



CASBHC 2021 Colorado Legislative Session Overview

The 2021 legislative sessions summarized in a few data points:

- **623** total bills in the legislative session; **502** passed
- CASBHC supported **22** bills that became law
- CASBHC monitored **29** bills
- CASBHC and SBHC staff testified **5** times
- Policy Committee met **7** times

Included in this document are bills relevant to SBHCs and school health that passed and were signed into law during the 2021 Colorado general assembly session. Any bills that are outside of our scope or that did not pass during the session are not included in here. If you want to learn more about other legislation, you can visit the General Assembly [website](#) or read [The Colorado Sun](#) or [The Denver Post](#).

Top Priority for CASBHC

As SBHCs rely on state funding for general operating grants to support their clinics, especially for any critical non-billable services and to support uninsured access to care, CASBHC's number one priority each legislative session is always to defend the current state revenue and to find opportunity to increase revenue for SBHCs.

- \$5.2 million static funding secured in CDPHE's SBHC Program line item
- \$1.2 million in one-time new funding from SB 137, Behavioral Health Recovery Act – SBHCs were named as one of the recipients of \$100 million of commitments from the American Rescue Plan Act (ARPA) funding given to Colorado. This package will go toward addressing behavioral health needs and building a stronger behavioral health system. Further information on what this means for existing grantees will be forthcoming from CDPHE.
 - ARPA brought a total \$3.8 billion to Colorado as COVID-19 recovery stimulus to be spent in the next few years, and the governor and the Democratic leadership of the legislature committed \$400-550 million to be spent on behavioral health, among other [priorities](#). We will be exploring other opportunities to advocate for stimulus funding to be directed to SBHCs in the next session.
- HB 1311 makes changes to state income taxes and is anticipated to bring in additional revenue of \$49 million in the next fiscal year. CASBHC supported this bill and will be exploring this as additional budget flexibility for possible SBHC revenue in future legislative cycles.

Other Critical Bills for SBHCs

Behavioral Health

- Insurance Coverage Mental Wellness Exam – HB 1068
 - Adds to private insurance plans a coverage benefit for annual mental health wellness examination for up to 60 minutes to be performed by a qualified mental health care provider. The coverage will begin for plans issued on or after January 1, 2022, and will be an option for SBHCs to bill insurance should they perform these exams.
- Policies & Procedures to Identify Domestic Abuse – HB 1099
 - Adds exposure to domestic abuse committed by a child’s parent, legal guardian, or custodian to the definition of child abuse or neglect. Rules will be forthcoming around how this will be evaluated; however, this may come up with mandatory reporting requirements in the future.
- Suicide Prevention, Intervention, and Postvention -- HB 1119
 - Broadens the state’s priorities and focus on suicide and suicide attempts to include prevention and postvention efforts. This does not change eligibility for the grant program currently existing at the [Office of Suicide Prevention](#); however, SBHCs could work closely with their schools and districts (who are eligible for grants and can include SBHCs) to fund their suicide prevention, intervention, and postvention work.
- Rapid Mental Health Response for Colorado Youth – HB 1258
 - Establishes a program in the Office of Behavioral Health (OBH) within the state Department of Human Services to facilitate youth access to mental health services to run until June 30, 2022. The program would reimburse up to 3 mental health sessions and may have additional visits reimbursed with available money. OBH will be developing a RFP process for providers to apply for this program and CASBHC will share this opportunity with SBHCs to apply.
- 988 Suicide Prevention Lifeline Network – SB 154
 - Establishes a 988 suicide crisis hotline number for responding to suicide crisis.

Telehealth

- Defining Telemedicine for Medical Practitioners – HB 1190
 - Amends the existing definition of telemedicine to clarify that HIPAA-compliant telecommunications systems are required for the use of telemedicine.
- Delivering Health Care Services through Telemedicine – HB 1256
 - Allows the Department of Health Care Policy & Financing (state Medicaid agency) to promulgate rules specifically relating to entities that deliver health care or mental health services exclusively or predominately through telemedicine. CASBHC will be monitoring and engaging in these conversations and will keep SBHCs posted on what rules are implemented and how that might impact service delivery via telemedicine.
- Coverage for Telehealth Dental Services – SB 139
 - Requires all dental plans (including Medicaid, CHP+, and private insurance plans) in Colorado to reimburse for telehealth services. The following requirements apply for telehealth under private dental insurance plans:
 - providers must be reimbursed on the same basis as for an in-person visit;
 - cost-sharing for the insured party cannot exceed that of an in-person visit;
 - a carrier cannot impose an annual expenditure maximum for services delivered through telehealth; and

- a carrier is not required to cover telehealth services that are not provided through HIPAA-compliant interactive audio-visual communication.

Other Health Benefits

- Prescription Insulin Pricing and Access – HB 1307
 - Caps prescription insulin prices at \$100 per individual supply, allows for one emergency insulin prescription within 12-month period to not exceed \$35 per 30-day supply; and creates an insulin affordability program at the Division of Insurance so one year’s worth of insulin is not more than \$50 per 30-day supply. SBHCs who treat diabetics may want to make sure their patients are aware of these cost-saving measures for insulin.
- Medicaid Expansion for Contraceptives for Undocumented People – SB 009
 - Expands Medicaid to include contraceptives for people without documentation and require coverage of a year supply for oral contraceptives for all who use Medicaid.
- Protecting Preventive Health Care Coverage – SB 016
 - Includes several preventive services to be covered by private insurance carriers without requirement of charging copayments, deductibles, or coinsurance. Such preventive services include counseling, prevention, and screening for STIs and contraception. This will apply to plans issued on or after January 1, 2023. Parental consent is still not required for such services; however, private insurance may still issue Explanation of Benefits (EOBs) to minors.
 - Covers family planning and related services in Medicaid. Currently, Medicaid does not send EOBs to parents of minors.
- Family Planning Services for Eligible Individuals – SB 025
 - Covers family planning services for individuals on Medicaid who are not pregnant and whose income is under 250% the federal poverty level. These services would include:
 - medically necessary evaluations or preventive services, such as tobacco utilization screening,
 - counseling, testing, and cessation services;
 - contraception, including a one-year supply unless requested otherwise;
 - health care or counseling services focused on preventing, delaying, or planning for a pregnancy;
 - sterilization services;
 - cervical cancer screening and prevention;
 - basic fertility services; and
 - sexually transmitted infection (STI) diagnosis and treatment
 - This program will take some time to begin, and individuals would have to enroll in the program – CASBHC will notify SBHCs of when this is so we can notify eligible patients and bill to Medicaid for these services.
- Dental Hygienists’ Specialized Functions – SB 021
 - Continues the ability of dental hygienists to place interim therapeutic restorations (ITR) and apply silver diamine fluoride (SDF).

Equity

- Gender Identity Expression Anti-Discrimination – HB 1108

- Adds “gender expression and gender identity” as a protected class of people protected from discrimination under the law. This impacts a wide range of areas such as employment practices, housing practices, public accommodation, treatment for health care, and more.

For reference only

These bills concern school health and/or have little to no direct impact for SBHCs:

- Establish Behavioral Health Administration -- HB 1097
 - Requires recommendations from the Department of Human Services on how to establish a single state agency to administer behavioral health in Colorado.
- School District Provision of Internet Service -- HB 1114
 - Clarifies that school districts do not need to obtain voter approval to provide broadband service to facilitate remote learning.
- K-12 Seizure Training and Individual Action Plans -- HB 1133
 - Requires K-12 schools to provide annual seizure training to school personnel who oversee students living with seizure disorder. The training will be developed in consultation with the state association for school nurses.
- Standardized Health Benefit Plan Colorado Option -- HB 1232
 - Requires insurance carriers in the individual and small group markets to offer a standardized health benefit plan that improves access and affordability and meets certain financial requirements including a 15% reduction in premium costs over three years. If carriers fail to meet these goals the Commissioner of Insurance can set reimbursement prices, predominately for hospitals, to constrain costs.
- School Psychologists and Department of Education -- HB 1273
 - Requires the Colorado Department of Education (CDE) to prepare an annual report on the number of pupils enrolled in the state and the number of licensed school psychologists in the state, both to be publicly available on the CDE website.
- Medicaid Reimbursement for Services by Pharmacists -- HB 1275
 - Reimburses Medicaid billing for pharmacists to deliver services at the same rate as a physician or advance practice nurse when delivering services via telehealth. Pharmacists are also newly authorized to administer extended-release injectable medications for the treatment of mental health or substance use disorder and have it reimbursed by Medicaid.
- Community Behavioral Health Disaster Program -- HB 1281
 - Requires CDPHE to administer the community behavioral health disaster preparedness and response program to ensure behavioral health is adequately represented within disaster preparedness efforts in the state.
- Regulating Marijuana Concentrates -- HB 1317
 - Requires the School of Public Health to do a systematic review of the mental health effects of marijuana and concentrates. Requires physicians to review patients’ mental health history when making a medical marijuana recommendation and imposes limitations for patients 18-20 years old.
- Expand Cannabis-based Medicine at Schools -- SB 056

- Allows school personnel to volunteer to possess, administer, or assist in administration of cannabis-based medication and protects those who do from retaliation, and provides disciplinary protection to school nurses who administer these medicines at schools. The bill allows schools to treat cannabis-based medications like prescriptions.
- Child Sexual Abuse Accountability Act -- SB 088
 - Allows people who have experienced sexual misconduct or assault as minors to bring claim to the program or organization if the organization did not take action to address the risks or warn participants of the risk.
- Prescription Drug Affordability Review Board -- SB 175
 - Creates a Colorado prescription drug review board to establish upper payment limits for prescription drugs that have been determined to be unaffordable for consumers.
- Equity Strategic Plan Address Health Disparities – SB 181
 - Opens grants from the Office of Health Equity to include social determinants of health and requires the Office to issue a report concerning health disparities by race and ethnicity and recommended strategies to address those inequities.
- Public School Air Quality Improvement Grants -- SB 202
 - Adds \$10 million more to the BEST (Building Excellent Schools Today) program to fund public school air quality improvement projects.
- Free Menstrual Products to Students -- SB 255
 - Creates menstrual hygiene products grant program to allow schools to provide free menstrual products to students.