

CHAPTER 167

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 05-1325

BY REPRESENTATIVE(S) Coleman, Berens, Borodkin, Boyd, Carroll M., Frangas, Gallegos, Green, Larson, Madden, Marshall, McFadyen, Merrifield, Paccione, Pommer, Ragsdale, Riesberg, Solano, Stafford, Todd, and Kerr;
also SENATOR(S) Keller, Bacon, Evans, Groff, Hanna, Shaffer, Tochtrop, Williams, and Windels.

AN ACT

CONCERNING THE RIGHTS OF A RECIPIENT OF MENTAL HEALTH SERVICES UNDER THE MEDICAL ASSISTANCE PROGRAM.

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

SECTION 1. Part 4 of article 4 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-4-409.5. Mental health managed care service providers - requirements.

(1) EACH CONTRACT BETWEEN THE STATE DEPARTMENT AND A MANAGED CARE ORGANIZATION PROVIDING MENTAL HEALTH SERVICES TO A RECIPIENT UNDER THE MEDICAL ASSISTANCE PROGRAM SHALL COMPLY WITH ALL FEDERAL REQUIREMENTS, INCLUDING BUT NOT LIMITED TO:

(a) ENSURING THAT A RECIPIENT WITH COMPLEX OR MULTIPLE NEEDS WHO REQUIRES MENTAL HEALTH SERVICES SHALL HAVE ACCESS TO MENTAL HEALTH PROFESSIONALS WITH APPROPRIATE TRAINING AND CREDENTIALS AND SHALL PROVIDE THE RECIPIENT WITH SUCH SERVICES IN COLLABORATION WITH THE RECIPIENT'S OTHER PROVIDERS;

(b) INFORMING EACH RECIPIENT OF HIS OR HER RIGHT TO AND THE PROCESS FOR APPEAL UPON NOTIFICATION OF DENIAL, TERMINATION, OR REDUCTION OF A REQUESTED SERVICE; AND

(c) ADMINISTERING INITIAL STABILIZATION TREATMENT FOR A RECIPIENT AND TRANSFERRING THE RECIPIENT FOR APPROPRIATE CONTINUED SERVICES.

(2) FOR MENTAL HEALTH MANAGED CARE RECIPIENTS, THE STATE DEPARTMENT

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

SHALL HAVE A PATIENT REPRESENTATIVE PROGRAM FOR RECIPIENT GRIEVANCES THAT COMPLIES WITH ALL FEDERAL REQUIREMENTS AND THAT SHALL:

- (a) BE POSTED IN A CONSPICUOUS PLACE AT EACH LOCATION AT WHICH MENTAL HEALTH SERVICES ARE PROVIDED;
- (b) ALLOW FOR A PATIENT REPRESENTATIVE TO SERVE AS A LIAISON BETWEEN THE RECIPIENT AND THE PROVIDER;
- (c) DESCRIBE THE QUALIFICATIONS FOR A PATIENT REPRESENTATIVE;
- (d) OUTLINE THE RESPONSIBILITIES OF A PATIENT REPRESENTATIVE;
- (e) DESCRIBE THE AUTHORITY OF A PATIENT REPRESENTATIVE; AND
- (f) ESTABLISH A METHOD BY WHICH EACH RECIPIENT IS INFORMED OF THE PATIENT REPRESENTATIVE PROGRAM AND HOW A PATIENT REPRESENTATIVE MAY BE CONTACTED.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 26, 2005