

Second Regular Session  
Sixty-fifth General Assembly  
STATE OF COLORADO

**REREVISED**

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

LLS NO. 06-0067.01 Michael Dohr

**SENATE BILL 06-005**

**SENATE SPONSORSHIP**

**Windels, Kester, and Takis**

**HOUSE SPONSORSHIP**

**Solano, and Jahn**

---

**Senate Committees**  
Health and Human Services

**House Committees**  
Health and Human Services

HOUSE  
3rd Reading Unamended  
March 10, 2006

---

**A BILL FOR AN ACT**

101 **CONCERNING MENTAL HEALTH SERVICES COVERAGE UNDER HEALTH**  
102 **BENEFIT PLANS.**

---

HOUSE  
2nd Reading Unamended  
March 9, 2006

**Bill Summary**

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

SENATE  
3rd Reading Unamended  
February 6, 2006

**Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Justice System.** Requires an individual or group health benefit plan that provides coverage for mental health services to provide coverage for services regardless of whether the services are voluntary or court-ordered as a result of contact with the criminal justice or juvenile justice system. Specifies that the health benefit plan is

SENATE  
2nd Reading Unamended  
February 3, 2006

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.*

required to provide coverage only for benefits that are medically necessary and otherwise covered under the plan. Establishes that the term "mental health services" includes treatment for mental illness and treatment for biologically based mental illness.

---

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

2 **SECTION 1.** Part 1 of article 16 of title 10, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5 **10-16-104.8. Mental health services coverage - court-ordered.**

6 (1) AN INDIVIDUAL OR GROUP HEALTH BENEFIT PLAN DELIVERED OR  
7 ISSUED FOR DELIVERY WITHIN THIS STATE BY AN ENTITY SUBJECT TO THE  
8 PROVISIONS OF PART 2, 3, OR 4 OF THIS ARTICLE THAT PROVIDES  
9 COVERAGE FOR MENTAL HEALTH SERVICES SHALL PROVIDE COVERAGE FOR  
10 MENTAL HEALTH SERVICES REGARDLESS OF WHETHER THE SERVICES ARE  
11 VOLUNTARY OR COURT-ORDERED AS A RESULT OF CONTACT WITH THE  
12 CRIMINAL JUSTICE OR JUVENILE JUSTICE SYSTEM. THE HEALTH BENEFIT  
13 PLAN SHALL BE REQUIRED TO PROVIDE COVERAGE ONLY FOR BENEFITS  
14 THAT ARE MEDICALLY NECESSARY AND OTHERWISE COVERED UNDER THE  
15 PLAN. SUCH COVERAGE SHALL BE SUBJECT TO APPLICABLE IN- OR OUT-OF-  
16 NETWORK COPAYMENT, DEDUCTIBLE, AND POLICY MAXIMUMS AND  
17 LIMITATIONS. THE COURT ORDER FOR MENTAL HEALTH SERVICES SHALL  
18 NOT MANDATE THE TYPE OF MENTAL HEALTH SERVICES OR THE LENGTH  
19 AND FREQUENCY OF TREATMENT THAT IS TO BE COVERED BY THE HEALTH  
20 BENEFIT PLAN. THE HEALTH BENEFIT PLAN SHALL ONLY BE RESPONSIBLE  
21 FOR THOSE BENEFITS THAT ARE COVERED BY THE HEALTH BENEFIT PLAN  
22 AND NOT THOSE THAT ARE COURT-ORDERED THAT EXCEED THE SCOPE OF  
23 BENEFITS AS PROVIDED BY THE HEALTH PLAN. DETERMINATION OF

1 MEDICALLY NECESSARY MENTAL HEALTH SERVICES SHALL BE MADE BY  
2 THE HEALTH BENEFIT PLAN BASED ON THE SUBMITTED CLINICAL  
3 TREATMENT PLAN FROM A PROVIDER WHO IS DESIGNATED BY AND  
4 AFFILIATED WITH THE HEALTH BENEFIT PLAN. HEALTH BENEFIT PLANS  
5 ISSUED BY AN ENTITY SUBJECT TO THE PROVISIONS OF PART 4 OF THIS  
6 ARTICLE MAY PROVIDE THAT THE BENEFITS REQUIRED PURSUANT TO THIS  
7 SECTION SHALL BE COVERED BENEFITS ONLY IF THE SERVICES ARE DEEMED  
8 MEDICALLY NECESSARY AND ARE RENDERED BY A PROVIDER WHO IS  
9 DESIGNATED BY AND AFFILIATED WITH THE HEALTH MAINTENANCE  
10 ORGANIZATION.

11 (2) NOTHING IN THIS SECTION SHALL MANDATE OR BE CONSTRUED  
12 TO MANDATE THAT A HEALTH BENEFIT PLAN PROVIDE COVERAGE FOR  
13 MENTAL HEALTH SERVICES.

14 (3) FOR PURPOSES OF THIS SECTION, "MENTAL HEALTH SERVICES"  
15 INCLUDES TREATMENT FOR MENTAL ILLNESS AS DESCRIBED IN SECTION  
16 10-16-104 (5) AND TREATMENT FOR BIOLOGICALLY BASED MENTAL  
17 ILLNESS AS DESCRIBED IN SECTION 10-16-104 (5.5).

18 (4) FOR PURPOSES OF THIS SECTION, "MENTAL HEALTH SERVICES"  
19 DOES NOT INCLUDE SERVICES THAT ARE OUTSIDE THE SCOPE OF THE  
20 CONTRACT. SUCH MENTAL HEALTH SERVICES THAT ARE OUTSIDE THE  
21 SCOPE OF THE CONTRACT MAY INCLUDE: SERVICES THAT ARE CUSTODIAL  
22 OR RESIDENTIAL IN NATURE, PROBATION ASSESSMENTS, TESTING FOR  
23 ABILITY, APTITUDE OR INTELLIGENCE, OR PERFORMING EVALUATIONS,  
24 SUCH AS PLACEMENT EVALUATIONS, CUSTODY EVALUATIONS,  
25 REUNIFICATION ASSESSMENTS, OR COMMUNITY RISK ASSESSMENTS FOR  
26 ANY PURPOSE OTHER THAN MENTAL HEALTH TREATMENT.

27 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.