

STATE OF COLORADO

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John W. Hickenlooper
Governor

June 9, 2016

The Honorable Colorado Senate
State Capitol
200 E. Colfax Ave.
Denver, CO 80203

Dear Members of the Colorado Senate:

Today, I vetoed Senate Bill 16-169, "Concerning Changes Related to the Seventy-Two-Hour Emergency Mental Health Procedure," at 3:29 PM.

We agree that appropriate mental health facilities are not always readily available to treat persons having a mental health crisis. While well-intentioned, we are concerned that SB 16-169 does not provide adequate due process for individuals. The sponsors are to be commended for their commitment to solving this complex issue; we are committed to working with them in the future to address this issue in a holistic way.

Senate Bill 16-169 properly allows advanced practice nurses to determine if a person should be committed to a mental health facility longer than 72 hours. Increasing the types of providers to perform this function adds resources to solve the problem. The bill also would have generated data to help us better understand the nature of gaps in mental health services available to those in crisis.

The bill allows emergency rooms to detain a person for up to 36 hours to determine whether the he or she requires a transfer to a designated facility, but is silent on what an emergency room must do once the 36-hour period passes. No limit is placed for how long an emergency room may detain someone involuntarily while awaiting a free bed in a suitable treatment facility, and, more importantly, no mechanism is made to afford due process to a person held involuntarily in "emergency" custody. Senate Bill 16-169 expands the time for law enforcement facilities to hold someone in crisis. We have due process concerns for these individuals.

Today, I directed the Department of Human Services to create a taskforce to develop solutions to the underlying problems raised by SB 16-169 by January 1, 2017. Specifically, the taskforce will recommend policy changes to ensure proper mental health treatment and protection of federal and state constitutional rights for Coloradans experiencing mental health crises. The taskforce will make recommendations to end the practice of confining in jail persons with mental illness who have committed

no crime. The taskforce will also assess the current need for and barriers to providing inpatient psychiatric care in all regions of the State. The taskforce will consider potential proposals including inpatient bed-tracking systems, provider communications systems, and transportation systems including the funding to make that happen. Finally, the group will recommend changes in light of limited state resources, and will examine how to maximize current resources for mental health systems. This approach will better inform and guide public policy on this topic, and will better serve Coloradans experiencing the trauma of mental health crises. I would ask the sponsors of the bill to be partners to implement findings of the task force knowing we all have the same goals of providing appropriate services and treatment to the mentally ill.

Keeping Coloradans safe remains our top priority. I am confident we can work together to achieve this goal in a way that protects the fundamental rights all Coloradans hold under the U.S. and Colorado Constitutions. Accordingly, I have vetoed SB 16-169.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Hickenlooper". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke at the end.

John W. Hickenlooper
Governor