

Review of Statutory Guideline and General Interpretation for

Colorado FF Behavioral Health Program

1) Trust must be a separate entity for the purpose of providing benefits as defined in SB 2020-02

"TRUST" MEANS A MULTIPLE EMPLOYER BEHAVIORAL HEALTH TRUST DESCRIBED IN SECTION 10-3-903.5 (7)(e), ESTABLISHED FOR THE PURPOSES OF THIS PART 5.

Our general thought from discussions with DFPC and Legal Counsel is we can add the BH program to the Current CFHC Trust, but we still have to justify how this will work. Our issue is being able to provide the benefit to all eligible FF without having the fire operation formally join a Trust. We envision a nearly impossible task of getting every department to join before the need for the program manifests itself.

2) Will receive funding from Division of Fire Prevention and Control for the direct cost of providing a program

SUBJECT TO AVAILABLE APPROPRIATIONS AND THE REQUIREMENTS OF SECTION 24-33.5-1231 (2)(a)(II), THE DIVISION OF FIRE PREVENTION AND CONTROL SHALL REIMBURSE A MULTIPLE EMPLOYER BEHAVIORAL HEALTH TRUST FOR THE DIRECT COSTS OF PROVIDING A PROGRAM AS REQUIRED BY THIS PART 5 FROM THE LOCAL FIREFIGHTER SAFETY AND DISEASE PREVENTION FUND CREATED IN SECTION 24-33.5-1231

We seem to have consensus that the Trust can be funded upfront for the intended purpose of providing the benefit to covered individuals with appropriate accounting provided as necessary.

3) Appropriation from the State.

For the 2022-23 state fiscal year, \$1,000,000 is appropriated to the local firefighter safety and disease prevention fund created in section 24-33.5-1231 (1), C.R.S. This appropriation is from the General Fund. The department of public safety is responsible for the accounting related to this appropriation.

Funds are available each July 1 beginning in 2022.

4) Program to include:

A TRUST SHALL PROVIDE A PROGRAM PLANNED, ORGANIZED, OPERATED, AND MAINTAINED TO PROVIDE BASIC SERVICES TO FIREFIGHTERS FOR THE PREVENTION, DIAGNOSIS, AND INITIAL TREATMENT OF EMOTIONAL, BEHAVIORAL, OR MENTAL HEALTH DISORDERS. SERVICES PROVIDED UNDER THE PROGRAM SHALL BE RENDERED PRIMARILY ON AN OUTPATIENT AND CONSULTATIVE BASIS, INCLUDING SERVICES DELIVERED TELEPHONICALLY OR REMOTELY.

We look to tap into current programs already in place such as:

- 1) Responder Strong
- 2) Wounded warriors
- 3) Peer Support network

- 4) Available Smart phone applications
- 5) Other programs as identified

5) All employers must participate as long as funding lasts:

AN EMPLOYER SHALL PARTICIPATE IN A MULTIPLE EMPLOYER BEHAVIORAL HEALTH TRUST IN ORDER TO PROVIDE THE PROGRAM SPECIFIED IN THIS SECTION FOR ITS FIREFIGHTERS. IF AT ANY TIME THE FUNDING PROVIDED PURSUANT TO SUBSECTION (3) OF THIS SECTION IS INSUFFICIENT TO COVER THE COST OF THE PROGRAM REQUIRED BY THIS SECTION, THEN THE REQUIREMENT TO PARTICIPATE IN THE PROGRAM BECOMES OPTIONAL PURSUANT TO SECTION 29-1-304.5.

Sounds like we design a program funded by the state but when funds run out then the employer has the option to continue the benefit at its own cost. We will have to develop a rate per FF and an invoicing system for this program.

6) Authority of the trust - rules – report:

IN ADDITION TO ANY OTHER AUTHORITY GIVEN TO THE TRUST, THE TRUST HAS THE AUTHORITY TO:

- (a) CREATE A PROGRAM DESCRIPTION TO FURTHER DEFINE THE SERVICES AVAILABLE PURSUANT TO THIS PART 5;
- (b) STRUCTURE THE SERVICES PROVIDED UNDER THE PROGRAM BASED ON ACTUARIAL RECOMMENDATIONS AND WITH INPUT FROM A COMMITTEE OF THE TRUST CONSISTING OF REPRESENTATIVES OF LABOR, MANAGEMENT, ADMINISTRATION, AND EMPLOYERS SERVING DIFFERENT SIZED POPULATIONS; AND
- (c) ADOPT POLICIES AND PROCEDURES FOR THE ADMINISTRATION OF THE TRUST. (2) ON OR BEFORE OCTOBER 1, 2024, THE TRUST, TOGETHER WITH THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY, SHALL SUBMIT A REPORT TO THE WILDFIRE MATTERS REVIEW COMMITTEE ON THE IMPLEMENTATION OF THIS PART 5. THE REPORT MUST, AT A MINIMUM:
 - (a) DISCUSS THE EXTENT TO WHICH THE PROGRAM PROVIDED UNDER THIS PART 5 IS MEETING THE BEHAVIORAL HEALTH-CARE NEEDS OF FIREFIGHTERS IN THE STATE;
 - (b) ASSESS THE ONGOING FUNDING NEEDS OF THE TRUST AND WHETHER THE AVAILABLE FUNDING IS SUFFICIENT TO ALLOW THE TRUST TO MEET THE BEHAVIORAL HEALTH-CARE NEEDS OF FIREFIGHTERS; AND
 - (c) RECOMMEND ANY CHANGES NEEDED TO MORE EFFECTIVELY MEET THE BEHAVIORAL HEALTH-CARE NEEDS OF FIREFIGHTERS ACROSS THE STATE.

- 1) Anything not specified in this statute the Trust Committee can adopt policy and procedures for.
- 2) Create a program and define the services to be provided.
- 3) Adopt policies for administration of the program.
- 4) We could file a report at any time to the Wildfire Matters Review Committee for additional recommendations.