

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0814.01 Jerry Barry x4341

HOUSE BILL 22-1303

HOUSE SPONSORSHIP

Amabile, Gonzales-Gutierrez, Michaelson Jenet

SENATE SPONSORSHIP

Winter and Smallwood,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AN INCREASE IN THE NUMBER OF RESIDENTIAL
102 BEHAVIORAL HEALTH BEDS, AND, IN CONNECTION THEREWITH,
103 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/>.)

The bill requires the department of human services (department) to renovate a building at the mental health institute at Fort Logan to create at least 16 additional civil beds for persons in need of residential behavioral health treatment. The bill authorizes the new beds to be used for persons needing competency restoration services until the backlog of

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.

such persons is eliminated.

The bill also directs the department and the department of health care policy and financing to create, develop, or contract to add at least 125 additional beds at mental health residential treatment facilities (treatment facilities) throughout the state for adults in need of ongoing supportive services. The bill requires treatment facilities to be licensed by the department of public health and environment as an assisted living facility or by the department as a behavioral health entity during the 2022-23 state fiscal year. Starting in the 2023-24 state fiscal year, the treatment facilities must be licensed by the behavioral health administration.

The bill appropriates \$65 million for the renovation of the building and the creation, development, or contracting for the new beds at treatment facilities.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) During the COVID-19 pandemic, adults with behavioral health
5 needs have faced unprecedented challenges;

6 (b) During this time, adults and their families have needed
7 increased availability of behavioral and mental health care, including
8 residential beds;

9 (c) At least one hundred twenty-five additional residential beds for
10 adults with severe mental illness or urgent behavioral health needs that
11 require long-term services and supports or immediate intervention must
12 be created statewide and made available as long as necessary for
13 stabilization;

14 (d) The Colorado mental health institute at Fort Logan needs
15 sixteen additional beds to serve adults in need of competency services and
16 adults with serious mental illness or chronic behavioral health needs in
17 need of civil commitment;

1 (e) The federal government enacted the "American Rescue Plan
2 Act of 2021" to enable state, local, and tribal governments to provide
3 critical government services in response to the adverse impacts of the
4 COVID-19 pandemic;

5 (f) People with serious mental illness are in need of longer-term
6 treatment and stabilization services in their communities;

7 (g) The residential beds funded by this act are appropriate uses
8 of the federal money transferred to Colorado under the "American Rescue
9 Plan Act". This funding will expand access to residential beds; and

10 (h) The services described in this act are critical government
11 services.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 27-94-107 as
13 follows:

14 **27-94-107. Renovation for additional beds.** (1) THE
15 DEPARTMENT OF HUMAN SERVICES SHALL RENOVATE A BUILDING AT THE
16 CENTER TO ADD AT LEAST SIXTEEN INPATIENT CIVIL BEDS.

17 (2) INITIALLY, THE BEDS MAY BE USED FOR PERSONS NEEDING
18 COMPETENCY SERVICES. WHEN THE WAIT LIST FOR COMPETENCY SERVICES
19 PURSUANT TO SECTION 16-8-106 (1) IS ELIMINATED, THE DEPARTMENT
20 SHALL, WHEN PRACTICAL, IMPLEMENT A PLAN TO TRANSITION THE BEDS
21 CREATED IN SUBSECTION (1) OF THIS SECTION TO SERVE CIVIL PATIENTS
22 AND IMMEDIATELY NOTIFY THE JOINT BUDGET COMMITTEE OF THE
23 GENERAL ASSEMBLY. WITHIN ONE YEAR AFTER THE NOTIFICATION TO THE
24 JOINT BUDGET COMMITTEE, ALL BEDS CREATED PURSUANT TO SUBSECTION
25 (1) OF THIS SECTION MUST SERVE CIVIL PATIENTS.

26 **SECTION 3.** In Colorado Revised Statutes, **add** article 71 of title
27 as follows:

1 SEVENTY-TWO HOUR EVALUATION AND TREATMENT, AND SHORT-TERM
2 AND LONG-TERM TREATMENT;

3 (c) COMMUNITY BEHAVIORAL HEALTH SAFETY NET PROVIDER;

4 (d) WALK-IN CRISIS CENTER, CRISIS STABILIZATION UNIT, OR
5 ACUTE TREATMENT UNIT OPERATING AS PART OF THE BEHAVIORAL HEALTH
6 CRISIS RESPONSE SYSTEM; OR

7 (e) HOSPITAL EMERGENCY ROOM.

8 **27-71-103. Mental health residential treatment facilities -**

9 **additional beds.** (1) (a) ON OR BEFORE JULY 1, 2023, THE DEPARTMENT
10 AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL
11 JOINTLY CREATE, DEVELOP, OR CONTRACT TO ADD AT LEAST AN
12 ADDITIONAL ONE HUNDRED AND TWENTY-FIVE BEDS AT MENTAL HEALTH
13 RESIDENTIAL TREATMENT FACILITIES THROUGHOUT THE STATE BASED ON
14 THE GREATEST AREAS OF NEED. THE BEDS IN THE TREATMENT FACILITIES
15 ARE AVAILABLE FOR ADULT INDIVIDUALS IN NEED OF ONGOING
16 SUPPORTIVE SERVICES, BUT INDIVIDUALS WITH A SEVERE MENTAL ILLNESS
17 OR A DUAL DIAGNOSIS OF MENTAL ILLNESS AND ALCOHOL OR SUBSTANCE
18 USE DISORDER MUST BE PRIORITIZED. WHEN AVAILABLE, THE
19 DEPARTMENT SHALL USE EXISTING DEPARTMENT PROPERTIES FOR THE
20 TREATMENT FACILITIES.

21 (b) AT A MINIMUM, THE DEPARTMENT SHALL ENSURE THAT THE
22 MENTAL HEALTH RESIDENTIAL TREATMENT FACILITIES OFFER THE
23 FOLLOWING SERVICES:

24 (I) ASSISTANCE WITH MEDICATION;

25 (II) DIRECT SUPPORT PERSONNEL INCLUDING ASSISTANCE WITH
26 ACTIVITIES OF DAILY LIVING;

27 (III) INTENSIVE CASE MANAGEMENT SERVICES;

1 (IV) LIFE SKILLS TRAINING; AND

2 (V) NON-MEDICAL TRANSPORTATION.

3 (c) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH CARE
4 POLICY AND FINANCING SHALL WORK COLLABORATIVELY TO ENSURE THE
5 BEDS IN THE TREATMENT FACILITIES ARE ELIGIBLE FOR FEDERAL FUNDING
6 THROUGH THE MEDICAL ASSISTANCE PROGRAM.

7 (2) (a) THE BEDS AT THE TREATMENT FACILITIES CREATED
8 PURSUANT TO THIS SECTION ARE INTENDED PRIMARILY FOR ADULT
9 INDIVIDUALS WITH SERIOUS MENTAL ILLNESS OR A CO-OCCURRING MENTAL
10 HEALTH AND SUBSTANCE USE DISORDER IN NEED OF RESIDENTIAL
11 TREATMENT. A MENTAL HEALTH TREATMENT FACILITY MAY ALSO PROVIDE
12 SERVICES TO AN INDIVIDUAL IN NEED OF COMPETENCY RESTORATION
13 PURSUANT TO ARTICLE 8.5 OF TITLE 16 WHO DOES NOT REQUIRE
14 IMPRISONMENT IN A JAIL.

15 (b) THE DEPARTMENT, IN COLLABORATION WITH THE BEHAVIORAL
16 HEALTH ADMINISTRATION AND THE DEPARTMENT OF HEALTH CARE POLICY
17 AND FINANCING, SHALL PRIORITIZE PLACEMENT FOR INDIVIDUALS IN THE
18 CIVIL SYSTEM WHO ARE LEAVING THE MENTAL HEALTH INSTITUTES AT
19 PUEBLO AND FORT LOGAN, CIVIL INDIVIDUALS BEING DISCHARGED FROM
20 INPATIENT SETTINGS, INDIVIDUALS CERTIFIED FOR SHORT-TERM
21 TREATMENT PURSUANT TO ARTICLE 65 OF THIS TITLE 27, AND CIVIL
22 INDIVIDUALS IN NEED OF RESIDENTIAL TREATMENT WHO ARE IN A MENTAL
23 HEALTH CRISIS FACILITY, ACUTE CARE HOSPITAL, OR IN THE COMMUNITY.

24 **27-71-104. Mental health residential treatment facilities -**
25 **initial license requirements - repeal.** (1) ON OR AFTER JULY 1, 2022,
26 ANY PERSON, PARTNERSHIP, ASSOCIATION, OR CORPORATION OPERATING
27 A MENTAL HEALTH RESIDENTIAL TREATMENT FACILITY SHALL OBTAIN A

1 LICENSE FROM THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
2 OR THE DEPARTMENT OF HUMAN SERVICES AS EITHER:

3 (a) AN ASSISTED LIVING RESIDENCE LICENSED PURSUANT TO
4 ARTICLE 27 OF TITLE 25; OR

5 (b) A BEHAVIORAL HEALTH ENTITY LICENSED PURSUANT TO
6 ARTICLE 27.6 OF TITLE 25.

7 (2) NOTWITHSTANDING THE REQUIREMENT OF SUBSECTION (1) OF
8 THIS SECTION, A MENTAL HEALTH TREATMENT FACILITY NEED NOT BE
9 LICENSED AS A MENTAL HEALTH TREATMENT FACILITY IF THE FACILITY IS:

10 (a) LICENSED PURSUANT TO ARTICLE 27 OF TITLE 25; AND

11 (b) PROVIDING SERVICES TO INDIVIDUALS UNDER A HOME- AND
12 COMMUNITY-BASED SERVICES FOR PERSONS WITH MAJOR MENTAL HEALTH
13 DISORDERS WAIVER PURSUANT TO PART 3 OF ARTICLE 6 OF TITLE 25.5 OR
14 HOME- AND COMMUNITY-BASED SERVICES FOR THE ELDERLY, BLIND, AND
15 DISABLED WAIVER PURSUANT TO PART 6 OF ARTICLE 6 OF TITLE 25.5.

16 (3) ON AND AFTER JULY 1, 2023, THE BEHAVIORAL HEALTH
17 ADMINISTRATION IS RESPONSIBLE FOR LICENSING MENTAL HEALTH HOME-
18 AND COMMUNITY-BASED WAIVER RESIDENTIAL TREATMENT FACILITIES.

19 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024.

20 **27-71-105. Mental health residential treatment facilities -**
21 **licensing requirements - rules.** (1) ON AND AFTER JULY 1, 2023, UNLESS
22 LICENSED AS AN ASSISTED LIVING FACILITY, ANY PERSON, PARTNERSHIP,
23 ASSOCIATION, OR CORPORATION OPERATING A MENTAL HEALTH
24 RESIDENTIAL TREATMENT FACILITY SHALL OBTAIN A LICENSE FROM THE
25 BEHAVIORAL HEALTH ADMINISTRATION. BY JULY 1, 2023, THE BHA
26 SHALL PROMULGATE RULES ESTABLISHING MINIMUM STANDARDS FOR THE
27 OPERATION AND LICENSING OF TREATMENT FACILITIES. THE RULES MUST

1 ADDRESS, AT A MINIMUM, HEALTH, SAFETY, WELFARE, AND
2 PROGRAMMATIC AND TREATMENT CONSIDERATION.

3 (2) NOTWITHSTANDING THE REQUIREMENT OF SUBSECTION (1) OF
4 THIS SECTION, A MENTAL HEALTH TREATMENT FACILITY NEED NOT BE
5 LICENSED AS A MENTAL HEALTH TREATMENT FACILITY IF THE FACILITY IS:

6 (a) LICENSED PURSUANT TO ARTICLE 27 OF TITLE 25; AND

7 (b) PROVIDING SERVICES TO INDIVIDUALS UNDER A HOME- AND
8 COMMUNITY-BASED SERVICES FOR PERSONS WITH MAJOR MENTAL HEALTH
9 DISORDERS WAIVER PURSUANT TO PART 6 OF ARTICLE 6 OF TITLE 25.5 OR
10 A HOME- AND COMMUNITY-BASED SERVICES FOR THE ELDERLY, BLIND,
11 AND DISABLED WAIVER PURSUANT TO PART 6 OF ARTICLE 6 OF TITLE 25.5.

12 **SECTION 4. Appropriation.** For the 2022-23 state fiscal year,
13 \$65,000,000 is appropriated to the department of human services. This
14 appropriation is from the behavioral and mental health cash fund created
15 in section 24-75-230, C.R.S. To implement this act, the department may
16 use this appropriation for the renovation of facilities at the Colorado
17 mental health institute at Fort Logan and the creation, development, or
18 contracting to add least 125 additional beds at mental health residential
19 treatment facilities pursuant to article 71 of title 27, C.R.S.

20 **SECTION 5. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.