

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

REVISED

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

LLS NO. 09-0142.01 Jerry Barry

SENATE BILL 09-030

SENATE SPONSORSHIP

Keller,

HOUSE SPONSORSHIP

Schafer S.,

Senate Committees
Health and Human Services

House Committees
Health and Human Services

A BILL FOR AN ACT

101 **CONCERNING THE "CHILD MENTAL HEALTH TREATMENT ACT".**

Bill Summary

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

Clarifies that it is the duty of behavioral health organizations serving children receiving medicaid to report certain information to the department of health care policy and financing (department). Clarifies that it is the duty of the department to forward the reported information to the department of human services.

Extends the repeal of the "Child Mental Health Treatment Act" to July 1, 2019.

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
2nd Reading Unam ended
March 19, 2009

SENATE
3rd Reading Unam ended
February 17, 2009

SENATE
Am ended 2nd Reading
February 13, 2009

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

2 **SECTION 1.** 27-10.3-103 (1), Colorado Revised Statutes, is
3 amended, and the said 27-10.3-103 is further amended BY THE
4 ADDITION OF A NEW SUBSECTION, to read:

5 **27-10.3-103. Definitions.** As used in this article, unless the
6 context otherwise requires:

7 (1) ~~"Child at risk of out-of-home placement" means a child who,~~
8 ~~although not otherwise categorically eligible for medicaid, meets the~~
9 ~~following criteria:~~

10 (a) ~~Has been diagnosed as having a mental illness, as defined in~~
11 ~~section 27-10-102 (8.5);~~

12 (b) ~~Requires a level of care that is provided in a residential child~~
13 ~~care facility pursuant to section 25.5-5-306, C.R.S., or that is provided~~
14 ~~through in-home or community-based programs and who, without such~~
15 ~~care, is at risk of out-of-home placement;~~

16 (c) ~~If determined to be in need of placement in a residential child~~
17 ~~care facility, is determined to be eligible for supplemental security~~
18 ~~income; and~~

19 (d) ~~For whom it is inappropriate or unwarranted to file an action~~
20 ~~in dependency or neglect pursuant to article 3 of title 19, C.R.S.~~

21 "BEHAVIORAL HEALTH ORGANIZATION" SHALL HAVE THE SAME MEANING
22 AS PROVIDED IN SECTION 25.5-5-403 (1), C.R.S.

23 (1.5) "CHILD AT RISK OF OUT-OF-HOME PLACEMENT" MEANS A
24 CHILD WHO, ALTHOUGH NOT OTHERWISE CATEGORICALLY ELIGIBLE FOR
25 MEDICAID, MEETS THE FOLLOWING CRITERIA:

26 (a) HAS BEEN DIAGNOSED AS HAVING A MENTAL ILLNESS, AS
27 DEFINED IN SECTION 27-10-102 (8.5);

1 (b) REQUIRES A LEVEL OF CARE THAT IS PROVIDED IN A
2 RESIDENTIAL CHILD CARE FACILITY PURSUANT TO SECTION 25.5-5-306,
3 C.R.S., OR THAT IS PROVIDED THROUGH IN-HOME OR COMMUNITY-BASED
4 PROGRAMS AND WHO, WITHOUT SUCH CARE, IS AT RISK OF OUT-OF-HOME
5 PLACEMENT;

6 (c) IF DETERMINED TO BE IN NEED OF PLACEMENT IN A
7 RESIDENTIAL CHILD CARE FACILITY, IS DETERMINED TO BE ELIGIBLE FOR
8 SUPPLEMENTAL SECURITY INCOME; AND

9 (d) FOR WHOM IT IS INAPPROPRIATE OR UNWARRANTED TO FILE AN
10 ACTION IN DEPENDENCY OR NEGLECT PURSUANT TO ARTICLE 3 OF TITLE 19,
11 C.R.S.

12 **SECTION 2.** The introductory portion to 27-10.3-105 (1),
13 Colorado Revised Statutes, is amended, and the said 27-10.3-105 is
14 further amended BY THE ADDITION OF A NEW SUBSECTION, to
15 read:

16 **27-10.3-105. Monitoring - report.** (1) On or before September
17 1, ~~2004~~ 2009, and by September 1 of each year thereafter, each
18 COMMUNITY mental health ~~agency~~ CENTER shall report to the state
19 department the following information, AND EACH BEHAVIORAL HEALTH
20 ORGANIZATION, FOR THOSE CHILDREN ELIGIBLE TO RECEIVE MEDICAID
21 BENEFITS WHOSE PARENT OR LEGAL GUARDIAN REQUESTS RESIDENTIAL
22 TREATMENT, SHALL REPORT TO THE DEPARTMENT OF HEALTH CARE POLICY
23 AND FINANCING THE FOLLOWING INFORMATION:

24 (3) ON OR BEFORE OCTOBER 1, 2009, AND ON OR BEFORE OCTOBER
25 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF HEALTH CARE POLICY
26 AND FINANCING SHALL PROVIDE TO THE STATE DEPARTMENT THE
27 INFORMATION RECEIVED FROM BEHAVIORAL HEALTH ORGANIZATIONS

1 PURSUANT TO SUBSECTION (1) OF THIS SECTION.

2 **SECTION 3.** 27-10.3-106 (1), Colorado Revised Statutes, is
3 amended to read:

4 **27-10.3-106. Funding - rules.** (1) In order to make mental health
5 treatment available, it is the intent of the general assembly that mental
6 health treatment provided pursuant to this article to each child described
7 in section 27-10.3-103 ~~(1)~~ (1.5) be provided by mental health agencies.

8 **SECTION 4.** 27-10.3-108, Colorado Revised Statutes, is
9 amended to read:

10 **27-10.3-108. Repeal of article.** This article is repealed, effective
11 July 1, ~~2009~~ 2019.

12 **SECTION 5. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.