

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 07-0582.02 Jane Ritter

SENATE BILL 07-146

SENATE SPONSORSHIP

Morse,

HOUSE SPONSORSHIP

Rice,

Senate Committees
State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A PILOT PROGRAM TO PROVIDE**
102 **MENTAL HEALTH SERVICES TO FAMILIES OF RECENTLY**
103 **DISCHARGED VETERANS.**

Bill Summary

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

Creates a 3-year mental health services pilot program for spouses and dependent children ("families") of discharged veterans of operation enduring freedom and operation Iraqi freedom ("pilot program"). Authorizes the department of human services ("department") to purchase mental health services from community mental health centers in the Colorado Springs area for families of recently discharged veterans.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Requires participating community mental health centers to collect data on pilot program outcomes and submit a report to the department. Requires the department to make a report to the general assembly on the results of the pilot program prior to the repeal of the pilot program.

Creates a mental health services pilot program fund and a supplemental tobacco litigation settlement moneys account within the fund and, with limited and specified exceptions requires moneys in the fund and account to be used by the department to purchase mental health services for families of discharged veterans pursuant to the pilot program. Requires the lesser of a specified percentage or specified amount of the tobacco litigation settlement moneys to be allocated to a new short-term innovative health program grant fund under the provisions of Senate Bill 07-097, which is still pending approval by the General Assembly, to be credited to the account.

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

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

4 PART 3

5 MENTAL HEALTH SERVICES PILOT PROGRAM FOR
6 FAMILIES OF DISCHARGED VETERANS OF OPERATION
7 ENDURING FREEDOM AND OPERATION IRAQI FREEDOM

8 **27-1-301. Short title.** THIS PART 3 SHALL BE KNOWN AND MAY BE
9 CITED AS THE "MENTAL HEALTH SERVICES PILOT PROGRAM FOR FAMILIES
10 OF RECENTLY DISCHARGED VETERANS ACT".

11 **27-1-302. Legislative declaration.** (1) THE GENERAL ASSEMBLY
12 HEREBY FINDS AND DECLARES THAT:

13 (a) CURRENT RESEARCH INDICATES THAT THERE EXISTS A
14 MILITARY CULTURE IN THE UNITED STATES THAT IS RELUCTANT TO SEEK
15 MENTAL HEALTH SERVICES, IN PART BECAUSE OF A WIDELY HELD
16 PERCEPTION THAT SEEKING MENTAL HEALTH SERVICES WILL DESTROY A
17 MILITARY CAREER. THIS PERCEPTION ADDS ADDITIONAL STRESS TO A

1 VETERAN OR THE FAMILY OF A VETERAN IN ADDITION TO THE UNDERLYING
2 CAUSE OF THEIR DISTRESS, THUS COMPOUNDING THE INITIAL PROBLEM.

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

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

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

18 (2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT IS IN THE
19 BEST INTEREST OF THE STATE OF COLORADO TO CREATE A PILOT PROGRAM
20 TO ENCOURAGE FAMILIES OF DISCHARGED VETERANS TO SEEK MENTAL
21 HEALTH SERVICES AND TO PROVIDE MENTAL HEALTH SERVICES TO
22 FAMILIES WHO WOULD OTHERWISE NOT BE ABLE TO RECEIVE SUCH
23 SERVICES.

24 **27-1-303. Definitions.** AS USED IN THIS PART 3, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

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

1 (2).

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

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

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

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

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

14 **27-1-304. Pilot program - creation - scope - reporting.**

15 (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE MENTAL HEALTH
16 SERVICES PILOT PROGRAM FOR FAMILIES OF RECENTLY DISCHARGED
17 VETERANS TO ENCOURAGE FAMILIES OF DISCHARGED VETERANS TO SEEK
18 MENTAL HEALTH SERVICES AND TO PROVIDE MENTAL HEALTH SERVICES TO
19 FAMILIES OF DISCHARGED VETERANS WHO WOULD OTHERWISE NOT BE
20 ABLE TO RECEIVE SUCH SERVICES.

21 (2) EFFECTIVE JULY 1, 2007, SUBJECT TO AVAILABLE FUNDING, THE
22 DEPARTMENT SHALL PURCHASE COMMUNITY MENTAL HEALTH SERVICES
23 PURSUANT TO SECTION 27-1-203 FROM COMMUNITY MENTAL HEALTH
24 CENTERS IN THE COLORADO SPRINGS AREA FOR THE PURPOSE OF
25 PROVIDING MENTAL HEALTH SERVICES TO FAMILIES OF RECENTLY
26 DISCHARGED VETERANS. PARTICIPATING COMMUNITY MENTAL HEALTH
27 CENTERS SHALL PROVIDE A FULL RANGE OF MENTAL HEALTH SERVICES TO

1 FAMILIES OF DISCHARGED VETERANS. PARTICIPATING COMMUNITY
2 MENTAL HEALTH CENTERS ARE HEREBY AUTHORIZED AND ENCOURAGED
3 TO CONTRACT WITH OTHER MENTAL HEALTH PROVIDERS IN THE
4 COLORADO SPRINGS AREA FOR MENTAL HEALTH SERVICES AS NECESSARY.

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

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

25 **27-1-305. Mental health services pilot program fund -**
26 **supplemental tobacco litigation settlement moneys account -**
27 **creation.** (1) THERE ARE HEREBY CREATED IN THE STATE TREASURY THE

1 MENTAL HEALTH SERVICES PILOT PROGRAM FUND AND AN ACCOUNT
2 WITHIN THE FUND TO BE KNOWN AS THE SUPPLEMENTAL TOBACCO
3 LITIGATION SETTLEMENT MONEYS ACCOUNT. THE PRINCIPAL OF THE
4 PORTION OF THE FUND THAT IS NOT THE ACCOUNT SHALL CONSIST OF
5 GENERAL FUND APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY FOR
6 THE PILOT PROGRAM AND GIFTS, GRANTS, MATCHING FUNDS, OR
7 DONATIONS RECEIVED BY THE DEPARTMENT FOR THE PILOT PROGRAM
8 FROM THE FEDERAL GOVERNMENT OR ANY OTHER PUBLIC OR PRIVATE
9 SOURCE. THE PRINCIPAL OF THE ACCOUNT SHALL CONSIST OF SETTLEMENT
10 MONEYS, AS DEFINED IN SECTION 24-75-1102 (2), C.R.S., OR INTEREST OR
11 INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF SETTLEMENT
12 MONEYS TRANSFERRED TO THE ACCOUNT FROM THE SHORT-TERM
13 INNOVATIVE HEALTH PROGRAM GRANT FUND CREATED PURSUANT TO
14 SECTION 25-36-101 (2), C.R.S., ENACTED BY SENATE BILL 07-097 AT THE
15 FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY, AS
16 REQUIRED BY SECTION 25-36-101 (3), C.R.S. ALL INTEREST AND INCOME
17 EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE PORTION OF
18 THE FUND THAT IS NOT THE ACCOUNT SHALL BE CREDITED TO THAT
19 PORTION OF THE FUND, AND ALL INTEREST AND INCOME EARNED ON THE
20 DEPOSIT AND INVESTMENT OF MONEYS IN THE ACCOUNT SHALL BE
21 CREDITED TO THE ACCOUNT AND REMAIN IN THE ACCOUNT UNTIL
22 TRANSFERRED AS REQUIRED BY THIS SUBSECTION (1). THE DEPARTMENT
23 SHALL USE MONEYS IN THE FUND AND ACCOUNT ONLY TO PURCHASE
24 MENTAL HEALTH SERVICES FOR FAMILIES OF DISCHARGED VETERANS
25 PURSUANT TO THIS PART 3 AND TO PAY THE ADMINISTRATIVE COSTS OF
26 IMPLEMENTING THE PILOT PROGRAM; EXCEPT THAT ADMINISTRATIVE
27 COSTS SHALL NOT EXCEED FIVE PERCENT OF ALL AMOUNTS APPROPRIATED

1 FROM THE FUND OR THE ACCOUNT FOR A FISCAL YEAR; AND EXCEPT THAT,
2 AT THE END OF THE 2007-08 FISCAL YEAR AND AT THE END OF ANY FISCAL
3 YEAR THEREAFTER, ANY UNEXPENDED AND UNENCUMBERED MONEYS IN
4 THE ACCOUNT SHALL BE TRANSFERRED TO THE SHORT-TERM INNOVATIVE
5 HEALTH PROGRAM GRANT FUND.

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

14 **27-1-306. Repeal of part.** THIS PART 3 IS REPEALED, EFFECTIVE
15 JULY 1, 2010.

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

20 **25-36-101. Short-term grants for innovative health programs**
21 **- grant fund - creation - transfer of moneys for fiscal years 2007-08**
22 **to 2009-10.** (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
23 SECTION, FOR THE 2007-08, 2008-09 AND 2009-10 FISCAL YEARS, THE
24 STATE TREASURER SHALL TRANSFER FROM THE SHORT-TERM INNOVATIVE
25 HEALTH PROGRAM GRANT FUND TO THE SUPPLEMENTAL TOBACCO
26 LITIGATION SETTLEMENT MONEYS ACCOUNT OF THE MENTAL HEALTH
27 SERVICES PILOT PROGRAM FUND, CREATED IN SECTION 27-1-305 (1),

1 C.R.S., THE LESSER OF THREE HUNDRED THOUSAND DOLLARS OR TWENTY
2 PERCENT OF THE AMOUNT ALLOCATED TO THE SHORT-TERM INNOVATIVE
3 HEALTH PROGRAM GRANT FUND FOR THE FISCAL YEAR PURSUANT TO
4 SECTION 24-75-1104.5 (1.5) (a) (IX), C.R.S., ENACTED BY SENATE BILL
5 07-097 AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL
6 ASSEMBLY.

7 **SECTION 3. Effective date.** (1) Except as otherwise provided
8 in subsection (2) of this section, this act shall take effect upon passage.

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

13 **SECTION 4. 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.