

A Journey in Cross-Collaboration; Colorado's Approach to Multi-Jurisdictional Partnerships in the Delivery of Mental Health Services and Standards

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Abstract

The regulation of mental health professionals and the standards behind treatment are critical components in providing care to those affected by domestic and/or sexual abuse in Colorado. While regulatory boards in Colorado are tasked with providing regulatory oversight of mental health practice acts and board rules, there are other areas of mental health practice that need to have further oversight and the creation of dedicated standards that supplement the work of the regulatory boards. Specifically, there are policy areas in Colorado that require more specialized, targeted research and development for practitioners to leverage and be held accountable for in the treatment of patients. These policy areas include up-to-date standards on the treatment of individuals who have been convicted of sexual offenses or domestic violence, and even those mental health professionals who are involved with custody disputes between parents in the court system. In either case, there is a much broader scope of mental health services and standards that need to be upheld outside of the sole regulatory authority of mental health boards. Furthermore, these policy areas and overlapping jurisdictional environments need to work cohesively together in an interwoven regulatory framework that complements both the regulatory perspective of holding professionals accountable for their services while also creating unified, consistent standards for treatment.

Case Study

One approach behind creating standards and leveraging regulated professionals for treatment can be found in a cross-jurisdictional regulatory environment through Colorado's mental health boards and a few key state oversight boards that were created to provide standards for professionals treating offenders. The Colorado Sex Offender Management Board (SOMB), along with the Domestic Violence Offender Management Board (DVOMB) provide a critically important nexus between the policies and standards of treatment with the regulatory boards that supervise professionals. The creation of these boards can be found in statute, which were both created by the legislature to perform their respective duties. Specifically:

DVOMB - "The general assembly hereby declares that the consistent and comprehensive evaluation, treatment, and continued monitoring of domestic violence offenders who have been convicted of, pled guilty to, or received a deferred judgment or prosecution for any crime the underlying factual basis of which includes an act of domestic violence as defined in section 18-6-800.3 (1), C.R.S., and who are subject to the supervision of the criminal justice system is necessary in order to work toward the elimination of recidivism by such offenders. Therefore, the general assembly hereby creates a program that standardizes the evaluation, treatment, and continued monitoring of domestic violence offenders at each stage of the criminal justice system so that such offenders will be less likely to offend again and the protection of victims and potential victims will be enhanced.." (§16-11.8-101, C.R.S.)

SOMB - *“(1) The general assembly finds that, to protect the public and to work toward the elimination of sexual offenses, it is necessary to comprehensively evaluate, identify, treat, manage, and monitor adult sex offenders who are subject to the supervision of the criminal justice system and juveniles who have committed sexual offenses who are subject to the supervision of the juvenile justice system. (2) Therefore, the general assembly declares that it is necessary to create a program that establishes evidence-based standards for the evaluation, identification, treatment, management, and monitoring of adult sex offenders and juveniles who have committed sexual offenses at each stage of the criminal or juvenile justice system to prevent offenders from reoffending and enhance the protection of victims and potential victims. The general assembly does not intend to imply that all offenders can or will positively respond to treatment.” (§16-11.7-101, C.R.S.)*

These two oversight boards represent Colorado’s approach to developing sound, consistent, up-to-date policies on treating individuals who have been convicted of sexual and/or domestic violence offenses. These boards are statutorily created to develop standards and guidelines for practitioners using diverse resources and individuals from backgrounds across multiple fields to develop professional standards and policies among mental health professionals. Furthermore, mental health professionals who meet these standards and policies for treatment can become “approved treatment providers”, meaning consumers and the general public can know if a certain mental health professional has met the standards created by these two boards

to successfully treat offenders, including those who may be incarcerated or those serving their probationary obligations. In a sense, this creates a supplemental certification and regulatory standard the mental health boards can utilize for their larger regulatory purposes. It creates a partnership and collaborative model that allows the creation of policies and standards through diverse expertise and public participation through the DVOMB/SOMB boards, which subsequently translate into proper delivery and regulation of services provided to the public.

Furthermore, this collaboration between the DVOMB/SOMB entities and the mental health boards provides a cohesive and streamlined manner for complaints to be referred to the boards through the course of the DVOMB/SOMB work. In other words, through the public participation process and vetting of standards and policies of the respective offender management boards, complaints regarding professionals can be referred to DORA and the respective mental health boards when the actions of a certain professional or practitioner are brought forward. Additionally, a staff member from DORA sits on the DVOMB, as well as licensed professionals who sit on the SOMB. This participation from licensed mental health professionals and regulatory staff provide an important nexus and connection between the policy standards and guidelines that are developed with the regulatory responsibilities of the mental health boards so that partnership and collaboration between regulators and policy experts can drive successful outcomes.

Finally, another regulatory model in collaboration with the mental health boards in Colorado can be found through Child and Family Investigators (CFIs), which are overseen by the State Court Administrator. The role of CFIs are generally to investigate, report, and make recommendations to the court as directed in the order of appointment, regarding the best interests of the children during parental custodial disputes. The CFI usually prepares a written report for the court and may testify during court hearings. CFIs are often times licensed mental health professionals who make evaluations and recommendations regarding child placement in the course of parental disputes, and while the State's Court Administrator has oversight over the standards and expectations of CFIs, the state's mental health boards can act upon receiving a complaint of a licensed mental health professional who happens to be providing services as a CFI. This represents another collaborative approach to providing services across jurisdictions in an effective, meaningful way. In other words, the State Court Administrator provides the policy, guidelines and expectations of CFIs who work intimately with families and children to provide the best possible outcome for the families they serve. This is conducted under the backdrop of the mental health boards who, although do not directly develop these policy directives and expectations for CFIs, still have a role when it comes to the professional oversight and regulatory authority over the licensed mental health professionals that participate in the CFI Court Administrator program.

Outcomes

The cross-jurisdictional mental health model has produced positive outcomes for those being treated for mental health disorders and for the general public. Specifically, the creation of standards, guidelines, and treatment protocols through the respective

offender management board provides robust, innovative policies towards the treatment of offenders. This is conducted through a transparent process with diverse expertise among the offender management boards in collaboration with regulators, mental health experts, and members of the general public that strive to provide the best possible services among licensed and qualified health care practitioners. Furthermore, the collaboration between the mental health boards and offender management boards provides an environment where public health expertise and policy can lead the conversation while providing important public health safety protections in place for consumers and patients.

The outcome of this collaboration brings a consistent, cohesive approach to treating offenders with the most-up-to-date and relevant treatment methods that the mental health boards can subsequently leverage for all professionals who choose to conduct this type of therapy in a safe, accountable environment. Importantly, it allows the regulatory branch to conduct exactly what it was charged - to enforce the laws, rules and policies of the board - while providing another policy avenue through the offender boards to research, analyze and provide information on the most effective treatment methods and approaches possible from a public health standpoint. Even more continuity and collaboration is found with the referral of complaints and cases through the work of either the offender management boards or the court-appointed CFI program. The ability for other mental-health related programs to operate and exist effectively in Colorado hinges on the mental health boards' ability to integrate their regulatory work in various other cross-jurisdictional activities. Because of this partnership created in

Colorado between the regulatory boards and policy-centric commissions and activities, the public welfare is best served and protected knowing that practitioners are still held to professional standards, regardless of the cross-jurisdictional activity or purpose of the mental health-related service that's being provided.

The collaboration and partnership between the mental health regulatory boards and other state entities is what makes Colorado unique in its approach to delivering high standards of care with professionalism and accountability placed on professionals. This environment provides an avenue for regulators and public health experts to devise standards, guidelines, and other mental health programs to specifically meet the needs of Coloradans while adequately and appropriately holding high standards of care and professionalism. It is a unique approach that enables regulators to work hand-in-hand with advocates, practitioners, policy experts and other diverse stakeholders to deliver top notch mental health care while ensuring safeguards and protections for patients and members of the public alike.