

**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. 22-0814.01 Jerry Barry x4341

HOUSE BILL 22-1303

HOUSE SPONSORSHIP

Amabile and Sandridge, Gonzales-Gutierrez, Michaelson Jenet

SENATE SPONSORSHIP

Winter and Smallwood,

House Committees

Public & Behavioral Health & Human Services
Appropriations

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 █ BEDS.

17 (2) INITIALLY, THE BEDS MAY BE USED FOR PERSONS NEEDING
18 COMPETENCY SERVICES. WHEN THE WAIT LIST FOR COMPETENCY SERVICES
19 PROVIDED PURSUANT TO SECTION 16-8.5-111 IS ELIMINATED OR TRENDING
20 SO THAT IT CAN BE REASONABLY BE EXPECTED TO BE ELIMINATED WITHIN
21 ONE YEAR, THE DEPARTMENT OF HUMAN SERVICES SHALL IMPLEMENT A
22 PLAN TO TRANSITION THE BEDS CREATED IN SUBSECTION (1) OF THIS
23 SECTION TO SERVE CIVIL PATIENTS AND IMMEDIATELY NOTIFY THE JOINT
24 BUDGET COMMITTEE OF THE GENERAL ASSEMBLY. WITHIN ONE YEAR
25 AFTER THE NOTIFICATION TO THE JOINT BUDGET COMMITTEE, ALL BEDS
26 CREATED PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST SERVE
27 CIVIL PATIENTS.

1 **SECTION 3.** In Colorado Revised Statutes, **add** article 71 of title
2 27 as follows:

3 **ARTICLE 71**

4 **Mental Health Residential Facility**

5 **27-71-101. Legislative declaration.** THE GENERAL ASSEMBLY
6 FINDS AND DECLARES THAT THERE IS AN URGENT NEED FOR
7 COMMUNITY-BASED MENTAL HEALTH RESIDENTIAL BEDS THROUGHOUT
8 THE STATE TO SERVE INDIVIDUALS WHO NEED THE SUPPORT OF A
9 RESIDENTIAL SETTING.

10 **27-71-102. Definitions.** AS USED IN THIS ARTICLE 71, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "ASSISTED LIVING RESIDENCE" HAS THE SAME MEANING AS
13 DEFINED IN SECTION 25-27-102 (1.3).

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

17 (3) "BEHAVIORAL HEALTH DISORDER" HAS THE SAME MEANING AS
18 DEFINED IN SECTION 25-27.6-102 (5).

19 (4) "BEHAVIORAL HEALTH ENTITY" HAS THE SAME MEANING AS
20 DEFINED IN SECTION 25-27.6-102 (6).

21 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES.

22 (6) "MENTAL HEALTH RESIDENTIAL FACILITY" OR "MENTAL
23 HEALTH FACILITY" MEANS A RESIDENTIAL MENTAL HEALTH FACILITY
24 OPERATED BY A BEHAVIORAL HEALTH ENTITY OR AN ASSISTED LIVING
25 RESIDENCE TO SERVE INDIVIDUALS WITH A MENTAL HEALTH DISORDER
26 WHO NEED THE SUPPORT OF A LONG-TERM RESIDENTIAL SETTING
27 INCLUDING PERSONS COMING FROM A:

- 1 (a) COLORADO MENTAL HEALTH INSTITUTE;
- 2 (b) HOSPITAL DESIGNATED AS A PLACEMENT FACILITY FOR
3 SEVENTY-TWO HOUR EVALUATION AND TREATMENT, AND SHORT-TERM
4 AND LONG-TERM SUPPORT;
- 5 (c) COMMUNITY BEHAVIORAL HEALTH SAFETY NET PROVIDER;
- 6 (d) WALK-IN CRISIS CENTER, CRISIS STABILIZATION UNIT, OR
7 ACUTE TREATMENT UNIT OPERATING AS PART OF THE BEHAVIORAL HEALTH
8 CRISIS RESPONSE SYSTEM; OR
- 9 (e) HOSPITAL EMERGENCY ROOM.

10 **27-71-103. Mental health residential facilities - additional**
11 **beds.** (1) (a) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT AND THE
12 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL JOINTLY
13 CREATE, DEVELOP, OR CONTRACT TO ADD AT LEAST AN ADDITIONAL ONE
14 HUNDRED AND TWENTY-FIVE BEDS AT MENTAL HEALTH RESIDENTIAL
15 FACILITIES THROUGHOUT THE STATE BASED ON THE GREATEST AREAS OF
16 NEED. THE BEDS IN THE MENTAL HEALTH FACILITIES ARE AVAILABLE FOR
17 ADULT INDIVIDUALS IN NEED OF ONGOING SUPPORTIVE SERVICES, BUT
18 INDIVIDUALS WITH A SEVERE MENTAL ILLNESS OR A DUAL DIAGNOSIS OF
19 MENTAL ILLNESS AND ALCOHOL OR SUBSTANCE USE DISORDER MUST BE
20 PRIORITIZED. WHEN AVAILABLE, THE DEPARTMENT SHALL USE EXISTING
21 DEPARTMENT PROPERTIES FOR THE MENTAL HEALTH FACILITIES.

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

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

1 (III) INTENSIVE CASE MANAGEMENT SERVICES;

2 (IV) LIFE SKILLS TRAINING; AND

3 (V) NON-MEDICAL TRANSPORTATION.

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

8 (2) (a) THE BEDS AT THE MENTAL HEALTH FACILITIES CREATED
9 PURSUANT TO THIS SECTION ARE INTENDED PRIMARILY FOR ADULT
10 INDIVIDUALS WITH SERIOUS MENTAL ILLNESS OR A CO-OCCURRING MENTAL
11 HEALTH AND SUBSTANCE USE DISORDER IN NEED OF SERVICES. A MENTAL
12 HEALTH FACILITY MAY ALSO PROVIDE SERVICES TO AN INDIVIDUAL IN
13 NEED OF COMPETENCY RESTORATION PURSUANT TO ARTICLE 8.5 OF TITLE
14 16 WHO DOES NOT REQUIRE 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 RECEIVING INVOLUNTARY MENTAL
21 HEALTH TREATMENT PURSUANT TO ARTICLE 65 OF THIS TITLE 27, AND
22 CIVIL INDIVIDUALS IN NEED OF RESIDENTIAL SERVICES WHO ARE IN A
23 MENTAL HEALTH CRISIS FACILITY, ACUTE CARE HOSPITAL, OR IN THE
24 COMMUNITY.

25 **27-71-104. Mental health residential facilities - initial**
26 **license requirements - repeal.** (1) ON OR AFTER JULY 1, 2022, ANY
27 PERSON, PARTNERSHIP, ASSOCIATION, OR CORPORATION OPERATING A

1 MENTAL HEALTH RESIDENTIAL FACILITY SHALL OBTAIN A LICENSE FROM
2 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE
3 DEPARTMENT OF HUMAN SERVICES AS EITHER:

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

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

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

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

12 (b) PROVIDING SERVICES TO INDIVIDUALS UNDER A HOME- AND
13 COMMUNITY-BASED SERVICES FOR PERSONS WITH MAJOR MENTAL HEALTH
14 DISORDERS WAIVER PURSUANT TO PART 6 OF ARTICLE 6 OF TITLE 25.5.

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

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

19 **27-71-105. Mental health residential facilities - licensing**
20 **requirements - rules.** (1) ON AND AFTER JULY 1, 2023, UNLESS LICENSED
21 AS AN ASSISTED LIVING FACILITY, ANY PERSON, PARTNERSHIP,
22 ASSOCIATION, OR CORPORATION OPERATING A MENTAL HEALTH
23 RESIDENTIAL FACILITY SHALL OBTAIN A LICENSE FROM THE
24 BEHAVIORAL HEALTH ADMINISTRATION. BY JULY 1, 2023, THE BHA
25 SHALL PROMULGATE RULES ESTABLISHING MINIMUM STANDARDS FOR THE
26 OPERATION AND LICENSING OF MENTAL HEALTH FACILITIES. THE RULES
27 MUST ADDRESS, AT A MINIMUM, HEALTH, SAFETY, WELFARE, AND

1 PROGRAMMATIC AND TREATMENT CONSIDERATION.

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

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

6 (b) PROVIDING SERVICES TO INDIVIDUALS UNDER A HOME- AND
7 COMMUNITY- BASED SERVICES FOR PERSONS WITH MAJOR MENTAL HEALTH
8 DISORDERS WAIVER PURSUANT TO PART 6 OF ARTICLE 6 OF TITLE 25.5.

9 **SECTION 4. Appropriation.** For the 2022-23 state fiscal year,
10 \$65,000,000 is appropriated to the department of human services. This
11 appropriation is from the behavioral and mental health cash fund created
12 in section 24-75-230, C.R.S. To implement this act, the department may
13 use this appropriation for the renovation of facilities at the Colorado
14 mental health institute at Fort Logan and the creation, development, or
15 contracting to add least 125 additional beds at mental health residential
16 treatment facilities pursuant to article 71 of title 27, C.R.S.

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