

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0698.01 Chelsea Princell x4335

SENATE BILL 23-091

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SENATE SPONSORSHIP

Kolker and Gardner,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Health & Human Services

House Committees

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A BILL FOR AN ACT

101 CONCERNING ACCESS TO BEHAVIORAL HEALTH SERVICES FOR CERTAIN  
102 MEDICAID RECIPIENTS WHO EXPERIENCE RISK FACTORS THAT  
103 INFLUENCE HEALTH.

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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://leg.colorado.gov>.)*

The bill requires the department of health care policy and financing (state department) to create a limited risk factors that influence health benefit (benefit) for medicaid recipients under 21 years of age who experience a qualifying risk factor that influences health.

The bill requires the benefit to include access to certain behavioral

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

health services.

The bill requires the state department to implement the benefit no later than July 1, 2024.

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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 25.5-1-133** as  
3 follows:

4 **25.5-1-133. Access to behavioral health services for individuals**  
5 **experiencing a risk factor that influences health - rules.** (1) ON OR  
6 BEFORE JULY 1, 2024, THE STATE DEPARTMENT SHALL CREATE A LIMITED  
7 RISK FACTORS THAT INFLUENCE HEALTH BENEFIT FOR RECIPIENTS UNDER  
8 TWENTY-ONE YEARS OF AGE WHO EXPERIENCE AT LEAST ONE QUALIFYING  
9 RISK FACTOR THAT INFLUENCES HEALTH, AS DESCRIBED IN SUBSECTIONS  
10 (3) AND (4) OF THIS SECTION, REGARDLESS OF WHETHER OR NOT THE  
11 RECIPIENT HAS A BEHAVIORAL HEALTH DIAGNOSIS. THE BENEFIT MUST BE  
12 PROVIDED AS PART OF THE STATEWIDE MANAGED CARE SYSTEM,  
13 PURSUANT TO PART 4 OF ARTICLE 5 OF THIS TITLE 25.5, AND THE SCHOOL  
14 HEALTH SERVICES PROGRAM DETAILED IN SECTION 25.5-5-318.

15 (2) THE LIMITED RISK FACTORS THAT INFLUENCE HEALTH BENEFIT  
16 MUST INCLUDE ACCESS TO BEHAVIORAL HEALTH SERVICES, INCLUDING BUT  
17 NOT LIMITED TO:

18 (a) FAMILY THERAPY;

19 (b) GROUP THERAPY;

20 (c) INDIVIDUAL THERAPY;

21 (d) SERVICES RELATED TO PREVENTION, PROMOTION, EDUCATION,  
22 OR OUTREACH;

23 (e) EVALUATION, INTAKE, CASE MANAGEMENT, AND TREATMENT  
24 PLANNING; AND

1 (f) ANY OTHER SERVICE DETERMINED NECESSARY BY THE STATE  
2 DEPARTMENT BASED ON FEEDBACK RECEIVED FROM STAKEHOLDERS.

3 (3) A QUALIFYING RISK FACTOR THAT INFLUENCES HEALTH  
4 INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING LIFE EXPERIENCES AND  
5 RISK FACTORS:

6 (a) HOSPITALIZATION IN A NEONATAL OR PEDIATRIC INTENSIVE  
7 CARE UNIT;

8 (b) SEPARATION FROM A CUSTODIAL PARENT, LEGAL GUARDIAN,  
9 OR CAREGIVER AS A RESULT OF LEGAL ACTION OR MILITARY  
10 REQUIREMENT;

11 (c) DEATH OF A CUSTODIAL PARENT, LEGAL GUARDIAN,  
12 CAREGIVER, OR SIBLING;

13 (d) ADOPTION, FOSTER CARE, OR KINSHIP PLACEMENT;

14 (e) FOOD INSECURITY;

15 (f) HOUSING INSTABILITY;

16 (g) UNDEREMPLOYMENT OR UNEMPLOYMENT;

17 (h) INVOLVEMENT OR RISK OF INVOLVEMENT IN THE CHILD  
18 WELFARE SYSTEM;

19 (i) EXPOSURE TO DOMESTIC VIOLENCE, SEXUAL VIOLENCE, OR  
20 OTHER TRAUMATIC EVENTS;

21 (j) MALTREATMENT OR CHILD ABUSE OR NEGLECT;

22 (k) ADOLESCENT PARENTHOOD;

23 (l) ENVIRONMENTAL DISPLACEMENT;

24 (m) SEVERE AND PERSISTENT BULLYING;

25 (n) DIAGNOSIS OF A CHRONIC CONDITION THAT LASTS FOR AT  
26 LEAST ONE YEAR AND REQUIRES ONGOING MEDICAL ATTENTION OR LIMITS  
27 THE ABILITY TO TAKE PART IN DAILY LIFE ACTIVITIES; OR

1           (o) INCIDENTS OF DISCRIMINATION, INCLUDING, BUT NOT LIMITED  
2 TO, DISCRIMINATION ON THE BASIS OF RACE, ETHNICITY, GENDER  
3 EXPRESSION, SEXUAL ORIENTATION, RELIGION, OR LEARNING DISABILITIES  
4 OR DIFFERENCES.

5           (4) A QUALIFYING RISK FACTOR THAT INFLUENCES HEALTH ALSO  
6 INCLUDES ONE OR MORE OF THE FOLLOWING LIFE EXPERIENCES OR RISK  
7 FACTORS RELATED TO THE RECIPIENT'S CUSTODIAL PARENT, LEGAL  
8 GUARDIAN, OR CAREGIVER:

9           (a) SERIOUS ILLNESS OR DISABILITY;

10           (b) A HISTORY OF INCARCERATION;

11           (c) A DIAGNOSED BEHAVIORAL HEALTH CONDITION;

12           (d) A DIAGNOSED SUBSTANCE USE DISORDER;

13           (e) UNEMPLOYMENT THAT LASTED MORE THAN SIX MONTHS;

14           (f) DOMESTIC VIOLENCE OR SEXUAL VIOLENCE; OR

15           (g) ADOLESCENT PARENTHOOD.

16           (5) IN CREATING THIS LIMITED RISK FACTORS THAT INFLUENCE  
17 HEALTH BENEFIT AND IN COLLABORATION WITH THE BEHAVIORAL HEALTH  
18 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES, THE STATE  
19 DEPARTMENT SHALL EXPLORE OPPORTUNITIES TO INTEGRATE RISK  
20 FACTORS THAT INFLUENCE HEALTH INTO EXISTING BEHAVIORAL HEALTH  
21 SCREENING TOOLS AND DEVELOP A MENU OF SOCIAL SCREENING TOOLS  
22 THAT CAN BE USED BY A BEHAVIORAL HEALTH AND PRIMARY CARE  
23 PROVIDER TO IDENTIFY A RISK FACTOR THAT INFLUENCES HEALTH.

24           (6) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT  
25 THE LIMITED RISK FACTORS THAT INFLUENCE HEALTH BENEFIT DESCRIBED  
26 IN THIS SECTION. RULES MUST ADDRESS HOW RECIPIENTS UNDER  
27 TWENTY-ONE YEARS OF AGE ACCESS THE LIMITED RISK FACTORS THAT

1 INFLUENCE HEALTH BENEFIT, INCLUDING HOW PROVIDERS MAY USE  
2 BEHAVIORAL HEALTH SCREENING TOOLS AND SCREENING TOOLS FOR  
3 ADVERSE CHILDHOOD EXPERIENCES TO DETERMINE ELIGIBILITY. IN  
4 PROMULGATING RULES, THE STATE DEPARTMENT SHALL SOLICIT INPUT  
5 AND FEEDBACK FROM RELEVANT STAKEHOLDERS.

6 (7) IN IMPLEMENTING THE LIMITED RISK FACTORS THAT INFLUENCE  
7 HEALTH BENEFIT PURSUANT TO THIS SECTION, THE STATE DEPARTMENT  
8 MUST NOTIFY PATIENTS, PROVIDERS, HUMAN SERVICES DEPARTMENTS,  
9 COUNTIES, LAW ENFORCEMENT AGENCIES, SCHOOLS, AND ANY OTHER  
10 ENTITY THAT MAY BE IMPACTED THAT THE LIMITED RISK FACTORS THAT  
11 INFLUENCE HEALTH BENEFIT IS AVAILABLE ON AND AFTER JULY 1, 2024.

12 (8) THE STATE DEPARTMENT SHALL EXPLORE OPPORTUNITIES TO  
13 ENACT A SIMILAR LIMITED RISK FACTORS THAT INFLUENCE HEALTH  
14 BENEFIT FOR ADULTS EXPERIENCING A RISK FACTOR THAT INFLUENCES  
15 HEALTH, INCLUDING BUT NOT LIMITED TO, HOUSING INSTABILITY.

16 **SECTION 2. Act subject to petition - effective date.** This act  
17 takes effect at 12:01 a.m. on the day following the expiration of the  
18 ninety-day period after final adjournment of the general assembly; except  
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
20 of the state constitution against this act or an item, section, or part of this  
21 act within such period, then the act, item, section, or part will not take  
22 effect unless approved by the people at the general election to be held in  
23 November 2024 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.