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# LEGISLATIVE UPDATE

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Colorado Association of Psychotherapists

PO Box 101926 Denver, CO 80250

March 23, 2005

The following is the status of bills that CAP is monitoring that have been introduced in this 2005 session of the Colorado Legislature. This session will end in May. CAP's lobbyist monitors all bills in each legislative session to keep us informed on issues relevant to our practice and to ensure that no legislation is adopted that infringes on our ability to practice psychotherapy or the ability of consumers to choose among licensed and unlicensed practitioners.

If you want to download a copy of any of these bills, go to <http://www.leg.state.co.us/> If you have questions about these bills or about the legislative process please feel free to write to Greg McHugh, our Legislative Chair at [colopsychotherapy@earthlink.net](mailto:colopsychotherapy@earthlink.net). You can also call him at 303 995 4276.

## **Summary of SB05-037 Concerning the appeals process for the denial of health benefits.**

In provisions governing the denial of benefits by a health insurer, allows a covered person to request a second-level internal appeal from a denial of health benefits. If the covered person requests a second-level internal appeal, requires the covered person to pay to for the independent external review prior to such review. Requires the health coverage plan to reimburse the covered person for the costs of the review if the external expert reviewer overturns the denial of benefits. Requires second-level internal appeals to be reviewed by a grievance review panel composed of at least 3 health care professionals with appropriate expertise, the majority of whom shall not be employees of the health coverage plan or have a financial interest in the grievance or the outcome of the review. Allows the covered person to be present for the review, to bring advocates and health care professionals, and to present materials to the review committee. Requires the health coverage plan to provide materials presented at the review to the covered person.

**Status SB05-037**Gordon - Appeals Process for Denial of Health Benefits1/12/05 Passed the Senate, passed the House Committee. Awaits debate on floor of the House.

## **Summary of SB05-059 Concerning the authority of local governments to provide mental health care services to persons residing in the community.**

Authorizes the creation of a mental health care service district to provide mental health care services to residents of the district who are in need of mental health care services and to family members of such residents. Allows the district to seek voter approval to levy either a property tax or a sales tax in the district to generate revenues to provide mental health care services. For purposes of a mental health care district that will levy a property tax, requires that the district be organized in accordance with the "Special District Act". For purposes of a mental health district that will levy a sales tax, requires the district to be organized in accordance with the "SpecialDistrict Act" as modified by this act to allow all eligible electors in the proposed district, rather than the property

owners, to vote on the organization of the district and related ballot issues. Upon voter approval, allows any county in the state to impose an additional sales tax of up to a specified amount for the purpose of providing mental health care services in the county. Exempts such additional sales tax from the total cap on total county sales tax imposed by law.

**Status SB05-059** Passed Senate, passed House Committees. Awaits debate on floor of House

### **Summary SB 05-98 Sen. Williams Concerning mandated reporting of adult abuse**

Changes the requirements for certain professionals to report at-risk adults to make such reports mandatory. Existing law "urges" these professionals to report the situation. Among those with a legal duty to report are "psychologists and other mental health professionals." 26-3.1-101 (b) (V). (Though not specified, this would include all psychotherapists, licensed and unlicensed.)

#### **Status of SB 05-98**

01/17/2005 Introduced In Senate -Passed Senate Committee on Health and Human Services, Assigned to Senate Appropriations Committee.

### **Summary of HB 05-1015 Rep. Romanoff Concerning Substance Abuse Treatment**

This bill has been proposed at least twice before by both Republican and Democrat sponsors but failed. It would place substance abuse treatment under the state's Medicaid program. The bill's hearing on March 21<sup>st</sup> before the House Human Services Committee resulted in an overwhelming vote (10-1) to send it on for Appropriations committee consideration. Supporters included Colorado Counties, Inc., the Colorado Sheriffs Association, the National Association of Social Workers, the Colorado Association of Alcohol & Drug Service Providers, as well as several former substance abusers who had formerly spent time in jail for related crimes. Speakers emphasized the cost shifting that occurs as Colorado moves into the top rankings for drug and alcohol abuse, while ranking dead last for state treatment support. The bill received strong bi-partisan support and was adopted without amendment.

Passage of the bill will result in increased funding for substance abuse treatment in Colorado.

#### **Status of HB 05-1015**

As above, passed House Human Services Committee and goes to House Appropriations

