

2018 LEGISLATIVE SESSION REVIEW

A Highly Unusual Year

Every legislative session is unique, and this year was no different! In many ways, though, this session stood out among the rest. Here are just a few of the dynamics that contributed to a truly memorable year:

- **A (Not So) Lame Duck Governor:** 2018 was the final legislative session of the Hickenlooper administration, and with the Governor's sights set on the future, he and his team were determined to stay engaged. From increasing the general fund reserve to funding transportation and education, to addressing Colorado's PERA system, this administration played as active a role as it ever has. When the dust settled after several compromises were reached, Hickenlooper [declared his final session the most successful](#) he'd experienced during his tenure as Governor.
- **A Re-Election Year:** With all of the House and half of the Senate seats up for re-election in 2018, lawmakers ran bills and took votes with an eye toward November, and several jockeyed for position in statewide or congressional races.
- **Party Leadership Changing:** Both party leaders, Speaker Crisanta Duran in the House and President Kevin Grantham in the Senate, will not be returning in 2019. The leadership in the Senate Minority changed hands just over midway through the session when Minority Leader Lucia Guzman essentially swapped roles with then Assistant Minority Leader Leroy Garcia.
- **A Strong Economy and a Budget Surplus:** A strong economic forecast in March and a booming economy meant an increase in TABOR revenue of nearly **\$930M**. This allowed more spending for transportation, education, and the ability to begin to address the issues regarding our public employee retirement system (PERA). Fortunately, it also meant more funding for other bills and initiatives such as opportunities in behavioral health.
- **Calendar Management:** There were 721 bills introduced this year (the most since 2004) and of those 432 are heading to the Governor's desk. Just as important as the sheer number of bills that were introduced is the timing at which the biggest were debated. Three of the biggest bills (transportation, PERA, and the civil rights commission) came down to the last day of the session. Other important bills also came down to the final few hours (see: SB18-252).
- **Sexual Harassment Allegations:** Perhaps the darkest cloud over the 2018 legislative session was the allegation of sexual harassment by several members of the General Assembly, including Representatives Steve Lebsock (D-Thornton) and Paul Rosenthal (D-Denver) and Senators Randy Baumgardner (R-Hot Sulphur Springs), Jack Tate (R-Centennial), and Larry Crowder (R-Alamosa). The allegations and evidence against Rep. Lebsock were enough that the House voted to expel a sitting member; this is only the second occurrence in Colorado's history and the first since 1915. A similar effort to expel Senator Baumgardner failed in the Senate, but President Grantham ultimately stripped him of his committee positions after a second report found additional allegations against him credible.

With all that (and more) as context, CBHC and our coalition partners had our work cut out to ensure budget and policy success for behavioral health issues. The way in which we achieved significant new resources to deliver services and realize numerous policy goals given such a challenging political environment is a testament to the platform and strategy that our Board set out for us before the session. With gratitude for the support we received from CBHC members, we present the most significant outcomes for behavioral health in the 2018 legislative session below.

Opioid and Other Substance Use Disorders Interim Study Committee

Requested and approved during the 2017 legislative session, the [Opioid and Other Substance Use Disorders Interim Study Committee](#) represented a bipartisan effort to address the impact of the opioid epidemic and strengthen our State's response to all substance use disorders. The committee received and vetted hundreds of policy recommendations and ultimately approved the following 6 bills:

- **[HB18-1003 Opioid Misuse Prevention](#)** (Support)
Outcome: Signed by the Governor
- **[HB18-1007 Payment Reform](#)** (Support)
Outcome: Signed by the Governor
- **[HB18-1136 Medicaid Inpatient/Residential Benefit](#)** (Active Support)
Outcome: Signed by the Governor
- **[SB18-022 Clinical Practice for Opioid Prescribing](#)** (Support)
Outcome: Signed by the Governor
- **[SB18-024 Health Service Corps Loan Repayment for SUD Professionals](#)** (Active Support)
Outcome: Signed by the Governor
- **[SB18-040 Substance Use Disorder Harm Reduction](#)** (Support)
Outcome: Postponed Indefinitely in Senate Committee on State, Veterans, & Military Affairs

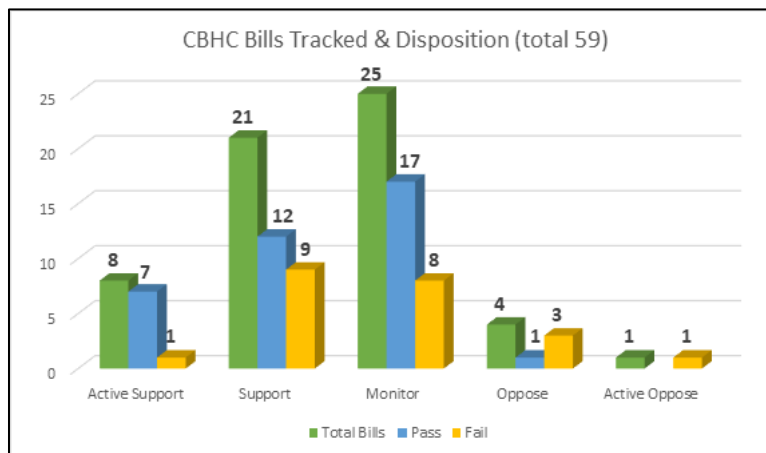
Bill Package Related to Competency & Restoration Services

With the State currently in breach of a federal settlement agreement due to the lack of access to timely competency evaluations and restoration services, the Joint Budget Committee (JBC) discussed a range of options to help the state avoid tens of millions of dollars in potential fines. Ultimately, the JBC decided to send these "policy heavy" bills to the Committees of Reference (Judiciary) to be debated. CBHC played an active role in supporting three of the four bills in hopes to expand opportunities for diversion away from the criminal justice system for those with mental illness and to further enhance jail-based services. The package included the following bills:

- **[SB18-249 Redirection Criminal Justice Behavioral Health](#)** (Active Support)
Outcome: Signed by the Governor
- **[SB18-250 Expand Jail Based Behavioral Services](#)** (Active Support)
Outcome: Signed by the Governor
- **[SB18-251 Statewide Court Liaison Behavioral Health Program](#)** (Active Support)
Outcome: Signed by the Governor
- **[SB18-252 Competency to Proceed Evaluations & Services](#)** (Monitor/Amend)
Outcome: Bill died on the calendar (filibustered by Senator Irene Aguilar in the closing moments of the session)

Other Priority Bills¹

HB18-1050 Competency to Proceed Juvenile Justice System (Active Support)
CBHC has supported efforts for years to create a juvenile-specific definition for competency and restoration services that considers the cognitive and developmental needs of adolescents and young adults. This bill came out of the Legislative Oversight Committee for the Treatment of Persons with Mental Health Disorders in the Criminal Justice System Task Force and was **signed into law by Governor Hickenlooper on March 22nd, 2018.**



HB18-1094 Children and Youth Mental Health Treatment Act (Support)
Despite our disagreement with the larger stakeholder group regarding the recommendation to allow OBH to contract other providers to determine eligibility for the program, CBHC ultimately supported this bill and testified accordingly in the House Committee on Public Health and Human Services. The bill extends the program indefinitely and increases the appropriation in hopes of allowing more families to be served. **This bill was signed into law on May 30th, 2018.**

HB18-1128 Protections for Consumer Data Privacy (Oppose)
This bill passed both Chambers and was **sent to the Governor** despite opposition from a broad coalition of healthcare providers who opposed the additional or redundant protections already provided by the Health Insurance Portability and Accountability Act (HIPAA) for healthcare data breaches. CBHC will work with the opposition coalition to understand potential opportunities to address this law next year. **This bill was signed into law on May 29th, 2018.**

HB18-1172 Money Allocated to Designated Managed Service Organizations (Active Support)
CBHC led the development of this bill from pitching the initial recommendation to the Opioid Interim Committee to working with the Office of Behavioral Health and other stakeholders to discussing potential non-legislative options. Ultimately, a bill was drafted that will allow the MSOs to spend SB-202 funding across two state fiscal years, allowing providers the confidence to propose complex projects aimed at increasing service capacity and ensuring that fewer dollars are reverted because of project complications or delays. **The Governor signed this bill into law on April 9, 2018.**

HB18-1177 Youth Suicide Prevention/Age of Consent to Behavioral Health Treatment (Support)
This bill was Representative Dafna Michaelson-Jenet's (D-Commerce City) second attempt to address youth suicide by lowering the age of consent for outpatient behavioral health treatment to 12. The bill this year also included funding for youth suicide prevention programs, including Youth Mental Health First Aid. **The bill was defeated in the Senate Committee on State, Veterans, & Military Affairs on a party-line vote.**

¹ The full list of all 59 bills that CBHC tracked this year can be found here:
<http://statebillinfo.com/SBI/index.cfm?fuseaction=Public.Dossier&id=24766&pk=670>

HB18-1245 Prohibit Conversion Therapy Mental Health Provider

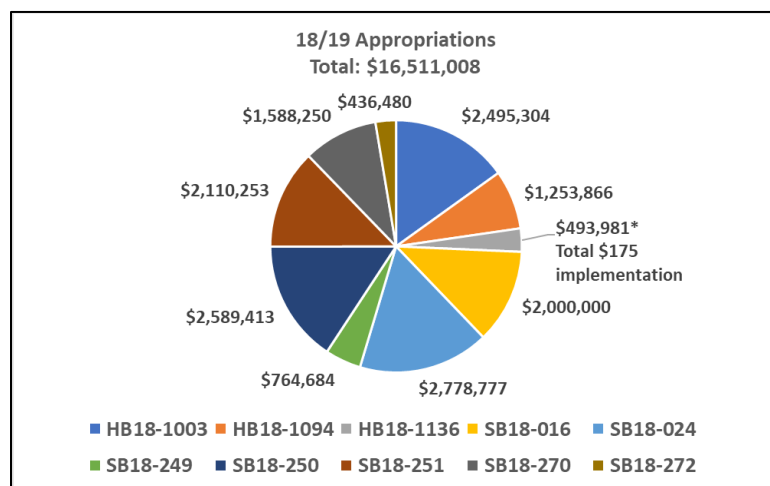
For the fourth year in a row, CBHC testified in support of this bill that would prohibit mental health providers from practicing “conversion therapy”. **Unfortunately, this bill was postponed indefinitely again in the Senate Committee on State, Veterans, & Military Affairs on a party-line vote.**

HB18-1357 Behavioral Health Care Ombudsperson Parity Reports (Support)

Led by Mental Health Colorado, this bill was intended to require health plans to report their efforts to ensure parity between physical and behavioral health to the Division of Insurance (DOI). Unfortunately, language requiring this reporting was amended out and what remains is that DOI will be required to report on parity enforcement to the General Assembly. The bill creates an independent office in the Colorado Department of Human Services to monitor parity and to help consumers, families, and providers navigate the existing processes for grievances and complaints. **This bill was signed into law on May 24th, 2018.**

HB18-1431 Statewide Managed Care System (Monitor)

With this bill Health Care Policy and Financing’s hopes to align state statute with the federal managed care regulations that passed in 2016 and to amend state statute to reflect Colorado’s model for Phase II of the Accountable Care Collaborative. CBHC attended several stakeholder meetings on this bill that was introduced late in the process and successfully advocated for language that references our current capitated behavioral health system before the bill was introduced. **This bill was signed into law on May 29th, 2018.**



HB18-1436 Extreme Risk Protection Orders “Red Flag Bill” (Monitor)

This bill was promoted by Mental Health Colorado and championed by law enforcement, including the County Sheriffs of Colorado alongside several prominent District Attorneys including George Brauchler, District Attorney for the 18th Judicial District and current Republican candidate for Attorney General. Minority Leader Cole Wist co-sponsored the bill in the House and earned the scorn of his Caucus. He managed to finish the session with his leadership position intact, but he was pulled

from the Judiciary Committee in the House before the bill was debated. CBHC did not engage on this bill and expressed concerns about enforcing the perceived, and misinformed, relationship between mental health and violence risk. **The bill cleared the House on a mostly party-line vote before being postponed indefinitely in the Senate Committee on State, Veterans, & Military Affairs on a party-line vote.**

SB18-263 Pilot Program Court Approval Treatment Medications in Jails (Active Oppose)

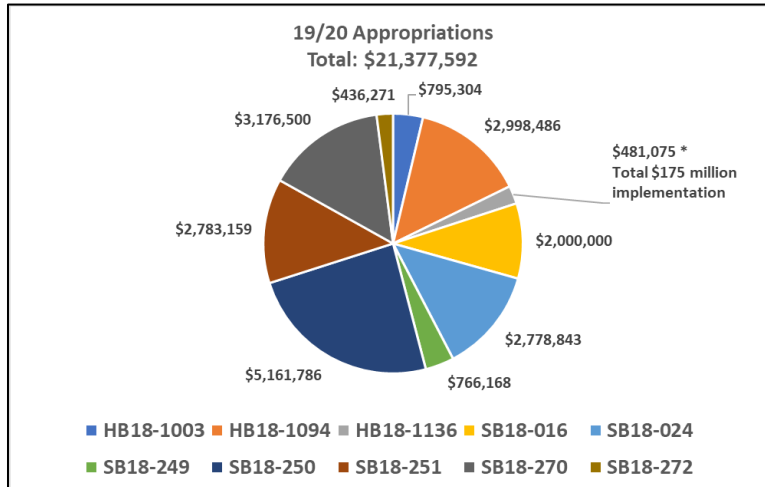
This bill would have allowed up to five pilot sites to allow jails in Colorado to petition a court to involuntarily administer medications for psychiatric conditions. CBHC opposed this concept when it was first introduced to the Legislative Oversight Committee for the Treatment of Persons with Mental Health Disorders in the Criminal Justice System Task Force and remained in opposition after the bill was introduced citing the need to do more to divert individuals living with mental illness from going to or spending extensive time in jail in the first place. We also expressed our belief that individuals in such a state of acute illness should be treated in a healthcare

setting. CBHC testified in opposition to this bill in the Senate and **it was ultimately postponed indefinitely in the House Judiciary Committee.**

SB18-270 Behavioral Health Crisis

Transition Referral Program (Monitor)

This bill, also led by Mental Health Colorado, creates a new transitions program for individuals in hospitals, emergency rooms, and withdrawal management facilities. CBHC expressed concern that this program further fragments our behavioral health system and is duplicative of existing programs. CBHC worked with the bill sponsor to focus the intent of this bill on certain appropriate facility types. **The bill was signed into law by the Governor on May 21, 2018.**

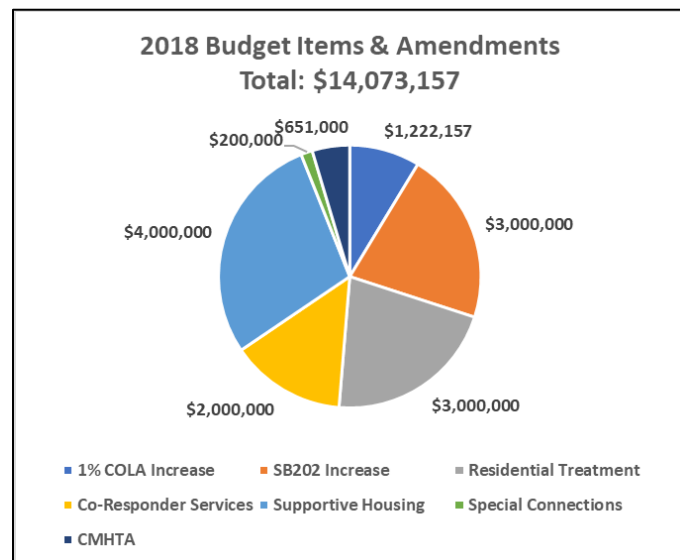


SB18-272 Crisis & Suicide Prevention Training Grant Program (Support)

A late bipartisan effort, this bill includes an appropriation of \$400K to create a crisis and suicide prevention training grant program in the CDPHE with priority given to those schools that have previously not received such training. **This bill was signed into law on May 30th, 2018.**

Ensuring Adequate Funding for Services

In addition to tracking bills, the legislative session is a critical time when Colorado's Joint Budget Committee (JBC) and General Assembly sets the state budget and makes decisions on funding priorities. CBHC actively advocates for resources that enable our members to provide services and meet growing demand. In 2018, CBHC worked to advance several budget items including:



- An increase in SB-202 funding by **\$3M** (total up to **\$15M/year**);
- A **\$3M** increase in appropriations for a long-term residential treatment program for individuals with co-occurring disorder in a rural area of the state;
- **\$2M** in new appropriations for co-responder services and mental health supports for police officers added to the cash fund created by HB17-1215 (includes language that applicants are encouraged to partner with CMHCs);
- Authorization for DOLA to spend funding that was reverted from community corrections (**\$4+M**);
- An increase of **\$200K** for providers in the special connections program;
- An increase of **\$651K** for the Children's Mental Health Treatment Act line-item; and
- A **1% community provider Cost of Living Adjustment (COLA)** increase across Departments. This equates to a total increase for CBHC members of \$1,222,157.

Interim Study Committees

In addition to extending the Opioid & Other Substance Use Disorders Interim Study Committee two summers (as directed by HB18-1003), several interim study committees were approved or adopted, including:

- [SCR18-004 Congressional Redistricting](#)
- [SCR18-005 Legislative Redistricting](#)
- [Alternatives to the Gallagher Amendment](#)
- [Evaluate the Findings and Recommendations from the 2018 Legislative Workplace Study](#)
- [K-12 School Start Times](#)

Who's Staying and Who's Going?

Due to term limits, Colorado usually sees at least a handful of new Legislators each year. This year, however, we can expect to see several new faces and we say goodbye to a handful of Legislators that have served in key roles and who have proven to be strong advocates for behavioral health (* Indicates previous CBHC Community Behavioral Health Champion).

Outgoing State Representatives include:

- **Crisanta Duran, D-HD5** (term limit)
- **Justin Everett, R-HD22** (running for State Treasurer)
- **Millie Hamner, D-HD61 *** (term limit)
- **Pete Lee, D-HD18 *** (term limit, running for State Senate)
- **Dan Pabon, D-HD4** (term limit)
- **Dave Young, D-HD50 *** (term limit, running for State Treasurer)
- **Joe Salazar, D-HD31** (running for Attorney General)
- **Polly Lawrence, R-HD39** (running for State Treasurer)
- **Mike Foote, D-HD12** (running for Boulder District Attorney)
- **Jon Becker, R-HD65** (running for County Commissioner)
- **Jesse Danielson, D-HD24** (running for State Senate)
- **Paul Lundeen, R-HD19** (running for State Senate)
- **Brittany Pettersen, D-HD28** (running for State Senate)
- **Dan Thurlow, R-HD55** (running for State Senate)
- **Faith Winter, D-HD35** (running for State Senate)
- **Yeulin Willett, R-HD54** (not running again)
- **Paul Rosenthal, D-HD9** (failed to make primary ballot)

Outgoing State Senators include:

- **Irene Aguilar, D-SD32 *** (term limit)
- **Kevin Grantham, R-SD2** (term limit)
- **Lucia Guzman D-SD34** (term limit)
- **Cheri Jahn U-SD20 *** (term limit)
- **Andy Kerr, D-SD22** (term limit)
- **Kent Lambert, R-SD9 *** (term limit)
- **Kevin Lundberg, R-SD15** (term limit)
- **Owen Hill, R-SD10** (running for Congress)
- **Mike Merrifield, D-SD11** (not running again)

This year's primary election is scheduled for June 26, 2018. The General Election will take place on November 6, 2018.

Looking Ahead to 2019

The First Regular Session of the Seventy-second General Assembly will begin and end earlier than usual next year thanks to [HJR18-1021](#). The session is set to convene on January 4th, 2019, and is scheduled to end on May 3rd, 2019.

Thank You!

Thank you again to our members for supporting the work of CBHC's legislative and policy team! Your attention to our action alerts and your engagement throughout the process is a critical part of our success.

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If you have any questions or feedback about our work during the 2018 legislative session, please contact Frank Cornelia, Director of Government & Community Relations, at fcornelia@cbhc.org or at 720-573-9371.