

CHAPTER 443

HUMAN SERVICES - BEHAVIORAL HEALTH

SENATE BILL 24-117

BY SENATOR(S) Cutter and Winter F., Bridges, Buckner, Fields, Jaquez Lewis, Marchman, Michaelson Jenet, Rodriguez;
also REPRESENTATIVE(S) deGruy Kennedy, Amabile, Bird, Boesenecker, Duran, Epps, Garcia, Hamrick, Hernandez, Herod,
Joseph, Mabrey, McCormick, Ortiz, Rutinel, Sirota, Story, Titone, Vigil, Weissman, Woodrow, Young, McCluskie.

AN ACT

CONCERNING PROTECTIONS FOR INDIVIDUALS WITH AN EATING DISORDER, AND, IN CONNECTION THEREWITH, REQUIRING AN EATING DISORDER TREATMENT AND RECOVERY FACILITY TO HOLD AN APPROPRIATE DESIGNATION AND REQUIRING THE BEHAVIORAL HEALTH ADMINISTRATION TO REGULATE THE USE OF INVOLUNTARY FEEDING TUBES.

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

SECTION 1. In Colorado Revised Statutes, **add** article 65.5 to title 27 as follows:

ARTICLE 65.5
Eating Disorder Treatment and Recovery Facilities

27-65.5-101. Eating disorder treatment and recovery facilities - rules. (1) **NO LATER THAN JANUARY 1, 2026,** THE BEHAVIORAL HEALTH ADMINISTRATION, ESTABLISHED IN SECTION 27-50-102, SHALL REQUIRE ALL EATING DISORDER TREATMENT AND RECOVERY FACILITIES TO HOLD AN APPROPRIATE DESIGNATION BASED ON THE LEVEL OF CARE THE FACILITY PROVIDES, INCLUDING FACILITIES THAT OFFER INTENSIVE OUTPATIENT TREATMENT, PARTIAL HOSPITALIZATION, RESIDENTIAL PROGRAMS, AND INPATIENT PROGRAMS. LICENSED CLINICIANS WHO ARE NOT FACILITY-BASED AND OFFER BEHAVIORAL HEALTH THERAPY TO INDIVIDUALS WITH AN EATING DISORDER ON AN OUTPATIENT BASIS ARE NOT REQUIRED TO HOLD A DESIGNATION.

(2) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES FOR EATING DISORDER TREATMENT AND RECOVERY FACILITIES THAT MUST:

(a) ALLOW A PATIENT TO REQUEST AND HAVE ACCESS TO ANY MEDICAL

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

EXAMINATION, INCLUDING A WEIGH-IN, WITHOUT OTHER PATIENTS PRESENT IN THE SAME ROOM;

(b) PROHIBIT A TREATMENT FACILITY FROM REQUIRING THAT A PATIENT REMOVE ALL CLOTHING DURING A WEIGH-IN WITHOUT PROVIDING CLOTHING THAT SUFFICIENTLY PROVIDES PRIVACY AND COVERS THE PATIENT'S BODY;

(c) PROHIBIT A TREATMENT FACILITY FROM REQUIRING THAT A PATIENT PERFORM PHYSICAL EXERCISES DURING A WEIGH-IN, UNLESS THE TREATMENT PROVIDER HAS SUFFICIENT CAUSE TO BELIEVE THAT THE PATIENT WOULD BE AT RISK OF HARM, AT WHICH POINT THE TREATMENT PROVIDER SHALL DOCUMENT THE NEED FOR FURTHER INVESTIGATION IN THE PATIENT'S MEDICAL RECORD AND ASK THE PATIENT TO PERFORM ANY PHYSICAL EXERCISE IN A LOCATION WITH SUFFICIENT PRIVACY AND IN A WAY THAT PRESERVES THE PATIENT'S DIGNITY TO THE GREATEST EXTENT POSSIBLE;

(d) REQUIRE A TREATMENT FACILITY TO PROVIDE GENDER NONCONFORMING AND TRANSGENDER PATIENTS WITH THE SAME RESTROOM POLICIES PROVIDED FOR CISGENDER PATIENTS;

(e) PROHIBIT A TREATMENT FACILITY FROM REQUIRING THAT PATIENTS SHARE A SINGLE STALL WITH A STAFF MEMBER OR ANOTHER PATIENT WHILE IN THE ACT OF USING THE RESTROOM;

(f) REQUIRE A TREATMENT FACILITY'S POLICIES TO RESPECT AND ACCOMMODATE A PATIENT'S SEXUAL ORIENTATION, GENDER IDENTITY, RELIGION, AND, UNLESS CLINICALLY CONTRAINDICATED, PERSONAL DIETARY ETHICS;

(g) REQUIRE THE PRESENCE OF APPROPRIATE AND QUALIFIED STAFF TO TREAT A PATIENT AT ALL TIMES, INCLUDING DURING WEIGH-INS, RESTROOM TIME, VITAL SIGN CHECKS, AND BEHAVIORAL HEALTH TREATMENT AND GROUP THERAPY. IF A STAFF MEMBER PERFORMS MULTIPLE FUNCTIONS AT A TREATMENT FACILITY, THE RULES MUST ENSURE PROVIDERS PRESERVE AND PRIORITIZE THE THERAPEUTIC RELATIONSHIP BETWEEN THE STAFF MEMBER AND PATIENT.

(h) ADDRESS THE USE OF RESTRAINTS AND RESTRICTION OF A PATIENT'S ALLOWED BODILY MOVEMENT. THE RULES MUST ENSURE THAT RESTRICTION OF MOVEMENT IS NEVER USED AS A FORM OF PUNISHMENT AND THAT PATIENTS ARE PERMITTED A MINIMUM AMOUNT OF PHYSICAL ACTIVITY PER DAY AS CLINICALLY APPROPRIATE.

(i) ADDRESS THE USE OF BED-BASED OR ROOM-BASED CARE, ENSURING THESE PRACTICES ARE USED AS A LAST RESORT AND THAT STAFF MEANINGFULLY ENGAGE PATIENTS TO AVOID THESE RESTRICTIVE MEASURES; EXCEPT THAT THIS SUBSECTION (2)(i) DOES NOT APPLY TO AN EATING DISORDER PROGRAM IN A GENERAL HOSPITAL SETTING;

(j) REQUIRE A TREATMENT FACILITY TO IMPLEMENT A TRAUMA-INFORMED TREATMENT FRAMEWORK;

(k) ESTABLISH THE MINIMUM RIGHTS EACH PATIENT IS ENTITLED TO AT A TREATMENT FACILITY AND REQUIRING THAT PATIENT RIGHTS BE PUBLICLY POSTED

AND PROVIDED TO EACH PATIENT ELECTRONICALLY AND IN WRITING. IN ADDITION, THE FORMAL GRIEVANCE PROCESS FOR A PATIENT TO FILE A COMPLAINT AGAINST THE TREATMENT FACILITY THROUGH THE BEHAVIORAL HEALTH ADMINISTRATION FOR AN ALLEGED VIOLATION OF THE PATIENT'S RIGHTS MUST BE PUBLICLY POSTED AND PROVIDED TO EACH PATIENT ELECTRONICALLY AND IN WRITING; AND

(I) PRIOR TO INVOLUNTARILY PLACING A FEEDING TUBE FOR A MINOR PATIENT, REQUIRE THE EATING DISORDER TREATMENT AND RECOVERY FACILITY TO OBTAIN INFORMED WRITTEN CONSENT FROM BOTH THE PATIENT AND THE PATIENT'S PARENT OR LEGAL GUARDIAN IF THE PATIENT IS FIFTEEN YEARS OF AGE OR OLDER OR FROM ONLY THE PATIENT'S PARENT OR LEGAL GUARDIAN IF THE PATIENT IS FOURTEEN YEARS OF AGE OR YOUNGER. IF A PATIENT IS FIFTEEN YEARS OF AGE OR OLDER AND DOES NOT CONSENT TO OR OBJECTS TO THE CONTINUED USE OF AN INVOLUNTARY FEEDING TUBE, THE PATIENT MAY SEEK REVIEW PURSUANT TO SECTION 27-65-104 (6).

SECTION 2. In Colorado Revised Statutes, **amend** 27-65-128 as follows:

27-65-128. Administration - rules. The BHA shall promulgate any rules and develop and distribute any applications or forms necessary to consistently enforce the provisions of this article 65, INCLUDING RULES CONCERNING INVOLUNTARY FEEDING TUBES FOR INDIVIDUALS WITH AN EATING DISORDER. The BHA shall proactively train providers, facilities, counties, judges, magistrates, intervening professionals, and certified peace officers on the procedures under this article 65, which training must include an understanding of the criteria for invoking an emergency mental health hold pursuant to section 27-65-106, the definition of "gravely disabled" and how a person who is gravely disabled may present physically and psychiatrically, and suggested templates and resources to be used by facilities to meet the requirements of section 27-65-106 (8)(a)(III) and (8)(a)(VII).

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: June 6, 2024