

CHAPTER 78

HEALTH & ENVIRONMENT

SENATE BILL 95-019

BY SENATORS Martinez, Rupert, and Weddig;
also REPRESENTATIVES Kerns, Chavez, and Nichol.

AN ACT

CONCERNING THE FINANCING OF SUBSTANCE ABUSE PROGRAMS IN THE DEPARTMENT OF HUMAN SERVICES.

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

SECTION 1. 25-1-306 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-1-306. Standards for public and private treatment facilities - fees - enforcement procedures - penalties. (1) In accordance with the provisions of this part 3, the division shall establish standards for approved treatment facilities that receive state funds. Such standards must be met for a treatment facility to be approved as a public or private treatment facility. The division shall fix the fees to be charged for the required inspections. ~~THE FEES THAT ARE CHARGED TO APPROVED TREATMENT FACILITIES THAT PROVIDE LEVEL I AND LEVEL II PROGRAMS AS PROVIDED IN SECTION 42-4-1301 (10) (c), C.R.S., SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE FEES TO THE ALCOHOL AND DRUG DRIVING SAFETY PROGRAM FUND CREATED IN SECTION 42-4-1301 (10) (d), C.R.S.~~ The standards may concern only the health standards to be met and standards of treatment to be afforded patients and shall reflect the success criteria established by the general assembly.

SECTION 2. 25-1-1102 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-1-1102. Standards for public and private treatment facilities - fees - enforcement procedures - penalties. (1) In accordance with the provisions of this part 11, the division shall establish standards for approved treatment facilities that

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

receive state funds. Such standards must be met for a treatment facility to be approved as a public or private treatment facility. The division shall fix the fees to be charged for the required inspections. THE FEES THAT ARE CHARGED TO APPROVED TREATMENT FACILITIES THAT PROVIDE LEVEL I AND LEVEL II PROGRAMS AS PROVIDED IN SECTION 42-4-1301 (10) (c), C.R.S., SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE FEES TO THE ALCOHOL AND DRUG DRIVING SAFETY PROGRAM FUND CREATED IN SECTION 42-4-1301 (10) (d), C.R.S. The standards may concern only the health standards to be met and standards of treatment to be afforded patients and shall reflect the success criteria established by the general assembly.

SECTION 3. 42-4-1301 (10) (d), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - tests - penalties - useful public service program - alcohol and drug driving safety program. (10) (d) There is hereby created an alcohol and drug driving safety program fund in the office of the state treasurer to the credit of which shall be deposited all moneys as directed by this paragraph (d). Until July 1, 1980, in addition to any fines, fees, or costs levied against a person convicted of a violation of subsection (1) or (2) of this section, sixty dollars shall be assessed by the judge against each such person for the cost of the presentence alcohol and drug evaluation and supervision services. After July 1, 1980, and each fiscal year thereafter, the amount shall remain at sixty dollars unless the division of alcohol and drug abuse has provided to the general assembly a statement of the cost of the program, including costs of administration for the past and current fiscal year to include a proposed change in the assessment. The general assembly shall then consider the proposed new assessment and approve the amount to be assessed against each person during the following fiscal year in order to ~~insure~~ ENSURE that the alcohol and drug driving safety program established in this subsection (10) shall be financially self-supporting. Any adjustment in the amount to be assessed shall be so noted in the appropriation to the division of alcohol and drug abuse as a footnote or line item related to this program in the general appropriation bill. The state auditor shall periodically audit the costs of the programs to determine that they are reasonable and that the rate charged is accurate based on these costs. Any other fines, fees, or costs levied against such person shall not be part of the program fund. The amount assessed for the alcohol and drug evaluation shall be transmitted by the court to the state treasurer to be credited to the alcohol and drug driving safety program fund. FEES CHARGED UNDER SECTIONS 25-1-306 (1), C.R.S., AND 25-1-1102 (1), C.R.S., TO APPROVED ALCOHOL AND DRUG TREATMENT FACILITIES THAT PROVIDE LEVEL I AND LEVEL II PROGRAMS AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (10) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE FEES TO THE ALCOHOL AND DRUG DRIVING SAFETY PROGRAM FUND. Upon appropriation by the general assembly, these funds shall be expended by the division of alcohol and drug abuse for the administration of the alcohol and drug driving safety program. In administering the alcohol and drug driving safety program, the division of alcohol and drug abuse is authorized to contract with any agency within the judicial system for such services as the division deems necessary. Moneys deposited in the alcohol and drug driving safety program fund shall remain in said fund to be used for the purposes set forth in this subsection (10) and shall not revert or transfer to the general fund except by further act of the

general assembly.

SECTION 4. 25-1-315, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-1-315. Payment for treatment - financial ability of patients. (1) If treatment is provided by an approved public treatment facility and the patient, INCLUDING A COMMITTED PERSON, has not paid the charge therefor, the ~~division~~ APPROVED TREATMENT FACILITY is entitled to any payment received by the patient or to which ~~he~~ THE PATIENT may be entitled because of the services rendered and from any public or private source available to the ~~division~~ APPROVED TREATMENT FACILITY because of the treatment provided to the patient. THE APPROVED TREATMENT FACILITY MAY SEEK AND OBTAIN A JUDGMENT IN AN APPROPRIATE COURT FOR ANY FEES OR CHARGES THAT HAVE NOT BEEN PAID.

(2) A patient in an approved treatment facility, or the estate of the patient, or a person obligated to provide for the cost of treatment and having sufficient financial ability is liable to the ~~division~~ APPROVED TREATMENT FACILITY for the cost of maintenance and treatment of the patient therein in accordance with rates established. THE APPROVED TREATMENT FACILITY MAY SEEK AND OBTAIN A JUDGMENT IN AN APPROPRIATE COURT FOR ANY FEES OR CHARGES THAT HAVE NOT BEEN PAID.

(3) The director shall adopt rules ~~governing financial ability that take into consideration the income, savings, and other personal and real property of the person required to pay, and any support being furnished by him to any person he is required by law to support.~~ THAT ESTABLISH A STANDARDIZED ABILITY-TO-PAY SCHEDULE, UNDER WHICH THOSE WITH SUFFICIENT FINANCIAL ABILITY ARE REQUIRED TO PAY THE FULL COST OF SERVICES PROVIDED AND THOSE WHO ARE TOTALLY WITHOUT SUFFICIENT FINANCIAL ABILITY ARE PROVIDED APPROPRIATE TREATMENT AT NO CHARGE. THE SCHEDULE SHALL TAKE INTO CONSIDERATION THE INCOME, INCLUDING GOVERNMENT ASSISTANCE PROGRAMS, SAVINGS, AND OTHER PERSONAL AND REAL PROPERTY, OF THE PERSON REQUIRED TO PAY AND ANY SUPPORT THE PERSON REQUIRED TO PAY FURNISHES TO ANOTHER PERSON AS REQUIRED BY LAW.

(4) NOTHING IN THIS SECTION SHALL PROHIBIT AN APPROVED TREATMENT FACILITY FROM CHARGING A MINIMAL FEE FOR THERAPEUTIC PURPOSES.

SECTION 5. Effective date. This act shall take effect July 1, 1995.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 17, 1995