Type of Rule: (complete a and b, below)

a. __ X Board   __ Executive Director
b.  __ X Regular   __ Emergency

This package is submitted to State Board Administration as: (check all that apply)

X AG Initial Review  X Initial Board Reading  AG 2nd Review  Second Board Reading / Adoption

This package contains the following types of rules: (check all that apply)

Number

15 Amended Rules
0 New Rules
0 Repealed Rules

Volume
Reviewed Rules

What month is being requested for this rule to first go before the State Board? April 2020

What date is being requested for this rule to be effective? April 3, 2020

Is this date legislatively required? No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: ________________________________ Date: ___________

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:


(Emergency) 8/1/2020 (Permanent)

STATEMENT OF BASIS AND PURPOSE
Summary of the basis and purpose for new rule or rule change.

Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. 1500 Char max

Some Office of Behavioral Health (OBH) rules limit the ability for agencies to provide behavioral health services via telehealth amid the COVID-19 crisis and require in-person or face-to-face contact. This emergency rule update allows the utilization of verbal consent to treatment, receipt of behavioral health services through video technology, emergency license modification for agencies to continue to provide behavioral health services in the event of a statewide emergency, and modification of on-site inspection requirements for agency license and designation reviews.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

☐ to comply with state/federal law and/or
☑ to preserve public health, safety and welfare

Justification for emergency:

On March 11, 2020, Governor Polis issued an Executive Order declaring a state of disaster emergency due to the presence of coronavirus disease 2019 (COVID-19). Additionally, on March 25, 2020, Governor Polis issued a statewide Stay At Home Order. According to scientific evidence discussed in the Stay at Home Order, it is critical to slow transmission of the disease to protect the most vulnerable and to prevent Colorado’s health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. Current OBH rules require practices and contact inconsistent with slowing the transmission of the disease. Additionally, current rules and limit the availability of behavioral health services during the COVID-19 response which is inconsistent with the public health, safety and welfare.

State Board Authority for Rule:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>26-1-107, C.R.S. (2019)</td>
<td>State Board to promulgate rules</td>
</tr>
<tr>
<td>26-1-109, C.R.S. (2019)</td>
<td>State department rules to coordinate with federal programs</td>
</tr>
</tbody>
</table>

Program Authority for Rule: Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>27-65-128, C.R.S. (2019)</td>
<td>The Department shall make such rules as will consistently enforce the provisions of Title 27, Article 65, C.R.S.</td>
</tr>
<tr>
<td>Statute</td>
<td>Description</td>
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<tr>
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</tbody>
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Does the rule incorporate material by reference?  
Yes [ ]  
No [x]  

Does this rule repeat language found in statute?  
Yes [ ]  
No [x]  

If yes, please explain.  

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