

**UPDATED SUMMARY
SENATE BILL 16-169**

Second Regular Session - Seventieth Colorado General Assembly

This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.

The bill clarifies the difference between a "designated facility", an "emergency medical services facility", and a "law enforcement facility", as those terms are used in connection with the 72-hour emergency mental health procedure. In current law, a person who is being detained under a 72-hour emergency mental health procedure must be taken to a facility that was previously designated or approved by the executive director of the department of human services (designated facility). The bill expands this to allow individuals to be admitted to a law enforcement facility if space is not available in a designated facility or an emergency medical services facility, provided certain conditions are met, including that the person cannot be held for longer than 24 hours in the law enforcement facility without a court order granting a one-time extension, not to exceed 72 24 additional hours.

Current law allows for the facility in which the person is receiving treatment and evaluation to hold the person for a period not to exceed 72 hours from the time of his or her admission to the facility providing treatment and evaluation, excluding Saturdays, Sundays, and holidays, if treatment and evaluation is not available on those days. The bill also excludes from the 72-hour calculation any time required for non-psychiatric medical ~~screening or treatment~~ *stabilization*. It requires that a person who is taken into custody through the emergency procedure must receive an evaluation as soon as possible and receive appropriate treatment for his or her condition for the full period that he or she is in emergency custody.

If, at any time during the 72-hour custody, a mental health or medical professional determines the person can be properly cared for without being detained any longer, the person must be discharged as soon as possible.

The bill requires each emergency medical services facility or law enforcement facility that has taken custody of a person or treated a person in connection with a 72-hour emergency mental health procedure to provide an aggregate report with nonidentifying information on December 31, 2016, and on each July 1 thereafter. The report must contain the names and counties of the facilities, the total number of persons taken into custody, a summary of the reasons for taking the individuals into custody, and a summary of the disposition of persons, whether released from custody or transferred for additional treatment and evaluation.

An emergency medical services facility that assumes emergency custody of a person shall provide an assessment as soon as possible, as well as any treatment that is necessary and within the facility's capabilities. The emergency medical services facility may retain the person for up to 36 hours to determine whether he or she requires a transfer for 72-hour

treatment and evaluation. The 36-hour period excludes any time required for non-psychiatric medical stabilization and completing the transfer to the accepting designated facility.

On or before September 1, 2016, the unit that administers behavioral health programs and services shall convene a series of stakeholder sessions to address emergency mental health treatment needs in Colorado. The group, together with the department of human services (department) shall develop a needs analysis, recommendations, and a budget request for emergency mental health services. The department shall report the findings on or before January 31, 2017, to the joint judiciary committee and the joint health and human services committee as part of its "SMART" hearing report.

Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.
Prepared by the Office of Legislative Legal Services.