

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 23-0568.01 Conrad Imel x2313

HOUSE BILL 23-1088

HOUSE SPONSORSHIP

Martinez, Hartsook

SENATE SPONSORSHIP

(None),

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROGRAM TO PROVIDE MENTAL HEALTH SERVICES FOR**
102 **VETERANS WHO HAVE EXHAUSTED FEDERAL VETERANS**
103 **ADMINISTRATION MENTAL HEALTH BENEFITS, AND, IN**
104 **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>.)

The bill establishes the veterans mental health services program (program) in the behavioral health administration to facilitate access to mental health services for veterans who have exhausted their annual

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

number of sessions with a mental health-care provider covered by the veteran's federal veterans administration benefits. The program reimburses mental health-care providers for 10 mental health-care sessions per year with an eligible veteran.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 27-50-804 as
3 follows:

4 **27-50-804. Veterans mental health services program - report**

5 **- rules - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) "ELIGIBLE VETERAN" MEANS A VETERAN, AS DEFINED IN
8 SECTION 28-5-100.3, WHO HAS EXHAUSTED THE ANNUAL NUMBER OF
9 SESSIONS WITH A MENTAL HEALTH-CARE PROVIDER COVERED BY THE
10 VETERAN'S FEDERAL VETERANS ADMINISTRATION BENEFITS.

11 (b) "PROGRAM" MEANS THE VETERANS MENTAL HEALTH SERVICES
12 PROGRAM ESTABLISHED IN THIS SECTION.

13 (c) "PROVIDER" MEANS A LICENSED PSYCHIATRIST REGULATED
14 PURSUANT TO ARTICLE 240 OF TITLE 12 OR ANY OF THE FOLLOWING
15 LICENSEES, CERTIFIED PROFESSIONALS, OR CANDIDATES REGULATED
16 PURSUANT TO ARTICLE 245 OF TITLE 12:

17 (I) A LICENSED PSYCHOLOGIST OR PSYCHOLOGIST CANDIDATE;

18 (II) A LICENSED SOCIAL WORKER, LICENSED CLINICAL SOCIAL
19 WORKER, OR CLINICAL SOCIAL WORKER CANDIDATE;

20 (III) A LICENSED MARRIAGE AND FAMILY THERAPIST OR MARRIAGE
21 AND FAMILY THERAPIST CANDIDATE;

22 (IV) A LICENSED PROFESSIONAL COUNSELOR OR LICENSED
23 PROFESSIONAL COUNSELOR CANDIDATE; OR

1 (V) A LICENSED ADDICTION COUNSELOR, CERTIFIED ADDICTION
2 SPECIALIST, OR ADDICTION COUNSELOR CANDIDATE.

3 (d) "TELEHEALTH" HAS THE SAME MEANING AS SET FORTH IN
4 SECTION 10-16-123.

5 (2) (a) THERE IS ESTABLISHED IN THE BEHAVIORAL HEALTH
6 ADMINISTRATION A VETERANS MENTAL HEALTH SERVICES PROGRAM TO
7 PROMOTE ACCESS TO MENTAL HEALTH SERVICES FOR ELIGIBLE VETERANS
8 BY REIMBURSING PROVIDERS FOR SESSIONS WITH AN ELIGIBLE VETERAN.

9 (b) THE BHA SHALL REIMBURSE PROVIDERS WHO PARTICIPATE IN
10 THE PROGRAM FOR FOUR MENTAL HEALTH-CARE SESSIONS, EITHER IN
11 PERSON OR BY TELEHEALTH, PER ELIGIBLE VETERAN PER YEAR. TO BE
12 ELIGIBLE TO PARTICIPATE IN AND RECEIVE REIMBURSEMENT FROM THE
13 PROGRAM, A PROVIDER MUST BE AVAILABLE TO PROVIDE FOUR MENTAL
14 HEALTH-CARE SESSIONS TO EACH ELIGIBLE VETERAN THE PROVIDER
15 ACCEPTS AS A CLIENT.

16 (c) THE BHA SHALL POST ON ITS WEBSITE A LIST OF PROVIDERS
17 WHO PARTICIPATE IN THE PROGRAM.

18 (3) IN ORDER TO PARTICIPATE IN THE PROGRAM, A VETERAN SHALL
19 SHOW A PROVIDER WHO IS PARTICIPATING IN THE PROGRAM A VALID
20 MILITARY OR FEDERAL VETERANS ADMINISTRATION IDENTIFICATION CARD
21 THAT INCLUDES A PHOTO OF THE VETERAN AND ATTEST TO THE PROVIDER
22 THAT THE VETERAN HAS EXHAUSTED THE ANNUAL NUMBER OF SESSIONS
23 WITH A MENTAL HEALTH-CARE PROVIDER COVERED BY THE VETERAN'S
24 FEDERAL VETERANS ADMINISTRATION BENEFITS.

25 (4) THE BHA SHALL:

26 (a) DEVELOP A PROCESS CONSISTENT WITH THE REQUIREMENTS OF
27 THIS SECTION FOR PROVIDERS TO APPLY FOR AND DEMONSTRATE

1 ELIGIBILITY TO RECEIVE REIMBURSEMENT FROM THE PROGRAM;

2 (b) UPON REIMBURSING A PROVIDER FOR A MENTAL HEALTH-CARE
3 SESSION WITH AN ELIGIBLE VETERAN, INFORM THE PROVIDER OF THE
4 VETERAN'S REMAINING NUMBER OF SESSIONS ELIGIBLE FOR
5 REIMBURSEMENT THAT YEAR; AND

6 (c) DETERMINE A REASONABLE RATE OF REIMBURSEMENT FOR
7 EACH MENTAL HEALTH-CARE SESSION WITH AN ELIGIBLE VETERAN
8 PURSUANT TO THE PROGRAM, WHICH RATE MUST BE THE SAME
9 REGARDLESS OF WHETHER THE APPOINTMENT IS FOR A TELEHEALTH OR AN
10 IN-PERSON APPOINTMENT.

11 (5) THE BHA SHALL PROMULGATE RULES NECESSARY FOR THE
12 ADMINISTRATION OF THIS SECTION.

13 (6) NO LATER THAN DECEMBER 31, 2024, THE BHA SHALL
14 DELIVER A REPORT ABOUT THE PROGRAM TO THE HOUSE OF
15 REPRESENTATIVES STATE, CIVIC, MILITARY, AND VETERANS AFFAIRS
16 COMMITTEE AND THE SENATE STATE, VETERANS, AND MILITARY AFFAIRS
17 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE REPORT MUST
18 INCLUDE DATA AND INFORMATION ABOUT PARTICIPATION IN THE PROGRAM
19 AND THE EFFECTIVENESS OF THE PROGRAM AS DETERMINED BY THE BHA.
20 THE BHA SHALL NOT INCLUDE IN THE REPORT PERSONALLY IDENTIFIABLE
21 INFORMATION THAT MAY BE USED, ALONE OR IN CONJUNCTION WITH ANY
22 OTHER INFORMATION, TO IDENTIFY A SPECIFIC INDIVIDUAL.

23 **SECTION 2. Appropriation.** (1) For the 2023-24 state fiscal
24 year, \$1,698,338 is appropriated to the department of human services for
25 use by the behavioral health administration. This appropriation is from the
26 general fund. To implement this act, the administration may use this
27 appropriation as follows:

1 (a) \$78,338 for program administration, which amount is based on
2 an assumption that the administration will require an additional 0.8 FTE;
3 and

4 (b) \$1,620,000 for the veterans mental health services program
5 related to community-based mental health services.

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