AN ACT

CONCERNING THE TRANSFER OF THE ADMINISTRATION OF COMMUNITY MENTAL HEALTH SERVICES TO SPECIFIED MEDICAL ASSISTANCE RECIPIENTS FROM THE DEPARTMENT OF HUMAN SERVICES TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND MAKING AN APPROPRIATION IN CONNECTION THERewith.

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

SECTION 1. 26-4-123, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

26-4-123. Medicaid community mental health services - administration - rules. (1) Except as provided for in subsection (3) of this section, the state department shall administer all Medicaid community mental health services for medical assistance recipients including but not limited to the prepaid capitated single entry point system for mental health services, the fee-for-service mental health services, and alternatives to institutionalization. The administration of Medicaid community mental health services shall include but shall not be limited to program approval, program monitoring, and data collection.

(2) The state department is authorized to seek federal approval for any necessary changes to the state's waiver that authorizes the statewide system of community mental health care to reflect the provisions of this section. The state department is authorized to limit a recipient's freedom of choice with respect to a provider of mental health services and to restrict reimbursements to mental health services to designated and contracted agencies in such waiver.

(3) The administration of the provision of mental health services to
PERSONS RECEIVING SERVICES PURSUANT TO AREVALO V. COLORADO DEPARTMENT OF HUMAN SERVICES, CASE NO. 81 CV 6961, IN THE DISTRICT COURT FOR THE CITY AND COUNTY OF DENVER, AND THE ADMINISTRATION OF THE MENTAL HEALTH INSTITUTES SHALL REMAIN THE RESPONSIBILITY OF THE DEPARTMENT OF HUMAN SERVICES.

(4) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4), ALL POSITIONS OF EMPLOYMENT IN THE DEPARTMENT OF HUMAN SERVICES CONCERNING THE POWERS, DUTIES, AND FUNCTIONS OF ADMINISTERING ALL MEDICAID COMMUNITY MENTAL HEALTH SERVICES FOR MEDICAL ASSISTANCE RECIPIENTS TRANSFERRED TO THE STATE DEPARTMENT PURSUANT TO THIS SECTION AND DETERMINED TO BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS SECTION BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT SHALL BE TRANSFERRED TO THE STATE DEPARTMENT AND SHALL BECOME EMPLOYMENT POSITIONS THEREIN.

(5) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5), ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, COMPUTERS AND SOFTWARE, BOOKS, DOCUMENTS, AND RECORDS OF THE DEPARTMENT OF HUMAN SERVICES PERTAINING TO THE DUTIES AND FUNCTIONS OF ADMINISTERING ALL MEDICAID COMMUNITY MENTAL HEALTH SERVICES FOR MEDICAL ASSISTANCE RECIPIENTS ARE TRANSFERRED TO THE STATE DEPARTMENT AND SHALL BECOME THE PROPERTY THEREOF.

(6) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (6), FOR STATE FISCAL YEAR 2003-04, THE STATE DEPARTMENT MAY BILL THE DEPARTMENT OF HUMAN SERVICES MEDICAID-FUNDED PROGRAMS DIVISION APPROPRIATION WITHIN THE STATE DEPARTMENT'S APPROPRIATION FOR PROVISION OF MEDICAID COMMUNITY MENTAL HEALTH SERVICES AS AUTHORIZED IN THIS SECTION.


ON THE QUALITY OF CARE WITHIN THE STATEWIDE MENTAL HEALTH SYSTEM.

(9) The State Board shall adopt any rules necessary for the implementation of this section. In adopting rules concerning Medicaid community mental health services, the State Board shall consider the effect the rules may have on the statewide mental health system.

SECTION 2. Adjustments to the 2003 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The appropriation to the department of health care policy and financing, executive director's office, is increased by two hundred fifty-nine thousand two hundred seventy-four dollars ($259,274) and 2.3 FTE. Of said sum, one hundred twelve thousand four hundred fifteen dollars ($112,415) shall be from the general fund and one hundred forty-six thousand eight hundred fifty-nine dollars ($146,859) shall be from federal funds.

(b) The appropriation to the department of health care policy and financing, department of human services medicaid-funded programs, is decreased by two hundred fifty-nine thousand two hundred seventy-four dollars ($259,274). Of said sum, one hundred twelve thousand four hundred fifteen dollars ($112,415) shall be from the general fund and one hundred forty-six thousand eight hundred fifty-nine dollars ($146,859) shall be from federal funds.

(c) The appropriation to the department of human services, mental health and alcohol and drug abuse services, administration, is decreased by two hundred fifty-nine thousand two hundred seventy-four dollars ($259,274) and 2.3 FTE. Said sum shall be from cash funds exempt medicaid funds transferred from the department of health care policy and financing.

SECTION 3. 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 6, 2004