

2021 Legislative Session Review





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Dear Members,

The 2021 legislative session was certainly unique. Between starts and stops, virtual participation, and state and federal funding opportunities, this was one for the record books. With your help, we made it through this historic year and managed to bring behavioral health reform to the forefront.

There have been more bills brought forward in recent years addressing mental health and substance use disorder related issues than at any time in the past. We are pleased that many of our policy and funding priorities were addressed at the legislative level and were also a main topic of conversation with many of our state partners. And now the fun of implementing this great work begins with our state and community partners at our side.

As we continue to work through the summer to help guide the spending of the American Rescue Plan Act (ARPA) dollars, CBHC is committed to addressing the following areas:

- **Supporting the behavioral health workforce**
- **Protecting and enhancing funding for community behavioral health services and supports**
- **Collaborating closely with the state and stakeholders in the development of the Behavioral Health Administration**

In the meantime, we hope that you enjoy our 2021 legislative review and take pride in all the advancements we have made by working together. Thank you for your support, testimony, and feedback throughout this year's unique and long process.

Sincerely,

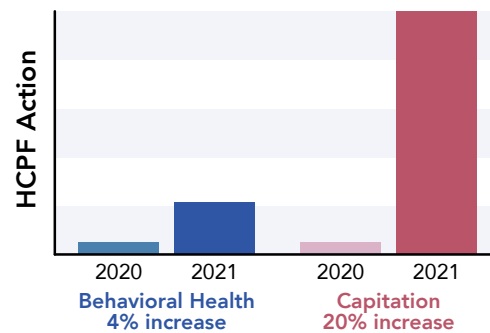
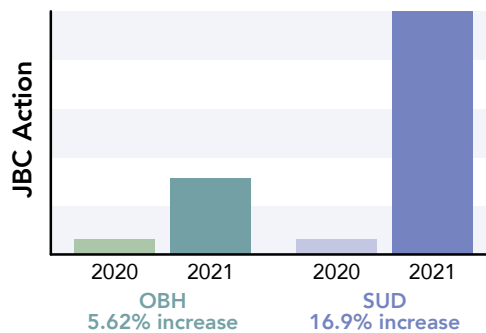
Doyle Forrestal
Chief Executive Officer
Colorado Behavioral Healthcare Council

2021 State Budget Summary–CBHC Priorities

Following an incredibly difficult year of budget cuts, the Joint Budget Committee (JBC) found themselves in a position to restore funding while balancing new investments and being thoughtful about the general fund reserves. CBHC worked closely with the departments, JBC staff, and legislators to advocate for increasing behavioral health line items focused on workforce development, program expansion, and capacity building.

Overall, JBC action this year increased the Office of Behavioral Health (OBH) mental health program line items by 5.62% and substance use disorder (SUD) line items by about 16.9%, largely due to budget restorations as well as approving a 2.5% provider rate increase. Allocations to OBH totaled \$21,705,739 in increased funding as compared to last year's budget. These funds will go towards a variety of line items that support Assertive Community Treatment (ACT) programs, community mental health services, offender services, jail-based services, the crisis system, secure transportation, SB202, and more.

On the HCPF side, appropriations for behavioral health saw a 4% increase as compared to last year, with the capitation budget expected to increase over 20% largely due to the rollout of the SUD residential benefit and substantial growth in the Medicaid eligible population. These critical JBC decisions came alongside significant budget infusions from bills such as SB21-137, which allocated just over \$114M in behavioral health spending, including nearly \$100M coming from ARPA funding, and SB21-1258 which infused new resources from unexpected state tax revenue towards screening, education, and behavioral health treatment for youth.



CBHC is grateful to our members who supported our advocacy and reached out to their legislators serving on the JBC and Appropriations Committees—their efforts made these achievements possible. While we know the need continues to be great, we are pleased to see the JBC value community partners by approving a 2.5% provider rate increase. With your help, CBHC will continue to fiercely advocate for additional resources for the community behavioral health workforce.



2021 Priority Legislative Summary–CBHC Priority Bills

HB21-1281: Creating a Disaster Behavioral Health Program

Representatives Cutter and Will | Senator Pettersen

This CBHC-driven bill requires the Colorado Department of Public Health and Environment (CDPHE) to implement the community behavioral health disaster preparedness and response program to ensure that behavioral health is adequately represented within disaster preparedness and response efforts across the state. The program is intended to enhance, support, and formalize behavioral health disaster preparedness and response activities conducted by community behavioral health organizations, including the foundational work done by Colorado's Community Mental Health Centers (CMHCs).

The bill requires the department to:

- **Promulgate rules for the oversight and management of the program**
- **Work collaboratively with community behavioral health organizations, including CMHCs**
- **Create, define, and publish eligibility criteria for program participation**
- **Provide funding to CMHCs and other participating organizations on an annual, or as-needed basis, for the activities the organizations conduct.**

CBHC Engagement

CBHC began the drafting process on this bill concept in 2019 and was planning to run it in 2020. We shelved the idea when the pandemic began and the state budget cratered, but brought it back in 2021 on the success of our members' efforts as the primary providers in the Colorado Spirit Program, the Crisis Counseling Program run by CDPHE. We drafted the fact sheet and pulled in members of the coalition, supported by members seeking letters of support from community partners. Several representatives of CBHC member organizations testified in support of this legislation, including representatives from Aurora Mental Health Center, Mental Health Center of Denver, Jefferson Center for Mental Health, and Mind Springs Health. This bill was signed into law by Governor Polis on June 28, 2021.

HB21-1097: Establish Behavioral Health Administration

Representatives Young and Pelton | Senators Fields and Gardner

On April 8, 2019, Gov. Jared Polis directed the Colorado Department of Human Services (CDHS) to spearhead Colorado's [Behavioral Health Task Force](#). The task force's mission was to evaluate Colorado's behavioral health system and create a roadmap to reform. Among almost 150 recommendations, Task Force members voted unanimously to create a new Behavioral Health Administration, or BHA. The BHA will align, coordinate, and integrate state mental health and substance use programs and funding under one government entity, streamlining access to services for Coloradans and reducing bureaucracy for providers. On April 22, Governor Jared Polis signed [Colorado House Bill 21-1097](#), which directs CDHS to establish the BHA by July 2022 and temporarily house it through November 2024.

CBHC Engagement

CBHC actively participated in Governor Polis's Behavioral Health Task Force, with multiple members and staff appointed to the Task Force and subcommittees. With our [Pillars for Reform](#) as a guide, the CBHC Board approved language that supported the recommendation to create the new BHA. As SB21-1097 moved through the process, CBHC worked closely with the sponsors, the relevant state departments, and the Governor's Office to review drafts, provide input to represent CBHC's values, and join the advocacy efforts. At the same time, we have closely engaged with Health Management Associates as they carry out a contracted project to gather stakeholder feedback and craft recommendations on how the BHA should be structured. CBHC representatives provided testimony on this bill in both chambers, and we look forward to continued engagement with CDHS as they begin implementation. This bill was signed into law by Governor Polis on April 22, 2021.

SB21-137: Behavioral Health Recovery Act

Senators Pettersen and Winter | Representatives Michaelson Jenet and Kennedy

The bill includes a host of policies, programs, and funding opportunities aimed at the system of care and services for Coloradans experiencing substance use disorders. Funding for the policies included in the bill comes from a combination of the American Rescue Plan, state stimulus spending, and marijuana tax cash fund.

SB21-137 Amendments for the American Rescue Plan Act ARPA Emergency Spending:

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| <p> \$28,630,000 for urgent behavioral health needs and system supports</p> <ul style="list-style-type: none">• \$17.5M for programs targeted towards children, youth, and families• \$5M for jail-based behavioral health services• \$3.25M for community mental health centers• \$2M for clean syringe programs• \$1.88M for provider training and technical assistance programs• \$1.2M for school-based health centers• \$1M for an awareness campaign• \$1M for the bulk purchase of naloxone• \$500K for transitions from mental health institutes to community guardianship programs• \$300K for the office of the behavioral health ombudsman• \$4M for the housing assistance program• \$1.6M for the recovery support services grant program• \$50K for rural behavioral health vouchers | <p> \$20,700,000 for behavioral health workforce development programs</p> <ul style="list-style-type: none">• \$1.7M in loan forgiveness through the health service corps• \$1M for the rural health connector workforce program• \$18M to implement recommendations of the Colorado Behavioral Health Task Force including incentives and training programs <p> \$50,000,000 for behavioral health system capacity expansions</p> <ul style="list-style-type: none">• \$10M to the Managed Service Organizations to increase SB202• \$9M to the counties for a grant program focused on rural and frontier counties• \$26M to begin the work of developing a comprehensive care coordination system to create a one-stop-shop for mental health and substance use disorder services in Colorado |
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CBHC Engagement

From the beginning, CBHC was a core coalition member in this bill effort. We drafted the initial fact sheet and our lobby team was actively involved. This bill was signed into law by Governor Polis on June 28, 2021.



SB21-154: Implementing 9-8-8 in Colorado

Representatives Cutter and Soper | Senators Kolker and Simpson

On October 17, 2020, Congress passed the "[National Suicide Hotline Designation Act of 2020](#)" designating 9-8-8 as the 3-digit number for the national suicide prevention lifeline to aid rapid access to suicide prevention and mental health support services. Led by Mental Health Colorado, SB21-154 set out to establish this line in Colorado by setting the fees, funding mechanisms, and regulatory structures to support 9-8-8 as well as the connection between the new system and the existing Colorado Crises Services hotline. This bill sets in motion a new surcharge on telecom services beginning in January of 2022; funds from this surcharge will go towards sustaining 9-8-8 intervention and care coordination, as well as, crisis outreach, stabilization, acute care, and marketing.

CBHC Engagement

CBHC actively participated in the coalition that supported this bill. Our members have a rich history of delivering crisis care, managing or partnering with hotlines, and coordinating acute care for those who need it most. We worked closely with our national affiliates at the National Council for Mental Wellbeing to advocate for alignment with the broader national initiative. During the bill's run through the Senate, CBHC worked closely with the sponsors and lead advocates to successfully pass an amendment to the bill which clarified that funds from the program can be directed towards the community response that may be necessary following an acute 9-8-8 call. We were grateful for the opportunity to provide testimony in both chambers and are excited to continue engaging as a key stakeholder in the implementation process. This bill was signed into law by Governor Polis on June 28, 2021.



Advancing Mental Health First Aid (MHFA) and Teen Mental Health First Aid (tMHFA)

Coming off a successful effort to increase funding for MHFA in 2020 through HB20-1411, CBHC worked early in the 2021 session to draft legislation to advance tMHFA. When those efforts were thwarted, the CBHC advocacy team pivoted to two different opportunities. **In 2021, we are excited to share the following wins for MHFA and tMHFA:**

SB21-137

This effort appropriated \$250K to the CDPHE for mental health first aid training. This funding will expand training efforts across the state.

HB21-1119

This bill makes tMHFA training eligible for grant funding in CDPHE's crisis and suicide prevention, intervention, and postvention training grant program. This will help MHFA Colorado's efforts to implement and advance tMHFA.

Other Bills of Note (CBHC Position)



HB21-1030: Expanding Peace Officers Mental Health Grant Program (Support)

Representatives McCluskie and McKean | Senators Buckner and Cooke

This bill expands the Peace Officers' Mental Health Support Grant Program to include funding for on-scene response services. The services are related to persons with mental health disorders and social service needs, including calls that do not require the presence of a peace officer. Additionally, the bill expands on the purposes in which the grant money can be used to include co-responder community responses and community-based alternative responses. This bill was signed into law by Governor Polis on June 27, 2021.



HB21-1068: Insurance Coverage Mental Health Wellness Exam (Support)

Representatives Michaelson Jenet and Titone | Senators Moreno and Smallwood

HB21-1068 requires health insurance plans to cover costs associated with an annual mental health wellness examination performed by a qualified mental health care provider. This bill was signed into law by Governor Polis on July 6, 2021.



HB21-1085: Secure Transportation Behavioral Health Crisis (Support)

Representatives McCluskie and Larson | Senators Bridges and Smallwood

HB21-1085 is focused on creating a regulatory and service system that will provide secure transportation services with different requirements from traditional ambulance services for individuals experiencing a behavioral health crisis. With this bill, the Department of Human Services will be required to instill secure transportation alternatives. This bill was signed into law by Governor Polis on June 27, 2021.



HB21-1119: Suicide Prevention, Intervention, and Postvention (Support)

Representatives Rich and Daugherty | Senators Donovan and Coram

HB21-1119 is concerned with lowering the suicide rate in the state of Colorado by enhancing care for people affected by suicide, suicide attempts, and the after-effects of those actions. The bill will work towards helping survivors, family members, friends, health care providers, first and last responders, educators, students, and schools where the impacts of suicide have occurred. On April 22, 2021, the Suicide Prevention, Intervention, and Postvention bill was signed into law by Governor Jared Polis.



HB21-1258: Rapid Mental Health Response for Colorado Youth (Active Support)

Representatives Michaelson Jenet and Van Winkle | Senators Buckner and Woodard

HB21-1258 establishes a temporary youth mental health service program in the Office of Behavioral Health within the Department of Human Services to facilitate access to mental health services. These services include substance use disorder services, services to help youth identify mental health needs, including mental health needs that resulted from the COVID-19 pandemic. Additionally, the program will reimburse providers for up to three mental health sessions with a youth and may provide additional reimbursement subject to available money. This bill was signed into law by Governor Polis on June 18, 2021.



HB21-1275: Medicaid Reimbursement for Services by Pharmacists (Support)

Representatives Lontine and Will | Senators Ginal and Kirkmeyer

HB21-1275 will allow eligible pharmacists to be reimbursed under the medical assistance program for certain medically necessary pharmacist services. Under this bill, pharmacists or pharmacies have the authority to administer extended-release injectable medications for the treatment of mental health or substance use disorders and to seek reimbursement for those medications. The Department of Health Care Policy and Financing shall include services reimbursed pursuant to the bill in the review of provider rates for the medical assistance program. This bill was signed into law by Governor Polis on July 7, 2021.

SB21-094: Sunset Continue State Board of Pharmacy (Support)

Senators Ginal and Winter | Representatives Roberts and Ortiz

SB21-094 implements recommendations of the Department of Regulatory Agencies in its sunset review of and report on the State Board of Pharmacy and its regulation of the practice of pharmacy and makes other modifications to the laws regulating the practice. CBHC worked with staff from SummitStone Health Partners to amend into the bill a policy recommendation to include community mental health clinics and facilities operating a licensed SUD treatment program in the definition of "other outlet," thereby allowing these entities to register with the board and operate as a pharmacy outlet. This bill was signed into law by Governor Polis on June 24, 2021.

HB21-1305: Mental Health Practice Act (Support)

Representatives Michaelson-Jenet and Pelton and Senator Winter

This bill updated language that was passed in the 2020 Mental Health Practice Act. HB21-1305 added title protection to the new titles established in the 2020 legislation revised scope of practice language for Licensed Addiction Counselors (LACs), clarified education, training, and supervision requirements for Certified Addiction Specialists (CASs) and LACs, and clarified scope of practice language for Certified Addiction Technicians (CATs). CBHC worked to support the coalition that led the clean-up efforts which included the Colorado Providers Association, the Colorado Association of Addiction Counselors, and the State Department of Regulatory Affairs. This bill was signed into law by Governor Polis on June 18, 2021.

CBHC Staff

Doyle Forrestal, CEO

Phone: 720-573-9367

Email: dforrestal@cbhc.org

**Frank Cornelia, MS, LPC, Deputy Director and
Chief Strategy Officer**

Phone: 720-573-9371

Email: fcornelia@cbhc.org

**Moses Gur, MA, Director of Member and
Policy Engagement**

Phone: 720-573-9368

Email: mgur@cbhc.org

**Natalie Strom, Membership Services and
Communications Coordinator**

Phone: 720-573-9366

Email: nstrom@cbhc.org

**Barbara Becker, PhD, Director, Mental Health First
Aid Colorado**

Phone: 720-573-9369

Email: bbecker@cbhc.org

**Elizabeth Larson, Mental Health First Aid Colorado
Statewide Coordinator**

Phone: 720-573-3585

Email: elarson@cbhc.org

Learn more about CBHC at cbhc.org
or by calling 303-832-7594
303 E. 17th Ave., Suite 910, Denver, Colorado 80203



CBHC

Colorado Behavioral
Healthcare Council