

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 22-0802.01 Conrad Imel x2313

HOUSE BILL 22-1281

HOUSE SPONSORSHIP

Gonzales-Gutierrez, Amabile, Bradfield, Michaelson Jenet, Van Beber

SENATE SPONSORSHIP

Winter and Rankin,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROGRAM TO FUND BEHAVIORAL HEALTH-CARE**
102 **SERVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill establishes the community behavioral health-care continuum gap grant program (grant program) in the behavioral health administration (BHA). The BHA administers the grant program. As part of the grant program, the BHA may award community investment grants to support services along the continuum of behavioral health care and children, youth, and family services grants to expand youth-oriented and

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.

family-oriented behavioral health-care services. A community-based organization, local government, or nonprofit organization is eligible for a grant award.

The BHA must develop a behavioral health-care services assessment tool that grant applicants can use to identify regional gaps in services on the behavioral health-care service continuum. In awarding grants, the BHA shall give preference to applicants providing a service that addresses a gap in services identified with the assessment tool.

In order to receive a grant, an applicant must submit an application and identify a source of contributing funds or nonfinancial contributing resources, such as in-kind contributions, that directly support the behavioral health-care services provided with the grant award.

Each grant recipient must report to the BHA information about the use of the grant award. The state department of human services must include information about the grant program in its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing.

The bill appropriates \$90 million from the behavioral and mental health cash fund to the state department for the grant program.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 declares that it intends to further the goals declared by the behavioral
4 health transformational task force, established by the general assembly in
5 2021, which includes ensuring that:

6 (a) Those with the highest needs get the care they need when they
7 need it;

8 (b) People can access a behavioral health-care service when they
9 need it and as early in the continuum as possible;

10 (c) People with behavioral health-care needs are connected to
11 services across the behavioral health-care the continuum;

12 (d) Equitable, culturally responsive, inclusive, effective, and
13 high-quality services are available in all regions across Colorado;

14 (e) The state has a trained, qualified, and diverse workforce that

1 is sufficient to meet the needs of Coloradans; and

2 (f) There is integration and parity between physical and behavioral
3 health.

4 (2) The general assembly further finds and declares that:

5 (a) The federal government enacted the "American Rescue Plan
6 Act of 2021" (ARPA), Pub.L. 117-2, pursuant to which Colorado
7 received \$3,828,761,790 to mitigate the fiscal effects stemming from the
8 COVID-19 public health emergency;

9 (b) Government recipients of ARPA funds may use the funds to
10 provide resources for governments to meet the public health and
11 economic needs of those impacted by the pandemic in their communities.
12 Pursuant to ARPA and subsequent federal regulations, when providing
13 behavioral health-care services, government recipients may presume that
14 the general public was impacted by the pandemic, and they can therefore
15 use ARPA funds to provide a broad range of behavioral health-care
16 services to the public.

17 (c) The expenditures for the community behavioral health-care
18 continuum gap grant program, which provides grants for programs and
19 services along the behavioral health-care continuum, are considered an
20 allowable use under ARPA and are necessary to respond to the
21 COVID-19 public health emergency; and

22 (d) The behavioral health-care services and programs and funding
23 for behavioral health facilities and equipment described in this act are
24 important government services.

25 **SECTION 2.** In Colorado Revised Statutes, **add** part 3 to article
26 60 of title 27 as follows:

27 **PART 3**

1 COMMUNITY BEHAVIORAL HEALTH-CARE CONTINUUM
2 GAP GRANT PROGRAM

3 **27-60-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
6 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
7 27-60-203.

8 (2) "BEHAVIORAL HEALTH-CARE SERVICES ASSESSMENT TOOL"
9 MEANS THE ASSESSMENT TOOL DESCRIBED IN SECTION 27-60-302 (1)(c)
10 DEVELOPED BY THE BHA TO IDENTIFY REGIONAL GAPS IN BEHAVIORAL
11 HEALTH-CARE SERVICES.

12 (3) "CARE ACCESS POINT" MEANS A LOCATION AT WHICH A PERSON
13 SEEKING BEHAVIORAL HEALTH CARE CAN RECEIVE CARE COORDINATION.

14 (4) "COMMUNITY-BASED ORGANIZATION" MEANS A NONPROFIT OR
15 FOR-PROFIT ORGANIZATION THAT PROVIDES BEHAVIORAL HEALTH-CARE
16 SERVICES TO CLIENTS WHO ARE RECEIVING PUBLIC BENEFITS.

17 (5) "GRANT PROGRAM" MEANS THE COMMUNITY BEHAVIORAL
18 HEALTH-CARE CONTINUUM GAP GRANT PROGRAM ESTABLISHED IN SECTION
19 27-60-302.

20 (6) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
21 CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF
22 TITLE 22, AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO
23 PART 5 OF ARTICLE 30.5 OF TITLE 22, OR A BOARD OF COOPERATIVE
24 SERVICES AS DEFINED IN SECTION 22-5-103.

25 (7) "LOCAL GOVERNMENT" MEANS A COUNTY, MUNICIPALITY, CITY
26 AND COUNTY, FEDERALLY RECOGNIZED INDIAN TRIBE, OR LOCAL
27 EDUCATION PROVIDER.

1 (8) "MEDICATION-ASSISTED TREATMENT" OR "MAT" HAS THE
2 SAME MEANING AS SET FORTH IN SECTION 23-21-803.

3 (9) "NONPROFIT ORGANIZATION" MEANS AN ORGANIZATION THAT
4 IS EXEMPT FROM TAXATION UNDER SECTION 501 (c)(3) OF THE FEDERAL
5 "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

6 **27-60-302. Behavioral health-care continuum gap grant**
7 **program - established - rules.** (1) (a) THERE IS ESTABLISHED IN THE
8 BEHAVIORAL HEALTH ADMINISTRATION THE BEHAVIORAL HEALTH-CARE
9 CONTINUUM GAP GRANT PROGRAM TO PROVIDE GRANTS TO LOCAL
10 GOVERNMENTS, COMMUNITY-BASED ORGANIZATIONS, AND NONPROFIT
11 ORGANIZATIONS FOR PROGRAMS AND SERVICES ALONG THE BEHAVIORAL
12 HEALTH-CARE CONTINUUM IN AREAS OF NEED, INCLUDING
13 CHILDREN-ORIENTED, YOUTH-ORIENTED, AND FAMILY-ORIENTED
14 BEHAVIORAL HEALTH-CARE SERVICES.

15 (b) (I) THE BEHAVIORAL HEALTH ADMINISTRATION SHALL
16 ADMINISTER THE GRANT PROGRAM. THE BHA SHALL CREATE A GRANT
17 APPLICATION PROCESS AND MAKE THE PROCESS PUBLICLY AVAILABLE ON
18 ITS WEBSITE PRIOR TO ACCEPTING APPLICATIONS. THE BHA SHALL BEGIN
19 ACCEPTING GRANT APPLICATIONS NO LATER THAN DECEMBER 31, 2022.

20 (II) THE BHA SHALL PROVIDE GRANT APPLICATION SUPPORT TO AN
21 APPLICANT, UPON REQUEST, FROM A GRANT APPLICATION WRITING
22 PROFESSIONAL WHO IS INDEPENDENT FROM THE GRANT PROGRAM.

23 (c) THE BHA SHALL DEVELOP A BEHAVIORAL HEALTH-CARE
24 SERVICES ASSESSMENT TOOL TO IDENTIFY REGIONAL GAPS IN SERVICES ON
25 THE BEHAVIORAL HEALTH-CARE SERVICE CONTINUUM. THE BHA SHALL
26 MAKE THE ASSESSMENT TOOL PUBLICLY AVAILABLE ON ITS WEBSITE PRIOR
27 TO ACCEPTING APPLICATIONS FOR A GRANT PURSUANT TO THIS PART 3.

1 (d) IN ADMINISTERING THE GRANT PROGRAM, THE BHA MAY
2 AWARD THE FOLLOWING TYPES OF GRANTS:

3 (I) COMMUNITY INVESTMENT GRANTS, AS DESCRIBED IN
4 SUBSECTION (2) OF THIS SECTION, TO ADDRESS IDENTIFIED BEHAVIORAL
5 HEALTH-CARE NEEDS WITH SUPPORTING SERVICES ALONG THE CONTINUUM
6 OF BEHAVIORAL HEALTH CARE; AND

7 (II) CHILDREN, YOUTH, AND FAMILY SERVICES GRANTS, AS
8 DESCRIBED IN SUBSECTION (3) OF THIS SECTION, TO EXPAND
9 CHILDREN-ORIENTED, YOUTH-ORIENTED, AND FAMILY-ORIENTED
10 BEHAVIORAL HEALTH-CARE SERVICES.

11 (2) **Community investment grants.** (a) AS PART OF THE GRANT
12 PROGRAM, THE BHA SHALL AWARD GRANTS TO INVEST IN AND ADDRESS
13 IDENTIFIED BEHAVIORAL HEALTH-CARE NEEDS IN THE GRANT APPLICANT'S
14 COMMUNITY.

15 (b) A COMMUNITY-BASED ORGANIZATION, LOCAL GOVERNMENT,
16 OR NONPROFIT ORGANIZATION IS ELIGIBLE FOR A COMMUNITY INVESTMENT
17 GRANT.

18 (c) (I) A COMMUNITY INVESTMENT GRANT AWARD MAY BE USED
19 FOR EVIDENCE-BASED OR EVIDENCE-INFORMED SERVICES ALONG THE
20 BEHAVIORAL HEALTH-CARE CONTINUUM, INCLUDING PREVENTION,
21 TREATMENT, CRISIS SERVICES, RECOVERY, HARM REDUCTION, CARE
22 NAVIGATION AND COORDINATION, TRANSITIONAL HOUSING, SUPPORTIVE
23 HOUSING, AND RECOVERY HOMES, AND FOR CAPITAL EXPENDITURES
24 RELATED TO PROVIDING THESE SERVICES. A COMMUNITY INVESTMENT
25 GRANT AWARD MAY ALSO BE USED TO EXPAND CAPACITY FOR EXISTING
26 TREATMENT, PROGRAMS, OR SERVICES WITHIN THE GRANT RECIPIENT'S
27 JURISDICTION OR SERVICE AREA.

1 (II) IF THE GRANT RECIPIENT IS A NONPROFIT ORGANIZATION THAT
2 IS A HOSPITAL, IT MAY USE A GRANT AWARD TO REDESIGN ACCESS TO
3 SUBSTANCE USE DISORDER TREATMENT, CREATE TELEHEALTH
4 PARTNERSHIPS WITH AN APPROVED PROVIDER TO SUPPORT
5 MEDICATION-ASSISTED TREATMENT AND OUTPATIENT SERVICES, AND FUND
6 START-UP COSTS FOR MOBILE MAT UNITS THAT SERVE RURAL AREAS,
7 COLLECTIVELY AND COMMONLY KNOWN AS "TREATMENT ON DEMAND".

8 (3) **Children, youth, and family services grants.** (a) AS PART OF
9 THE GRANT PROGRAM, THE BHA SHALL AWARD CHILDREN, YOUTH, AND
10 FAMILY SERVICES GRANTS TO EXPAND CHILDREN-ORIENTED,
11 YOUTH-ORIENTED, AND FAMILY-ORIENTED BEHAVIORAL HEALTH-CARE
12 SERVICES WITH THE GOAL OF ESTABLISHING A CARE ACCESS POINT IN EACH
13 HEALTH SERVICES AREA, AS DESIGNATED BY THE HEALTH RESOURCES AND
14 SERVICES ADMINISTRATION IN THE FEDERAL DEPARTMENT OF HEALTH AND
15 HUMAN SERVICES, IN COLORADO.

16 (b) A COMMUNITY-BASED ORGANIZATION; LOCAL GOVERNMENT;
17 LOCAL COLLABORATIVE MANAGEMENT PROGRAMS, AS DESCRIBED IN
18 SECTION 24-1.9-102; LOCAL JUVENILE SERVICES PLANNING COMMITTEE
19 CREATED PURSUANT TO SECTION 19-2.5-302; OR NONPROFIT
20 ORGANIZATION IS ELIGIBLE FOR A CHILDREN, YOUTH, AND FAMILY
21 SERVICES GRANT.

22 (c) A CHILDREN, YOUTH, AND FAMILY SERVICES GRANT AWARD
23 MAY BE USED FOR:

24 (I) ESTABLISHING AND OPERATING A CHILDREN-ORIENTED,
25 YOUTH-ORIENTED, AND FAMILY-ORIENTED CARE ACCESS POINT THAT IS
26 PHYSICALLY CONNECTED TO A FAMILY RESOURCE CENTER, AS DEFINED IN
27 SECTION 26-18-102, OR A FACILITY THAT PROVIDES BEHAVIORAL

1 HEALTH-CARE TREATMENT;

2 (II) CHILDREN-ORIENTED, YOUTH-ORIENTED, AND
3 FAMILY-ORIENTED BEHAVIORAL HEALTH-CARE NAVIGATION AND
4 COORDINATION SERVICES;

5 (III) EXPANDING EVIDENCE-BASED OR EVIDENCE-INFORMED
6 BEHAVIORAL HEALTH-CARE TREATMENT, INCLUDING SUBSTANCE USE
7 DISORDER TREATMENT, FOR CHILDREN, YOUTH, AND FAMILIES;

8 (IV) INTENSIVE OUTPATIENT SERVICES, INCLUDING HIGH-FIDELITY
9 WRAPAROUND YOUTH MOBILE RESPONSE AND EXPANDED CAREGIVER
10 INTERVENTIONS; AND

11 (V) CAPITAL EXPENDITURES RELATED TO PROVIDING THE
12 TREATMENT AND SERVICES DESCRIBED IN THIS SUBSECTION (3)(c).

13 **27-60-303. Grant program application - criteria - contributing**
14 **resources - award - rules.** (1) IN ORDER TO RECEIVE A GRANT, AN
15 ENTITY MUST USE THE BEHAVIORAL HEALTH-CARE SERVICES ASSESSMENT
16 TOOL TO IDENTIFY GAPS IN BEHAVIORAL HEALTH-CARE SERVICES IN THE
17 REGION SERVED BY THE GRANT AWARD AND SUBMIT AN APPLICATION TO
18 THE BHA. AT A MINIMUM, THE APPLICATION MUST INCLUDE:

19 (a) WHETHER THE GRANT IS A COMMUNITY INVESTMENT GRANT,
20 AS DESCRIBED IN SECTION 27-60-302 (2), OR A CHILDREN, YOUTH, AND
21 FAMILY SERVICES GRANT, AS DESCRIBED IN SECTION 27-60-302 (3);

22 (b) THE REQUESTED AMOUNT OF THE GRANT AWARD AND A
23 DESCRIPTION OF THE SERVICE THAT WILL BE PROVIDED WITH THE GRANT
24 AWARD;

25 (c) A DEMONSTRATION OF THE NEED FOR THE SERVICE THAT WILL
26 BE PROVIDED, INCLUDING WHETHER THE SERVICE ADDRESSES A GAP IN
27 SERVICES IDENTIFIED BY THE APPLICANT;

1 (d) THE SOURCE OF CONTRIBUTING FUNDS OR NONFINANCIAL
2 CONTRIBUTING RESOURCES, AS DESCRIBED IN SUBSECTION (3) OF THIS
3 SECTION, OR WHETHER THE APPLICANT IS REQUESTING A WAIVER FROM
4 THE CONTRIBUTING FUNDS REQUIREMENT;

5 (e) WHETHER THE INTENDED USE OF THE GRANT AWARD ALIGNS
6 WITH A REGIONAL OPIOID SETTLEMENT PLAN, IF APPLICABLE, OR A LOCAL
7 PUBLIC HEALTH NEEDS ASSESSMENT FOR THE AREA IN WHICH THE
8 SERVICES WILL BE PROVIDED;

9 (f) A COMMITMENT TO SUSTAIN THE SERVICES PROVIDED WITH A
10 GRANT AWARD BEYOND THE DURATION OF THE GRANT, IF APPLICABLE;
11 AND

12 (g) ANY OTHER INFORMATION REQUIRED BY THE STATE
13 DEPARTMENT.

14 (2) THE BHA SHALL ACCEPT AND REVIEW GRANT APPLICATIONS
15 AND AWARD GRANTS. IN AWARDING GRANTS, THE BHA SHALL CONSIDER
16 THE CRITERIA DESCRIBED IN SUBSECTION (1) OF THIS SECTION AND SHALL
17 GIVE PREFERENCE TO APPLICANTS PROVIDING A SERVICE THAT ADDRESSES
18 A GAP IN SERVICES IDENTIFIED BY THE APPLICANT WITH THE BEHAVIORAL
19 HEALTH-CARE SERVICES ASSESSMENT TOOL.

20 (3) (a) THE BHA SHALL ONLY AWARD GRANTS TO APPLICANTS
21 THAT HAVE IDENTIFIED A SOURCE OF CONTRIBUTING FUNDS OR
22 NONFINANCIAL CONTRIBUTING RESOURCES IN AN AMOUNT DETERMINED
23 BY THE BHA FOR THE APPLICANT; EXCEPT THAT THE BHA MAY WAIVE
24 THE CONTRIBUTING FUNDS OR RESOURCES REQUIREMENT FOR AN
25 APPLICANT THAT IS REQUESTING A GRANT AWARD OF LESS THAN FIFTY
26 THOUSAND DOLLARS. IN DETERMINING THE AMOUNT OF CONTRIBUTING
27 FUNDS REQUIRED FOR AN APPLICANT, THE BHA SHALL CONSIDER THE SIZE

1 OF THE APPLICANT ORGANIZATION, INCLUDING AVAILABLE STAFF AND
2 ANNUAL OPERATING BUDGET.

3 (b) NONFINANCIAL CONTRIBUTING RESOURCES MAY BE ANY
4 NONMONETARY RESOURCES, INCLUDING IN-KIND LOCAL GOVERNMENT
5 SERVICES, THAT DIRECTLY SUPPORT THE BEHAVIORAL HEALTH-CARE
6 SERVICES PROVIDED WITH A GRANT AWARD.

7 (4)(a) A GRANT RECIPIENT SHALL SPEND OR OBLIGATE ANY GRANT
8 MONEY BY DECEMBER 31, 2024. ANY MONEY OBLIGATED BY DECEMBER
9 31, 2024, MUST BE EXPENDED BY DECEMBER 31, 2026.

10 (b) A GRANT RECIPIENT MAY USE NO MORE THAN TEN PERCENT OF
11 A GRANT AWARD FOR ADMINISTRATIVE COSTS ASSOCIATED WITH RECEIPT
12 OF THE GRANT AWARD.

13 **27-60-304. Grant program reporting requirements.** (1) EACH
14 GRANT RECIPIENT SHALL SUBMIT A REPORT TO THE BHA FOLLOWING THE
15 EXPIRATION OF THE GRANT TERM. THE REPORT MUST INCLUDE:

16 (a) INFORMATION ABOUT THE USE OF THE GRANT AWARD,
17 INCLUDING THE SERVICES PROVIDED WITH A GRANT AWARD AND WHERE
18 THOSE SERVICES WERE PROVIDED;

19 (b) THE AMOUNT OF CONTRIBUTING FUNDS OR NONFINANCIAL
20 CONTRIBUTING RESOURCES THAT SUPPORTED THE SERVICES;

21 (c) AGGREGATED DEMOGRAPHIC INFORMATION OF THE
22 INDIVIDUALS WHO RECEIVE SERVICES FUNDED WITH A GRANT AWARD;

23 (d) WHETHER THE RECIPIENT IS CONTINUING TO PROVIDE THE
24 SERVICES, AND ANY OTHER INFORMATION REQUESTED BY THE STATE
25 DEPARTMENT.

26 (2)(a) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE
27 PURSUANT TO THE "STATE MEASUREMENT FOR ACCOUNTABLE,

1 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT"
2 REQUIRED BY SECTION 2-7-203, THE STATE DEPARTMENT SHALL PROVIDE
3 INFORMATION ABOUT THE GRANT PROGRAM, INCLUDING INFORMATION ON
4 THE TYPE OF SERVICES FUNDED WITH A GRANT AWARD AND WHERE THOSE
5 SERVICES WERE PROVIDED.

6 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
7 REPORTING REQUIREMENT IN THIS SUBSECTION (2) CONTINUES
8 INDEFINITELY.

9 **27-60-305. Grant program funding - requirements - reports.**

10 (1) THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE STATE
11 DEPARTMENT NINETY MILLION DOLLARS FROM THE BEHAVIORAL AND
12 MENTAL HEALTH CASH FUND CREATED IN SECTION 24-75-230 TO
13 IMPLEMENT THE GRANT PROGRAM.

14 (2) OF THE MONEY APPROPRIATED TO THE STATE DEPARTMENT,
15 THE BHA SHALL AWARD GRANTS IN THE FOLLOWING MANNER:

16 (a) FORTY-FIVE MILLION DOLLARS FOR COMMUNITY INVESTMENT
17 GRANTS, AS DESCRIBED IN SECTION 27-60-302 (2); AND

18 (b) FORTY-FIVE MILLION DOLLARS FOR CHILDREN, YOUTH, AND
19 FAMILY SERVICES GRANTS, AS DESCRIBED IN SECTION 27-60-302 (3).

20 (3) (a) THE STATE DEPARTMENT, BHA, AND ANY PERSON WHO
21 RECEIVES MONEY FROM THE BHA, INCLUDING EACH GRANT RECIPIENT,
22 SHALL COMPLY WITH THE COMPLIANCE, REPORTING, RECORD-KEEPING,
23 AND PROGRAM EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE
24 OF STATE PLANNING AND BUDGETING AND THE STATE CONTROLLER IN
25 ACCORDANCE WITH SECTION 24-75-226 (5).

26 (b) TO BE ELIGIBLE TO RECEIVE GRANT MONEY FOR A CAPITAL
27 EXPENDITURE, THE GRANT APPLICANT MUST SUBMIT TO THE BHA A

1 WRITTEN JUSTIFICATION AS SET FORTH IN 31 CFR 35.6 (b)(4) FOR THE
2 CAPITAL EXPENDITURE; EXCEPT THAT THIS REQUIREMENT DOES NOT
3 APPLY IF THE BHA DETERMINES THAT THE WRITTEN JUSTIFICATION IS NOT
4 REQUIRED BASED ON HOW THE EXPENDITURES AUTHORIZED PURSUANT TO
5 THIS PART 3 WILL BE REPORTED TO THE UNITED STATES DEPARTMENT OF
6 THE TREASURY.

7 **27-60-306. Repeal of part.** THIS PART 3 IS REPEALED, EFFECTIVE
8 JANUARY 31, 2027.

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