



MEMORANDUM

TO: The People of Colorado
FROM: Behavioral Health Administration
DATE: March 23, 2023
RE: Update on BHA Provider Rule Timeline

The Behavioral Health Administration (BHA) is committed to co-creating a people-first behavioral health system that meets the needs of all people in Colorado. This memo outlines a shared understanding that the BHA has renewed community engagement opportunities to allow for additional stakeholder feedback in addition to pursuing a statutory rule delay.

The BHA's goals in soliciting additional feedback at this juncture are to address areas of confusion, and make changes where necessary on items such as provider staffing ratios to support balanced rules that take into account provider impact while ensuring the health, safety, and welfare of individuals receiving services.

These enhanced outreach activities will build upon the agency's ongoing outreach work:

- BHA will continue to make available technical assistance resources for all stakeholder groups to address questions on items like licensing transfers from the Colorado Department of Public Health and Environment to BHA as the rules progress.
- BHA will continue the monthly Provider Convening Meetings in addition to the already started smaller regional in-person events. Event information can be found at: bha.colorado.gov/resources/behavioral-health-administration-meetings-and-events
- Agency leadership will continue outreach to individuals and groups that have raised concerns through existing feedback channels.

In order to support this additional stakeholder engagement, the BHA, in partnership with providers and advocates, will be pursuing a statutory rule timeline extension to move provider rules effective from July 1, 2023 to October 1, 2023. To provide a smooth onramp to implementation, BHA will also clarify enforcement timelines in those rules, which will include an abeyance of penalties (adverse actions against the license) for providers to come into compliance with the rules until April 1, 2024, excepting cases of imminent threat to patient health, safety and welfare.¹

¹ As outlined under CO Rev Stat § 24-4-104 (4a) Licenses - issuance, suspension or revocation, renewal.



While rule promulgation is a continual and dynamic process, and the BHA is always open to feedback, concerns, and suggestions regarding these important regulations that affect the behavioral health landscape in Colorado, the enhanced stakeholder input opportunities described above will necessarily conclude on March 31, 2023. This will allow sufficient time for legal review and rule filing, after which changes to these rules regarding Behavioral Health Entity licensure and endorsements only, will not be possible. Even though these focused opportunities for comment will draw to a close at the end of this month, we want to assure you that our door is always open for feedback and all comments are accepted and reviewed at: cdhs_bharulefeedback@state.co.us at any time as we work towards ensuring behavioral health services in Colorado are accessible, meaningful, and trusted.