

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 07-0582.02 Jane Ritter

SENATE BILL 07-146

SENATE SPONSORSHIP

Morse,

HOUSE SPONSORSHIP

Rice,

Senate Committees

State, Veterans & Military Affairs
Appropriations

House Committees

State, Veterans, & Military Affairs
Appropriations

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, AND MAKING AN APPROPRIATION**
104 **THEREFOR.**

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

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.*

HOUSE
Amended 2nd Reading
May 1, 2007

SENATE
3rd Reading Unamended
April 18, 2007

SENATE
Amended 2nd Reading
April 17, 2007

mental health services from community mental health centers in the Colorado Springs area for families of recently discharged veterans. 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

1 MILITARY CAREER. THIS PERCEPTION ADDS ADDITIONAL STRESS TO A
2 VETERAN OR THE FAMILY OF A VETERAN IN ADDITION TO THE UNDERLYING
3 CAUSE OF THEIR DISTRESS, THUS COMPOUNDING THE INITIAL PROBLEM.

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

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

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

19 (2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT IS IN THE
20 BEST INTEREST OF THE STATE OF COLORADO TO CREATE A PILOT PROGRAM
21 TO EDUCATE VETERANS AND THEIR FAMILIES ABOUT MENTAL HEALTH
22 ISSUES, INCLUDING POSTTRAUMATIC STRESS DISORDER, ENCOURAGE
23 FAMILIES OF DISCHARGED VETERANS TO SEEK MENTAL HEALTH SERVICES,
24 AND PROVIDE MENTAL HEALTH SERVICES TO FAMILIES WHO WOULD
25 OTHERWISE NOT BE ABLE TO RECEIVE SUCH SERVICES.

26 **27-1-303. Definitions.** AS USED IN THIS PART 3, UNLESS THE
27 CONTEXT OTHERWISE REQUIRES:

1 (1) "COMMUNITY MENTAL HEALTH CENTER" MEANS A NONPROFIT
2 COMMUNITY MENTAL HEALTH CENTER AS DEFINED IN SECTION 27-1-201
3 (2).

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

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

9 (4) "FAMILY" MEANS A SPOUSE OR DEPENDENT CHILD OF A
10 DISCHARGED VETERAN.

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

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

16 **27-1-304. Pilot program - creation - scope - reporting.**

17 (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE MENTAL HEALTH
18 SERVICES PILOT PROGRAM FOR FAMILIES OF RECENTLY DISCHARGED
19 VETERANS TO EDUCATE VETERANS AND THEIR FAMILIES ABOUT MENTAL
20 HEALTH ISSUES, INCLUDING POSTTRAUMATIC STRESS DISORDER,
21 ENCOURAGE FAMILIES OF DISCHARGED VETERANS TO SEEK MENTAL
22 HEALTH SERVICES, AND PROVIDE MENTAL HEALTH SERVICES TO FAMILIES
23 OF DISCHARGED VETERANS WHO WOULD OTHERWISE NOT BE ABLE TO
24 RECEIVE SUCH SERVICES.

25 (2) EFFECTIVE JULY 1, 2007, SUBJECT TO AVAILABLE FUNDING, THE
26 DEPARTMENT SHALL PURCHASE COMMUNITY MENTAL HEALTH TREATMENT
27 SERVICES PURSUANT TO SECTION 27-1-203 AND MENTAL HEALTH

1 EDUCATION SERVICES FROM COMMUNITY MENTAL HEALTH CENTERS IN THE
2 COLORADO SPRINGS AREA FOR THE PURPOSE OF PROVIDING MENTAL
3 HEALTH EDUCATION, REFERRAL, AND TREATMENT SERVICES TO FAMILIES
4 OF RECENTLY DISCHARGED VETERANS. PARTICIPATING COMMUNITY
5 MENTAL HEALTH CENTERS SHALL PROVIDE A FULL RANGE OF MENTAL
6 HEALTH SERVICES TO FAMILIES OF DISCHARGED VETERANS.
7 PARTICIPATING COMMUNITY MENTAL HEALTH CENTERS ARE HEREBY
8 AUTHORIZED AND ENCOURAGED TO CONTRACT WITH OTHER MENTAL
9 HEALTH PROVIDERS IN THE COLORADO SPRINGS AREA FOR MENTAL
10 HEALTH SERVICES AS NECESSARY. MENTAL HEALTH EDUCATION SERVICES
11 PROVIDED BY PARTICIPATING COMMUNITY MENTAL HEALTH CENTERS
12 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, CREATING AND
13 MAINTAINING A WEBSITE THAT INCLUDES INFORMATION ON THE
14 SYMPTOMS OF POSTTRAUMATIC STRESS DISORDER, TREATMENT OPTIONS,
15 REFERRAL INFORMATION, AND CONTACT INFORMATION FOR PERSONS
16 SEEKING TREATMENT.

17 (3) A FAMILY THAT RECEIVES SERVICES THROUGH THE PILOT
18 PROGRAM SHALL PAY TO THE PARTICIPATING COMMUNITY MENTAL
19 HEALTH CENTER A CO-PAY NOT TO EXCEED TWENTY DOLLARS FOR EACH
20 CALENDAR MONTH TO COVER ALL SERVICES RECEIVED DURING THAT
21 MONTH. IF THE FAMILY HAS ACCESS TO ALTERNATIVE INSURANCE
22 COVERAGE FOR THE MENTAL HEALTH SERVICES RECEIVED, SUCH
23 ALTERNATIVE FUNDING SHALL BE UTILIZED PRIOR TO ACCESSING PILOT
24 PROGRAM DOLLARS.

25 (4) BEGINNING JULY 1, 2007, COMMUNITY MENTAL HEALTH
26 CENTERS PARTICIPATING IN THE PILOT PROGRAM SHALL COLLECT DATA ON
27 SERVICES PROVIDED AND CLIENT OUTCOMES FOR THE PURPOSE OF

1 DETERMINING THE EFFECTIVENESS OF THE PILOT PROGRAM. NO LATER
2 THAN DECEMBER 1, 2009, EACH PARTICIPATING COMMUNITY MENTAL
3 HEALTH CENTER SHALL SUBMIT A REPORT TO THE DEPARTMENT
4 SUMMARIZING THE OUTCOMES OF THE PILOT PROGRAM. NO LATER THAN
5 FEBRUARY 1, 2010, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE
6 HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE
7 OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THAT
8 SUMMARIZES THE FINDINGS OF THE PARTICIPATING COMMUNITY MENTAL
9 HEALTH CENTERS.

10 **27-1-305. Mental health services pilot program fund -**
11 **supplemental tobacco litigation settlement moneys account -**
12 **creation.** (1) THERE ARE HEREBY CREATED IN THE STATE TREASURY THE
13 MENTAL HEALTH SERVICES PILOT PROGRAM FUND AND AN ACCOUNT
14 WITHIN THE FUND TO BE KNOWN AS THE SUPPLEMENTAL TOBACCO
15 LITIGATION SETTLEMENT MONEYS ACCOUNT. THE PRINCIPAL OF THE
16 PORTION OF THE FUND THAT IS NOT THE ACCOUNT SHALL CONSIST OF
17 GENERAL FUND APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY FOR
18 THE PILOT PROGRAM AND GIFTS, GRANTS, MATCHING FUNDS, OR
19 DONATIONS RECEIVED BY THE DEPARTMENT FOR THE PILOT PROGRAM
20 FROM THE FEDERAL GOVERNMENT OR ANY OTHER PUBLIC OR PRIVATE
21 SOURCE. THE PRINCIPAL OF THE ACCOUNT SHALL CONSIST OF SETTLEMENT
22 MONEYS, AS DEFINED IN SECTION 24-75-1102 (2), C.R.S., OR INTEREST OR
23 INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF SETTLEMENT
24 MONEYS TRANSFERRED TO THE ACCOUNT FROM THE SHORT-TERM
25 INNOVATIVE HEALTH PROGRAM GRANT FUND CREATED PURSUANT TO
26 SECTION 25-36-101 (2), C.R.S., ENACTED BY SENATE BILL 07-097 AT THE
27 FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY, AS

1 REQUIRED BY SECTION 25-36-101 (3), C.R.S. ALL INTEREST AND INCOME
2 EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE PORTION OF
3 THE FUND THAT IS NOT THE ACCOUNT SHALL BE CREDITED TO THAT
4 PORTION OF THE FUND, AND ALL INTEREST AND INCOME EARNED ON THE
5 DEPOSIT AND INVESTMENT OF MONEYS IN THE ACCOUNT SHALL BE
6 CREDITED TO THE ACCOUNT AND REMAIN IN THE ACCOUNT UNTIL
7 TRANSFERRED AS REQUIRED BY THIS SUBSECTION (1). THE DEPARTMENT
8 SHALL USE MONEYS IN THE FUND AND ACCOUNT ONLY TO PURCHASE
9 MENTAL HEALTH SERVICES FOR FAMILIES OF DISCHARGED VETERANS
10 PURSUANT TO THIS PART 3 AND TO PAY THE ADMINISTRATIVE COSTS OF
11 IMPLEMENTING THE PILOT PROGRAM; EXCEPT THAT ADMINISTRATIVE
12 COSTS SHALL NOT EXCEED FIVE PERCENT OF ALL AMOUNTS APPROPRIATED
13 FROM THE FUND OR THE ACCOUNT FOR A FISCAL YEAR; AND EXCEPT THAT,
14 AT THE END OF THE 2007-08 FISCAL YEAR AND AT THE END OF ANY FISCAL
15 YEAR THEREAFTER, ANY UNEXPENDED AND UNENCUMBERED MONEYS IN
16 THE ACCOUNT SHALL BE TRANSFERRED TO THE SHORT-TERM INNOVATIVE
17 HEALTH PROGRAM GRANT FUND.

18 (2) THE DEPARTMENT MAY SOLICIT AND RECEIVE GIFTS, GRANTS,
19 AND DONATIONS FROM PUBLIC AND PRIVATE SOURCES TO CARRY OUT THE
20 PURPOSES OF THIS PART 3, BUT RECEIPT OF GIFTS, GRANTS, AND
21 DONATIONS SHALL NOT BE A PREREQUISITE TO THE IMPLEMENTATION OF
22 THE PILOT PROGRAM. THE DEPARTMENT SHALL TRANSFER ANY MONEYS
23 RECEIVED PURSUANT TO THIS SUBSECTION (3) TO THE STATE TREASURER
24 WHO SHALL CREDIT THEM TO THE FUND IN ACCORDANCE WITH THE
25 PROVISIONS OF SUBSECTION (1) OF THIS SECTION.

26 **27-1-306. Repeal of part.** THIS PART 3 IS REPEALED, EFFECTIVE
27 JULY 1, 2010.

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

5 **25-36-101. Short-term grants for innovative health programs**
6 **- grant fund - creation - transfer of moneys for fiscal years 2007-08**
7 **to 2009-10.** (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
8 SECTION, FOR THE 2007-08, 2008-09 AND 2009-10 FISCAL YEARS, THE
9 STATE TREASURER SHALL TRANSFER FROM THE SHORT-TERM INNOVATIVE
10 HEALTH PROGRAM GRANT FUND TO THE SUPPLEMENTAL TOBACCO
11 LITIGATION SETTLEMENT MONEYS ACCOUNT OF THE MENTAL HEALTH
12 SERVICES PILOT PROGRAM FUND, CREATED IN SECTION 27-1-305 (1),
13 C.R.S., THE LESSER OF THREE HUNDRED THOUSAND DOLLARS OR THIRTY
14 PERCENT OF THE AMOUNT ALLOCATED TO THE SHORT-TERM INNOVATIVE
15 HEALTH PROGRAM GRANT FUND FOR THE FISCAL YEAR PURSUANT TO
16 SECTION 24-75-1104.5 (1.5) (a) (IX), C.R.S., ENACTED BY SENATE BILL
17 07-097 AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL
18 ASSEMBLY.

19 **SECTION 3. Appropriation.** (1) In addition to any other
20 appropriation, there is hereby appropriated, out of any moneys in the
21 supplemental tobacco litigation settlement moneys account of the mental
22 health services pilot program fund, created in section 27-1-305 (1),
23 Colorado Revised Statute, not otherwise appropriated, to the department
24 of human services, for the fiscal year beginning July 1, 2007, the sum of
25 three hundred thousand dollars (\$300,000) and 0.3 FTE, or so much
26 thereof as may be necessary, for the implementation of this act. Of said
27 sum, fourteen thousand four hundred seventy-one dollars (\$14,471) and

1 0.3 FTE shall be allocated to mental health and alcohol and drug abuse
2 services, administration, and two hundred eighty-five thousand five
3 hundred twenty-nine dollars (\$285,529) shall be allocated to mental
4 health community programs.

5 **SECTION 4.** Section 14 (5) (c) of Senate Bill 07-097, enacted at
6 the First Regular Session of the Sixty-sixth General Assembly, is
7 amended to read:

8 Section 14. **Appropriation.** (5)(c) In addition to any other
9 appropriation, there is hereby appropriated, out of any moneys in the
10 short-term innovative health program grant fund created in section
11 25-36-101 (2), Colorado Revised Statutes, not otherwise appropriated, to
12 the department of public health and environment, for the fiscal year
13 beginning July 1, 2007, the sum of ~~one million four hundred thousand~~
14 ~~dollars (\$1,400,000)~~, ONE MILLION ONE HUNDRED THOUSAND DOLLARS
15 (\$1,100,000), cash funds exempt, and 1.0 FTE, or so much thereof as may
16 be necessary, for the implementation of this act.

17 **SECTION 5. Effective date.** (1) Except as otherwise provided
18 in subsection (2) of this section, this act shall take effect upon passage.

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

23 **SECTION 6. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.