

CHAPTER 133

HUMAN SERVICES - MENTAL HEALTH

SENATE BILL 09-030

BY SENATOR(S) Keller, Boyd, Foster, Gibbs, Hodge, Hudak, Morse, Newell, Shaffer B., Tochtrop, Williams;
also REPRESENTATIVE(S) Schafer S., Apuan, Casso, Court, Fischer, Frangas, Gerou, Green, Hullinghorst, Kefalas, Labuda,
McGihon, Merrifield, Nikkel, Primavera, Priola, Ryden, Solano, Todd, Vigil.

AN ACT**CONCERNING THE "CHILD MENTAL HEALTH TREATMENT ACT".**

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

SECTION 1. 27-10.3-103 (1), Colorado Revised Statutes, is amended, and the said 27-10.3-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

27-10.3-103. Definitions. As used in this article, unless the context otherwise requires:

(1) ~~"Child at risk of out-of-home placement" means a child who, although not otherwise categorically eligible for medicaid, meets the following criteria:~~

(a) ~~Has been diagnosed as having a mental illness, as defined in section 27-10-102 (8.5);~~

(b) ~~Requires a level of care that is provided in a residential child care facility pursuant to section 25.5-5-306, C.R.S., or that is provided through in-home or community-based programs and who, without such care, is at risk of out-of-home placement;~~

(c) ~~If determined to be in need of placement in a residential child care facility, is determined to be eligible for supplemental security income, and~~

(d) ~~For whom it is inappropriate or unwarranted to file an action in dependency or neglect pursuant to article 3 of title 19, C.R.S. "BEHAVIORAL HEALTH ORGANIZATION" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION~~

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

25.5-5-403 (1), C.R.S.

(1.5) "CHILD AT RISK OF OUT-OF-HOME PLACEMENT" MEANS A CHILD WHO, ALTHOUGH NOT OTHERWISE CATEGORICALLY ELIGIBLE FOR MEDICAID, MEETS THE FOLLOWING CRITERIA:

(a) HAS BEEN DIAGNOSED AS HAVING A MENTAL ILLNESS, AS DEFINED IN SECTION 27-10-102 (8.5);

(b) REQUIRES A LEVEL OF CARE THAT IS PROVIDED IN A RESIDENTIAL CHILD CARE FACILITY PURSUANT TO SECTION 25.5-5-306, C.R.S., OR THAT IS PROVIDED THROUGH IN-HOME OR COMMUNITY-BASED PROGRAMS AND WHO, WITHOUT SUCH CARE, IS AT RISK OF OUT-OF-HOME PLACEMENT;

(c) IF DETERMINED TO BE IN NEED OF PLACEMENT IN A RESIDENTIAL CHILD CARE FACILITY, IS DETERMINED TO BE ELIGIBLE FOR SUPPLEMENTAL SECURITY INCOME; AND

(d) FOR WHOM IT IS INAPPROPRIATE OR UNWARRANTED TO FILE AN ACTION IN DEPENDENCY OR NEGLECT PURSUANT TO ARTICLE 3 OF TITLE 19, C.R.S.

SECTION 2. The introductory portion to 27-10.3-105 (1), Colorado Revised Statutes, is amended, and the said 27-10.3-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

27-10.3-105. Monitoring - report. (1) On or before September 1, ~~2004~~ 2009, and by September 1 of each year thereafter, each COMMUNITY mental health ~~agency~~ CENTER shall report to the state department the following information, AND EACH BEHAVIORAL HEALTH ORGANIZATION, FOR THOSE CHILDREN ELIGIBLE TO RECEIVE MEDICAID BENEFITS WHOSE PARENT OR LEGAL GUARDIAN REQUESTS RESIDENTIAL TREATMENT, SHALL REPORT TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING THE FOLLOWING INFORMATION:

(3) ON OR BEFORE OCTOBER 1, 2009, AND ON OR BEFORE OCTOBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PROVIDE TO THE STATE DEPARTMENT THE INFORMATION RECEIVED FROM BEHAVIORAL HEALTH ORGANIZATIONS PURSUANT TO SUBSECTION (1) OF THIS SECTION.

SECTION 3. 27-10.3-106 (1), Colorado Revised Statutes, is amended to read:

27-10.3-106. Funding - rules. (1) In order to make mental health treatment available, it is the intent of the general assembly that mental health treatment provided pursuant to this article to each child described in section 27-10.3-103 (~~+~~) (1.5) be provided by mental health agencies.

SECTION 4. 27-10.3-108, Colorado Revised Statutes, is amended to read:

27-10.3-108. Repeal of article. This article is repealed, effective July 1, ~~2009~~ 2019.

SECTION 5. 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 16, 2009