

CHAPTER 432

MILITARY AND VETERANS

SENATE BILL 07-146

BY SENATOR(S) Morse, Bacon, Boyd, Fitz-Gerald, Groff, Isgar, Johnson, Keller, Kopp, Penry, Romer, Sandoval, Schwartz, Shaffer, Spence, Tapia, Taylor, Tochtrop, Tupa, Ward, Wiens, Williams, and Windels;
 also REPRESENTATIVE(S) Rice, Carroll M., Casso, Frangas, Gallegos, Gibbs, Hicks, Hodge, Jahn, Kefalas, Kerr A., Labuda, Lambert, Looper, Marostica, Marshall, Massey, McFadyen, McGihon, Merrifield, Mitchell V., Primavera, Romanoff, Rose, Solano, Soper, Stafford, Stephens, Todd, and Witwer.

AN ACT

CONCERNING THE CREATION OF A PILOT PROGRAM TO PROVIDE MENTAL HEALTH SERVICES TO FAMILIES OF RECENTLY DISCHARGED VETERANS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Article 1 of title 27, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 3
MENTAL HEALTH SERVICES PILOT PROGRAM FOR
FAMILIES OF DISCHARGED VETERANS OF OPERATION
ENDURING FREEDOM AND OPERATION IRAQI FREEDOM

27-1-301. Short title. THIS PART 3 SHALL BE KNOWN AND MAY BE CITED AS THE "MENTAL HEALTH SERVICES PILOT PROGRAM FOR FAMILIES OF RECENTLY DISCHARGED VETERANS ACT".

27-1-302. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) CURRENT RESEARCH INDICATES THAT THERE EXISTS A MILITARY CULTURE IN THE UNITED STATES THAT IS RELUCTANT TO SEEK MENTAL HEALTH SERVICES, IN PART BECAUSE OF A WIDELY HELD PERCEPTION THAT SEEKING MENTAL HEALTH SERVICES WILL DESTROY A MILITARY CAREER. THIS PERCEPTION ADDS ADDITIONAL STRESS TO A VETERAN OR THE FAMILY OF A VETERAN IN ADDITION TO THE UNDERLYING CAUSE OF THEIR DISTRESS, THUS COMPOUNDING THE INITIAL PROBLEM.

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

(b) FREQUENTLY, IT IS THE FAMILY OF THE VETERAN WHO INITIALLY SEEKS TREATMENT SERVICES AND THE VETERAN THEN FOLLOWS SUIT. HOWEVER, UPON DISCHARGE, FAMILIES ARE NOT COVERED UNDER VETERANS ADMINISTRATION BENEFITS, LEAVING MOST FAMILIES OF DISCHARGED VETERANS WITH LIMITED ACCESS TO MENTAL HEALTH SERVICES.

(c) ACCESS TO MENTAL HEALTH SERVICES IS BEING SEVERELY LIMITED BY CAPACITY CONSTRAINTS WITHIN THE MILITARY SYSTEM. VETERANS ADMINISTRATION MEDICAL AND MENTAL HEALTH CLINICS REPORT WAITING LISTS OF MORE THAN FOUR HUNDRED VETERANS IN SOME AREAS.

(d) COLORADO SPRINGS IS HOME TO A HIGH PERCENTAGE OF COMBAT VETERANS FROM OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM AND THEIR FAMILIES WHO WOULD BENEFIT FROM THE PROVISION OF MENTAL HEALTH SERVICES.

(2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT IS IN THE BEST INTEREST OF THE STATE OF COLORADO TO CREATE A PILOT PROGRAM TO EDUCATE VETERANS AND THEIR FAMILIES ABOUT MENTAL HEALTH ISSUES, INCLUDING POSTTRAUMATIC STRESS DISORDER, ENCOURAGE FAMILIES OF DISCHARGED VETERANS TO SEEK MENTAL HEALTH SERVICES, AND PROVIDE MENTAL HEALTH SERVICES TO FAMILIES WHO WOULD OTHERWISE NOT BE ABLE TO RECEIVE SUCH SERVICES.

27-1-303. Definitions. AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMUNITY MENTAL HEALTH CENTER" MEANS A NONPROFIT COMMUNITY MENTAL HEALTH CENTER AS DEFINED IN SECTION 27-1-201 (2).

(2) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF HUMAN SERVICES.

(3) "DISCHARGED VETERAN" MEANS A DISCHARGED VETERAN WHO SERVED IN OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(4) "FAMILY" MEANS A SPOUSE OR DEPENDENT CHILD OF A DISCHARGED VETERAN.

(5) "FUND" MEANS THE MENTAL HEALTH SERVICES PILOT PROGRAM FUND CREATED IN SECTION 27-1-305.

(6) "PILOT PROGRAM" MEANS THE MENTAL HEALTH SERVICES PILOT PROGRAM FOR FAMILIES OF RECENTLY DISCHARGED VETERANS CREATED IN SECTION 27-1-304 (1).

27-1-304. Pilot program - creation - scope - reporting. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE MENTAL HEALTH SERVICES PILOT PROGRAM FOR FAMILIES OF RECENTLY DISCHARGED VETERANS TO EDUCATE VETERANS AND THEIR FAMILIES ABOUT MENTAL HEALTH ISSUES, INCLUDING POSTTRAUMATIC STRESS DISORDER, ENCOURAGE FAMILIES OF DISCHARGED VETERANS TO SEEK MENTAL HEALTH SERVICES, AND PROVIDE MENTAL HEALTH SERVICES TO FAMILIES OF DISCHARGED VETERANS WHO WOULD OTHERWISE NOT BE ABLE TO RECEIVE SUCH SERVICES.

(2) EFFECTIVE JULY 1, 2007, SUBJECT TO AVAILABLE FUNDING, THE DEPARTMENT SHALL PURCHASE COMMUNITY MENTAL HEALTH TREATMENT SERVICES PURSUANT TO SECTION 27-1-203 AND MENTAL HEALTH EDUCATION SERVICES FROM COMMUNITY MENTAL HEALTH CENTERS IN THE COLORADO SPRINGS AREA FOR THE PURPOSE OF PROVIDING MENTAL HEALTH EDUCATION, REFERRAL, AND TREATMENT SERVICES TO FAMILIES OF RECENTLY DISCHARGED VETERANS. PARTICIPATING COMMUNITY MENTAL HEALTH CENTERS SHALL PROVIDE A FULL RANGE OF MENTAL HEALTH SERVICES TO FAMILIES OF DISCHARGED VETERANS. PARTICIPATING COMMUNITY MENTAL HEALTH CENTERS ARE HEREBY AUTHORIZED AND ENCOURAGED TO CONTRACT WITH OTHER MENTAL HEALTH PROVIDERS IN THE COLORADO SPRINGS AREA FOR MENTAL HEALTH SERVICES AS NECESSARY. MENTAL HEALTH EDUCATION SERVICES PROVIDED BY PARTICIPATING COMMUNITY MENTAL HEALTH CENTERS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, CREATING AND MAINTAINING A WEBSITE THAT INCLUDES INFORMATION ON THE SYMPTOMS OF POSTTRAUMATIC STRESS DISORDER, TREATMENT OPTIONS, REFERRAL INFORMATION, AND CONTACT INFORMATION FOR PERSONS SEEKING TREATMENT.

(3) A FAMILY THAT RECEIVES SERVICES THROUGH THE PILOT PROGRAM SHALL PAY TO THE PARTICIPATING COMMUNITY MENTAL HEALTH CENTER A CO-PAY NOT TO EXCEED TWENTY DOLLARS FOR EACH CALENDAR MONTH TO COVER ALL SERVICES RECEIVED DURING THAT MONTH. IF THE FAMILY HAS ACCESS TO ALTERNATIVE INSURANCE COVERAGE FOR THE MENTAL HEALTH SERVICES RECEIVED, SUCH ALTERNATIVE FUNDING SHALL BE UTILIZED PRIOR TO ACCESSING PILOT PROGRAM DOLLARS.

(4) BEGINNING JULY 1, 2007, COMMUNITY MENTAL HEALTH CENTERS PARTICIPATING IN THE PILOT PROGRAM SHALL COLLECT DATA ON SERVICES PROVIDED AND CLIENT OUTCOMES FOR THE PURPOSE OF DETERMINING THE EFFECTIVENESS OF THE PILOT PROGRAM. NO LATER THAN DECEMBER 1, 2009, EACH PARTICIPATING COMMUNITY MENTAL HEALTH CENTER SHALL SUBMIT A REPORT TO THE DEPARTMENT SUMMARIZING THE OUTCOMES OF THE PILOT PROGRAM. NO LATER THAN FEBRUARY 1, 2010, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THAT SUMMARIZES THE FINDINGS OF THE PARTICIPATING COMMUNITY MENTAL HEALTH CENTERS.

27-1-305. Mental health services pilot program fund - supplemental tobacco litigation settlement moneys account - creation. (1) THERE ARE HEREBY CREATED IN THE STATE TREASURY THE MENTAL HEALTH SERVICES PILOT PROGRAM FUND AND AN ACCOUNT WITHIN THE FUND TO BE KNOWN AS THE SUPPLEMENTAL TOBACCO LITIGATION SETTLEMENT MONEYS ACCOUNT. THE PRINCIPAL OF THE PORTION OF THE FUND THAT IS NOT THE ACCOUNT SHALL CONSIST OF GENERAL FUND APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY FOR THE PILOT PROGRAM AND GIFTS, GRANTS, MATCHING FUNDS, OR DONATIONS RECEIVED BY THE DEPARTMENT FOR THE PILOT PROGRAM FROM THE FEDERAL GOVERNMENT OR ANY OTHER PUBLIC OR PRIVATE SOURCE. THE PRINCIPAL OF THE ACCOUNT SHALL CONSIST OF SETTLEMENT MONEYS, AS DEFINED IN SECTION 24-75-1102 (2), C.R.S., OR INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF SETTLEMENT MONEYS TRANSFERRED TO THE ACCOUNT FROM THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND CREATED PURSUANT TO SECTION 25-36-101 (2), C.R.S., ENACTED BY SENATE BILL 07-097 AT THE FIRST REGULAR SESSION OF THE

SIXTY-SIXTH GENERAL ASSEMBLY, AS REQUIRED BY SECTION 25-36-101 (7), C.R.S. ALL INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE PORTION OF THE FUND THAT IS NOT THE ACCOUNT SHALL BE CREDITED TO THAT PORTION OF THE FUND, AND ALL INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE ACCOUNT SHALL BE CREDITED TO THE ACCOUNT AND REMAIN IN THE ACCOUNT UNTIL TRANSFERRED AS REQUIRED BY THIS SUBSECTION (1). THE DEPARTMENT SHALL USE MONEYS IN THE FUND AND ACCOUNT ONLY TO PURCHASE MENTAL HEALTH SERVICES FOR FAMILIES OF DISCHARGED VETERANS PURSUANT TO THIS PART 3 AND TO PAY THE ADMINISTRATIVE COSTS OF IMPLEMENTING THE PILOT PROGRAM; EXCEPT THAT ADMINISTRATIVE COSTS SHALL NOT EXCEED FIVE PERCENT OF ALL AMOUNTS APPROPRIATED FROM THE FUND OR THE ACCOUNT FOR A FISCAL YEAR; AND EXCEPT THAT, AT THE END OF THE 2007-08 FISCAL YEAR AND AT THE END OF ANY FISCAL YEAR THEREAFTER, ANY UNEXPENDED AND UNENCUMBERED MONEYS IN THE ACCOUNT SHALL BE TRANSFERRED TO THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND.

(2) THE DEPARTMENT MAY SOLICIT AND RECEIVE GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE SOURCES TO CARRY OUT THE PURPOSES OF THIS PART 3, BUT RECEIPT OF GIFTS, GRANTS, AND DONATIONS SHALL NOT BE A PREREQUISITE TO THE IMPLEMENTATION OF THE PILOT PROGRAM. THE DEPARTMENT SHALL TRANSFER ANY MONEYS RECEIVED PURSUANT TO THIS SUBSECTION (3) TO THE STATE TREASURER WHO SHALL CREDIT THEM TO THE FUND IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION.

27-1-306. Repeal of part. THIS PART 3 IS REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 2. 25-36-101, Colorado Revised Statutes, as enacted by Senate Bill 07-097 at the first regular session of the sixty-sixth general assembly, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-36-101. Short-term grants for innovative health programs - grant fund - creation - transfer of moneys for fiscal years 2007-08 to 2009-10.

(7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, FOR THE 2007-08, 2008-09 AND 2009-10 FISCAL YEARS, THE STATE TREASURER SHALL TRANSFER FROM THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND TO THE SUPPLEMENTAL TOBACCO LITIGATION SETTLEMENT MONEYS ACCOUNT OF THE MENTAL HEALTH SERVICES PILOT PROGRAM FUND, CREATED IN SECTION 27-1-305 (1), C.R.S., THE LESSER OF THREE HUNDRED THOUSAND DOLLARS OR THIRTY PERCENT OF THE AMOUNT ALLOCATED TO THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND FOR THE FISCAL YEAR PURSUANT TO SECTION 24-75-1104.5 (1.5) (a) (IX), C.R.S., ENACTED BY SENATE BILL 07-097 AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the supplemental tobacco litigation settlement moneys account of the mental health services pilot program fund, created in section 27-1-305 (1), Colorado Revised Statute, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2007, the sum of three hundred thousand dollars (\$300,000) and 0.3 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, fourteen thousand four hundred seventy-one dollars (\$14,471) and 0.3 FTE shall be allocated

to mental health and alcohol and drug abuse services, administration, and two hundred eighty-five thousand five hundred twenty-nine dollars (\$285,529) shall be allocated to mental health community programs.

SECTION 4. Section 14 (5) (c) of Senate Bill 07-097, enacted at the First Regular Session of the Sixty-sixth General Assembly, is amended to read:

Section 14. **Appropriation.** (5) (c) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the short-term innovative health program grant fund created in section 25-36-101 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2007, the sum of ~~one million four hundred thousand dollars (\$1,400,000)~~, ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000), cash funds exempt, and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. Effective date. (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect upon passage.

(2) Section 27-1-305, Colorado Revised Statutes, as set forth in section 1 of this act, and section 2 of this act shall only take effect if Senate Bill 07-097 is enacted at the first regular session of the sixty-sixth general assembly and becomes law.

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: June 4, 2007