

**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**

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**HOUSE SPONSORSHIP**

**Martinez**, Hartsook, Armagost, Bird, Bockenfeld, Boesenecker, Bradley, Brown, deGruy, Kennedy, Duran, English, Frizell, Froelich, Garcia, Hamrick, Herod, Jodeh, Kipp, Lieder, Lindsay, Lindstedt, Lynch, McLachlan, Michaelson Jenet, Ricks, Snyder, Story, Taggart, Titone, Valdez, Velasco, Weinberg, Weissman, Wilson, Woodrow

**SENATE SPONSORSHIP**

**Hinrichsen**,

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**House Committees**

Public & Behavioral Health & Human Services  
Appropriations

**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

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**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.**

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**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.*

HOUSE  
3rd Reading Unamended  
April 24, 2023

HOUSE  
Amended 2nd Reading  
April 21, 2023

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 28-5-714** as  
3 follows:

4 **28-5-714. Veterans mental health services program - report -**  
5 **rules - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
6 OTHERWISE REQUIRES:

7 (a) "DIVISION" MEANS THE DIVISION OF VETERANS AFFAIRS IN THE  
8 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS.

9 (b) "ELIGIBLE VETERAN" MEANS A VETERAN WHO LIVES IN A  
10 VETERANS COMMUNITY LIVING CENTER, AS DEFINED IN SECTION  
11 26-12-102, WHO HAS EXHAUSTED THE ANNUAL NUMBER OF SESSIONS WITH  
12 A MENTAL HEALTH-CARE PROVIDER COVERED BY THE VETERAN'S FEDERAL  
13 VETERANS ADMINISTRATION BENEFITS.

14 (c) "PROGRAM" MEANS THE VETERANS MENTAL HEALTH SERVICES  
15 PROGRAM ESTABLISHED IN THIS SECTION.

16 (d) "PROVIDER" MEANS A LICENSED PSYCHIATRIST REGULATED  
17 PURSUANT TO ARTICLE 240 OF TITLE 12 OR ANY OF THE FOLLOWING  
18 LICENSEES, CERTIFIED PROFESSIONALS, OR CANDIDATES REGULATED  
19 PURSUANT TO ARTICLE 245 OF TITLE 12:

20 (I) A LICENSED PSYCHOLOGIST OR PSYCHOLOGIST CANDIDATE;

21 (II) A LICENSED SOCIAL WORKER, LICENSED CLINICAL SOCIAL  
22 WORKER, OR CLINICAL SOCIAL WORKER CANDIDATE;

23 (III) A LICENSED MARRIAGE AND FAMILY THERAPIST OR MARRIAGE

1 AND FAMILY THERAPIST CANDIDATE;

2 (IV) A LICENSED PROFESSIONAL COUNSELOR OR LICENSED  
3 PROFESSIONAL COUNSELOR CANDIDATE; ■

4 (V) A LICENSED ADDICTION COUNSELOR, CERTIFIED ADDICTION  
5 SPECIALIST, OR ADDICTION COUNSELOR CANDIDATE; OR

6 (VI) AN ADVANCED PRACTICE REGISTERED NURSE LICENSED  
7 PURSUANT TO ARTICLE 255 OF TITLE 12.

8 (e) "TELEHEALTH" HAS THE SAME MEANING AS SET FORTH IN  
9 SECTION 10-16-123.

10 (2) (a) THERE IS ESTABLISHED IN THE DIVISION A VETERANS  
11 MENTAL HEALTH SERVICES PROGRAM TO PROMOTE ACCESS TO MENTAL  
12 HEALTH SERVICES FOR ELIGIBLE VETERANS BY REIMBURSING PROVIDERS  
13 FOR SESSIONS WITH AN ELIGIBLE VETERAN.

14 (b) THE DIVISION SHALL REIMBURSE PROVIDERS WHO PARTICIPATE  
15 IN THE PROGRAM FOR      MENTAL HEALTH-CARE SESSIONS, EITHER IN  
16 PERSON OR BY TELEHEALTH, WITH ELIGIBLE VETERANS. EACH ELIGIBLE  
17 VETERAN MAY RECEIVE TWENTY-SIX REIMBURSED SESSIONS PER YEAR.  
18 SUBJECT TO AVAILABLE APPROPRIATIONS, AN ELIGIBLE VETERAN MAY  
19 RECEIVE, AND THE DIVISION SHALL REIMBURSE A PROVIDER FOR,  
20 ADDITIONAL REIMBURSED SESSIONS IF A PROVIDER DETERMINES  
21 ADDITIONAL SESSIONS ARE NECESSARY.

22 (c) TO BE ELIGIBLE TO PARTICIPATE IN AND RECEIVE  
23 REIMBURSEMENT FROM THE PROGRAM, A PROVIDER MUST BE AVAILABLE  
24 TO PROVIDE AT LEAST FOUR MENTAL HEALTH-CARE SESSIONS TO EACH  
25 ELIGIBLE VETERAN THE PROVIDER ACCEPTS AS A CLIENT.

26 (d) THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN  
27 SECTION 27-50-102 SHALL POST ON ITS WEBSITE A LIST OF PROVIDERS WHO

1 PARTICIPATE IN THE PROGRAM.

2 (3) IN ORDER TO PARTICIPATE IN THE PROGRAM, A VETERAN SHALL  
3 SHOW A PROVIDER WHO IS PARTICIPATING IN THE PROGRAM A VALID  
4 MILITARY OR FEDERAL VETERANS ADMINISTRATION IDENTIFICATION CARD  
5 THAT INCLUDES A PHOTO OF THE VETERAN AND ATTEST TO THE PROVIDER  
6 THAT THE VETERAN HAS EXHAUSTED THE ANNUAL NUMBER OF SESSIONS  
7 WITH A MENTAL HEALTH-CARE PROVIDER COVERED BY THE VETERAN'S  
8 FEDERAL VETERANS ADMINISTRATION BENEFITS.

9 (4) THE DIVISION SHALL:

10 (a) DEVELOP A PROCESS CONSISTENT WITH THE REQUIREMENTS OF  
11 THIS SECTION FOR PROVIDERS TO APPLY FOR AND DEMONSTRATE  
12 ELIGIBILITY TO RECEIVE REIMBURSEMENT FROM THE PROGRAM;

13 (b) UPON REIMBURSING A PROVIDER FOR A MENTAL HEALTH-CARE  
14 SESSION WITH AN ELIGIBLE VETERAN, INFORM THE PROVIDER OF THE  
15 VETERAN'S REMAINING NUMBER OF SESSIONS ELIGIBLE FOR  
16 REIMBURSEMENT THAT YEAR; AND

17 (c) DETERMINE A REASONABLE RATE OF REIMBURSEMENT FOR  
18 EACH MENTAL HEALTH-CARE SESSION WITH AN ELIGIBLE VETERAN  
19 PURSUANT TO THE PROGRAM, WHICH RATE MUST BE THE SAME  
20 REGARDLESS OF WHETHER THE APPOINTMENT IS FOR A TELEHEALTH OR AN  
21 IN-PERSON APPOINTMENT.

22 (5) THE ADJUTANT GENERAL, IN CONSULTATION WITH THE BOARD  
23 OF VETERANS AFFAIRS, SHALL PROMULGATE RULES NECESSARY FOR THE  
24 ADMINISTRATION OF THIS SECTION.

25 (6) NO LATER THAN DECEMBER 31, 2024, THE DEPARTMENT OF  
26 MILITARY AND VETERANS AFFAIRS SHALL DELIVER A REPORT ABOUT THE  
27 PROGRAM TO THE HOUSE OF REPRESENTATIVES STATE, CIVIC, MILITARY,

1 AND VETERANS AFFAIRS COMMITTEE AND THE SENATE STATE, VETERANS,  
2 AND MILITARY AFFAIRS COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.  
3 THE REPORT MUST INCLUDE DATA AND INFORMATION ABOUT  
4 PARTICIPATION IN THE PROGRAM AND THE EFFECTIVENESS OF THE  
5 PROGRAM AS DETERMINED BY THE DEPARTMENT. THE DEPARTMENT SHALL  
6 NOT INCLUDE IN THE REPORT PERSONALLY IDENTIFIABLE INFORMATION  
7 THAT MAY BE USED, ALONE OR IN CONJUNCTION WITH ANY OTHER  
8 INFORMATION, TO IDENTIFY A SPECIFIC INDIVIDUAL.

9 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,  
10 \$642,645 is appropriated to the department of military and veterans  
11 affairs for use by the division of veterans affairs. This appropriation is  
12 from the general fund and is based on an assumption that the division will  
13 require an additional 1.6 FTE. To implement this act, the division may  
14 use this appropriation for the veterans mental health services program.

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