

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0773.01 Jerry Barry

SENATE BILL 08-161

SENATE SPONSORSHIP

Boyd, Spence, and Groff

HOUSE SPONSORSHIP

Merrifield,

Senate Committees

Health and Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING ELIGIBILITY FOR PUBLIC MEDICAL BENEFITS, AND**
102 **MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Subject to the receipt of sufficient gifts, grants, or donations to cover the costs, provides that the department of health care policy and financing ("department") shall adopt rules to:

- ! Allow the department to verify income eligibility under medicaid and the children's basic health plan through the records of the division of employment and training in the department of labor and employment ("division");

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! Allow applicants to submit income information more current than the records of the division; and
- ! Reenroll recipients of medicaid and the children's basic health plan if the records of the division establish the recipient's income eligibility.

Directs the advisory committee on covering all children in Colorado to investigate the feasibility of combining medicaid and the children's basic health plan.

Makes an appropriation to implement the act.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 25.5-4-205 (3), Colorado Revised Statutes, is
 3 amended to read:

4 **25.5-4-205. Application - verification of eligibility -**
 5 **demonstration project - rules - repeal.** (3) (a) The state department
 6 shall promulgate rules to simplify the processing of applications in order
 7 that medical benefits are furnished to recipients as soon as possible,
 8 including rules that:

9 (I) Provide for initial processing of applications and determination
 10 of eligibility for medical assistance only at locations other than the county
 11 departments, at locations used for processing applications for the
 12 Colorado works program, or at the location used by the private service
 13 contractor that administers the children's basic health plan for determining
 14 eligibility of children for ~~such~~ THE plan; AND

15 (II) ~~Said rules~~ May make provision for the payment of medical
 16 benefits for a period not to exceed three months prior to the date of
 17 application in cases where the applicant did not make application prior to
 18 his or her need for said medical benefits.

19 (b) (I) THE STATE DEPARTMENT SHALL PROMULGATE RULES THAT:

20 (A) PROVIDE THAT AN APPLICANT SHALL ONLY BE REQUIRED TO

1 STATE THE APPLICANT'S INCOME AND THAT THE APPLICANT'S INCOME
2 SHALL BE VERIFIED BY THE STATE DEPARTMENT THROUGH THE RECORDS
3 OF THE DIVISION OF EMPLOYMENT AND TRAINING IN THE DEPARTMENT OF
4 LABOR AND EMPLOYMENT; EXCEPT THAT THE RULES SHALL ALSO PROVIDE
5 THAT AN APPLICANT MAY PROVIDE INCOME INFORMATION MORE RECENT
6 THAN THE RECORDS OF THE DIVISION OF EMPLOYMENT AND TRAINING; AND

7 (B) PROVIDE FOR ADMINISTRATIVE VERIFICATION AT
8 REENROLLMENT SO THAT THE STATE DEPARTMENT SHALL AT LEAST
9 ANNUALLY VERIFY A RECIPIENT'S INCOME ELIGIBILITY THROUGH THE
10 RECORDS OF THE DIVISION OF EMPLOYMENT AND TRAINING IN THE
11 DEPARTMENT OF LABOR AND EMPLOYMENT AND THAT, IF THE RECIPIENT
12 MEETS ALL ELIGIBILITY REQUIREMENTS, THE RECIPIENT SHALL REMAIN
13 ENROLLED IN THE PROGRAM. THE RULES SHALL ALSO PROVIDE THAT A
14 RECIPIENT MAY SUPPLY INCOME INFORMATION MORE RECENT THAN THE
15 INFORMATION SUPPLIED BY THE RECORDS OF THE DIVISION OF
16 EMPLOYMENT AND TRAINING.

17 (II) (A) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS
18 PARAGRAPH (b) SHALL ONLY TAKE EFFECT IF BY JUNE 15, 2008, THE STATE
19 DEPARTMENT RECEIVES AN AMOUNT THROUGH GIFTS, GRANTS, AND
20 DONATIONS THAT IS EQUAL TO OR GREATER THAN THE FINAL FISCAL
21 ESTIMATE FOR SENATE BILL 08-161, AS ENACTED AT THE SECOND
22 REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY, TO COVER
23 THE ESTIMATED COSTS OF IMPLEMENTING SUBPARAGRAPH (I) OF THIS
24 PARAGRAPH (b) AND SECTION 25.5-8-109 (4.5) (a). ANY GIFTS, GRANTS,
25 OR DONATIONS RECEIVED BY THE STATE DEPARTMENT PURSUANT TO THIS
26 SUB-SUBPARAGRAPH (A) SHALL BE DEPOSITED INTO THE DEPARTMENT OF
27 HEALTH CARE POLICY AND FINANCING CASH FUND CREATED PURSUANT TO

1 SECTION 25.5-1-109.

2 (B) ON OR BEFORE JUNE 30, 2008, THE EXECUTIVE DIRECTOR
3 SHALL FILE A WRITTEN NOTICE WITH THE REVISOR OF STATUTES
4 INDICATING THAT THE ESTIMATED AMOUNT OF MONEYS WAS RECEIVED
5 PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II). IF
6 THE NOTICE IS NOT RECEIVED BY THE REVISOR OF STATUTES BY JUNE 30,
7 2008, THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2009. IF THE
8 NOTICE IS RECEIVED BY THE REVISOR OF STATUTES BY JUNE 30, 2008, THIS
9 SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2009.

10 (c) Adequate safeguards shall be established by the state
11 department to ensure that only eligible persons receive benefits under this
12 article and articles 5 and 6 of this title.

13 (d) (I) In addition, an applicant who is eighteen years of age or
14 older shall be required to supply a form of personal photographic
15 identification either by providing a valid Colorado driver's license or a
16 valid identification card issued by the department of revenue pursuant to
17 section 42-2-302, C.R.S. The state department may adopt rules that
18 exempt applicants from the requirement of supplying a form of personal
19 photographic identification if ~~such~~ THE requirement causes an
20 unreasonable hardship or if ~~such~~ THE requirement is in conflict with
21 federal law.

22 (II) The state department shall also adopt rules that allow for
23 assistance to be provided on an emergency basis until the applicant is able
24 to obtain or qualify for a driver's license or identification card; however,
25 a county department or an entity designated by the state department
26 pursuant to subsection (1) of this section is not required to recover
27 emergency assistance from an applicant who fails, upon recertification,

1 to meet the photographic identification requirement.

2 **SECTION 2.** 25.5-8-109, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **25.5-8-109. Eligibility - children - pregnant women - repeal.**

5 (4.5) (a) (I) THE DEPARTMENT SHALL ONLY REQUIRE AN APPLICANT TO
6 STATE THE APPLICANT'S FAMILY INCOME AND THAT THE APPLICANT'S
7 FAMILY INCOME SHALL BE VERIFIED BY THE DEPARTMENT THROUGH THE
8 RECORDS OF THE DIVISION OF EMPLOYMENT AND TRAINING IN THE
9 DEPARTMENT OF LABOR AND EMPLOYMENT. THE DEPARTMENT SHALL
10 ALLOW AN APPLICANT TO PROVIDE INCOME INFORMATION MORE RECENT
11 THAN THE RECORDS OF THE DIVISION OF EMPLOYMENT AND TRAINING.

12 (II) THE DEPARTMENT SHALL PROVIDE FOR ADMINISTRATIVE
13 VERIFICATION AT REENROLLMENT SO THAT THE DEPARTMENT SHALL
14 ANNUALLY VERIFY THE RECIPIENT'S INCOME ELIGIBILITY THROUGH THE
15 RECORDS OF THE DIVISION OF EMPLOYMENT AND TRAINING IN THE
16 DEPARTMENT OF LABOR AND EMPLOYMENT. IF A RECIPIENT MEETS ALL
17 ELIGIBILITY REQUIREMENTS, A RECIPIENT SHALL REMAIN ENROLLED IN THE
18 PLAN. THE DEPARTMENT SHALL ALSO PROVIDE THAT A RECIPIENT MAY
19 PROVIDE INCOME INFORMATION MORE RECENT THAN THE RECORDS OF THE
20 DIVISION OF EMPLOYMENT AND TRAINING.

21 (b) (I) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION
22 (4.5) SHALL ONLY TAKE EFFECT IF BY JUNE 15, 2008, THE DEPARTMENT
23 RECEIVES AN AMOUNT THROUGH GIFTS, GRANTS, AND DONATIONS THAT IS
24 EQUAL TO OR GREATER THAN THE FINAL FISCAL ESTIMATE FOR SENATE
25 BILL 08-161, AS ENACTED AT THE SECOND REGULAR SESSION OF THE
26 SIXTY-SIXTH GENERAL ASSEMBLY, TO COVER THE ESTIMATED COSTS OF
27 IMPLEMENTING PARAGRAPH (a) OF THIS SUBSECTION (4.5) AND SECTION

1 25.5-4-205 (3) (b) (I). ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY
2 THE DEPARTMENT PURSUANT TO THIS SUBPARAGRAPH (I) SHALL BE
3 DEPOSITED INTO THE DEPARTMENT OF HEALTH CARE POLICY AND
4 FINANCING CASH FUND CREATED PURSUANT TO SECTION 25.5-1-109.

5 (II) ON OR BEFORE JUNE 30, 2008, THE EXECUTIVE DIRECTOR
6 SHALL FILE A WRITTEN NOTICE WITH THE REVISOR OF STATUTES
7 INDICATING THAT THE ESTIMATED AMOUNT OF MONEYS WAS RECEIVED
8 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b). IF THE NOTICE
9 IS NOT RECEIVED BY THE REVISOR OF STATUTES BY JUNE 30, 2008, THIS
10 SUBSECTION (4.5) IS REPEALED, EFFECTIVE JULY 1, 2009. IF THE NOTICE
11 IS RECEIVED BY THE REVISOR OF STATUTES BY JUNE 30, 2008, THIS
12 PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2009.

13 **SECTION 3.** 25.5-1-202 (3) (b), Colorado Revised Statutes, is
14 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

15 **25.5-1-202. Advisory committee on covering all children in**
16 **Colorado - reports - definitions - repeal.** (3) (b) In connection with its
17 duties as described in paragraph (a) of this subsection (3), the committee
18 shall:

19 (IV.5) INVESTIGATE THE FEASIBILITY OF COMBINING MEDICAID
20 AND THE CHILDREN'S BASIC HEALTH PLAN;

21 **SECTION 4. Appropriation - legislative intent.** (1) In addition
22 to any other appropriation, there is hereby appropriated, to the department
23 of health care policy and financing, executive director's office, general
24 administration, for operating expenses, for the fiscal year beginning July
25 1, 2008, the sum of ten thousand five hundred forty-one dollars (\$10,541)
26 cash funds, or so much thereof as may be necessary, for the
27 implementation of this act. Said sum shall be from the department of

1 health care policy and financing cash fund created pursuant to section
2 25.5-1-109, Colorado Revised Statutes. In addition to said appropriation,
3 the general assembly anticipates that the department of health care policy
4 and financing will receive ten thousand five hundred forty-one dollars
5 (\$10,541) federal funds in the fiscal year beginning July 1, 2008, for the
6 implementation of this act. Although the federal funds are not
7 appropriated in this act, they are noted for the purpose of indicating the
8 assumptions used relative to these funds in developing state appropriation
9 amounts.

10 (2) In addition to any other appropriation, there is hereby
11 appropriated, to the department of health care policy and financing,
12 department of human services Medicaid-funded programs, office of
13 information technology services - Medicaid funding, for the Colorado
14 benefits management system, for the fiscal year beginning July 1, 2008,
15 the sum of two thousand nine hundred thirty-three dollars (\$2,933) cash
16 funds, or so much thereof as may be necessary, for the implementation of
17 this act. Of said sum, two thousand five hundred ninety-nine dollars
18 (\$2,599) shall be from the department of health care policy and financing
19 cash fund created pursuant to section 25.5-1-109, Colorado Revised
20 Statutes, and three hundred thirty-four dollars (\$334) shall be cash funds
21 from the children's basic health trust fund created in section 25.5-8-105
22 (1), Colorado Revised Statutes. In addition to said appropriations, the
23 general assembly anticipates that the department of health care policy and
24 financing will receive two thousand six hundred twenty-one dollars
25 (\$2,621) federal funds in the fiscal year beginning July 1, 2008, for the
26 implementation of this act. Although the federal funds are not
27 appropriated in this act, they are noted for the purpose of indicating the

1 assumptions used relative to these funds in developing state appropriation
2 amounts.

3 (3) In addition to any other appropriation, there is hereby
4 appropriated, to the department of human services, for the Colorado
5 benefits management system, for the fiscal year beginning July 1, 2008,
6 the sum of nine thousand three hundred forty-five dollars (\$9,345). Of
7 said sum, two thousand five hundred eleven dollars (\$2,511) shall be
8 from the department of health care policy and financing cash fund created
9 pursuant to section 25.5-1-109, Colorado Revised Statutes, one thousand
10 two hundred eighty dollars (\$1,280) cash funds shall be from the old age
11 pension fund created in section 1 of article XXIV of the Colorado
12 constitution, and five thousand five hundred fifty-four (\$5,554) shall be
13 reappropriated funds transferred from the department of health care
14 policy and financing. In addition to said appropriations, the general
15 assembly anticipates that the department of human services will receive
16 six thousand six hundred fifty-five dollars (\$6,655) federal funds in the
17 fiscal year beginning July 1, 2008, for the implementation of this act.
18 Although the federal funds are not appropriated in this act, they are noted
19 for the purpose of indicating the assumptions used relative to these funds
20 in developing state appropriation amounts. _____

21 (4) It is the intent of the general assembly that the appropriation
22 in this section shall only be effective upon receipt of the notice required
23 in sections 25.5-4-205 (3) (b) and 25.5-8-109 (4.5), Colorado Revised
24 Statutes.

25 **SECTION 5. Effective date.** This act shall take effect upon
26 passage; except that section 4 of this act shall only take effect upon
27 receipt of the notice required in sections 25.5-4-205 (3) (b) and

1 25.5-8-109 (4.5), Colorado Revised Statutes.

2 **SECTION 6. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.