

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 08-0088.01 Jerry Barry

SENATE BILL 08-160

SENATE SPONSORSHIP

Hagedorn, and Groff

HOUSE SPONSORSHIP

McGihon,

Senate Committees

Health and Human Services
Appropriations

House Committees

Health and Human Services
Appropriations

A BILL FOR AN ACT

101 CONCERNING IMPROVEMENTS TO HEALTH CARE FOR CHILDREN.

Bill Summary

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

For the baby and kid care program under medicaid:

- ! Increases the percentage level of the federal poverty line for eligibility for persons at least 6 and under 19 years of age to 133%, effective July 1, 2009;
- ! Provides for 12-month enrollment following eligibility, except for defined circumstances, and ensures continuous enrollment if eligible for the children's basic health plan.

For the children's basic health plan, increases the percentage level of the federal poverty line for eligibility from 205% to 225%, effective

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.

HOUSE
2nd Reading Unamended
April 24, 2008

SENATE
3rd Reading Unamended
April 16, 2008

SENATE
Amended 2nd Reading
April 15, 2008

July 1, 2008, and, subject to available appropriations, authorizes the department of health care policy and financing ("department") to increase the level for eligibility to up to 250%.

Directs the department to allow and actively seek organizations that do not provide direct medical services to presumptively determine eligibility for medicaid and the children's basic health plan.

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

2

3 **SECTION 1.** 25.5-8-103 (4) (a), Colorado Revised Statutes, is
4 amended to read:

5 **25.5-8-103. Definitions.** As used in this article, unless the context
6 otherwise requires:

7 (4) "Eligible person" means:

8 (a) A person who is less than nineteen years of age, whose family
9 income does not exceed two hundred ~~five~~ TWENTY-FIVE percent of the
10 federal poverty level, adjusted for family size; EXCEPT THAT, SUBJECT TO
11 AVAILABLE APPROPRIATIONS, THE DEPARTMENT MAY INCREASE THE
12 PERCENTAGE OF THE FEDERAL POVERTY LEVEL FOR PURPOSES OF
13 ELIGIBILITY TO UP TO TWO HUNDRED FIFTY PERCENT; or

14

15 **SECTION 2.** 25.5-8-103 (4) (b), Colorado Revised Statutes, is
16 amended to read:

17 **25.5-8-103. Definitions.** As used in this article, unless the context
18 otherwise requires:

19 (4) "Eligible person" means:

20 (b) A pregnant woman whose family income does not exceed two
21 hundred ~~five~~ TWENTY-FIVE percent of the federal poverty level, adjusted
22 for family size, and who is not eligible for medicaid; EXCEPT THAT,

1 SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT MAY
2 INCREASE THE PERCENTAGE OF THE FEDERAL POVERTY LEVEL FOR
3 PURPOSES OF ELIGIBILITY TO UP TO TWO HUNDRED FIFTY PERCENT.

4 **SECTION 3.** 25.5-8-105 (2), Colorado Revised Statutes, is
5 amended to read:

6 **25.5-8-105. Trust and supplemental settlement moneys**
7 **account - created.** (2) (a) Except as provided for in subsection (4) of
8 this section, all or a portion of the moneys in the portion of the trust that
9 is not the supplemental tobacco litigation settlement moneys account shall
10 be annually appropriated by the general assembly for the purposes of this
11 article and shall not be transferred to or revert to the general fund of the
12 state at the end of any fiscal year.

13 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
14 THIS SUBSECTION (2), MONEYS IN THE PORTION OF THE TRUST THAT IS NOT
15 THE SUPPLEMENTAL TOBACCO LITIGATION SETTLEMENT MONEYS ACCOUNT
16 MAY BE USED TO PAY THE STATE'S PORTION OF ANY COMPUTER SYSTEM
17 CHANGES NECESSARY TO EXPAND ELIGIBILITY IN THE PLAN.

18 **SECTION 4.** 25.5-8-107 (1) (a), Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

20 **25.5-8-107. Duties of the department - schedule of services -**
21 **premiums - copayments - subsidies.** (1) In addition to any other duties
22 pursuant to this article, the department shall have the following duties:

23 (a) (III) IN ADDITION TO THE ITEMS SPECIFIED IN SUBPARAGRAPHS
24 (I) AND (II) OF THIS PARAGRAPH (a) AND ANY ADDITIONAL ITEMS
25 APPROVED BY THE MEDICAL SERVICES BOARD, THE MEDICAL SERVICES
26 BOARD SHALL INCLUDE MENTAL HEALTH SERVICES THAT ARE AT LEAST AS
27 COMPREHENSIVE AS THE MENTAL HEALTH SERVICES PROVIDED TO

1 MEDICAID RECIPIENTS IN THE SCHEDULE OF HEALTH CARE SERVICES.

2 SECTION 5. 25.5-8-109 (5) (a) (I), Colorado Revised Statutes,
3 is amended to read:

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

5 (5) (a) (I) A pregnant woman whose family income exceeds one hundred
6 thirty-three percent of the federal poverty level but does not exceed two
7 hundred five percent of the federal poverty level THE APPLICABLE LEVEL
8 SPECIFIED IN SECTION 25.5-8-103 (4) (b) shall be presumptively eligible
9 for the plan. Once determined eligible for the plan, a pregnant woman
10 shall be considered to be continuously eligible throughout the pregnancy
11 and for the sixty days following the pregnancy, even if the woman's
12 eligibility would otherwise terminate during such period due to an
13 increase in income. Upon birth, a child born to a woman eligible for the
14 plan shall be eligible for the plan and shall be automatically enrolled in
15 the plan in accordance with the eligibility requirements for children
16 specified in subsection (4) of this section.

17 SECTION 6. Appropriation. (1) In addition to any other
18 appropriation, there is hereby appropriated, to the department of health
19 care policy and financing, information technology contracts and projects,
20 for information technology contracts, for the fiscal year beginning July 1,
21 2008, the sum of sixty-four thousand three hundred eighty-six dollars
22 (\$64,386) cash funds, or so much thereof as may be necessary, for the
23 implementation of this act. Said sum shall be from the children's basic
24 health plan trust fund created in section 25.5-8-105 (1), Colorado Revised
25 Statutes. In addition to said appropriation, the general assembly
26 anticipates that the department of health care policy and financing will
27 receive one hundred nineteen thousand five hundred seventy-four dollars

1 (\$119,574) federal funds in the fiscal year beginning July 1, 2008, for the
2 implementation of this act. Although the federal funds are not
3 appropriated in this act, they are noted for the purpose of indicating the
4 assumptions used relative to these funds in developing state appropriation
5 amounts.

6 (2) In addition to any other appropriation, there is hereby
7 appropriated, to the department of health care policy and financing,
8 indigent care program, for the children's basic health plan trust, for the
9 fiscal year beginning July 1, 2008, the sum of thirty thousand three
10 hundred twenty-eight dollars (\$30,328) cash funds, or so much thereof as
11 may be necessary, for the implementation of this act. Said sum shall be
12 from annual enrollment fees paid by families participating in the program.

13 (3) In addition to any other appropriation, there is hereby
14 appropriated, to the department of health care policy and financing,
15 indigent care program, for children's basic health plan administration,
16 for the fiscal year beginning July 1, 2008, the sum of three hundred
17 fifty-dollars (\$350) cash funds, or so much thereof as may be necessary,
18 for the implementation of this act. Said sum shall be from the children's
19 basic health plan trust fund created in section 25.5-8-105 (1), Colorado
20 Revised Statutes. In addition to said appropriation, the general assembly
21 anticipates that the department of health care policy and financing will
22 receive six hundred fifty dollars (\$650) federal funds in the fiscal year
23 beginning July 1, 2008, for the implementation of this act. Although the
24 federal funds are not appropriated in this act, they are noted for the
25 purpose of indicating the assumptions used relative to these funds in
26 developing state appropriation amounts.

27 (4) In addition to any other appropriation, there is hereby

1 appropriated, to the department of health care policy and financing,
2 indigent care program, for children's basic health plan premium costs, for
3 the fiscal year beginning July 1, 2008, the sum of two million sixty-four
4 thousand six hundred twenty-one dollars (\$2,064,621), or so much thereof
5 as may be necessary, for the implementation of this act. Of said sum, one
6 million five hundred seventy-seven thousand two hundred fifty-eight
7 dollars (\$1,577,258) shall be from the children's basic health plan trust
8 fund created in section 25.5-8-105 (1), Colorado Revised Statutes, four
9 hundred fifty-seven thousand thirty-five dollars (\$457,035) shall be from
10 the health care expansion fund created in section 24-22-117 (2) (a) (I),
11 Colorado Revised Statutes, and thirty thousand three hundred
12 twenty-eight dollars (\$30,328) shall be reappropriated funds from
13 enrollment fees appropriated to the children's basic health plan trust fund
14 created in section 25.5-8-105 (1), Colorado Revised Statutes. In addition
15 to said appropriation, the general assembly anticipates that the department
16 of health care policy and financing will receive three million seven
17 hundred seventy-seven thousand nine hundred seventy-one dollars
18 (\$3,777,971) federal funds in the fiscal year beginning July 1, 2008, for
19 the implementation of this act. Although the federal funds are not
20 appropriated in this act, they are noted for the purpose of indicating the
21 assumptions used relative to these funds in developing state appropriation
22 amounts.

23 (5) In addition to any other appropriation, there is hereby
24 appropriated, to the department of health care policy and financing,
25 indigent care program, for children's basic health plan dental costs, for the
26 fiscal year beginning July 1, 2008, the sum of ninety-eight thousand eight
27 hundred forty-five dollars (\$98,845) cash funds, or so much thereof as

1 may be necessary, for the implementation of this act. Said sum shall be
2 from the children's basic health plan trust fund created in section
3 25.5-8-105 (1), Colorado Revised Statutes. In addition to said
4 appropriation, the general assembly anticipates that the department of
5 health care policy and financing will receive one hundred eighty-three
6 thousand five hundred seventy dollars (\$183,570) federal funds in the
7 fiscal year beginning July 1, 2008, for the implementation of this act.
8 Although the federal funds are not appropriated in this act, they are noted
9 for the purpose of indicating the assumptions used relative to these funds
10 in developing state appropriation amounts.

11 (6) In addition to any other appropriation, there is hereby
12 appropriated, to the department of health care policy and financing,
13 department of human services Medicaid-funded programs, office of
14 information technology services - Medicaid funding, for the Colorado
15 benefits management system, for the fiscal year beginning July 1, 2008,
16 the sum of sixteen thousand eight hundred thirty-five dollars (\$16,835)
17 cash funds, or so much thereof as may be necessary, for the
18 implementation of this act. Said sum shall be from the children's basic
19 health plan trust fund created in section 25.5-8-105 (1), Colorado Revised
20 Statutes. In addition to said appropriations, the general assembly
21 anticipates that the department of health care policy and financing will
22 receive fifteen thousand thirty-one dollars (\$15,031) federal funds in the
23 fiscal year beginning July 1, 2008, for the implementation of this act.
24 Although the federal funds are not appropriated in this act, they are noted
25 for the purpose of indicating the assumptions used relative to these funds
26 in developing state appropriation amounts.

27 (7) In addition to any other appropriation, there is hereby

1 appropriated, to the department of human services, for the Colorado
2 benefits management system, for the fiscal year beginning July 1, 2008,
3 the sum of fifty-three thousand six hundred forty-two dollars (\$53,642).
4 Of said sum, twenty-one thousand seven hundred seventy-six dollars
5 (\$21,776) shall be from the children's basic health plan trust fund created
6 in section 25.5-8-105 (1), Colorado Revised Statutes, and thirty-one
7 thousand eight hundred sixty-six dollars (\$31,866) shall be reappropriated
8 funds transferred from the department of health care policy and financing.
9 In addition to said appropriations, the general assembly anticipates that
10 the department of human services will receive thirty-eight thousand one
11 hundred sixty-four dollars (\$38,164) federal funds in the fiscal year
12 beginning July 1, 2008, for the implementation of this act. Although the
13 federal funds are not appropriated in this act, they are noted for the
14 purpose of indicating the assumptions used relative to these funds in
15 developing state appropriation amounts.

16 **SECTION 7. Effective date.** (1) This act shall take effect upon
17 passage; except that:

- 18 (a) Section 4 of this act shall take effect on January 1, 2009;
19 (b) Section 1 of this act shall take effect on March 1, 2009; and
20 (c) Sections 2 and 5 of this act shall take effect on October 1,
21 2009.

22 **SECTION 8. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.