



COLORADO
Department of Health Care
Policy & Financing

Settlement Agreement Announced in Lawsuit Involving Intensive Behavioral Health Services

Parties agree to work toward improving services for Medicaid members with complex mental health care needs

FOR IMMEDIATE RELEASE

April 5, 2024

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Department of Health Care Policy & Financing

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Denver, CO - The Department of Health Care Policy & Financing (HCPF) and attorneys representing Disability Law Colorado and three families whose children have complex mental health care needs, have announced a [settlement agreement](https://drive.google.com/file/d/1yr4u_udQA7q9X48Ccbej8E2dzgQtNGv/view?usp=drive_link) ([https://drive.google.com/file/d/1yr4u_udQA7q9X48Ccbej8E2dzgQtNGv/view?usp=drive link](https://drive.google.com/file/d/1yr4u_udQA7q9X48Ccbej8E2dzgQtNGv/view?usp=drive_link)) in the two-and-a-half-year-old case G.A. et al v. Bimestefer (1:21-cv-02381) regarding Medicaid coverage for children in need of intensive behavioral health services (IBHS).

The settlement agreement is the result of complex and collaborative negotiations where all parties agreed that their time and efforts are better spent working to improve IBHS in Colorado, rather than litigating the case in court. Under the terms of the agreement, HCPF will work to develop a robust implementation plan in the next twelve months to improve the delivery of IBHS to children enrolled in Medicaid and implement that plan over the next five years. The goal is to create a delivery model for culturally relevant, family centered, child-driven IBHS services and supports in the most integrated, least restrictive setting. IBHS will include services such as intensive care coordination, intensive in-home and community services, and mobile crisis intervention and stabilization services.

“The outcome of our agreement will improve upon Medicaid’s already robust services for our children with IBHS needs,” said Dr. Robert Werthwein, Senior Advisor for Behavioral Health and Access at HCPF. “We are committed to identifying stronger solutions and opportunities to meet the behavioral health needs of children and families. This agreement demonstrates our commitment to developing that path forward.”

This settlement will benefit children under the age of 21 who are enrolled in Colorado’s Medicaid Program, have been diagnosed with a mental health or behavioral disorder and for whom IBHS have been determined to be medically necessary.

“Disability Law Colorado, as one of the Plaintiffs and as the Protection & Advocacy System for Colorado, welcomes this settlement and the opportunity to work with the State to improve the delivery of IBHS to Colorado’s Medicaid-enrolled children,” stated Andrew Romanoff, Executive Director of DLC. Plaintiffs are also represented by Robert H. Farley, Jr., and the National Health Law Program.

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- If you have questions, [HCPF_MSOC@state.co.us \(mailto:HCPF_MSOC@state.co.us\)](mailto:HCPF_MSOC@state.co.us)
- Legislation to further this work:
 - [House Bill 24-1038 - High-Acuity Crisis for Children and Youth \(https://leg.colorado.gov/bills/hb24-1038\)](https://leg.colorado.gov/bills/hb24-1038)
- [Senate Bill 19-195 \(https://leg.colorado.gov/bills/sb19-195\)](https://leg.colorado.gov/bills/sb19-195)

- [Improving Intensive Behavioral Health Services for Children and Youth \(https://hcpf.colorado.gov/ibhs\)](https://hcpf.colorado.gov/ibhs).
 - IBHS Stakeholder Presentation September 2024
 - [English \(https://hcpf.colorado.gov/sites/hcpf/files/IBHS%20Stakeholder%20Presentation%20-%20Sept%202024%20-%20English%20%281%29.pdf\)](https://hcpf.colorado.gov/sites/hcpf/files/IBHS%20Stakeholder%20Presentation%20-%20Sept%202024%20-%20English%20%281%29.pdf).
 - [Spanish \(https://hcpf.colorado.gov/sites/hcpf/files/IBHS%20Stakeholder%20Presentation%20-%20Sept%202024%20-%20Spanish%20%281%29.pdf\)](https://hcpf.colorado.gov/sites/hcpf/files/IBHS%20Stakeholder%20Presentation%20-%20Sept%202024%20-%20Spanish%20%281%29.pdf).
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About the Colorado Department of Health Care Policy & Financing: The Department administers Health First Colorado (Colorado's Medicaid program), Child Health Plan *Plus*, and other programs for Coloradans who qualify. These health care programs now cover about one in four Coloradans. For more information about the Department, please visit [hcpf.colorado.gov \(https://hcpf.colorado.gov/\)](https://hcpf.colorado.gov/).

About Disability Law Colorado: Disability Law Colorado (DLC) has been Colorado's designated statewide Protection & Advocacy System since 1977. The mission of DLC is to protect and promote the rights of individuals with disabilities through direct legal representation, advocacy, education, and legislative analysis.

About the National Health Law Program (NHeLP): For over 50 years, NHeLP has engaged in policy and litigation advocacy to advance access to quality health care for low-income and underserved individuals, please visit [www.healthlaw.org \(http://www.healthlaw.org\)](http://www.healthlaw.org).