

CAP Final Legislative Report 2005 State Legislative Session

Legislature Ends Productive Session Ahead of Time, Under Budget

By maintaining focus on its top priorities – budget, health care, and education – the Colorado General Assembly managed to close its doors two days before its’ Constitutionally mandated 120 adjournment. This is the first time since the 120 limit was enacted that the lawmakers have used less than their allotted time. And, the most successful efforts were those receiving bi-partisan support.

Several bills dealing directly with mental health or related issues were considered this session, and some having some significant implications passed both houses. For example, **HB 05-1015** adds substance abuse treatment to the services provided by Medicaid in Colorado. This legislation was attempted at least twice in previous years, but the 2005 session saw its final passage, as legislators heard supporters from the health care community, law enforcement, and rehabilitated substance abusers tell of the costs already borne by society from lack of treatment. The bill was sponsored by Speaker of the House Andrew Romanoff, a Denver Democrat and Sen. Steve Johnson, a Fort Collins Republican.

Similarly, **SB 05-59** authorizes counties to establish special district by themselves or with other counties to fund services to citizens requiring mental health treatment. Once again, community health care providers, law enforcement and mentally ill citizens appeared before legislative committees to support the measure. Emphasizing the importance of local involvement in providing mental health services, the bill was also the result of a bi-partisan effort sponsored by Democrat Sen. Maryanne “Moe” Keller and Republican Rep. Lynn Hefley.

Counselors or other persons working with victims of domestic violence will be heartened to learn that the Governor has signed legislation that provides certain protections to tenants who risk violation of their leases when they are subject to domestic violence. **HB 05-1169** should be read in detail by those who work in the area of domestic violence treatment.

SB 05-98 makes changes to law requiring certain persons to immediately report abuse or self-neglect of at-risk adults. The bill authorizes the Department of Human Services to establish reporting requirements for community centered board staff, caretakers, employees, volunteers, subcontractors or consultants regarding at-risk adults with developmental disabilities. Other professionals, including medical staff and mental

health professionals, have separate reporting requirements. The new amended language to the law reads as follows:

26-3.1-102. Reporting requirements. (1) (a) An immediate oral report of abuse SHALL be made or caused to be made within twenty-four hours to the county department(of Human Services) or during non-business hours to a local law enforcement agency responsible for investigating violations of state criminal laws protecting at-risk adults by any person specified in paragraph (b) of this subsection (1) who has observed the mistreatment or self-neglect of an at-risk adult or who has reasonable cause to believe that an at-risk adult has been mistreated or is self-neglected and is at imminent risk of mistreatment or self-neglect.

A bill pushed by mental health consumers to spell out the rights of Medicaid recipients of mental health services passed in the final days of the session. **HB 05-1325** sponsored by Rep. Fran Coleman and Sen. “Moe” Keller establishes requirements for contracts between the State and Managed Care Organizations who provide mental health services to Medicaid recipients. The bill lists various patients’ rights guaranteed by federal law including rights to appeal upon notification of denial, termination or reduction of a requested service and a patient representative program for recipient grievances.

HB 05-1262, an omnibus bill to implement Amendment 35 which increased the Tobacco Tax to fund health care programs, was adopted and will be signed by the Governor after lengthy negotiations. The bill will direct tobacco tax revenues to programs for low income and uninsured populations to provide screening and services for conditions related to smoking, such as cancer and heart disease. It also provides funding for tobacco cessation and certain health programs in schools.

Some bills that might have adversely impacted mental health recipients or mental health providers were defeated in the waning days of the session. **Among those bills killed** was **SB 05-22** that would have established a preferred drug list for Medicaid recipients. Although the legislation stated that drugs appearing on the list would be selected on the basis of evidence as to effectiveness, advocates for the mental health community and developmentally disabled voiced fears that the complexity of individual conditions and the potential interaction of multiple drug regimens might prove dangerous to those populations. That bill was killed during floor debate in the second house.

Also dying near the end of the session was **SB 05-06**, which would have required the Dept. of Regulatory Agencies to suspend the license of any licensed professional owing money to the State.