

HB1120_L.008

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.

HB19-1120 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. **Legislative declaration.** (1) The general
4 assembly finds that:

5 (a) The federal centers for disease control and prevention found
6 suicide to be the tenth leading cause of death for all ages in 2017 and is
7 currently the leading cause of death for Colorado youth who are ten
8 through fourteen years of age;

9 (b) According to the Colorado Health Institute, Colorado has the
10 tenth highest suicide rate in the nation, and rates of suicide in the eastern
11 plains of Colorado doubled from 2016 to 2017;

12 (c) According to the national institute of mental health,
13 approximately twenty-one-point-four percent of youth who are eight
14 through fifteen years of age experience a severe mental health disorder;

15 (d) According to the American Association of Suicidology, the
16 suicide rate for youth who are ten through fourteen years of age has
17 increased by more than fifty percent over the past three decades; and

18 (e) Youth who are ten through fourteen years of age often avoid
19 obtaining, or are legally unable to obtain without parental consent,
20 outpatient psychotherapy services that would help them prior to reaching
21 crisis levels because they are embarrassed or concerned about speaking
22 with their parent or legal guardian about their mental health concerns and
23 situations.

24 (2) The general assembly therefore declares that it is a matter of
25 statewide concern to allow youth who are twelve years of age or older to
26 have legal access to outpatient psychotherapy services that might
27 otherwise be unavailable without the consent of or notification to the
28 youth's parent or legal guardian. Providing these youth with access to
29 outpatient psychotherapy services is intended to reduce youth suicides and
30 allow registered psychotherapists and licensed social workers to work
31 with youth to teach them functional coping skills. Mental health
32 professionals would have further opportunity to help these youth build
33 healthy connections with parents or legal guardians by increasing
34 communication and strengthening the bond between parent and child,
35 thus building an ongoing nonclinical support system for youth to use to
36 manage their mental health concerns.

37 **SECTION 2.** In Colorado Revised Statutes, 12-43-201, **amend**
38 (9)(a) as follows:

39 **12-43-201. Definitions.** As used in this article 43, unless the
40 context otherwise requires:

41 (9) (a) "Psychotherapy", OR "PSYCHOTHERAPY SERVICES", means

1 the treatment, diagnosis, testing, assessment, or counseling in a
2 professional relationship to assist individuals or groups to alleviate
3 behavioral and mental health disorders; understand unconscious or
4 conscious motivation; resolve emotional, relationship, or attitudinal
5 conflicts; or modify behaviors that interfere with effective emotional,
6 social, or intellectual functioning. Psychotherapy follows a planned
7 procedure of intervention that takes place on a regular basis, over a period
8 of time, or in the cases of testing, assessment, and brief psychotherapy,
9 psychotherapy can be a single intervention.

10 **SECTION 3.** In Colorado Revised Statutes, add 12-43-202.5 as
11 follows:

12 **12-43-202.5. Minors - consent for outpatient psychotherapy**
13 **services - immunity - definition.** (1) AS USED IN THIS SECTION, UNLESS
14 THE CONTEXT OTHERWISE REQUIRES, "MENTAL HEALTH PROFESSIONAL"
15 INCLUDES A PROFESSIONAL PERSON AS DEFINED IN SECTION 27-65-102
16 (17); A MENTAL HEALTH PROFESSIONAL LICENSED PURSUANT TO PART 3,
17 4, 5, 6, OR 8 OF THIS ARTICLE 43; OR A SCHOOL SOCIAL WORKER LICENSED
18 BY THE DEPARTMENT OF EDUCATION.

19 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MENTAL
20 HEALTH PROFESSIONAL DESCRIBED IN SUBSECTION (1) OF THIS SECTION
21 MAY PROVIDE PSYCHOTHERAPY SERVICES, AS DEFINED IN SECTION
22 12-43-201 (9)(a), TO A MINOR WHO IS TWELVE YEARS OF AGE OR OLDER,
23 WITH OR WITHOUT THE CONSENT OF THE MINOR'S PARENT OR LEGAL
24 GUARDIAN, IF THE MENTAL HEALTH PROFESSIONAL DETERMINES THAT:

25 (a) THE MINOR IS KNOWINGLY AND VOLUNTARILY SEEKING SUCH
26 SERVICES; AND

27 (b) THE PROVISION OF PSYCHOTHERAPY SERVICES IS CLINICALLY
28 INDICATED AND NECESSARY TO THE MINOR'S WELL-BEING.

29 (3) (a) THE MENTAL HEALTH PROFESSIONAL MAY NOTIFY THE
30 MINOR'S PARENT OR LEGAL GUARDIAN OF THE PSYCHOTHERAPY SERVICES
31 GIVEN OR NEEDED, WITH THE MINOR'S CONSENT, UNLESS NOTIFYING THE
32 PARENT OR LEGAL GUARDIAN WOULD BE INAPPROPRIATE OR DETRIMENTAL
33 TO THE MINOR'S CARE AND TREATMENT.

34 (b) THE MENTAL HEALTH PROFESSIONAL SHALL ENGAGE THE
35 MINOR IN A DISCUSSION ABOUT THE IMPORTANCE OF INVOLVING AND
36 NOTIFYING THE MINOR'S PARENT OR LEGAL GUARDIAN AND SHALL
37 ENCOURAGE SUCH NOTIFICATION TO HELP SUPPORT THE MINOR'S CARE AND
38 TREATMENT.

39 (c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3)(a) OF
40 THIS SECTION, A MENTAL HEALTH PROFESSIONAL MAY NOTIFY THE MINOR'S
41 PARENT OR LEGAL GUARDIAN OF THE PSYCHOTHERAPY SERVICES GIVEN OR
42 NEEDED, WITHOUT THE MINOR'S CONSENT, IF IN THE PROFESSIONAL
43 OPINION OF THE MENTAL HEALTH PROFESSIONAL, THE MINOR IS UNABLE TO

1 MANAGE THE MINOR'S CARE OR TREATMENT.

2 (4) A MENTAL HEALTH PROFESSIONAL DESCRIBED IN SUBSECTION
3 (1) OF THIS SECTION SHALL FULLY DOCUMENT WHEN THE MENTAL HEALTH
4 PROFESSIONAL ATTEMPTS TO CONTACT OR NOTIFY THE MINOR'S PARENT OR
5 LEGAL GUARDIAN, AND WHETHER THE ATTEMPT WAS SUCCESSFUL OR
6 UNSUCCESSFUL, OR THE REASON WHY, IN THE MENTAL HEALTH
7 PROFESSIONAL'S OPINION, IT WOULD BE INAPPROPRIATE TO CONTACT OR
8 NOTIFY THE MINOR'S PARENT OR LEGAL GUARDIAN. DOCUMENTATION
9 MUST BE INCLUDED IN THE MINOR'S CLINICAL RECORD, ALONG WITH A
10 WRITTEN STATEMENT SIGNED BY THE MINOR INDICATING THAT THE MINOR
11 IS VOLUNTARILY SEEKING PSYCHOTHERAPY SERVICES.

12 (5) PSYCHOTHERAPY SERVICES MUST BE PROVIDED IN A
13 CULTURALLY APPROPRIATE MANNER. WRITTEN AND ORAL INSTRUCTION,
14 TRAINING OF PROVIDERS AND STAFF, AND THE OVERALL PROVISION OF
15 SERVICES MUST BE CULTURALLY APPROPRIATE AND PROVIDED IN A
16 MANNER AND FORMAT TO SUPPORT INDIVIDUALS WITH LIMITED ENGLISH
17 PROFICIENCY OR CHALLENGES WITH ACCESSIBILITY RELATED TO A
18 DISABILITY AND WITH RESPECT FOR DIVERSE BACKGROUNDS, INCLUDING
19 INDIVIDUALS WITH DIFFERENT CULTURAL ORIGINS AND INDIVIDUALS WHO
20 ARE LESBIAN, GAY, BISEXUAL, OR TRANSGENDER.

21 (6) AS USED IN THIS SECTION, PSYCHOTHERAPY SERVICES DO NOT
22 INCLUDE INPATIENT PSYCHOTHERAPY SERVICES. PSYCHOTROPIC
23 MEDICATION MAY NOT BE PRESCRIBED TO A MINOR WHO IS FOURTEEN
24 YEARS OF AGE OR YOUNGER WITHOUT PARENTAL CONSENT.

25 (7) IF A MINOR WHO IS RECEIVING PSYCHOTHERAPY SERVICES
26 PURSUANT TO THIS SECTION COMMUNICATES A CLEAR AND IMMINENT
27 INTENT OR THREAT TO INFLICT SERIOUS BODILY HARM ON THEMSELVES OR
28 OTHERS, THE MENTAL HEALTH PROFESSIONAL DESCRIBED IN SUBSECTION
29 (1) OF THIS SECTION IS SUBJECT TO THE NOTIFICATION PROVISIONS OF
30 SECTION 13-21-117 (2).

31 (8) IF A MINOR WHO IS RECEIVING PSYCHOTHERAPY SERVICES
32 PURSUANT TO THIS SECTION COMMUNICATES AN INTENT TO COMMIT
33 SUICIDE, THE MENTAL HEALTH PROFESSIONAL DESCRIBED IN SUBSECTION
34 (1) OF THIS SECTION SHALL NOTIFY THE MINOR'S PARENT OR LEGAL
35 GUARDIAN OF SUCH SUICIDODOLOGY.

36 **SECTION 4.** In Colorado Revised Statutes, add 22-2-127.9 as
37 follows:

38 **22-2-127.9. Mental health education literacy - resource bank**
39 **- technical assistance.** (1) THE DEPARTMENT, WITH ASSISTANCE FROM
40 THE OFFICE OF SUICIDE PREVENTION CREATED PURSUANT TO SECTION
41 25-1.5-101 (1)(w)(I), THE COLORADO YOUTH ADVISORY COUNCIL
42 CREATED PURSUANT TO SECTION 2-2-1302, AND THE SUICIDE PREVENTION
43 COMMISSION CREATED PURSUANT TO SECTION 25-1.5-111, SHALL CREATE

1 AND MAINTAIN A RESOURCE BANK OF EVIDENCE-BASED, RESEARCH-BASED,
2 AND PROMISING PROGRAM MATERIALS AND CURRICULA PERTAINING TO
3 MENTAL HEALTH, WHICH MATERIALS AND CURRICULA MAY BE USED IN
4 ELEMENTARY AND SECONDARY SCHOOLS IN THE STATE. THE RESOURCE
5 BANK AND CURRICULA MUST BE YOUTH-FRIENDLY, CULTURALLY
6 SENSITIVE, AND AVAILABLE IN BOTH ENGLISH AND SPANISH. IN CREATING
7 THE RESOURCE BANK AND CURRICULA, THE DEPARTMENT MAY PROVIDE
8 INTERNET LINKS TO RESOURCES AND MATERIALS PERTAINING TO MENTAL
9 HEALTH AVAILABLE FROM OTHER ENTITIES THAT THE DEPARTMENT FINDS
10 RELIABLE. ADDITIONALLY, THE DEPARTMENT SHALL SOLICIT INPUT FROM
11 PERSONS, INCLUDING YOUTH, WITHIN AND OUTSIDE OF THE MENTAL
12 HEALTH PROFESSION, INCLUDING BOTH COMMUNITY AND SCHOOL MENTAL
13 HEALTH PROFESSIONALS. SUBJECT TO AVAILABLE APPROPRIATIONS, THE
14 DEPARTMENT SHALL SOLICIT REQUESTS FOR INFORMATION AND MAY
15 CONTRACT FOR:

16 (a) THE ORGANIZATION AND ENHANCEMENT OF THE RESOURCE
17 BANK, INCLUDING MATERIALS ON THE PREVENTION OF SUICIDE AND
18 EDUCATION ON MENTAL HEALTH;

19 (b) THE DEVELOPMENT OF MENTAL HEALTH CURRICULA FOR
20 SCHOOLS AND PROVIDING SUCH CURRICULA TO SCHOOLS; AND

21 (c) TRAINING FOR EDUCATORS AND SCHOOL STAFF CONCERNING
22 MENTAL HEALTH.

23 (2) ON AND AFTER JULY 1, 2020, THE DEPARTMENT SHALL MAKE
24 MATERIAL IN THE RESOURCE BANK AVAILABLE WITHOUT CHARGE TO
25 SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER SCHOOLS,
26 BOARDS OF COOPERATIVE SERVICES, PROFESSIONAL EDUCATORS, PARENTS
27 OR GUARDIANS OF YOUTH, STUDENTS, AND COMMUNITY PROVIDERS. AT
28 THE REQUEST OF A SCHOOL DISTRICT, CHARTER SCHOOL, INSTITUTE
29 CHARTER SCHOOL, OR BOARD OF COOPERATIVE SERVICES, THE
30 DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO THE SCHOOL
31 DISTRICT, CHARTER SCHOOL, INSTITUTE CHARTER SCHOOL, OR BOARD OF
32 COOPERATIVE SERVICES IN DESIGNING AGE-APPROPRIATE CURRICULA
33 PERTAINING TO MENTAL HEALTH.

34 (3) THE MATERIALS AND RESOURCES AVAILABLE TO STUDENTS
35 MUST BE DEVELOPED AND UPDATED WITH INPUT FROM YOUTH.

36 (4) SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER
37 SCHOOLS, AND BOARDS OF COOPERATIVE SERVICES ARE ENCOURAGED TO
38 REPORT TO THE DEPARTMENT ON THE EFFECTIVENESS OF THE RESOURCE
39 BANK AND CURRICULA AND TO RECOMMEND CHANGES TO IMPROVE THE
40 RESOURCE BANK OR CURRICULA. THE DEPARTMENT IS ENCOURAGED TO
41 UPDATE THE RESOURCE BANK AND CURRICULA BASED ON
42 RECOMMENDATIONS FROM SCHOOL DISTRICTS, CHARTER SCHOOLS,
43 INSTITUTE CHARTER SCHOOLS, BOARDS OF COOPERATIVE SERVICES,
44 PROFESSIONAL EDUCATORS, PARENTS OR GUARDIANS OF YOUTH,

1 STUDENTS, AND COMMUNITY PROVIDERS.

2 **SECTION 5.** In Colorado Revised Statutes, 22-7-1005, **add** (2.3)
3 as follows:

4 **22-7-1005. Preschool through elementary and secondary**
5 **education - aligned standards - adoption - revisions.** (2.3) ON OR
6 BEFORE JULY 1, 2020, THE STATE BOARD SHALL ADOPT STANDARDS THAT
7 IDENTIFY THE KNOWLEDGE AND SKILLS THAT AN ELEMENTARY THROUGH
8 SECONDARY EDUCATION STUDENT SHOULD ACQUIRE RELATED TO MENTAL
9 HEALTH, INCLUDING SUICIDE PREVENTION. WHEN THE STATE BOARD IS
10 ADOPTING STANDARDS, THE STATE BOARD SHALL TAKE INTO ACCOUNT
11 WHAT LOCAL EDUCATION PROVIDERS ARE CURRENTLY TEACHING WITH
12 REGARD TO MENTAL HEALTH.

13 **SECTION 6.** In Colorado Revised Statutes, **amend as relocated**
14 **by House Bill 19-1172** 12-245-202 (14)(a) as follows:

15 **12-245-202. Definitions.** As used in this article 245, unless the
16 context otherwise requires:

17 (14) (a) "Psychotherapy" OR "PSYCHOTHERAPY SERVICES" means
18 the treatment, diagnosis, testing, assessment, or counseling in a
19 professional relationship to assist individuals or groups to alleviate
20 behavioral and mental health disorders, understand unconscious or
21 conscious motivation, resolve emotional, relationship, or attitudinal
22 conflicts, or modify behaviors that interfere with effective emotional,
23 social, or intellectual functioning. Psychotherapy follows a planned
24 procedure of intervention that takes place on a regular basis, over a period
25 of time, or in the cases of testing, assessment, and brief psychotherapy,
26 psychotherapy can be a single intervention.

27 **SECTION 7.** In Colorado Revised Statutes, **add to article 245**
28 **as relocated by House Bill 19-1172** 12-245-203.5 as follows:

29 **12-245-203.5. Minors - consent for outpatient psychotherapy**
30 **services - immunity - definition.** (1) AS USED IN THIS SECTION, UNLESS
31 THE CONTEXT OTHERWISE REQUIRES, "MENTAL HEALTH PROFESSIONAL"
32 INCLUDES A PROFESSIONAL PERSON AS DEFINED IN SECTION 27-65-102
33 (17); A MENTAL HEALTH PROFESSIONAL LICENSED PURSUANT TO PART 3,
34 4, 5, 6, OR 8 OF THIS ARTICLE 245; OR A SCHOOL SOCIAL WORKER LICENSED
35 BY THE DEPARTMENT OF EDUCATION.

36 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MENTAL
37 HEALTH PROFESSIONAL DESCRIBED IN SUBSECTION (1) OF THIS SECTION
38 MAY PROVIDE PSYCHOTHERAPY SERVICES, AS DEFINED IN SECTION
39 12-245-202 (14)(a), TO A MINOR WHO IS TWELVE YEARS OF AGE OR OLDER,
40 WITH OR WITHOUT THE CONSENT OF THE MINOR'S PARENT OR LEGAL
41 GUARDIAN, IF THE MENTAL HEALTH PROFESSIONAL DETERMINES THAT:

42 (a) THE MINOR IS KNOWINGLY AND VOLUNTARILY SEEKING SUCH
43 SERVICES; AND

1 (b) THE PROVISION OF PSYCHOTHERAPY SERVICES IS CLINICALLY
2 INDICATED AND NECESSARY TO THE MINOR'S WELL-BEING.

3 (3) (a) THE MENTAL HEALTH PROFESSIONAL MAY NOTIFY THE
4 MINOR'S PARENT OR LEGAL GUARDIAN OF THE PSYCHOTHERAPY SERVICES
5 GIVEN OR NEEDED, WITH THE MINOR'S CONSENT, UNLESS NOTIFYING THE
6 PARENT OR LEGAL GUARDIAN WOULD BE INAPPROPRIATE OR DETRIMENTAL
7 TO THE MINOR'S CARE AND TREATMENT.

8 (b) THE MENTAL HEALTH PROFESSIONAL SHALL ENGAGE THE
9 MINOR IN A DISCUSSION ABOUT THE IMPORTANCE OF INVOLVING AND
10 NOTIFYING THE MINOR'S PARENT OR LEGAL GUARDIAN AND SHALL
11 ENCOURAGE SUCH NOTIFICATION TO HELP SUPPORT THE MINOR'S CARE AND
12 TREATMENT.

13 (c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3)(a) OF
14 THIS SECTION, A MENTAL HEALTH PROFESSIONAL MAY NOTIFY THE MINOR'S
15 PARENT OR LEGAL GUARDIAN OF THE PSYCHOTHERAPY SERVICES GIVEN OR
16 NEEDED, WITHOUT THE MINOR'S CONSENT, IF IN THE PROFESSIONAL
17 OPINION OF THE MENTAL HEALTH PROFESSIONAL, THE MINOR IS UNABLE TO
18 MANAGE THE MINOR'S CARE OR TREATMENT.

19 (4) A MENTAL HEALTH PROFESSIONAL DESCRIBED IN SUBSECTION
20 (1) OF THIS SECTION SHALL FULLY DOCUMENT WHEN THE MENTAL HEALTH
21 PROFESSIONAL ATTEMPTS TO CONTACT OR NOTIFY THE MINOR'S PARENT OR
22 LEGAL GUARDIAN, AND WHETHER THE ATTEMPT WAS SUCCESSFUL OR
23 UNSUCCESSFUL, OR THE REASON WHY, IN THE MENTAL HEALTH
24 PROFESSIONAL'S OPINION, IT WOULD BE INAPPROPRIATE TO CONTACT OR
25 NOTIFY THE MINOR'S PARENT OR LEGAL GUARDIAN. DOCUMENTATION
26 MUST BE INCLUDED IN THE MINOR'S CLINICAL RECORD, ALONG WITH A
27 WRITTEN STATEMENT SIGNED BY THE MINOR INDICATING THAT THE MINOR
28 IS VOLUNTARILY SEEKING PSYCHOTHERAPY SERVICES.

29 (5) PSYCHOTHERAPY SERVICES MUST BE PROVIDED IN A
30 CULTURALLY APPROPRIATE MANNER. WRITTEN AND ORAL INSTRUCTION,
31 TRAINING OF PROVIDERS AND STAFF, AND THE OVERALL PROVISION OF
32 SERVICES MUST BE CULTURALLY APPROPRIATE AND PROVIDED IN A
33 MANNER AND FORMAT TO SUPPORT INDIVIDUALS WITH LIMITED ENGLISH
34 PROFICIENCY OR CHALLENGES WITH ACCESSIBILITY RELATED TO A
35 DISABILITY AND WITH RESPECT FOR DIVERSE BACKGROUNDS, INCLUDING
36 INDIVIDUALS WITH DIFFERENT CULTURAL ORIGINS AND INDIVIDUALS WHO
37 ARE LESBIAN, GAY, BISEXUAL, OR TRANSGENDER.

38 (6) AS USED IN THIS SECTION, PSYCHOTHERAPY SERVICES DO NOT
39 INCLUDE INPATIENT PSYCHOTHERAPY SERVICES. PSYCHOTROPIC
40 MEDICATION MAY NOT BE PRESCRIBED TO A MINOR WHO IS FOURTEEN
41 YEARS OF AGE OR YOUNGER WITHOUT PARENTAL CONSENT.

42 (7) IF A MINOR WHO IS RECEIVING PSYCHOTHERAPY SERVICES
43 PURSUANT TO THIS SECTION COMMUNICATES A CLEAR AND IMMINENT
44 INTENT OR THREAT TO INFLICT SERIOUS BODILY HARM ON THEMSELVES OR

1 OTHERS, THE MENTAL HEALTH PROFESSIONAL DESCRIBED IN SUBSECTION
2 (1) OF THIS SECTION IS SUBJECT TO THE NOTIFICATION PROVISIONS OF
3 SECTION 13-21-117 (2).

4 (8) IF A MINOR WHO IS RECEIVING PSYCHOTHERAPY SERVICES
5 PURSUANT TO SUBSECTIONS (2) AND (3) OF THIS SECTION COMMUNICATES
6 AN INTENT TO COMMIT SUICIDE, THE MENTAL HEALTH PROFESSIONAL
7 DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL NOTIFY THE
8 MINOR'S PARENT OR LEGAL GUARDIAN OF SUCH SUICIDOLOGY.

9 **SECTION 8. Effective date.** This act takes effect upon passage;
10 except that sections 6 and 7 of this act take effect only if House Bill
11 19-1172 becomes law, in which case sections 6 and 7 take effect on
12 October 1, 2019.

13 **SECTION 9. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety."

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