

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0776.02 Jane Ritter

SENATE BILL 10-153

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SENATE SPONSORSHIP

Boyd,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Health and Human Services

House Committees

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A BILL FOR AN ACT

101 CONCERNING BEHAVIORAL HEALTH TRANSFORMATION.

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>.)*

The bill sets forth a legislative declaration concerning the importance of creating a comprehensive approach to behavioral health issues, including mental health and substance use disorders, and establishes the behavioral health transformation council to develop strategies for implementing a systemic transformation of the behavioral health care system. The governor is directed to appoint a behavioral health transformation council whose goal it is to implement a systemic

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.

transformation of the behavioral health system. The bill further establishes the behavioral health screening in the criminal justice system planning group (planning group) to determine a standard set of data elements and outlines the membership and duties of the planning group.

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

2 **SECTION 1.** Title 26, Colorado Revised Statutes, is amended BY  
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 23**

5 **Behavioral Health**

6 **26-23-101. Legislative declaration.** (1) THE GENERAL  
7 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

8 (a) THERE IS AN URGENT NEED TO ADDRESS THE ECONOMIC,  
9 SOCIAL, AND PERSONAL COSTS TO THE STATE OF COLORADO AND ITS  
10 CITIZENS OF UNTREATED MENTAL HEALTH AND SUBSTANCE USE  
11 DISORDERS;

12 (b) BEHAVIORAL HEALTH DISORDERS, INCLUDING MENTAL HEALTH  
13 AND SUBSTANCE USE DISORDERS, ARE TREATABLE CONDITIONS NOT  
14 UNLIKE OTHER CHRONIC HEALTH ISSUES THAT REQUIRE A COMBINATION  
15 OF BEHAVIORAL CHANGE AND MEDICATION OR OTHER TREATMENT. WHEN  
16 INDIVIDUALS RECEIVE APPROPRIATE PREVENTION, EARLY INTERVENTION,  
17 TREATMENT, AND RECOVERY SERVICES, THEY CAN LIVE FULL, PRODUCTIVE  
18 LIVES.

19 (c) UNTREATED BEHAVIORAL HEALTH DISORDERS PLACE  
20 INDIVIDUALS AT HIGH RISK FOR POOR HEALTH OUTCOMES AND  
21 SIGNIFICANTLY IMPACT VIRTUALLY ALL ASPECTS OF LOCAL AND STATE  
22 GOVERNMENT BY REDUCING FAMILY STABILITY, STUDENT ACHIEVEMENT,  
23 WORKFORCE PRODUCTIVITY, AND PUBLIC SAFETY;

1 (d) CURRENTLY, THERE IS NO SINGLE BEHAVIORAL HEALTH CARE  
2 SYSTEM IN COLORADO BECAUSE NO SINGLE ENTITY HAS THE ABILITY TO  
3 ADDRESS THE COMPLEXITY OF THE BEHAVIORAL HEALTH ISSUES OF THE  
4 INDIVIDUALS, FAMILIES, AND COMMUNITIES IN COLORADO. INSTEAD,  
5 CONSUMERS OF ALL AGES WITH BEHAVIORAL HEALTH DISORDERS RECEIVE  
6 SERVICES FROM A NUMBER OF DIFFERENT PROVIDERS, INCLUDING THE  
7 HEALTH CARE, BEHAVIORAL HEALTH CARE, CHILD WELFARE, JUVENILE  
8 AND CRIMINAL JUSTICE, EDUCATION, AND HIGHER EDUCATION SYSTEMS.

9 (e) IN ORDER TO REDUCE THE ECONOMIC AND SOCIAL COSTS OF  
10 UNTREATED BEHAVIORAL HEALTH DISORDERS, COLORADO NEEDS A  
11 SYSTEMIC TRANSFORMATION OF THE BEHAVIORAL HEALTH SERVICES  
12 SYSTEM THROUGH WHICH THE STATE MAY STRIVE TO ACHIEVE CRITICAL  
13 GOALS IN ADDRESSING MENTAL HEALTH AND SUBSTANCE USE DISORDERS.  
14 GOALS FOR AN INTEGRATED BEHAVIORAL HEALTH SERVICES DELIVERY  
15 SYSTEM INCLUDE:

16 (I) DEVELOPING SHARED OUTCOMES ACROSS KEY SYSTEMS TO  
17 ENABLE JOINT ACCOUNTABILITY AND TO IMPROVE SERVICES;

18 (II) ALIGNING SERVICE AREAS ACROSS SYSTEMS TO PROMOTE  
19 EQUITABLE AND TIMELY ACCESS TO A FULL CONTINUUM OF SERVICES  
20 THROUGHOUT COLORADO;

21 (III) ESTABLISHING JOINT MONITORING ACROSS SYSTEMS TO  
22 ENSURE ACCOUNTABILITY FOR COMMON OUTCOMES AND TO REDUCE THE  
23 ADMINISTRATIVE BURDEN ASSOCIATED WITH SERVICE PROVISION;

24 (IV) CREATING INTEGRATED BEHAVIORAL HEALTH POLICIES AND  
25 RULES TO ALIGN WITH INTEGRATED SERVICE DELIVERY;

26 (V) FINANCING REFORM TO MAXIMIZE AND EFFICIENTLY UTILIZE  
27 FUNDS;

1 (VI) UTILIZING ELECTRONIC HEALTH RECORDS, SHARED  
2 SCREENING TOOLS, ASSESSMENTS, AND EVALUATIONS IN COMPLIANCE  
3 WITH FEDERAL AND STATE CONFIDENTIALITY AND PRIVACY LAWS;

4 (VII) ADOPTING CONSISTENT CROSS-SYSTEM STANDARDS FOR  
5 CULTURAL CONGRUENCE AND FOR JUVENILE, ADULT, AND FAMILY  
6 INVOLVEMENT; AND

7 (VIII) CREATING WORKFORCE-DEVELOPMENT STRATEGIES  
8 REQUIRED FOR AN INTEGRATED BEHAVIORAL HEALTH SERVICE DELIVERY  
9 SYSTEM.

10 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT,  
11 TO IMPROVE THE QUALITY OF LIFE OF THE CITIZENS OF COLORADO,  
12 STRENGTHEN THE ECONOMY, AND CONTINUE THE RESPONSIBLE  
13 MANAGEMENT OF THE STATE'S RESOURCES, THE COLLECTIVE LEADERSHIP  
14 OF THE THREE BRANCHES OF COLORADO'S STATE GOVERNMENT MUST  
15 WORK TOGETHER IN CONCERT WITH THE STAKEHOLDERS MOST IMPACTED  
16 BY MENTAL HEALTH AND SUBSTANCE USE DISORDERS TO BUILD UPON THE  
17 PROGRESS MADE THROUGH PAST EFFORTS AND TO SUSTAIN A CONTINUAL  
18 FOCUS ON THE IMPROVEMENT OF BEHAVIORAL HEALTH SERVICES.

19 **26-23-102. Behavioral health transformation council.** (1) IN  
20 ORDER TO ACHIEVE A SYSTEMIC TRANSFORMATION OF THE BEHAVIORAL  
21 HEALTH SYSTEM, THE GOVERNOR SHALL CREATE AND APPOINT A  
22 BEHAVIORAL HEALTH TRANSFORMATION COUNCIL, WHOSE GOAL IS TO  
23 DEVELOP A STRATEGIC PRIORITIZATION, PLANNING, AND IMPLEMENTATION  
24 PROCESS TO LEAD COLORADO'S EFFORTS IN TRANSFORMING THE  
25 BEHAVIORAL HEALTH SYSTEM.

26 (2) THE BEHAVIORAL HEALTH TRANSFORMATION COUNCIL SHALL  
27 INCLUDE REPRESENTATION FROM EXECUTIVE BRANCH AGENCIES, THE

1 JUDICIAL BRANCH, ONE MEMBER EACH FROM THE SENATE AND HOUSE OF  
2 REPRESENTATIVES, AND CONSUMERS AND PROVIDERS OF BEHAVIORAL  
3 HEALTH SERVICES, INCLUDING PERSONS IN RECOVERY, FAMILY MEMBERS,  
4 AND ADVOCACY GROUPS, TO ENCOURAGE COLLABORATION, PARTNERSHIP,  
5 AND INNOVATION.

6 **SECTION 2.** Article 11.5 of title 16, Colorado Revised Statutes,  
7 is amended BY THE ADDITION OF A NEW SECTION to read:

8 **16-11.5-108. Behavioral health screening in the criminal**  
9 **justice system planning group - legislative declaration - creation -**  
10 **duties - report - repeal.** (1) THE GENERAL ASSEMBLY HEREBY FINDS  
11 AND DECLARES THAT:

12 (a) INTAKE AT LOCAL JAILS IS THE FIRST OPPORTUNITY TO SCREEN  
13 INDIVIDUALS ENTERING THE CRIMINAL JUSTICE SYSTEM FOR MEDICAL AND  
14 BEHAVIORAL HEALTH ISSUES, INCLUDING MENTAL HEALTH AND  
15 SUBSTANCE USE DISORDERS;

16 (b) WITH APPROPRIATE SCREENING AT INTAKE, INDIVIDUALS CAN  
17 BE TRIAGED TO PROVIDE IMMEDIATE SAFETY AND SECURITY IN THE JAIL  
18 AND CAN BE TARGETED FOR AN APPROPRIATE ASSESSMENT AT A LATER  
19 DATE TO DETERMINE A COURSE OF ACTION OR TREATMENT PLAN;

20 (c) STATE AND LOCAL CRIMINAL JUSTICE SYSTEMS AGREE THAT IT  
21 WOULD BE BENEFICIAL TO THE COMMUNITY TO SHARE DATA AMONG  
22 COUNTIES WITHIN THE STATE CONCERNING INDIVIDUALS ENTERING THE  
23 CRIMINAL JUSTICE SYSTEM WHO HAVE BEHAVIORAL HEALTH ISSUES;  
24 CURRENTLY, HOWEVER, BARRIERS EXIST THAT PREVENT SUCH  
25 DATA-SHARING FROM OCCURRING; AND

26 (d) IF ENTITIES THROUGHOUT THE CRIMINAL JUSTICE SYSTEM  
27 COLLECT A COMMON SET OF CORE DATA AND USE UNIVERSAL

1 TERMINOLOGY IN SCREENING AND ASSESSMENT, IT WILL ALLOW FOR MORE  
2 EFFICIENT DATA-SHARING AND, THUS, BETTER MANAGEMENT OF  
3 INDIVIDUALS IN THE CRIMINAL JUSTICE SYSTEM WHO HAVE BEHAVIORAL  
4 HEALTH ISSUES.

5 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT IT IS IN  
6 THE BEST INTERESTS OF THE CITIZENS OF COLORADO TO ESTABLISH A  
7 PLANNING GROUP TO WORK TOWARD AN EFFICIENT AND STANDARDIZED  
8 METHOD OF DATA-SHARING CONCERNING INDIVIDUALS IN THE CRIMINAL  
9 JUSTICE SYSTEM WHO HAVE BEHAVIORAL HEALTH ISSUES.

10 (3) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT OF PUBLIC  
11 SAFETY THE BEHAVIORAL HEALTH SCREENING IN THE CRIMINAL JUSTICE  
12 SYSTEM PLANNING GROUP, REFERRED TO IN THIS SECTION AS THE  
13 "PLANNING GROUP".

14 (b) THE PLANNING GROUP SHALL CONSIST OF NO MORE THAN  
15 TWENTY-FIVE MEMBERS, WITH REPRESENTATION FROM LOCAL JAILS; THE  
16 JUDICIAL BRANCH; THE STATE DEPARTMENTS OF PUBLIC SAFETY,  
17 CORRECTIONS, AND HUMAN SERVICES; CONSUMERS AND COMMUNITY  
18 PROVIDERS OF MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES;  
19 DISTRICT ATTORNEYS; AND PUBLIC DEFENDERS. THE EXECUTIVE DIRECTOR  
20 OF THE DEPARTMENT OF PUBLIC SAFETY SHALL APPOINT THE MEMBERS OF  
21 THE PLANNING GROUP ON OR BEFORE JULY 1, 2010. THE EXECUTIVE  
22 DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL ALSO, AT THE  
23 TIME OF APPOINTMENT, APPOINT A MEMBER TO SERVE AS CHAIR OF THE  
24 PLANNING GROUP.

25 (c) THE PLANNING GROUP SHALL MEET AT LEAST ONCE EVERY  
26 MONTH. THE CHAIR MAY CALL SUCH ADDITIONAL MEETINGS AS MAY BE  
27 NECESSARY FOR THE PLANNING GROUP TO COMPLETE ITS DUTIES.

1 (d) MEMBERS OF THE PLANNING GROUP SHALL SERVE WITHOUT  
2 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

3 (4) THE PLANNING GROUP SHALL, AT A MINIMUM, STUDY THE  
4 FOLLOWING ISSUES:

5 (a) IDENTIFICATION OF CRITICAL INFORMATION AND KEY DATA  
6 ELEMENTS TO COLLECT AS PART OF THE INTAKE SCREENING AND  
7 ASSESSMENT PROCESS AT LOCAL JAILS AND HOW THAT DATA WILL BE  
8 USED;

9 (b) ANALYSIS OF WHETHER DATA FROM OTHER SYSTEMS CAN BE  
10 SHARED, INCLUDING BUT NOT LIMITED TO OUTCOMES OF COURT ACTIONS,  
11 CRIMINAL HISTORY, AND PRETRIAL RELEASE SCREENS;

12 (c) CREATION OF DEFINITIONS FOR TERMS TO BE USED IN THE  
13 PLANNING PROCESS AND THE STANDARDIZED SET OF DATA ELEMENTS;  
14 AND

15 (d) ASSESSMENT OF STATE AND FEDERAL REQUIREMENTS FOR  
16 SHARING INFORMATION AND THE FINANCIAL CONSTRAINTS OF SHARING  
17 INFORMATION AND IDENTIFICATION OF OTHER AREAS OF POSSIBLE DATA  
18 COLLECTION RELATED TO BEHAVIORAL HEALTH ISSUES.

19 (5) THE PLANNING GROUP SHALL UTILIZE ANY EXISTING WORK  
20 AND DATA COLLECTED RELATED TO ITS DUTIES.

21 (6) ON OR BEFORE DECEMBER 1, 2010, THE PLANNING GROUP  
22 SHALL SUBMIT ITS PROPOSED STANDARDIZED SET OF DATA ELEMENTS AND  
23 RECOMMENDATIONS FOR PROPOSED LEGISLATION TO THE COLORADO  
24 COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, CREATED IN SECTION  
25 16-11.3-102, AND THE STATE DEPARTMENTS OF PUBLIC SAFETY,  
26 CORRECTIONS, AND HUMAN SERVICES.

27 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

1 NOTWITHSTANDING THE PROVISIONS OF SECTION 2-3-1203, C.R.S., THE  
2 PLANNING GROUP SHALL NOT BE SUBJECT TO REVIEW PRIOR TO REPEAL.

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