

First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 01-1059.01 Beth Braby

**SENATE BILL 01-238**

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**SENATE SPONSORSHIP**

**Pascoe**

**HOUSE SPONSORSHIP**

**Alexander**

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**Senate Committees**

Health, Environment, Children & Families  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING SERVICES FOR SERIOUSLY EMOTIONALLY DISTURBED**  
102 **SCHOOL CHILDREN, AND MAKING AN APPROPRIATION IN**  
103 **CONNECTION THEREWITH.**

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**Bill Summary**

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

Creates the "Mental Health Services for Seriously Emotionally Disturbed Children Act". Requires the state department of human services ("state department") to administer a mental health services for seriously emotionally disturbed children program by utilizing community mental health centers to provide assessment and treatment services to school children who are seriously emotionally disturbed. Requires community mental health centers to meet and cooperate with school

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.*

SENATE  
3rd Reading Unamended  
May 7, 2001

SENATE  
Amended 2nd Reading  
May 4, 2001

districts, existing interagency committees at the local level, parents, and other interested parties to develop a plan to make mental health identification, assessment, and treatment services available at every public school in Colorado. Requires the plan to include the following:

- Creation of a system for choosing a qualified person to act as a mental health liaison between each school district and community mental health center;
- Establishment of a process for providing mental health assessment and treatment services to any child with a serious emotional disturbance, upon consent of a child's parent or legal guardian or upon consent of a minor child, when authorized pursuant to law, to any child sent to a community mental health center by the mental health liaison;
- Identification of specific responsibilities for the mental health liaison;
- Creation of a procedure for contacting the parent or legal guardian of a child who might reasonably benefit from an assessment to determine if the child is seriously emotionally disturbed to create an opportunity for a meeting with the mental health liaison to discuss whether the child might have a serious emotional disturbance;
- Establishment of a process for a mental health liaison or other person designated by the plan, upon permission of the child's parent or legal guardian, to assess a child to determine if the child might have a serious emotional disturbance and to recommend and facilitate additional assessment and treatment if further assessment or treatment is needed;
- Development of a process for monitoring any child receiving services from or through a community mental health center to ensure availability of services for that child and, in conjunction with the services provided to such child, for that child's parent or legal guardian, if recommended;
- Provisions to coordinate the plan developed with any existing plans;
- Creation of a system that shall maintain the confidentiality of a school district employee who identifies a child who might have a serious emotional disturbance; and
- Procedures to coordinate the collection of data required for the report to the state department.

Specifies that the director of the unit responsible for mental health services within the state department shall review each plan submitted by the community mental health centers and either approve the plan as

submitted or, if necessary, work with the developers to design a plan that meets the specified requirements for approval.

Requires each school district to implement its approved plan no later than August 1, 2002.

Specifies that, upon permission of the child's parent or legal guardian, one or more community mental health centers within the school district shall provide assessment and treatment services to any child recommended for treatment by the mental health liaison, unless the child is eligible for medicaid and is further referred to a mental health agency for services.

States that a child who shows possible signs of a serious emotional disturbance in school may be sent to the mental health liaison.

Provides immunity from civil liability for any person acting in good faith in accordance with the provisions of the "Mental Health Services for Seriously Emotionally Disturbed Children Act" in carrying out any powers or duties authorized by the act, and provides that any school district employee who acts in good faith and in compliance with this act shall not have his or her contract nonrenewed nor be subject to any disciplinary action for carrying out any powers or duties authorized by this act.

Provides that the program for school children who have serious emotional disturbances shall be phased in over a period of 4 fiscal years.

Requires the community mental health centers to report to the state department certain information. Requires the state department to report to the general assembly the aggregate statewide information and to evaluate the effectiveness of the program.

States that if a child is not eligible for medical assistance and neither private insurance nor the children's basic health plan cover the costs of the services provided by the community mental health centers, the parent or legal guardian of the child who has given his or her permission for services is responsible for paying the excess costs on a sliding scale basis. For a child not covered by medical assistance, requires remaining fees not covered by private insurance, the children's basic health plan, or the parent or legal guardian to be paid from general fund moneys, subject to available appropriations. Requires the state board of human services to consult with the department of health care policy and financing to develop a sliding scale fee.

Makes conforming amendments.

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

2 **SECTION 1.** Article 10.3 of title 27, Colorado Revised Statutes,

3 is amended BY THE ADDITION OF A NEW PART to read:

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PART 2

MENTAL HEALTH SERVICES FOR SERIOUSLY  
EMOTIONALLY DISTURBED CHILDREN ACT

**27-10.3-201. Short title.** THIS PART 2 SHALL BE KNOWN AND MAY BE CITED AS THE "MENTAL HEALTH SERVICES FOR SERIOUSLY EMOTIONALLY DISTURBED CHILDREN ACT".

**27-10.3-202. Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT RECOGNIZING AND TREATING SERIOUS EMOTIONAL DISTURBANCES IN CHILDREN IS ESSENTIAL FOR THE HEALTH AND SAFETY OF THE CITIZENS OF THE STATE OF COLORADO. IF CHILDREN WITH SIGNIFICANT MENTAL HEALTH CONCERNS ARE NOT TREATED, THEY MAY NOT ACHIEVE THEIR FULL POTENTIAL AND THEY MAY POSE A RISK TO SCHOOLS AND COMMUNITIES WITHIN THE STATE. EARLY DIAGNOSIS AND TREATMENT OF SERIOUS EMOTIONAL DISTURBANCES IS THE BEST METHOD OF PREVENTING AN ESCALATION OF SYMPTOMS THAT MAY LEAD TO SELF-DESTRUCTIVE BEHAVIORS AND INVOLVEMENT IN THE JUVENILE JUSTICE SYSTEM. THEREFORE, THE GENERAL ASSEMBLY HEREBY DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE CITIZENS OF THE STATE OF COLORADO FOR EACH COMMUNITY TO CREATE AN APPROPRIATE SYSTEM THAT SHALL LEAD TO THE IDENTIFICATION, ASSESSMENT, AND TREATMENT OF CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCES WHO ATTEND PUBLIC SCHOOLS.

**27-10.3-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "BOARD OF COOPERATIVE SERVICES" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-5-103 (2), C.R.S.
- (2) "MENTAL HEALTH LIAISON" MEANS A PERSON DESIGNATED TO

1 ACT AS A MENTAL HEALTH CONTACT FOR A PUBLIC SCHOOL PURSUANT TO  
2 A PROCESS PROVIDED IN A PLAN APPROVED BY THE DIRECTOR OF THE UNIT  
3 RESPONSIBLE FOR MENTAL HEALTH SERVICES WITHIN THE STATE  
4 DEPARTMENT PURSUANT TO SECTION 27-10.3-204 (2).

5 (3) "MENTAL HEALTH SERVICES FOR SERIOUSLY EMOTIONALLY  
6 DISTURBED CHILDREN PROGRAM" MEANS THE PROGRAM FOR PUBLIC  
7 SCHOOL CHILDREN WHO HAVE SERIOUS EMOTIONAL DISTURBANCES  
8 ESTABLISHED PURSUANT TO SECTION 27-10.3-204.

9 (4) "SCHOOL CHILDREN" MEANS CHILDREN ENROLLED IN PUBLIC  
10 ELEMENTARY, MIDDLE, JUNIOR HIGH, AND HIGH SCHOOLS AND CHILDREN  
11 ENROLLED IN A SCHOOL DISTRICT PRESCHOOL PROGRAM.

12 (5) "SCHOOL DISTRICT" MEANS ANY SCHOOL DISTRICT ORGANIZED  
13 AND EXISTING PURSUANT TO LAW BUT DOES NOT INCLUDE A JUNIOR  
14 COLLEGE DISTRICT.

15 (6) "SERIOUS EMOTIONAL DISTURBANCE" MEANS A DIAGNOSABLE  
16 MENTAL, BEHAVIORAL, OR EMOTIONAL DISORDER THAT RESULTS IN  
17 FUNCTIONAL IMPAIRMENT WHICH SUBSTANTIALLY INTERFERES WITH OR  
18 LIMITS THE CHILD'S ROLE OR FUNCTIONING IN FAMILY, SCHOOL, OR  
19 COMMUNITY ACTIVITIES. TO CONSTITUTE A "SERIOUS EMOTIONAL  
20 DISTURBANCE", SUCH DISORDER SHALL BE OF SUFFICIENT DURATION TO  
21 MEET DIAGNOSTIC CRITERIA SPECIFIED WITHIN THE DIAGNOSTIC AND  
22 STATISTICAL MANUAL OF MENTAL DISORDERS USED BY THE MENTAL  
23 HEALTH PROFESSION. SUBSTANCE ABUSE AND DEVELOPMENTAL  
24 DISORDERS SHALL NOT, ALONE, JUSTIFY OR EXCLUDE A FINDING OF  
25 SERIOUS EMOTIONAL DISTURBANCE FOR THE PURPOSES OF THIS PART 2.

26 **27-10.3-204. Mental health services for seriously emotionally**  
27 **disturbed children program - development - implementation. (1) A**

1 PROGRAM FOR SCHOOL CHILDREN WHO HAVE SERIOUS EMOTIONAL  
2 DISTURBANCES IS HEREBY ESTABLISHED. THE STATE DEPARTMENT SHALL  
3 ADMINISTER THE MENTAL HEALTH SERVICES FOR SERIOUSLY EMOTIONALLY  
4 DISTURBED CHILDREN PROGRAM BY UTILIZING COMMUNITY MENTAL  
5 HEALTH CENTERS, AS DEFINED IN SECTION 27-10.3-103 (2) AND LICENSED  
6 PURSUANT TO SECTION 25-1-107 (1) (I), C.R.S., TO PROVIDE OR ARRANGE  
7 FOR THE PROVISION OF IDENTIFICATION, ASSESSMENT, AND TREATMENT  
8 SERVICES TO SCHOOL CHILDREN WHO HAVE SERIOUS EMOTIONAL  
9 DISTURBANCES. THE STATE BOARD OF HUMAN SERVICES, IN ACCORDANCE  
10 WITH ARTICLE 4 OF TITLE 24, C.R.S., SHALL PROMULGATE SUCH RULES AS  
11 ARE NECESSARY FOR THE IMPLEMENTATION OF THIS PART 2.

12 (2) (a) THE COMMUNITY MENTAL HEALTH CENTERS IN EACH  
13 SCHOOL DISTRICT SHALL JOINTLY MEET AND COOPERATE WITH THE  
14 FOLLOWING PERSONS TO DEVELOP A PLAN TO PROVIDE MENTAL HEALTH  
15 IDENTIFICATION, ASSESSMENT, AND TREATMENT SERVICES TO EVERY  
16 PUBLIC SCHOOL WITHIN THE SCHOOL DISTRICT:

17 (I) THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT IN WHICH  
18 THE CENTERS ARE LOCATED;

19 (II) ANY EXISTING COUNTY- OR DISTRICT-LEVEL INTERAGENCY  
20 COMMITTEES WHOSE MEMBERS ARE REPRESENTATIVE OF AFFECTED  
21 AGENCIES;

22 (III) PARENTS OF STUDENTS IN THE SCHOOL DISTRICT, INCLUDING  
23 PARENTS OF STUDENTS WITH EMOTIONAL AND BEHAVIORAL CHALLENGES,  
24 AS SELECTED BY ASSOCIATIONS OR ORGANIZATIONS OF SUCH PARENTS;  
25 AND

26 (IV) ANY OTHER INTERESTED PARTIES AS SPECIFIED IN GUIDELINES  
27 ESTABLISHED BY THE DIRECTOR OF THE UNIT RESPONSIBLE FOR MENTAL

1 HEALTH SERVICES IN THE STATE DEPARTMENT.

2 (b) ANY TIME AFTER OCTOBER 1, 2001, BUT BEFORE MARCH 1,  
3 2002, THE COMMUNITY MENTAL HEALTH CENTERS IN EACH SCHOOL  
4 DISTRICT SHALL FILE THE PLAN WITH THE DIRECTOR OF THE UNIT  
5 RESPONSIBLE FOR MENTAL HEALTH SERVICES WITHIN THE STATE  
6 DEPARTMENT FOR REVIEW AND APPROVAL. THE PLAN SHALL BE  
7 DEVELOPED TO MEET LOCAL NEEDS AND TO RECOGNIZE AND MAXIMIZE THE  
8 USE OF LOCAL RESOURCES, INCLUDING EXISTING PROGRAMS IN SCHOOLS,  
9 FOR MENTAL HEALTH ASSESSMENT AND TREATMENT SERVICES. THE PLAN  
10 SHALL PROVIDE SERVICES IN ADDITION TO EXISTING PUBLICLY FUNDED  
11 SERVICES AND SHALL NOT SUPPLANT EXISTING PUBLICLY FUNDED  
12 SERVICES.

13 (c) EACH PLAN DEVELOPED PURSUANT TO THIS SUBSECTION (2)  
14 SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

15 (I) A PROCESS COORDINATED BY THE COMMUNITY MENTAL HEALTH  
16 CENTER TO IDENTIFY A PERSON WHO CAN MEET THE RESPONSIBILITIES OF  
17 A MENTAL HEALTH LIAISON BETWEEN THE SCHOOL DISTRICT AND THE  
18 COMMUNITY MENTAL HEALTH CENTER AS SPECIFIED IN THE PLAN;

19 (II) A PROCESS FOR PROVIDING MENTAL HEALTH IDENTIFICATION,  
20 ASSESSMENT, AND TREATMENT SERVICES TO ANY CHILD WITH A SERIOUS  
21 EMOTIONAL DISTURBANCE WHO IS SENT TO THE COMMUNITY MENTAL  
22 HEALTH CENTER BY THE MENTAL HEALTH LIAISON, UPON INFORMED  
23 CONSENT OF A CHILD'S PARENT OR LEGAL GUARDIAN OR UPON THE  
24 CONSENT OF A MINOR CHILD, WHEN AUTHORIZED PURSUANT TO LAW, AND  
25 SUBJECT TO AVAILABLE APPROPRIATIONS;

26 (III) SPECIFIC RESPONSIBILITIES TO BE MET BY THE MENTAL  
27 HEALTH LIAISON;

1 (IV) A PROCEDURE FOR CONTACTING THE PARENT OR LEGAL  
2 GUARDIAN OF ANY CHILD WHO MIGHT REASONABLY BENEFIT FROM AN  
3 ASSESSMENT TO DETERMINE IF THE CHILD IS SERIOUSLY EMOTIONALLY  
4 DISTURBED, EXCEPT WHERE CONFIDENTIALITY IS OTHERWISE REQUIRED BY  
5 LAW. THE PROCEDURE SHALL PROVIDE AN OPPORTUNITY FOR THE PARENT  
6 OR LEGAL GUARDIAN TO MEET THE MENTAL HEALTH LIAISON AND TO  
7 DISCUSS WHETHER THE CHILD MIGHT REASONABLY BENEFIT FROM AN  
8 ASSESSMENT TO DETERMINE WHETHER THE CHILD MIGHT HAVE A SERIOUS  
9 EMOTIONAL DISTURBANCE.

10 (V) FOR A CHILD WHO MAY HAVE A SERIOUS EMOTIONAL  
11 DISTURBANCE, A PROCESS FOR THE MENTAL HEALTH LIAISON OR OTHER  
12 PERSON DESIGNATED BY THE LOCAL PLAN, UPON RECEIPT OF PERMISSION  
13 OF THE CHILD'S PARENT OR LEGAL GUARDIAN, TO ASSESS THE CHILD AND  
14 TO RECOMMEND AND FACILITATE ADDITIONAL ASSESSMENT AND  
15 TREATMENT BY OR THROUGH THE COMMUNITY MENTAL HEALTH CENTERS  
16 SERVING THE SCHOOL DISTRICT IF FURTHER ASSESSMENT OR TREATMENT  
17 IS APPROPRIATE AND IS NOT OTHERWISE AVAILABLE IN THE SCHOOL  
18 DISTRICT OR THROUGH A PRIVATE PROVIDER;

19 (VI) A PROCESS FOR MONITORING ANY CHILD WHO RECEIVES  
20 SERVICES FROM OR THROUGH A COMMUNITY MENTAL HEALTH CENTER TO  
21 ENSURE THE AVAILABILITY OF SERVICES FOR THAT CHILD AND, IN  
22 CONJUNCTION WITH THE SERVICES PROVIDED TO SUCH CHILD, THE  
23 AVAILABILITY OF SERVICES FOR THAT CHILD'S PARENT OR LEGAL  
24 GUARDIAN, IF RECOMMENDED;

25 (VII) A PROCESS FOR COORDINATING THE LOCAL PLAN WITH ANY  
26 EXISTING PLAN FOR SPECIAL EDUCATION SERVICES PURSUANT TO ARTICLE  
27 20 OF TITLE 22, C.R.S.;



1 (VIII) A PROCESS, CONSISTENT WITH STATE LAW, FOR  
2 MAINTAINING THE CONFIDENTIALITY OF THE NAME OF THE SCHOOL  
3 DISTRICT EMPLOYEE WHO IDENTIFIES, PURSUANT TO SUBSECTION (8) OF  
4 THIS SECTION, A CHILD WHO MIGHT HAVE A SERIOUS EMOTIONAL  
5 DISTURBANCE; AND

6 (IX) A PROCESS FOR COORDINATING THE COLLECTION OF DATA  
7 REQUIRED FOR THE REPORT TO THE STATE DEPARTMENT REQUIRED IN  
8 SECTION 27-10.3-205.

9 (3) NOTHING IN THIS PART 2 SHALL PROHIBIT THE DEVELOPMENT  
10 OF A PLAN PURSUANT TO THIS SECTION THAT INVOLVES MORE THAN ONE  
11 SCHOOL DISTRICT IN A COMMUNITY MENTAL HEALTH CENTER'S REGION.

12 (4) EACH PLAN DEVELOPED PURSUANT TO THIS PART 2 SHALL  
13 ENSURE THAT PUBLICLY FUNDED SERVICES THAT ARE PROVIDED TO  
14 STUDENTS IN PUBLIC SCHOOLS PRIOR TO THE EFFECTIVE DATE OF THIS PART  
15 2 ARE NOT SUPPLANTED BY ANY SERVICES PROVIDED PURSUANT TO THE  
16 PLAN.

17 (5) NO LATER THAN MAY 1, 2002, THE DIRECTOR OF THE UNIT  
18 RESPONSIBLE FOR MENTAL HEALTH SERVICES WITHIN THE STATE  
19 DEPARTMENT SHALL REVIEW EACH PLAN SUBMITTED BY THE COMMUNITY  
20 MENTAL HEALTH CENTERS. THE DIRECTOR EITHER SHALL APPROVE THE  
21 PLAN AS SUBMITTED OR, IF NECESSARY, SHALL WORK WITH THE  
22 DEVELOPERS OF THE PLAN TO DESIGN A PLAN THAT MEETS THE  
23 REQUIREMENTS OF THIS SECTION.

24 (6) NO LATER THAN AUGUST 1, 2002, EACH SCHOOL DISTRICT  
25 SHALL IMPLEMENT THE PLAN PREPARED AND APPROVED PURSUANT TO THIS  
26 SECTION.

27 (7) ONE OR MORE COMMUNITY MENTAL HEALTH CENTERS WITHIN

1 THE SCHOOL DISTRICT SHALL PROVIDE TIMELY ASSESSMENT AND  
2 TREATMENT SERVICES TO CHILDREN RECOMMENDED FOR TREATMENT BY  
3 A MENTAL HEALTH LIAISON PURSUANT TO THIS PART 2, SUBJECT TO  
4 AVAILABLE APPROPRIATIONS; EXCEPT THAT CHILDREN FURTHER REFERRED  
5 BY A COMMUNITY MENTAL HEALTH CENTER TO A MENTAL HEALTH AGENCY  
6 FOR SERVICES DUE TO SUCH CHILDREN'S ELIGIBILITY FOR MEDICAL  
7 ASSISTANCE SHALL RECEIVE ASSESSMENT AND TREATMENT SERVICES FROM  
8 THE MENTAL HEALTH AGENCY. A COMMUNITY MENTAL HEALTH CENTER  
9 OR MENTAL HEALTH AGENCY SHALL NOT BE REQUIRED TO EXPEND MONEYS  
10 FOR THE IMPLEMENTATION OF THIS PART 2 IN EXCESS OF THE MONEYS  
11 APPROPRIATED FOR THIS PART 2, INCLUDING COSTS OF REPORTING,  
12 REFERRAL, AND ASSESSMENT AND TREATMENT SERVICES AND COSTS  
13 INCURRED DUE TO A MENTAL HEALTH LIAISON'S COORDINATION AND  
14 MONITORING FUNCTIONS PURSUANT TO THE PLAN.

15 (8) IF A CHILD SHOWS POSSIBLE SIGNS OF A SERIOUS EMOTIONAL  
16 DISTURBANCE, SUCH CHILD MAY BE SENT TO THE MENTAL HEALTH LIAISON  
17 AS PROVIDED IN THE PLAN. EACH PLAN SHALL ADDRESS THE  
18 CONFIDENTIALITY OF THE NAME OF THE PERSON SENDING A CHILD TO THE  
19 MENTAL HEALTH LIAISON. THE STATE BOARD OF HUMAN SERVICES BY  
20 RULE SHALL IDENTIFY INDICATORS OF SERIOUS EMOTIONAL DISTURBANCES  
21 AS A REFERENCE FOR SCHOOL DISTRICT EMPLOYEES.

22 (9) (a) ANY PERSON ACTING IN GOOD FAITH IN ACCORDANCE WITH  
23 THE PROVISIONS OF THIS PART 2 IN CARRYING OUT ANY POWERS OR DUTIES  
24 AUTHORIZED BY THIS PART 2 SHALL BE IMMUNE FROM CIVIL LIABILITY FOR  
25 ANY DAMAGES ARISING FROM ACTIONS TAKEN IN CARRYING OUT THIS PART  
26 2. A PERSON ACTING WILLFULLY OR WANTONLY IN VIOLATION OF THIS  
27 PART 2 SHALL NOT BE IMMUNE FROM LIABILITY.

1 (b) THE COURT SHALL DISMISS ANY CIVIL ACTION RESULTING FROM  
2 ACTIONS TAKEN BY ANY PERSON PURSUANT TO THIS PART 2 UPON A  
3 FINDING BY THE COURT THAT THE PERSON ACTED IN GOOD FAITH  
4 COMPLIANCE WITH THE PROVISIONS OF THIS PART 2 AND IS THEREFORE  
5 IMMUNE FROM CIVIL LIABILITY PURSUANT TO PARAGRAPH (a) OF THIS  
6 SUBSECTION (9). THE COURT SHALL AWARD COURT COSTS AND  
7 REASONABLE ATTORNEY FEES TO THE PREVAILING PARTY IN ANY CIVIL  
8 ACTION DISMISSED PURSUANT TO THIS PARAGRAPH (b).

9 (c) ANY SCHOOL DISTRICT EMPLOYEE WHO ACTS IN GOOD FAITH  
10 AND IN COMPLIANCE WITH THIS PART 2 SHALL NOT HAVE HIS OR HER  
11 CONTRACT NONRENEWED NOR BE SUBJECT TO ANY DISCIPLINARY  
12 PROCEEDINGS, INCLUDING DISMISSAL, AS A RESULT OF SUCH LAWFUL  
13 ACTIONS, NOR SHALL THE ACTIONS OF SUCH PERSON BE REFLECTED IN ANY  
14 WRITTEN EVALUATION OR OTHER PERSONNEL RECORD CONCERNING SUCH  
15 PERSON.

16 **27-10.3-205. Implementation.** (1) THE PROGRAM FOR SCHOOL  
17 CHILDREN WHO HAVE SERIOUS EMOTIONAL DISTURBANCES ESTABLISHED  
18 IN SECTION 27-10.3-204 (1) SHALL BE PHASED IN OVER A PERIOD OF FOUR  
19 FISCAL YEARS, AS FOLLOWS:

20 (a) FOR THE 2002-03 FISCAL YEAR AND FISCAL YEARS  
21 THEREAFTER, THE PROGRAM SHALL BE IMPLEMENTED FOR SCHOOL  
22 CHILDREN ENROLLED IN A DISTRICT PRESCHOOL PROGRAM;

23 (b) FOR THE 2003-04 FISCAL YEAR AND FISCAL YEARS  
24 THEREAFTER, THE PROGRAM SHALL BE IMPLEMENTED FOR SCHOOL  
25 CHILDREN ENROLLED IN MIDDLE SCHOOL;

26 (c) FOR THE 2004-05 FISCAL YEAR AND FISCAL YEARS  
27 THEREAFTER, THE PROGRAM SHALL BE IMPLEMENTED FOR SCHOOL

1 CHILDREN ENROLLED IN ELEMENTARY SCHOOL; AND

2 (d) FOR THE 2005-06 FISCAL YEAR AND FISCAL YEARS  
3 THEREAFTER, THE PROGRAM SHALL BE IMPLEMENTED FOR SCHOOL  
4 CHILDREN ENROLLED IN HIGH SCHOOL.

5 (2) EACH PLAN DEVELOPED PURSUANT TO SECTION 27-10.3-204 (2)  
6 SHALL BE DESIGNED TO ACCOMMODATE THE PHASE-IN PROCESS DESCRIBED  
7 IN SUBSECTION (1) OF THIS SECTION.

8 **27-10.3-206. Monitoring - report.** (1) ON OR BEFORE JULY 1,  
9 2006, EACH COMMUNITY MENTAL HEALTH CENTER, AFTER CONSULTATION  
10 WITH THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT IN WHICH THE  
11 CENTER IS LOCATED, UNLESS OTHERWISE SPECIFIED IN THE PLAN  
12 DEVELOPED PURSUANT TO SECTION 27-10.3-204 (2), SHALL REPORT TO THE  
13 STATE DEPARTMENT THE FOLLOWING INFORMATION:

14 (a) A REVIEW OF THE PLAN DEVELOPED AND IMPLEMENTED  
15 PURSUANT TO SECTION 27-10.3-204;

16 (b) THE NUMBER OF CHILDREN TO WHOM THE FOLLOWING  
17 SERVICES WERE PROVIDED:

18 (I) SENT TO THE MENTAL HEALTH LIAISON;

19 (II) ASSESSMENT BY THE MENTAL HEALTH LIAISON OR OTHER  
20 PERSON DESIGNATED BY THE PLAN;

21 (III) TREATMENT BY THE COMMUNITY MENTAL HEALTH CENTER;

22 (IV) REFERRAL BY THE COMMUNITY MENTAL HEALTH CENTER TO  
23 A MENTAL HEALTH AGENCY.

24 (2) ON OR BEFORE JANUARY 15, 2007, THE STATE DEPARTMENT  
25 SHALL REPORT THE AGGREGATE STATEWIDE INFORMATION RECEIVED  
26 PURSUANT TO SUBSECTION (1) OF THIS SECTION TO THE MEMBERS OF THE  
27 GENERAL ASSEMBLY, AND SHALL EVALUATE THE EFFECTIVENESS OF THIS

1 PART 2.

2 **27-10.3-207. Funding - rules.** (1) IF A CHILD IS NOT ELIGIBLE  
3 FOR MEDICAL ASSISTANCE AND NEITHER A CHILD'S PARENT'S OR LEGAL  
4 GUARDIAN'S PRIVATE INSURANCE NOR THE CHILDREN'S BASIC HEALTH PLAN  
5 COVERS ALL OF THE COSTS ASSOCIATED WITH THE SERVICES PROVIDED TO  
6 A CHILD THROUGH A COMMUNITY MENTAL HEALTH CENTER PURSUANT TO  
7 THIS PART 2, THE PARENT OR LEGAL GUARDIAN OF A CHILD NOT COVERED  
8 BY MEDICAL ASSISTANCE WHO CONSENTS TO TREATMENT, OR THE MINOR  
9 CHILD WHO CONSENTS TO TREATMENT PURSUANT TO LAW, SHALL BE  
10 RESPONSIBLE FOR PAYING THE PORTION THAT IS NOT COVERED BY PRIVATE  
11 INSURANCE OR THE CHILDREN'S BASIC HEALTH PLAN ON A SLIDING SCALE  
12 BASIS AS SET FORTH IN SUBSECTION (2) OF THIS SECTION. FOR A CHILD NOT  
13 COVERED BY MEDICAL ASSISTANCE, ANY REMAINING PORTION OF THE  
14 SERVICES NOT COVERED BY PRIVATE INSURANCE, THE CHILDREN'S BASIC  
15 HEALTH PLAN, OR THE PARENT'S OR LEGAL GUARDIAN'S SHARE SHALL BE  
16 PAID BY THE STATE DEPARTMENT FROM GENERAL FUND MONEYS, SUBJECT  
17 TO AVAILABLE APPROPRIATIONS.

18 (2) THE STATE BOARD OF HUMAN SERVICES, IN CONSULTATION  
19 WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, SHALL  
20 PROMULGATE RULES IMPLEMENTING A SLIDING SCALE FEE FOR THE  
21 PAYMENT OF SERVICES RECEIVED PURSUANT TO THIS PART 2 THAT ARE NOT  
22 COVERED BY PRIVATE INSURANCE OR MEDICAL ASSISTANCE FUNDING.

23 **SECTION 2.** 27-10.3-101, Colorado Revised Statutes, is  
24 amended to read:

25 **27-10.3-101. Short title.** This ~~article~~ PART 1 shall be known and  
26 may be cited as the "Child Mental Health Treatment Act".

27 **SECTION 3.** 27-10.3-106 (1) and (2), Colorado Revised Statutes,

1 are amended to read:

2 **27-10.3-106. Funding - rules.** (1) In order to make mental health  
3 treatment available, it is the intent of the general assembly that mental  
4 health treatment provided pursuant to this ~~article~~ PART 1 to each child  
5 described in section 27-10.3-103 (1) who is eligible for medicaid based  
6 on the child's placement in a residential child care facility pursuant to  
7 section 26-4-527, C.R.S., and who is determined to be eligible for  
8 supplemental security income by the federal social security  
9 administration, be provided by mental health agencies.

10 (2) If neither the family's private insurance nor federal medicaid  
11 funding cover all of the costs associated with the services provided to a  
12 child at risk of out-of-home placement pursuant to this ~~article~~ PART 1,  
13 then the family shall be responsible for paying that portion that is not  
14 covered by private insurance or federal medicaid funding on a sliding  
15 scale basis as set forth in subsection (3) of this section. Any remaining  
16 portion of the services not covered by private insurance, federal medicaid  
17 funding, or the family's share, shall be paid for from general fund  
18 moneys, subject to available appropriations.

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

21 **27-10.3-108. Repeal.** This ~~article~~ PART 1 is repealed, effective  
22 July 1, 2005.

23 **SECTION 5. Appropriation.** (1) In addition to any other  
24 appropriation, for the fiscal year beginning July 1, 2001, there is hereby  
25 appropriated, out of any moneys in the general fund not otherwise  
26 appropriated, to the department of human services, for allocation to the  
27 division of children's health and rehabilitation, the sum of one hundred

1 fifty-two thousand two hundred seventy-eight dollars (\$152,278) and 0.5  
2 FTE, or so much thereof as may be necessary, for implementation of this  
3 act. The general assembly further anticipates that, for the fiscal year  
4 beginning July 1, 2001, the department of human services will receive the  
5 sum of two hundred thousand dollars (\$200,000) in federal funds for the  
6 implementation of this act. Although these federal funds are not  
7 appropriated in this act, they are noted for the purpose of indicating the  
8 assumptions used relative to these funds.

9 (2) It is the intent of the general assembly that the general fund  
10 appropriation for the implementation of this act shall be derived from  
11 savings generated from the implementation of the provisions of Senate  
12 Bill 01-077, as enacted during the first regular session of the sixty-third  
13 general assembly.

14 **SECTION 6. Effective date.** (1) This act shall take effect on  
15 August 1, 2001.

16 (2) Notwithstanding the provisions of subsection (1) of this  
17 section, this act shall only take effect if:

18 (a) The final fiscal estimate for Senate Bill 01-077, as reflected in  
19 the appropriations clause for said act, shows a net general fund savings  
20 that is equal to or greater than the final general fund fiscal estimate for  
21 this act, as reflected in section 5 of this act; and

22 (b) Senate Bill 01-077 is enacted at the first regular session of the  
23 sixty-third general assembly and becomes law.

24 **SECTION 7. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.