

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-1015.01 Jane Ritter x4342

HOUSE BILL 15-1368

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HOUSE SPONSORSHIP

Young, Hamner, Rankin

SENATE SPONSORSHIP

Grantham, Lambert, Steadman

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House Committees  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A CROSS-SYSTEM RESPONSE FOR  
102 BEHAVIORAL HEALTH CRISES PILOT PROGRAM TO SERVE  
103 INDIVIDUALS WITH INTELLECTUAL OR DEVELOPMENTAL  
104 DISABILITIES, AND, IN CONNECTION THEREWITH, MAKING AN  
105 APPROPRIATION.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Joint Budget Committee.** The bill establishes the cross-system response for behavioral health crises pilot program (pilot program) to

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.*

provide crisis intervention, stabilization, and follow-up services to individuals who have both an intellectual or developmental disability and a mental health or behavioral disorder and who also require services not available through an existing home- or community-based services waiver or not covered under the Colorado behavioral health care system. The pilot program will begin on or before March 1, 2016, and will consist of multiple sites that represent different geographic areas of the state. The pilot program shall:

- ! Provide access to intensive coordinated psychiatric, behavioral, and mental health services as an alternative to emergency department care or in-patient hospitalization;
- ! Offer community-based, mobile supports to individuals with dual diagnoses and their families;
- ! Offer follow-up supports to individuals with dual diagnoses, families, and caregivers to reduce the likelihood of future crises;
- ! Provide education and training for families and service agencies;
- ! Provide data about the cost in Colorado of providing such services throughout the state; and
- ! Provide data about systemic structural changes needed to remove existing regulatory or procedural barriers to the authorized use of public funds across systems, including the medicaid state plan, home- and community-based service medicaid waivers, and the capitated mental health system.

The department of health care policy and financing (department) shall conduct a cost-analysis study related to the services that would need to be added to eliminate service gaps and ensure that individuals with intellectual and developmental disabilities are fully included in the Colorado behavioral health system. The department shall also provide recommendations for eliminating the service gap.

The cross-system response for behavioral health crises pilot program fund is established.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25.5-6-412 as  
3 follows:

4 **25.5-6-412. Cross-system response for behavioral health crises**  
5 **pilot program - legislative declaration - creation - criteria -**

1 **recommendations - fund - repeal.** (1) THE GENERAL ASSEMBLY  
2 DECLARES THAT:

3 (a) THERE IS LIMITED ACCESS TO APPROPRIATE TREATMENT IN THE  
4 BEHAVIORAL HEALTH SYSTEM, INCLUDING CRISIS INTERVENTION,  
5 STABILIZATION, AND PREVENTION, FOR INDIVIDUALS WITH INTELLECTUAL  
6 AND DEVELOPMENTAL DISABILITIES;

7 (b) THERE IS INADEQUATE REIMBURSEMENT AND INAPPROPRIATE  
8 SERVICE LIMITS AND DEFINITIONS IN THE BEHAVIORAL HEALTH CAPITATED  
9 SYSTEM AS WELL AS MEDICAL MENTAL HEALTH BENEFITS IN THE  
10 COLORADO FEE-FOR-SERVICE MEDICAID STATE PLAN FOR INDIVIDUALS  
11 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES;

12 (c) THERE ARE CONFLICTING REQUIREMENTS AND CONFUSION  
13 ABOUT DIAGNOSES-BASED REQUIREMENTS THAT LIMIT ACCESS TO  
14 ASSESSMENTS AS WELL AS TREATMENT;

15 (d) THERE IS A LACK OF PROFESSIONAL EXPERTISE AND  
16 WORKFORCE CAPACITY; AND

17 (e) A SYSTEMATIC AND STRATEGIC APPROACH IS NEEDED TO  
18 INCREASE CAPACITY AMONG LICENSED MEDICAL PROFESSIONALS,  
19 CREDENTIALLED SERVICE PROVIDERS, AND DIRECT SERVICE PERSONNEL TO  
20 HELP PROVIDE MEDICAL AND BEHAVIORAL HEALTH SERVICES FOR  
21 INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

22 (2) THE GENERAL ASSEMBLY THEREFORE SUPPORTS FUNDING FOR  
23 A PILOT PROGRAM WITH LOCATIONS AT MULTIPLE SITES THAT REPRESENT  
24 DIFFERENT GEOGRAPHIC REGIONS OF THE STATE THAT WILL UTILIZE  
25 COLLABORATIVE APPROACHES TO PROVIDE A CROSS-SYSTEM RESPONSE TO  
26 BEHAVIORAL HEALTH CRISES FOR INDIVIDUALS WITH INTELLECTUAL AND  
27 DEVELOPMENTAL DISABILITIES. THE CROSS-SYSTEM RESPONSE WILL

1 INCLUDE WRITTEN COOPERATIVE AGREEMENTS AMONG PROVIDERS FOR  
2 MEDICAID STATE PLAN SERVICES, MEDICAID SCHOOL-BASED HEALTH  
3 SERVICES, HOME- AND COMMUNITY-BASED WAIVER SERVICES, AND THE  
4 CAPITATED MENTAL HEALTH CARE SYSTEM. THE CROSS-SYSTEM RESPONSE  
5 WOULD INCLUDE TIMELY CRISIS INTERVENTION, STABILIZATION,  
6 EVALUATION, TREATMENT, IN-HOME THERAPEUTIC RESPITE, SITE-BASED  
7 THERAPEUTIC RESPITE, AND FOLLOW-UP SERVICES TO INTEGRATE WITH  
8 THE COLORADO MENTAL HEALTH CRISIS PROGRAM AND ALSO REQUIRE  
9 SERVICES SPECIFICALLY APPROPRIATE FOR THE NEEDS OF INDIVIDUALS  
10 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. A COST  
11 ANALYSIS WITH ACCOMPANYING ACTUARIAL STUDY WILL COMPLEMENT  
12 THE PILOT PROGRAM TO ENSURE THAT INDIVIDUALS WITH INTELLECTUAL  
13 AND DEVELOPMENTAL DISABILITIES ARE FULLY INCLUDED IN THE  
14 COLORADO BEHAVIORAL HEALTH SYSTEM AND ARE SUPPORTED IN THE  
15 COLORADO BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM.

16 (3) THERE IS CREATED IN THE STATE DEPARTMENT A  
17 CROSS-SYSTEM RESPONSE FOR BEHAVIORAL HEALTH CRISES PILOT  
18 PROGRAM, REFERRED TO IN THIS SECTION AS THE "PILOT PROGRAM". THE  
19 PILOT PROGRAM WILL HAVE LOCATIONS AT MULTIPLE SITES THAT  
20 REPRESENT DIFFERENT GEOGRAPHIC REGIONS OF THE STATE. THE GOAL OF  
21 THE PILOT PROGRAM IS TO PROVIDE CRISIS INTERVENTION, STABILIZATION,  
22 AND FOLLOW-UP SERVICES TO INDIVIDUALS WHO HAVE BOTH AN  
23 INTELLECTUAL OR DEVELOPMENTAL DISABILITY AND A MENTAL HEALTH  
24 OR BEHAVIORAL DISORDER AND WHO ALSO REQUIRE SERVICES NOT  
25 AVAILABLE THROUGH AN EXISTING HOME- OR COMMUNITY-BASED  
26 SERVICES WAIVER OR COVERED UNDER THE COLORADO BEHAVIORAL  
27 HEALTH CARE SYSTEM. TO ACHIEVE THIS GOAL, THE PILOT PROGRAM MUST

1 COMPLEMENT AND EXPAND ON THE COLORADO BEHAVIORAL HEALTH  
2 CRISIS RESPONSE SYSTEM, PROVIDED THROUGH THE DEPARTMENT OF  
3 HUMAN SERVICES PURSUANT TO SECTION 27-60-103, C.R.S., TO:

4 (a) PROVIDE ACCESS TO INTENSIVE COORDINATED PSYCHIATRIC,  
5 BEHAVIORAL, AND MENTAL HEALTH SERVICES FOR CRISIS INTERVENTION  
6 AS AN ALTERNATIVE TO EMERGENCY DEPARTMENT CARE OR IN-PATIENT  
7 HOSPITALIZATION;

8 (b) OFFER COMMUNITY-BASED, MOBILE SUPPORTS TO INDIVIDUALS  
9 WITH DUAL DIAGNOSES AND THEIR FAMILIES;

10 (c) OFFER FOLLOW-UP SUPPORTS TO INDIVIDUALS WITH DUAL  
11 DIAGNOSES, FAMILIES, AND CAREGIVERS TO REDUCE THE LIKELIHOOD OF  
12 FUTURE CRISES;

13 (d) PROVIDE EDUCATION AND TRAINING FOR FAMILIES AND  
14 SERVICE AGENCIES;

15 (e) PROVIDE DATA ABOUT THE COST IN COLORADO OF PROVIDING  
16 SUCH SERVICES THROUGHOUT THE STATE TO COMPLEMENT THE  
17 COST-ANALYSIS STUDY DESCRIBED IN SUBSECTION (6) OF THIS SECTION  
18 RELATED TO THE COST TO ELIMINATE SERVICE GAPS FOR INDIVIDUALS WHO  
19 HAVE AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY AND WHO ALSO  
20 HAVE A PSYCHIATRIC OR BEHAVIORAL DISORDER; AND

21 (f) PROVIDE DATA ABOUT SYSTEMIC STRUCTURAL CHANGES  
22 NEEDED TO REMOVE EXISTING REGULATORY OR PROCEDURAL BARRIERS TO  
23 THE AUTHORIZED USE OF PUBLIC FUNDS ACROSS SYSTEMS, INCLUDING THE  
24 MEDICAID STATE PLAN, HOME- AND COMMUNITY-BASED SERVICE  
25 MEDICAID WAIVERS, THE CAPITATED MENTAL HEALTH CARE SYSTEM, AND  
26 THE COLORADO BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM.

27 (4) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING

1 SHALL ENTER INTO AN INTERAGENCY AGREEMENT WITH THE DEPARTMENT  
2 OF HUMAN SERVICES TO JOINTLY MANAGE THE INTEGRATION OF THE PILOT  
3 PROGRAM WITH THE COLORADO BEHAVIORAL HEALTH CRISIS RESPONSE  
4 SYSTEM.

5 (5) (a) THE PILOT PROGRAM SHALL BEGIN ON OR BEFORE MARCH  
6 1, 2016, AND OPERATE UNTIL MARCH 1, 2019. THE PILOT PROGRAM WILL  
7 PROVIDE SUPPORT TO ELIGIBLE INDIVIDUALS TO OBTAIN THE ADDITIONAL  
8 NECESSARY SERVICES, REGARDLESS OF THE APPROPRIATE PAYER. ONCE AN  
9 INDIVIDUAL WHO IS PARTICIPATING IN THE PILOT PROGRAM IS STABILIZED,  
10 THE PILOT PROGRAM SHALL DETERMINE WHERE SERVICES SHOULD HAVE  
11 BEEN PROVIDED AND WHO THE APPROPRIATE PAYER IS. IF NO SERVICE  
12 PAYER IS AVAILABLE, MONEYS FOR THE ADDITIONAL NECESSARY  
13 BEHAVIORAL HEALTH SERVICES WILL COME FROM THE CROSS-SYSTEM  
14 RESPONSE FOR BEHAVIORAL HEALTH CRISES PILOT PROGRAM FUND  
15 CREATED IN SUBSECTION (7) OF THIS SECTION.

16 (b) THE PILOT PROGRAM MUST COLLECT DATA CONCERNING THE  
17 SUPPORT PROVIDED AND SERVICES DELIVERED FOR EACH INDIVIDUAL  
18 PARTICIPATING IN THE PILOT PROGRAM. THE DATA MUST INCLUDE  
19 INFORMATION ON WHEN THE INDIVIDUAL'S SITUATION STABILIZED AND  
20 BEHAVIORAL HEALTH SERVICES NECESSARY FOR THE INDIVIDUAL TO  
21 MAINTAIN STABILITY. THE PILOT PROGRAM SHALL ANALYZE THE DATA  
22 COLLECTED AND PROVIDE A SUMMARY REPORT TO THE STATE  
23 DEPARTMENT REGARDING WHERE SERVICE GAPS EXIST, AS WELL AS  
24 RECOMMENDED SOLUTIONS TO ELIMINATE THOSE GAPS.

25 (6) ON OR BEFORE JULY 1, 2017, AND EACH JULY 1 THEREAFTER  
26 UNTIL THIS SECTION IS REPEALED, THE STATE DEPARTMENT SHALL  
27 CONDUCT A COST ANALYSIS OF THE SERVICES THAT WOULD NEED TO BE

1     ADDED TO ELIMINATE SERVICE GAPS AND ENSURE THAT INDIVIDUALS WITH  
2     INTELLECTUAL AND DEVELOPMENTAL DISABILITIES ARE FULLY INCLUDED  
3     IN THE COLORADO BEHAVIORAL HEALTH SYSTEM AND ARE SUPPORTED IN  
4     THE COLORADO BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM. THE  
5     STATE DEPARTMENT SHALL PROVIDE THE RESULTS OF THE COST ANALYSES  
6     IN AN ANNUAL WRITTEN REPORT ON THE PILOT PROGRAM, AS WELL AS  
7     RECOMMENDATIONS RELATED TO CLOSING SERVICE GAPS, TO THE HEALTH  
8     AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC  
9     HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF  
10    REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

11           (7)    THERE IS CREATED IN THE STATE TREASURY THE  
12    CROSS-SYSTEM RESPONSE FOR BEHAVIORAL HEALTH CRISES PILOT  
13    PROGRAM FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND  
14    CONSISTS OF ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL  
15    ASSEMBLY. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL  
16    APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT  
17    FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING  
18    THE PILOT PROGRAM CREATED PURSUANT TO THIS SECTION. THE STATE  
19    TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR  
20    THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW. THE STATE  
21    TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE  
22    INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE FUND. ANY  
23    UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT  
24    THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE  
25    CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.  
26    THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND  
27    UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JULY 1, 2019, TO

1 THE GENERAL FUND.

2 (8) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING  
3 AND THE DEPARTMENT OF HUMAN SERVICES ARE AUTHORIZED TO PURSUE  
4 THE OPTION OF ALLOWING A COMMUNITY-CENTERED BOARD TO USE A  
5 VACANT STATE-OWNED GROUP HOME AT NO COST FOR THE PURPOSES OF  
6 THE PILOT PROGRAM. IN SUCH AN INSTANCE, THE COMMUNITY-CENTERED  
7 BOARD MAY USE UP TO ONE HUNDRED THOUSAND DOLLARS FROM THE  
8 FUND CREATED IN SUBSECTION (7) OF THIS SECTION FOR ANY REGULATORY  
9 IMPROVEMENTS FOR LICENSING AND OPERATIONS REQUIRED BY THE  
10 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. GENERAL  
11 MAINTENANCE AND UPKEEP OF THE FACILITY IS THE RESPONSIBILITY OF  
12 THE COMMUNITY-CENTERED BOARD, WITH PAYMENT FROM THE FUND  
13 CREATED IN SUBSECTION (7) OF THIS SECTION; EXCEPT THAT PAYMENT FOR  
14 AND COMPLETION OF ANY PRE-EXISTING CONTROLLED MAINTENANCE  
15 PROJECTS REQUIRED IN ORDER FOR THE GROUP HOME TO BECOME FULLY  
16 LICENSED IS THE RESPONSIBILITY OF THE DEPARTMENT OF HUMAN  
17 SERVICES AND MUST BE COMPLETE PRIOR TO OCCUPANCY OF THE GROUP  
18 HOME.

19 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

20 **SECTION 2. Appropriation.** (1) For the 2015-16 state fiscal  
21 year, \$1,695,000 is appropriated to the cross-system response for  
22 behavioral health crises pilot program fund created in section 25.5-6-412  
23 (7), C.R.S. This appropriation is from the intellectual and developmental  
24 disabilities services cash fund created in section 25.5-10-207 (1), C.R.S.  
25 The department of health care policy and financing is responsible for the  
26 accounting related to this appropriation.

27 (2) For the 2015-16 state fiscal year, \$1,695,000 is appropriated



1 to the department of health care policy and financing for use by the  
2 division of intellectual and developmental disabilities. This appropriation  
3 is from reappropriated funds in the cross-system response for behavioral  
4 health crises pilot program fund under subsection (1) of this section. To  
5 implement this act, the division may use the appropriation for the  
6 cross-system response for behavioral health crises pilot program.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.