

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 21-1258

BY REPRESENTATIVE(S) Michaelson Jenet and Van Winkle, Amabile, Bacon, Bennett, Bird, Boesenecker, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, McCluskie, McCormick, McLachlan, Mullica, Ortiz, Ricks, Roberts, Sandridge, Sirota, Snyder, Sullivan, Titone, Valdez A., Valdez D., Woodrow, Young, Garnett, Caraveo, Kennedy;
also SENATOR(S) Buckner and Woodward, Bridges, Cooke, Coram, Danielson, Donovan, Fenberg, Fields, Gardner, Ginal, Gonzales, Hisey, Holbert, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Liston, Lundeen, Moreno, Pettersen, Rankin, Rodriguez, Scott, Simpson, Smallwood, Sonnenberg, Winter, Zenzinger, Garcia.

CONCERNING ESTABLISHING A TEMPORARY PROGRAM TO FACILITATE YOUTH MENTAL HEALTH SERVICES IN RESPONSE TO IDENTIFIED NEEDS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The COVID-19 pandemic has put extraordinary stress on all

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

Coloradans, including young Coloradans who have experienced enormous disruptions to school, social activities, and support networks, resulting in increased isolation and, in many cases, new or exacerbated instability, particularly as a result of a parent's loss of employment or stable housing. Even before the pandemic, Colorado ranked in the bottom half of states for prevalence of mental illness and access to care. In 2018, Colorado had the seventh highest suicide rate in the nation, and suicide is the leading cause of death among Colorado youth.

(b) Since the pandemic began, the Colorado crisis services hotline has experienced a thirty percent increase in calls and texts, and Children's Hospital Colorado has seen a ten percent increase in the number of kids who visit the psychiatric emergency department due to thoughts of suicide. As experts sound alarms about the state of youth mental health, both now and looking into the future, the general assembly recognizes that recovery from the pandemic will depend on youth having access to mental health support, regardless of their ability to pay for it.

(c) For years, Colorado schools have been fundamentally rethinking school safety by centering on the social, emotional, and mental health needs of young people. In 2020 and 2021, teachers and school counselors faced unprecedented burdens. As Colorado transitions beyond the COVID-19 pandemic, the state's youth need the support of their parents, families, communities, and mental health professionals beyond school walls to address the pain, trauma, and loneliness they are experiencing.

(d) Colorado's behavioral health blueprint identifies care coordination as a significant challenge for many Coloradans. Providing mental health sessions free of charge to youth across the state can help break down barriers to access and create a sustainable community of care and long-lasting relationships between youth and mental health professionals.

(e) Recognizing disparities in access to mental health care by race, neurodiversity, and geography, the general assembly finds it is essential for mental health services programs to actively seek out providers who reflect the diversity of Colorado's youth and for communities to help raise awareness and disseminate information about mental health services, especially to marginalized youth.

(2) Therefore, the general assembly declares that immediate action is necessary to support the mental health of all Colorado youth by facilitating access to a mental health screening and providing mental health sessions free of charge to youth in order to respond to identified mental health needs. In doing so, Colorado can build back stronger from the pandemic and get closer to achieving the state's long-term behavioral health reform goals.

SECTION 2. In Colorado Revised Statutes, **add 27-60-109** as follows:

27-60-109. Temporary youth mental health services program - established - rules - report - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "PORTAL" MEANS THE WEBSITE OR WEB-BASED APPLICATION DESCRIBED IN SUBSECTION (4) OF THIS SECTION THAT FACILITATES THE PROGRAM.

(b) "PROGRAM" MEANS THE TEMPORARY YOUTH MENTAL HEALTH SERVICES PROGRAM ESTABLISHED IN THIS SECTION.

(c) "PROVIDER" MEANS A LICENSED PSYCHIATRIST REGULATED PURSUANT TO ARTICLE 240 OF TITLE 12 OR ANY OF THE FOLLOWING LICENSEES, CERTIFIED PROFESSIONALS, OR CANDIDATES REGULATED PURSUANT TO ARTICLE 245 OF TITLE 12: A LICENSED PSYCHOLOGIST OR PSYCHOLOGIST CANDIDATE; LICENSED SOCIAL WORKER, LICENSED CLINICAL SOCIAL WORKER, OR CLINICAL SOCIAL WORKER CANDIDATE; LICENSED MARRIAGE AND FAMILY THERAPIST OR MARRIAGE AND FAMILY THERAPIST CANDIDATE; LICENSED PROFESSIONAL COUNSELOR OR LICENSED PROFESSIONAL COUNSELOR CANDIDATE; OR LICENSED ADDICTION COUNSELOR, CERTIFIED ADDICTION SPECIALIST, OR ADDICTION COUNSELOR CANDIDATE.

(d) "TELEHEALTH" HAS THE SAME MEANING SET FORTH IN SECTION 10-16-123.

(e) "YOUTH" MEANS:

(I) A PERSON EIGHTEEN YEARS OF AGE OR YOUNGER; AND

(II) A PERSON WHO IS TWENTY-ONE YEARS OF AGE OR YOUNGER BUT OLDER THAN EIGHTEEN YEARS OF AGE WHO IS RECEIVING SPECIAL EDUCATION SERVICES PURSUANT TO PART 1 OF ARTICLE 20 OF TITLE 22.

(2)(a) THERE IS ESTABLISHED IN THE OFFICE THE TEMPORARY YOUTH MENTAL HEALTH SERVICES PROGRAM TO FACILITATE ACCESS TO MENTAL HEALTH SERVICES, INCLUDING SUBSTANCE USE DISORDER SERVICES, FOR YOUTH TO RESPOND TO MENTAL HEALTH NEEDS IDENTIFIED IN AN INITIAL MENTAL HEALTH SCREENING THROUGH THE PORTAL, INCLUDING THOSE NEEDS THAT MAY HAVE RESULTED FROM THE COVID-19 PANDEMIC. THE PROGRAM REIMBURSES PROVIDERS FOR UP TO THREE MENTAL HEALTH SESSIONS WITH A YOUTH.

(b) THE OFFICE SHALL REIMBURSE PROVIDERS WHO PARTICIPATE IN THE PROGRAM FOR EACH MENTAL HEALTH SESSION WITH A YOUTH, EITHER IN-PERSON OR BY TELEHEALTH, UP TO A MAXIMUM OF THREE SESSIONS PER YOUTH CLIENT; EXCEPT THAT SUBJECT TO AVAILABLE MONEY, THE STATE DEPARTMENT MAY REIMBURSE A PROVIDER FOR ADDITIONAL SESSIONS. TO BE ELIGIBLE FOR REIMBURSEMENT FROM THE PROGRAM, A PROVIDER MUST BE AVAILABLE TO PROVIDE THREE MENTAL HEALTH SESSIONS TO EACH YOUTH THE PROVIDER ACCEPTS AS A CLIENT.

(c) A PROVIDER SHALL MAINTAIN CLIENT CONFIDENTIALITY PURSUANT TO STATE OR FEDERAL LAW WITH REGARD TO A YOUTH CLIENT WHO PARTICIPATES IN A MENTAL HEALTH SESSION WITH THE PROVIDER THAT IS REIMBURSED PURSUANT TO THE PROGRAM.

(3) (a) THE OFFICE SHALL:

(I) DEVELOP A PROCESS CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION FOR PROVIDERS TO APPLY FOR, AND DEMONSTRATE ELIGIBILITY TO RECEIVE, REIMBURSEMENT FROM THE PROGRAM;

(II) DETERMINE A REASONABLE RATE OF REIMBURSEMENT FOR EACH MENTAL HEALTH SESSION WITH A YOUTH CLIENT PURSUANT TO THE PROGRAM, WHICH RATE MUST BE THE SAME REGARDLESS OF WHETHER THE APPOINTMENT IS A TELEHEALTH OR IN-PERSON APPOINTMENT; AND

(III) IMPLEMENT A STATEWIDE PUBLIC AWARENESS AND OUTREACH CAMPAIGN ABOUT THE PROGRAM. THE GENERAL ASSEMBLY ENCOURAGES

THE OFFICE TO INVOLVE SCHOOLS, NEIGHBORHOOD YOUTH ORGANIZATIONS, HEALTH-CARE PROVIDERS, FAITH-BASED ORGANIZATIONS, AND ANY OTHER COMMUNITY-BASED ORGANIZATIONS THAT INTERACT WITH YOUTH ON THE LOCAL LEVEL IN DISSEMINATING INFORMATION ABOUT THE PROGRAM.

(b) THE STATE DEPARTMENT MAY PROMULGATE RULES NECESSARY FOR THE ADMINISTRATION OF THIS SECTION, INCLUDING RULES TO PROTECT THE PRIVACY OF YOUTH WHO RECEIVE SERVICES THROUGH THE PROGRAM.

(4) (a) AS SOON AS PRACTICABLE, BUT NO LATER THAN AUGUST 1, 2021, THE STATE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH A VENDOR TO CREATE, OR USE AN EXISTING, WEBSITE OR WEB-BASED APPLICATION AS A PORTAL AVAILABLE TO YOUTH AND PROVIDERS TO FACILITATE THE PROGRAM. THE PORTAL MUST:

(I) SERVE AS A PLATFORM FOR INITIAL AGE-APPROPRIATE MENTAL HEALTH SCREENINGS TO DETERMINE IF A YOUTH MAY BENEFIT FROM MENTAL HEALTH SUPPORT;

(II) ALLOW PROVIDERS TO REGISTER AND SHARE IN-PERSON OR TELEHEALTH APPOINTMENT AVAILABILITY;

(III) WHEN POSSIBLE, CONNECT YOUTH WITH PROVIDERS WHO ACCEPT THE YOUTH'S INSURANCE OR PAYMENT SOURCE THAT MAY COVER THE COSTS OF ONGOING MENTAL HEALTH TREATMENT, IF THE YOUTH HAS INSURANCE OR A PAYMENT SOURCE; AND

(IV) ALLOW A YOUTH, REGARDLESS OF WHETHER THE YOUTH HAS INSURANCE OR ANY OTHER PAYMENT SOURCE, TO SCHEDULE TELEHEALTH APPOINTMENTS WITH A PROVIDER. AN IN-PERSON APPOINTMENT MAY BE PROVIDED IF AND WHEN AVAILABLE.

(b) THE SELECTION OF A VENDOR PURSUANT TO THIS SUBSECTION (4) IS EXEMPT FROM THE REQUIREMENTS OF THE PROCUREMENT CODE, ARTICLES 101 TO 112 OF TITLE 24.

(5) ON OR BEFORE JANUARY 1, 2022, AND ON OR BEFORE JUNE 30, 2022, THE STATE DEPARTMENT SHALL REPORT TO THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE,

OR THEIR SUCCESSOR COMMITTEES, REGARDING THE NUMBER OF YOUTH WHO RECEIVED SERVICES UNDER THE PROGRAM, EXCLUDING ANY PERSONALLY IDENTIFIABLE INFORMATION IN ACCORDANCE WITH STATE AND FEDERAL LAW; INFORMATION IN AGGREGATE ABOUT THE SERVICES PROVIDED TO YOUTH UNDER THE PROGRAM; AND OTHER RELEVANT INFORMATION REGARDING THE PROGRAM.

(6) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2022.

SECTION 3. Appropriation. For the 2020-21 state fiscal year, \$9,000,000 is appropriated to the department of human services for use by the office of behavioral health. This appropriation is from the general fund. To implement this act, the office may use this appropriation for the temporary youth mental health services program. Any money appropriated in this section not expended prior to July 1, 2021, is further appropriated to the office for the 2021-22 state fiscal year for the same purpose.

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO