

# Changes to Colorado's Behavioral Health Care System



## Background

After years of laying the groundwork for change in the state's behavioral health system, CHA and others were able to garner wide bipartisan support this legislative session for a variety of behavioral health bills aimed at expanding coverage and access to behavioral health services. It is important for hospitals and health systems to understand how these new laws will impact Colorado's behavioral health care landscape.

## SB 18-270: Behavioral Health Crisis Transition Referral Program

By Jan. 1, 2019, the Office of Behavioral Health (OBH) must implement a statewide referral program to aid in transitioning high-risk individuals to community-based behavioral health services after receiving treatment in an acute care hospital or withdrawal management facility.

## What You Need to Know

- The program targets high-risk individuals who have a significant mental health or substance use disorder, are not currently engaged in consistent behavioral health treatment and are under an emergency 72-hour hold, short- or long-term court-certified mental health treatment, an emergency commitment or an involuntary commitment.
- Transition services include: access to housing, access to behavioral health treatment and benefits, advocacy to insurance companies and providers about the appropriate type and intensity of behavioral health services, planning for follow-up services, assistance with preparing advanced directives, obtaining a representative payee or guardian, family support services and compliance with court appearances or probation.
- Contracted staff, including 12 licensed behavioral health providers, four peer specialists and one program supervisor are required to provide transition services statewide based on population, geographic coverage and service needs.
- When possible, the coordinated contact with the high-risk individual must take place prior to their release or discharge from a facility. However, participation by facilities and individuals is entirely voluntary.
  - Hospitals and withdrawal management facilities are encouraged – but not required – to contact the program before releasing or discharging a high-risk individual.
  - High-risk individuals have the right to decline community transition services.
- Rules will be developed on or before Oct. 1, 2018 that provide additional guidance for facilities.

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For questions or more information, contact Amber Burkhart, CHA policy analyst, at 720.330.6028.



## HB 18-1357: Behavioral Health Care Ombudsperson Parity Reports

HB 18-1357 creates the Office of the Ombudsperson for Behavioral Health Access to Care within the Colorado Department of Human Services (CDHS) to ensure Colorado's compliance with the Federal Mental Health Parity and Addiction Equity Act of 2008.

### What You Need to Know

- The Mental Health Parity and Addiction Equity Act of 2008 requires health carriers to provide behavioral health and substance use disorder benefits comparable to physical health benefits.
- The ombudsperson will be designated by Nov. 1, 2018, and act as an important resource for both consumers, including those who are uninsured or on private or public insurance, and health care providers.
- The specific duties of the ombudsperson include:
  - Resolving access and coverage issues;
  - Monitoring concerns, complaints and potential violations of state or federal law;
  - Receiving and reporting concerns and complaints relating to inappropriate care;
  - Providing information to help consumers obtain behavioral health care;
  - Developing appropriate points of contact for referrals;
  - Assisting in filing appeals or complaints; and
  - Reporting annually to the Governor, CDHS Executive Director, the Commissioner of Insurance and the General Assembly on the status of behavioral health parity in Colorado.
- The Commissioner of Insurance will also submit an annual report to the General Assembly on carrier compliance with the federal Mental Health Parity and Addiction Equity Act of 2008.

### Additional Resources

- SB 18-270: [Final Bill](#) and [Fiscal Note](#)
- SB 18-270 took effect on May 21, 2018
- HB 18-1357: [Final Bill](#) and [Fiscal Note](#)
- HB 18-1357 takes effect Aug. 8, 2018

For questions or more information, contact Amber Burkhardt,  
CHA policy analyst, at 720.330.6028.

