

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public & Behavioral Health & Human Services.

SB21-137 be amended as follows:

1 Amend reengrossed bill, page 21, after line 11 insert:

2 "SECTION 17. In Colorado Revised Statutes, 27-80-303, **amend**
3 (1)(b), (1)(c), (2), (3)(e) and (3)(f); and **add** (3)(g) as follows:

4 **27-80-303. Office of ombudsman for behavioral health access**
5 **to care - creation - appointment of ombudsman - duties.** (1) (b) ~~The~~
6 ~~office and the department shall operate pursuant to a memorandum of~~
7 ~~understanding between the two entities. The memorandum of~~
8 ~~understanding contains, at a minimum:~~

9 ~~(I) A requirement that the office has its own personnel rules;~~
10 ~~(H) A requirement that the ombudsman has independent hiring~~
11 ~~and termination authority over office employees;~~
12 ~~(HH) A requirement that the office must follow state fiscal rules;~~
13 ~~(IV) A requirement that~~ The office of behavioral health shall offer
14 the office limited support with respect to:

15 ~~(A)~~ (I) Personnel matters;
16 ~~(B)~~ (II) Recruitment;
17 ~~(C)~~ (III) Payroll;
18 ~~(D)~~ (IV) Benefits;
19 ~~(E)~~ (V) Budget submission, as needed;
20 ~~(F)~~ (VI) Accounting; and
21 ~~(G)~~ (VII) Office space, facilities, and technical support; and
22 ~~(V)~~ (VIII) ~~Any other provisions regarding~~ Administrative support
23 that will help maintain the independence of the office.

24 (c) The office ~~shall operate~~ OPERATES with full independence and
25 has complete autonomy, control, and authority over operations, budget,
26 and personnel decisions related to the office and the ombudsman,
27 SUBJECT TO STATE PERSONNEL AND FISCAL RULES. THE OFFICE IS
28 RESPONSIBLE FOR PAYING ANY LEGAL FEES, WHETHER FROM THE
29 ATTORNEY GENERAL'S OFFICE OR OUTSIDE COUNSEL. THE OFFICE MAY
30 SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FOR THE
31 PURPOSE OF OPERATING THE OFFICE. THE DEPARTMENT MAY, BUT IS NOT
32 REQUIRED TO, PROVIDE FUNDING TO THE OFFICE.

33 (2) By November 1, 2018, the governor shall designate an
34 ombudsman for behavioral health access to care, who shall serve as
35 director of the office. THE EXECUTIVE DIRECTOR SHALL BE THE
36 APPOINTING AUTHORITY OF THE OMBUDSMAN. The ombudsman shall serve
37 as a neutral party to help consumers, including consumers who are
38 uninsured or have public or private health benefit coverage, including
39 coverage that is not subject to state regulation, and health-care providers,

1 acting on their own behalf, on behalf of a consumer with the consumer's
2 written permission, or on behalf of a group of health-care providers,
3 navigate and resolve issues ~~related to~~ AND ENSURE COMPLIANCE
4 REGARDING consumer access to behavioral health care, including care for
5 mental health conditions and substance use disorders.

6 (3) The ombudsman shall:

7 (e) Develop appropriate points of contact for referrals to other
8 state and federal agencies; and

9 (f) Provide appropriate information to help consumers or
10 health-care providers file appeals or complaints with the appropriate
11 entities, including insurers and other state and federal agencies; AND

12 (g) BE THE APPOINTING AUTHORITY FOR ANY EMPLOYEES THE
13 OFFICE MAY CHOOSE TO HIRE. ANY SUCH EMPLOYEES ARE STATE
14 EMPLOYEES SUBJECT TO THE STATE PERSONNEL SYSTEM."

15 Renumber succeeding sections accordingly.

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