Second Regular Session

Sixty-second General Assembly

LLS NO. 00-0357.01 Beth Braby SENATE BILL 00-112

STATE OF COLORADO

BY SENATORS Pascoe, Linkhart, Reeves and Rupert;
also REPRESENTATIVE Morrison.

A BILL FOR AN ACT

101 CONCERNING THE PROVISION OF MENTAL HEALTH SERVICES TO
102 SCHOOL-AGED CHILDREN.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the "Child Mental Health Services Act". Requires the department of human services to administer the mental health services program by utilizing community mental health centers to provide referral, assessment, and treatment services to school-aged children in need of mental health services. Requires community mental health centers to meet and cooperate with school districts, existing interagency committees at the local level, and other interested parties to develop a plan to provide mental health referral, assessment, and treatment services to every public school in Colorado. Requires the plan to provide for a community mental health center staff member to act as a mental health liaison in each public school, and the rendering of mental health referral, assessment, and treatment services, upon consent of a child's parent or legal guardian, to any child referred to a community mental health center by the mental health liaison.

Requires the community mental health centers in each school district to file a plan with the director of the unit responsible for mental health services in the department of human services. Requires the director of the unit responsible for mental health services to work with community mental health centers, if necessary, to develop a plan that meets certain minimum requirements for approval.

Requires schools and community mental health centers to implement the program no later than December 1, 2000.

Specifies that mental health liaisons are required to communicate

with each assigned public school at least one day each school week. Further specifies that mental health liaisons are required to contact the parent or legal guardian of any student who is self-referred, referred by the student's parent or legal guardian, or referred by a teacher or other licensed school employee for the purpose of meeting together to determine whether the student is a danger to himself or herself or others or whether the student might otherwise reasonably benefit from mental health services. Specifies that with the permission of the parent or legal guardian of any student who is referred, mental health liaisons shall assess the student to determine if the student might reasonably benefit from mental health services. Requires mental health liaisons to continue monitoring the ongoing assessment and treatment of any student referred to a community mental health center for services.

Requires community mental health centers to provide assessment and treatment services to students referred by a mental health liaison. Requires school districts to offer training concerning school-aged mental illness to teachers. Requires teacher preparation programs to include training for teacher candidates concerning school-aged mental illness. Requires any teacher or other licensed public school employee who observes a student that he or she reasonably believes may exhibit common indicators of depression, schizophrenia, anxiety disorder, obsessive-compulsive disorder, or any other mental illness to refer such student to the mental health liaison.

Requires each community mental health center to report to the department of human services information about the mental health services provided and the numbers of students to whom specific services were provided pursuant to this act.

States that, if private insurance, the children's basic health plan, and medicaid funding fail to cover the costs of the services provided by the community mental health centers, the parent or legal guardian is responsible for paying the excess costs on a sliding scale basis. Requires remaining services not covered by private insurance, the children's basic health plan, medicaid, or the parent or legal guardian to be paid for from moneys appropriated to the youth crime prevention and intervention program. Requires the state board of human services to consult with the department of health care policy and financing to develop a sliding scale fee.

Makes conforming amendments.

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

SECTION 1. Article 10.3 of title 27, Colorado Revised Statutes,

is amended BY THE ADDITION OF A NEW PART to read:

PART 2

CHILD MENTAL HEALTH SERVICES ACT

27-10.3-201. Short title. THIS PART 2 SHALL BE KNOWN AND MAY BE CITED AS THE "CHILD MENTAL HEALTH SERVICES ACT".

27-10.3-202. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT RECOGNIZING AND TREATING MENTAL ILLNESS IN CHILDREN IS ESSENTIAL FOR THE HEALTH AND SAFETY OF THE CITIZENS OF THE STATE OF COLORADO. IF TROUBLED CHILDREN ARE NOT TREATED, THEY CANNOT ACHIEVE THEIR FULL POTENTIAL AND THEY CAN POSE A RISK TO SCHOOLS AND COMMUNITIES WITHIN THE STATE. EARLY DIAGNOSIS AND TREATMENT OF MENTAL ILLNESS IS THE BEST PREVENTION OF FUTURE VIOLENCE AND SELF-DESTRUCTIVE BEHAVIORS. THEREFORE THE GENERAL ASSEMBLY HEREBY INSTRUCTS EACH COMMUNITY TO CREATE AN APPROPRIATE SYSTEM THAT SHALL LEAD TO THE IDENTIFICATION, ASSESSMENT, AND TREATMENT OF CHILDREN WITH MENTAL ILLNESS WHO ATTEND PUBLIC SCHOOLS.

27-10.3-203. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD OF COOPERATIVE SERVICES" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-5-103 (2), C.R.S.

(2) "MENTAL HEALTH LIAISON" MEANS A STAFF MEMBER OF A COMMUNITY MENTAL HEALTH CENTER, AS DEFINED IN SECTION 27-10.3-103 (2), WHICH CENTER IS LICENSED PURSUANT TO SECTION 25-1-107 (1) (l), C.R.S., WHO IS ASSIGNED TO A PUBLIC SCHOOL PURSUANT

TO A PLAN APPROVED BY THE DIRECTOR OF THE UNIT RESPONSIBLE FOR MENTAL HEALTH SERVICES WITHIN THE STATE DEPARTMENT PURSUANT TO SECTION 27-10.3-204 (2).

(3) "MENTAL HEALTH SERVICES PROGRAM" MEANS THE PROGRAM FOR SCHOOL-AGED CHILDREN IN NEED OF MENTAL HEALTH SERVICES ESTABLISHED PURSUANT TO SECTION 27-10.3-204.

(4) "SCHOOL-AGED CHILDREN" MEANS CHILDREN ENROLLED IN PRESCHOOL, ELEMENTARY, OR SECONDARY PUBLIC SCHOOL THROUGH GRADE TWELVE.

(5) "SCHOOL DISTRICT" MEANS ANY SCHOOL DISTRICT ORGANIZED AND EXISTING PURSUANT TO LAW BUT DOES NOT INCLUDE A JUNIOR COLLEGE DISTRICT.

27-10.3-204. Mental health services program - development - implementation. (1) A PROGRAM FOR SCHOOL-AGED CHILDREN IN NEED OF MENTAL HEALTH SERVICES IS HEREBY ESTABLISHED, TO COMMENCE BY DECEMBER 1, 2000. THE STATE DEPARTMENT SHALL ADMINISTER THE MENTAL HEALTH SERVICES PROGRAM BY UTILIZING COMMUNITY MENTAL HEALTH CENTERS TO PROVIDE REFERRAL, ASSESSMENT, AND TREATMENT SERVICES TO SCHOOL-AGED CHILDREN IN NEED OF MENTAL HEALTH TREATMENT. THE STATE BOARD OF HUMAN SERVICES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., SHALL PROMULGATE SUCH RULES AS ARE NECESSARY FOR THE IMPLEMENTATION OF THIS PART 2.

(2) ON OR BEFORE JULY 1, 2000, COMMUNITY MENTAL HEALTH CENTERS IN EACH SCHOOL DISTRICT SHALL JOINTLY MEET AND COOPERATE WITH THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT IN WHICH THE CENTERS ARE LOCATED, ANY EXISTING COUNTY- OR DISTRICT-LEVEL

INTERAGENCY COMMITTEES WHOSE MEMBERS ARE REPRESENTATIVE OF AFFECTED AGENCIES, AND ANY OTHER INTERESTED PARTIES TO DEVELOP A PLAN TO PROVIDE MENTAL HEALTH REFERRAL, ASSESSMENT, AND TREATMENT SERVICES TO EVERY PUBLIC SCHOOL WITHIN THE SCHOOL DISTRICT. BY OCTOBER 1, 2000, THE COMMUNITY MENTAL HEALTH CENTERS IN EACH SCHOOL DISTRICT SHALL FILE THE PLAN WITH THE DIRECTOR OF THE UNIT RESPONSIBLE FOR MENTAL HEALTH SERVICES WITHIN THE STATE DEPARTMENT FOR REVIEW AND APPROVAL. EACH PLAN AT A MINIMUM SHALL ENSURE THAT:

(a) A COMMUNITY MENTAL HEALTH CENTER STAFF MEMBER IS ASSIGNED TO EACH PUBLIC SCHOOL TO ACT AS A MENTAL HEALTH LIAISON BETWEEN THE SCHOOL AND THE COMMUNITY MENTAL HEALTH CENTER;

(b) UPON CONSENT OF A CHILD'S PARENT OR LEGAL GUARDIAN, MENTAL HEALTH REFERRAL, ASSESSMENT, AND TREATMENT SERVICES ARE PROVIDED TO ANY CHILD REFERRED TO THE COMMUNITY MENTAL HEALTH CENTER BY THE MENTAL HEALTH LIAISON;

(c) EVERY MENTAL HEALTH LIAISON AT A MINIMUM PERFORMS THE FOLLOWING DUTIES:

(I) TO COMMUNICATE WITH EACH ASSIGNED PUBLIC SCHOOL AT LEAST ONE TIME EACH SCHOOL WEEK OR MORE FREQUENTLY AS DIRECTED BY THE COMMUNITY MENTAL HEALTH CENTER DEPENDING ON THE SIZE OF THE SCHOOL AND THE NEED FOR SERVICES;

(II) TO CONTACT THE PARENT OR LEGAL GUARDIAN OF ANY CHILD WHO IS SELF-REFERRED, REFERRED BY THE CHILD'S PARENT OR LEGAL GUARDIAN, OR REFERRED BY A TEACHER OR OTHER LICENSED SCHOOL DISTRICT EMPLOYEE, FOR THE PURPOSE OF PROVIDING AN OPPORTUNITY TO

MEET TO DISCUSS WHETHER THE CHILD MIGHT REASONABLY BENEFIT FROM AN ASSESSMENT TO DETERMINE WHETHER THE CHILD MIGHT BE DANGEROUS TO HIMSELF OR HERSELF OR OTHERS OR MIGHT OTHERWISE REASONABLY BENEFIT FROM MENTAL HEALTH SERVICES;

(III) UPON PERMISSION OF THE PARENT OR LEGAL GUARDIAN OF A CHILD WHO MIGHT REASONABLY BENEFIT FROM MENTAL HEALTH SERVICES, TO ASSESS THE CHILD AND TO RECOMMEND AND FACILITATE ADDITIONAL ASSESSMENT AND TREATMENT BY THE COMMUNITY MENTAL HEALTH CENTERS SERVING THE SCHOOL DISTRICT IF FURTHER ASSESSMENT OR TREATMENT IS APPROPRIATE;

(IV) TO CONTINUE MONITORING ANY CHILD RECEIVING SERVICES FROM A COMMUNITY MENTAL HEALTH CENTER AND TO CONTINUE TO BE AVAILABLE TO THAT CHILD'S PARENT OR LEGAL GUARDIAN FOR SERVICES AS NEEDED AFTER THE INITIAL CONTACT WITH THE CHILD'S PARENT OR LEGAL GUARDIAN.

(3) NO LATER THAN NOVEMBER 1, 2000, THE DIRECTOR OF THE UNIT RESPONSIBLE FOR MENTAL HEALTH SERVICES WITHIN THE STATE DEPARTMENT SHALL REVIEW EACH PLAN SUBMITTED BY THE COMMUNITY MENTAL HEALTH CENTERS. THE DIRECTOR SHALL EITHER APPROVE THE PLAN AS SUBMITTED, OR IF NECESSARY SHALL WORK WITH THE SCHOOL DISTRICT AND THE COMMUNITY MENTAL HEALTH CENTERS WITHIN THE SCHOOL DISTRICT TO DEVELOP A PLAN THAT MEETS THE PROVISIONS OF THIS SECTION.

(4) NO LATER THAN DECEMBER 1, 2000, EACH SCHOOL DISTRICT SHALL IMPLEMENT THE PLAN PREPARED AND APPROVED PURSUANT TO THIS SECTION.

(5) ONE OR MORE COMMUNITY MENTAL HEALTH CENTERS WITHIN THE SCHOOL DISTRICT SHALL PROVIDE ASSESSMENT AND TREATMENT SERVICES TO CHILDREN RECOMMENDED FOR TREATMENT BY A MENTAL HEALTH LIAISON PURSUANT TO THIS PART 2; EXCEPT THAT CHILDREN FURTHER REFERRED BY A COMMUNITY MENTAL HEALTH CENTER TO A MENTAL HEALTH AGENCY FOR SERVICES DUE TO SUCH CHILDREN'S ELIGIBILITY FOR MEDICAID SHALL RECEIVE ASSESSMENT AND TREATMENT SERVICES FROM THE MENTAL HEALTH AGENCY.

(6) EVERY SCHOOL DISTRICT, INDIVIDUALLY OR THROUGH A BOARD OF COOPERATIVE SERVICES, SHALL WORK WITH THE STATE DEPARTMENT TO PROVIDE TRAINING TO TEACHERS AND OTHER LICENSED SCHOOL DISTRICT EMPLOYEES ON IDENTIFYING AND UNDERSTANDING SCHOOL-AGED MENTAL ILLNESS. SUCH TRAINING SHALL BE OFFERED BY DECEMBER 1, 2000, AND REPEATED PERIODICALLY THEREAFTER.

(7) ANY TEACHER OR OTHER LICENSED SCHOOL DISTRICT EMPLOYEE WHO OBSERVES A CHILD THAT HE OR SHE REASONABLY BELIEVES MAY EXHIBIT SYMPTOMS OF DEPRESSION, SCHIZOPHRENIA, ANXIETY DISORDER, OBSESSIVE-COMPULSIVE DISORDER, OR ANY OTHER MENTAL ILLNESS SHALL REFER SUCH CHILD TO THE MENTAL HEALTH LIAISON. THE STATE BOARD OF HUMAN SERVICES BY RULE SHALL IDENTIFY COMMON SYMPTOMS OF DEPRESSION, SCHIZOPHRENIA, ANXIETY DISORDER, AND OBSESSIVE-COMPULSIVE DISORDER FOR USE BY TEACHERS AND OTHER LICENSED SCHOOL DISTRICT PERSONNEL IN DETERMINING WHETHER TO REFER A CHILD TO THE MENTAL HEALTH LIAISON.

27-10.3-205. Monitoring - report. (1) ON OR BEFORE JULY 1, 2002, THE COMMUNITY MENTAL HEALTH CENTERS IN EACH SCHOOL

DISTRICT SHALL JOINTLY REPORT TO THE STATE DEPARTMENT THE FOLLOWING INFORMATION:

(a) A REVIEW OF THE REFERRAL, ASSESSMENT, AND TREATMENT PROCESS;

(b) THE NUMBER OF CHILDREN TO WHOM THE FOLLOWING SERVICES WERE PROVIDED:

(I) REFERRAL TO THE MENTAL HEALTH LIAISON;

(II) ASSESSMENT BY THE MENTAL HEALTH LIAISON;

(III) TREATMENT BY THE COMMUNITY MENTAL HEALTH CENTER;

(IV) REFERRAL BY THE COMMUNITY MENTAL HEALTH CENTER TO A MENTAL HEALTH AGENCY.

(2) ON OR BEFORE JANUARY 15, 2003, THE STATE DEPARTMENT SHALL REPORT THE AGGREGATE STATEWIDE INFORMATION RECEIVED PURSUANT TO SECTION (1) OF THIS SECTION TO THE MEMBERS OF THE GENERAL ASSEMBLY.

27-10.3-206. Funding - rules. (1) IF NEITHER A CHILD'S PARENT'S OR LEGAL GUARDIAN'S PRIVATE INSURANCE, THE CHILDREN'S BASIC HEALTH PLAN, NOR MEDICAID FUNDING COVERS ALL OF THE COSTS ASSOCIATED WITH THE SERVICES PROVIDED TO A CHILD AT A COMMUNITY MENTAL HEALTH CENTER PURSUANT TO THIS PART 2, THEN THE PARENT OR LEGAL GUARDIAN SHALL BE RESPONSIBLE FOR PAYING THE PORTION THAT IS NOT COVERED BY PRIVATE INSURANCE OR MEDICAID FUNDING ON A SLIDING SCALE BASIS AS SET FORTH IN SUBSECTION (2) OF THIS SECTION. ANY REMAINING PORTION OF THE SERVICES NOT COVERED BY PRIVATE INSURANCE, THE CHILDREN'S BASIC HEALTH PLAN, MEDICAID FUNDING, OR THE PARENT'S OR LEGAL GUARDIAN'S SHARE SHALL BE PAID FOR FROM UP

TO _____ PERCENT OF THE MONEYS APPROPRIATED TO THE YOUTH CRIME PREVENTION AND INTERVENTION PROGRAM PURSUANT TO SECTION 24-32-2801, C.R.S.

(2) THE STATE BOARD OF HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, SHALL PROMULGATE RULES IMPLEMENTING A SLIDING SCALE FEE FOR THE PAYMENT OF SERVICES RECEIVED PURSUANT TO THIS PART 2 THAT ARE NOT COVERED BY PRIVATE INSURANCE OR MEDICAID FUNDING.

SECTION 2. 19-1-402 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19-1-402. Prevention programs - listings by department. (5) The following prevention programs are operated by or funded through the department of human services:

(l) THE "CHILD MENTAL HEALTH SERVICES ACT" CREATED IN PART 2 OF ARTICLE 10.3 OF TITLE 27, C.R.S.

SECTION 3. 22-32-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-32-109. Board of education - specific duties. (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(cc) TO OFFER PERIODIC TRAINING FOR ALL TEACHERS AND OTHER LICENSED PERSONNEL EMPLOYED BY THE SCHOOL DISTRICT THAT SHALL PROVIDE INFORMATION ABOUT THE "CHILD MENTAL HEALTH SERVICES ACT", PART 2 OF ARTICLE 10.3 OF TITLE 27, C.R.S., INSTRUCTION DESIGNED TO ASSIST TEACHERS AND OTHER LICENSED EMPLOYEES IN RECOGNIZING AND UNDERSTANDING SCHOOL-AGED MENTAL ILLNESS, AND

INSTRUCTION DESIGNED TO PROVIDE TEACHERS AND OTHER LICENSED EMPLOYEES WITH INFORMATION ON HOW TO REFER FOR MENTAL HEALTH SERVICES A STUDENT WHO MIGHT BE DANGEROUS TO HIMSELF OR HERSELF OR OTHERS OR WHOM SUCH TEACHERS AND EMPLOYEES MIGHT REASONABLY BELIEVE WOULD BENEFIT FROM MENTAL HEALTH SERVICES.

SECTION 4. 23-1-121, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

23-1-121. Commission directive - approval of teacher preparation programs. (2.5) ON OR BEFORE JULY 1, 2004, THE COMMISSION, IN COOPERATION WITH THE STATE BOARD OF EDUCATION, SHALL ADOPT A POLICY REQUIRING TEACHER PREPARATION PROGRAMS TO INCLUDE INSTRUCTION DESIGNED TO ASSIST TEACHER CANDIDATES IN RECOGNIZING AND UNDERSTANDING SCHOOL-AGED MENTAL ILLNESS AND INSTRUCTION DESIGNED TO PROVIDE TEACHER CANDIDATES WITH INFORMATION ON HOW TO REFER FOR MENTAL HEALTH SERVICES A STUDENT WHO OTHERWISE MIGHT BE DANGEROUS TO HIMSELF OR HERSELF OR OTHERS OR WHOM SUCH TEACHER CANDIDATES MIGHT REASONABLY BELIEVE WOULD BENEFIT FROM MENTAL HEALTH SERVICES PURSUANT TO THE PROVISIONS OF THE "CHILD MENTAL HEALTH SERVICES ACT", PART 2 OF ARTICLE 10.3 OF TITLE 27, C.R.S.

SECTION 5. 24-32-2801 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-32-2801. Youth crime prevention and intervention program - creation - standards - applications. (2) (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (2), UP TO ____ PERCENT OF THE GENERAL FUND MONEYS APPROPRIATED TO THE YOUTH

CRIME PREVENTION AND INTERVENTION PROGRAM SHALL BE USED FOR PAYMENT OF EXCESS COSTS PURSUANT TO SECTION 23-10.3-206, C.R.S.

SECTION 6. 27-10.3-101, Colorado Revised Statutes, is amended to read:

27-10.3-101. Short title. This ~~article~~ PART 1 shall be known and may be cited as the "Child Mental Health Treatment Act".

SECTION 7. 27-10.3-106 (1) and (2), Colorado Revised Statutes, are 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~~ PART 1 to each child described in section 27-10.3-103 (1) who is eligible for medicaid based on the child's placement in a residential child care facility pursuant to section 26-4-527, C.R.S., and who is determined to be eligible for supplemental security income by the federal social security administration, be provided by mental health agencies.

(2) If neither the family's private insurance nor federal medicaid funding cover all of the costs associated with the services provided to a child at risk of out-of-home placement pursuant to this ~~article~~ PART 1, then the family shall be responsible for paying that portion that is not covered by private insurance or federal medicaid funding on a sliding scale basis as set forth in subsection (3) of this section. Any remaining portion of the services not covered by private insurance, federal medicaid funding, or the family's share, shall be paid for from general fund moneys, subject to available appropriations.

SECTION 8. 27-10.3-108, Colorado Revised Statutes, is

amended to read:

27-10.3-108. Repeal. This ~~article~~ PART 1 is repealed, effective July 1, 2003.

SECTION 9. 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.