD must not be entered unless a hearing is held and evidence
18 indicates that the prescreening report is inadequate, incomplete, or
19 incorrect and that competent professional evidence is presented by a
20 mental health professional that indicates that a behavioral or mental
21 health disorder is present in the child. The court shall make, prior to the
22 hearing, such orders regarding temporary custody of the child as are
23 deemed appropriate. described in ~~section 27-65-105~~ SECTION 27-65-106
24 or a voluntary application for mental health services pursuant to section
25 27-65-103 OR 27-65-104. The arrangements for care must be completed
26 through the crisis response system or prearranged partnerships with other
27 crisis intervention services.

1 (3) (a) ~~On or before January 1, 2018, All~~ walk-in centers
2 throughout the state's crisis response system must be appropriately
3 designated by the ~~executive director~~ COMMISSIONER OF THE BEHAVIORAL
4 HEALTH ADMINISTRATION for ~~a seventy-two-hour treatment and~~
5 ~~evaluation~~ AN EMERGENCY MENTAL HEALTH HOLD, adequately prepared,
6 and properly staffed to accept an individual through the emergency
7 mental health procedure outlined in ~~section 27-65-105~~ SECTION 27-65-106
8 or a voluntary application for mental health services pursuant to section
9 27-65-103 OR 27-65-104. Priority for individuals receiving emergency
10 placement pursuant to ~~section 27-65-105~~ SECTION 27-65-106 is on
11 treating high-acuity individuals in the least restrictive environment
12 without the use of law enforcement.

13 (b) Increasing the ability of walk-in centers to accept individuals
14 through the emergency mental health procedure outlined in ~~section~~
15 ~~27-65-105~~ SECTION 27-65-106 or a voluntary application for mental
16 health services pursuant to section 27-65-103 OR 27-65-104 may include,
17 but is not limited to, purchasing, installing, and using telehealth
18 operations for mobile crisis evaluations in partnership with hospitals,
19 clinics, law enforcement agencies, and other appropriate service
20 providers.

21 **SECTION 40.** In Colorado Revised Statutes, 25-3-102.1, **amend**
22 **(1)(c)** as follows:

23 **25-3-102.1. Deemed status for certain facilities.** (1) (c) Upon
24 submission of a completed application for license renewal, the department
25 of public health and environment shall accept proof of the accreditation
26 in lieu of licensing inspections or other requirements. Nothing in this
27 section exempts an accredited health facility from inspections or from

1 other forms of oversight by the department as necessary to ensure public
2 health and safety. NOTHING IN THIS SECTION PREVENTS THE DEPARTMENT
3 OF PUBLIC HEALTH AND ENVIRONMENT FROM CONDUCTING AN INSPECTION
4 OF A HOSPITAL OR OTHER HEALTH FACILITY DESCRIBED IN SECTION
5 25-3-101 TO INVESTIGATE A COMPLAINT REGARDING THE PROVISIONS OF
6 SECTION 27-65-106, 27-65-107, 27-65-109, 27-65-110, OR 27-65-119.

7 **SECTION 41.** In Colorado Revised Statutes, 27-60-104.5,
8 **amend** (3)(e)(I) as follows:

9 **27-60-104.5. Behavioral health capacity tracking system -**
10 **legislative declaration - definitions - rules.** (3) Pursuant to subsection
11 (8) of this section, the state department shall implement a behavioral
12 health capacity tracking system, which must include the following:

13 (e) Capacity reporting for the following facilities and treatment
14 providers statewide:

15 (I) Facilities that provide evaluation and treatment to individuals
16 held under an emergency commitment pursuant to section 27-81-111, an
17 involuntary commitment pursuant to section 27-81-112, or a civil
18 commitment pursuant to ~~section 27-65-105~~ SECTION 27-65-106, including
19 crisis stabilization units, acute treatment units, community mental health
20 centers, and hospitals, including state mental health institutes;

21 **SECTION 42.** In Colorado Revised Statutes, 27-62-101, **amend**
22 (1)(a), (5), and (6)(a) as follows:

23 **27-62-101. Definitions.** As used in this article 62, unless the
24 context otherwise requires:

25 (1) "At risk of out-of-home placement" means a child or youth
26 who is eligible for medical assistance pursuant to articles 4, 5, and 6 of
27 title 25.5 and the child or youth:

1 (a) Has been diagnosed as having a mental health disorder, as
2 defined in section 27-65-102, ~~(11.5)~~; or a behavioral health disorder; and

3 (5) "Mental health professional" means an individual licensed as
4 a mental health professional pursuant to article 245 of title 12 or a
5 professional person, as defined in section 27-65-102 ~~(17)~~ (27).

6 (6) "Out-of-home placement" means a child or youth who is
7 eligible for medical assistance pursuant to articles 4, 5, and 6 of title 25.5
8 and the child or youth:

9 (a) Has been diagnosed as having a mental health disorder, as
10 defined in section 27-65-102, ~~(11.5)~~; or a behavioral health disorder; and

11 **SECTION 43.** In Colorado Revised Statutes, 27-66.5-102,
12 **amend** (3)(a)(I), (3)(a)(II), (3)(a)(III), and (3)(a)(VI) as follows:

13 **27-66.5-102. Definitions.** As used in this article 66.5, unless the
14 context otherwise requires:

15 (3) "High-risk individual" means a person who:

16 (a) Has a significant mental health or substance use disorder, as
17 evidenced by:

18 (I) An emergency ~~procedure for a seventy-two-hour~~ MENTAL
19 HEALTH hold pursuant to ~~section 27-65-105~~ SECTION 27-65-106;

20 (II) A certification for short-term treatment or extended short-term
21 treatment pursuant to ~~section 27-65-107 or 27-65-108~~ SECTION
22 27-65-109;

23 (III) Long-term care and treatment pursuant to ~~section 27-65-109~~
24 SECTION 27-65-110;

25 (VI) Receiving voluntary behavioral health services pursuant to
26 section 27-65-103, ~~27-65-104~~, 27-81-109, or 27-81-110; and

27 **SECTION 44.** In Colorado Revised Statutes, 27-67-103, **amend**

1 (2)(a) as follows:

2 **27-67-103. Definitions.** As used in this article 67, unless the
3 context otherwise requires:

4 (2) "Child or youth at risk of out-of-home placement" means a
5 child or youth who, although not otherwise categorically eligible for
6 medicaid, meets the following criteria:

7 (a) The child or youth has been diagnosed as having a mental
8 health disorder, as defined in section 27-65-102; ~~(11.5);~~

9 **SECTION 45.** In Colorado Revised Statutes, 27-80-302, **amend**
10 (1)(a) as follows:

11 **27-80-302. Definitions.** As used in this part 3, unless the context
12 otherwise requires:

13 (1) "Health-care provider" or "provider" means:

14 (a) A professional person, as defined in section 27-65-102 ~~(17)~~
15 ~~(27)~~;

16 **SECTION 46.** In Colorado Revised Statutes, 27-80-303, **amend**
17 (3)(c) as follows:

18 **27-80-303. Office of ombudsman for behavioral health access**
19 **to care - creation - appointment of ombudsman - duties.** (3) The
20 ombudsman shall:

21 (c) Receive and assist consumers and providers in reporting
22 concerns and filing complaints with appropriate regulatory or oversight
23 agencies relating to inappropriate care, ~~an emergency~~ A procedure ~~under~~
24 ~~section 27-65-105~~ FOR AN EMERGENCY MENTAL HEALTH HOLD PURSUANT
25 TO SECTION 27-65-106, a certification for short-term treatment ~~under~~
26 ~~section 27-65-107~~ PURSUANT TO SECTION 27-65-109, or a certification for
27 long-term care and treatment ~~under section 27-65-109~~ PURSUANT TO

1 SECTION 27-65-110;

2 **SECTION 47.** In Colorado Revised Statutes, 27-80-306, **amend**
3 (4) as follows:

4 **27-80-306. Annual report.** (4) The ombudsman shall not include
5 in the report required by this section any personally identifying
6 information about an individual consumer or health-care provider or
7 identifying information about a health-care facility licensed pursuant to
8 section 25-1.5-103 or an emergency medical services facility, as defined
9 in section 27-65-102. ~~(5.5).~~

10 **SECTION 48.** In Colorado Revised Statutes, 30-28-115, **amend**
11 (2)(b.5) as follows:

12 **30-28-115. Public welfare to be promoted - legislative**
13 **declaration - construction.** (2) (b.5) The general assembly declares that
14 the establishment of state-licensed group homes for the exclusive use of
15 persons with behavioral or mental health disorders, as ~~that term is~~ defined
16 in section 27-65-102, is a matter of statewide concern and that a
17 state-licensed group home for eight persons with behavioral or mental
18 health disorders is a residential use of property for zoning purposes, as
19 defined in section 31-23-301 (4). A group home for persons with
20 behavioral or mental health disorders established pursuant to this
21 subsection (2)(b.5) must not be located within seven hundred fifty feet of
22 another such group home or of another group home as described in
23 subsections (2)(a) and (2)(b) of this section, unless otherwise provided for
24 by the county. A person must not be placed in a group home without
25 being screened by either a professional person, as defined in section
26 27-65-102, ~~(17)~~ (27), or any other ~~such~~ mental health professional
27 designated by the director of a facility, which facility is approved by the

1 ~~executive director~~ COMMISSIONER of the ~~department of human services~~
2 ~~pursuant to section 27-90-102~~ BEHAVIORAL HEALTH ADMINISTRATION.
3 Persons determined to be not guilty by reason of insanity to a violent
4 offense must not be placed in such group homes, and any person who has
5 been convicted of a felony involving a violent offense is not eligible for
6 placement in such group homes. ~~The provisions of~~ This subsection
7 (2)(b.5) must be implemented, where appropriate, by the rules of the
8 department of public health and environment concerning residential
9 treatment facilities for persons with behavioral or mental health disorders.
10 Nothing in this subsection (2)(b.5) exempts such group homes from
11 compliance with any state, county, or municipal health, safety, and fire
12 codes.

13 **SECTION 49.** In Colorado Revised Statutes, 31-23-303, **amend**
14 (2)(b.5) as follows:

15 **31-23-303. Legislative declaration.** (2) (b.5) The general
16 assembly declares that the establishment of state-licensed group homes
17 for the exclusive use of persons with behavioral or mental health
18 disorders, as ~~that term is~~ defined in section 27-65-102, is a matter of
19 statewide concern and that a state-licensed group home for eight persons
20 with behavioral or mental health disorders is a residential use of property
21 for zoning purposes, as defined in section 31-23-301 (4). A group home
22 for persons with behavioral or mental health disorders established
23 pursuant to this subsection (2)(b.5) must not be located within seven
24 hundred fifty feet of another such group home, unless otherwise provided
25 for by the municipality. A person must not be placed in a group home
26 without being screened by either a professional person, as defined in
27 section 27-65-102 ~~(17)~~ (27), or any other such mental health professional

1 designated by the director of a facility approved by the ~~executive director~~
2 COMMISSIONER of the ~~department of human services pursuant to section~~
3 ~~27-90-102~~ BEHAVIORAL HEALTH ADMINISTRATION. Persons determined
4 to be not guilty by reason of insanity to a violent offense must not be
5 placed in such group homes, and any person who has been convicted of
6 a felony involving a violent offense is not be eligible for placement in
7 such group homes. ~~The provisions of~~ This subsection (2)(b.5) must be
8 implemented, where appropriate, by the rules of the department of public
9 health and environment concerning residential treatment facilities for
10 persons with behavioral or mental health disorders. Nothing in this
11 subsection (2)(b.5) exempts such group homes from compliance with any
12 state, county, or municipal health, safety, and fire codes.

13 **SECTION 50.** In Colorado Revised Statutes, 42-2-116, **amend**
14 (5) as follows:

15 **42-2-116. Restricted license.** (5) The department is authorized
16 after examination to issue a restricted license to a person with a
17 behavioral or mental health disorder or an intellectual and developmental
18 disability, containing such restrictions as may be imposed upon said
19 person by a court pursuant to part 3 or part 4 of article 14 of title 15 or
20 ~~section 27-65-109 (4)~~ SECTION 27-65-110 (4) or 27-65-127.

21 **SECTION 51.** In Colorado Revised Statutes, 42-2-125, **amend**
22 (1)(h) as follows:

23 **42-2-125. Mandatory revocation of license and permit.** (1) The
24 department shall immediately revoke the license or permit of any driver
25 or minor driver upon receiving a record showing that the driver has:

26 (h) Been determined to be mentally incompetent by a court of
27 competent jurisdiction and for whom a court has entered, pursuant to part

1 3 or part 4 of article 14 of title 15 ~~C.R.S.~~; or ~~section 27-65-109 (4)~~
2 SECTION 27-65-110(4) or 27-65-127, ~~C.R.S.~~; an order specifically finding
3 that the mental incompetency is of such a degree that the person is
4 incapable of safely operating a motor vehicle;

5 **SECTION 52.** In Colorado Revised Statutes, **repeal of**
6 **nonrelocated provisions in this act**, 27-65-102 (14), 27-65-105 (6),
7 27-65-106 (1), 27-65-106 (7), 27-65-106 (8), 27-65-106 (9), 27-65-106
8 (10), 27-65-117 (1)(b), 27-65-117 (1)(c), 27-65-125, and 27-65-126.

9 **SECTION 53. Appropriation.** (1) For the 2022-23 state fiscal
10 year, \$522,433 is appropriated to the department of human services. This
11 appropriation is from the general fund. To implement this act, the
12 department may use this appropriation as follows:

13 (a) \$345,007 for use by the behavioral health administration for
14 program costs, which amount is based on an assumption that the
15 administration will require an additional 4.5 FTE; and

16 (b) \$177,426 for the purchase of legal services.

17 (2) For the 2022-23 state fiscal year, \$177,426 is appropriated to
18 the department of law. This appropriation is from reappropriated funds
19 received from the department of human services under subsection (1)(b)
20 of this section and is based on an assumption that the department of law
21 will require an additional 1.0 FTE. To implement this act, the department
22 of law may use this appropriation to provide legal services for the
23 department of human services.

24 (3) For the 2022-23 state fiscal year, \$86,700 is appropriated to
25 the judicial department. This appropriation is from the general fund. To
26 implement this act, the department may use this appropriation for court
27 costs, jury costs, and court-appointed counsel.

1 **SECTION 54. Act subject to petition - effective date.** Sections
2 2 and 5 of this act take effect July 1, 2023, sections 27-65-108 and
3 27-65-111, as enacted in section 1 of this act, and sections 3 and 4 of this
4 act take effect July 1, 2024, and the remainder of this act takes effect at
5 12:01 a.m. on the day following the expiration of the ninety-day period
6 after final adjournment of the general assembly; except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2022 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor; except that
13 sections 2 and 5 of this act take effect July 1, 2023, sections 27-65-108
14 and 27-65-111, as enacted in section 1 of this act, and sections 3 and 4 of
15 this act take effect July 1, 2024.