

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. 08-0088.01 Jerry Barry

**SENATE BILL 08-160**

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**SENATE SPONSORSHIP**

**Hagedorn,** and Groff

**HOUSE SPONSORSHIP**

**McGihon,**

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**Senate Committees**

Health and Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING IMPROVEMENTS TO HEALTH CARE FOR CHILDREN.**

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**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.

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.

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

2 **SECTION 1. 25.5-4-205, Colorado Revised Statutes, is amended**  
3 **BY THE ADDITION OF A NEW SUBSECTION to read:**

4 **25.5-4-205. Application - verification of eligibility -**  
5 **demonstration project - rules - repeal.** (3.5) A CHILD WHO IS LESS  
6 THAN NINETEEN YEAR OF AGE AND WHO IS DETERMINED TO BE ELIGIBLE  
7 FOR MEDICAL BENEFITS UNDER PART 1 OR 2 OF ARTICLE 5 OF THIS TITLE  
8 SHALL REMAIN ELIGIBLE FOR TWELVE MONTHS FOLLOWING THE LAST DAY  
9 OF THE MONTH IN WHICH THE CHILD WAS ENROLLED; EXCEPT THAT A  
10 CHILD SHALL NO LONGER BE ELIGIBLE AND SHALL BE DISENROLLED IF THE  
11 STATE DEPARTMENT BECOMES AWARE OR IS NOTIFIED THAT ANY OF THE  
12 FOLLOWING HAS OCCURRED:

13 (a) THE CHILD HAS MOVED OUT OF THE STATE;  
14 (b) THE CHILD HAS BEEN ENROLLED IN THE CHILDREN'S BASIC  
15 HEALTH PLAN PURSUANT TO ARTICLE 8 OF THIS TITLE; EXCEPT THAT, IF A  
16 CHILD IS DISENROLLED PURSUANT TO THIS PARAGRAPH (b), THE STATE  
17 DEPARTMENT SHALL ENSURE THAT THE CHILD IS CONTINUOUSLY COVERED  
18 THROUGH THE TRANSITION FROM THE MEDICAID PROGRAM TO THE  
19 CHILDREN'S BASIC HEALTH PLAN; OR

20 (c) THE CHILD HAS BEEN ENROLLED IN A COMMERCIAL HEALTH  
21 INSURANCE PLAN DURING THE TWELVE-MONTH PERIOD FOLLOWING  
22 ENROLLMENT UNDER THIS SECTION.

1           **SECTION 2.** 25.5-5-205 (3) (c) (II), Colorado Revised Statutes,  
2 is amended, and the said 25.5-5-205 (3) is further amended BY THE  
3 ADDITION OF A NEW PARAGRAPH, to read:

4           **25.5-5-205. Baby and kid care program - creation - eligibility.**  
5 (3) (c) (II) The percentage level of the federal poverty line, as defined  
6 pursuant to 42 U.S.C. sec. 9902 (2), used to determine eligibility under  
7 this paragraph (c) shall be one hundred percent; EXCEPT THAT, FOR FISCAL  
8 YEARS COMMENCING ON AND AFTER JULY 1, 2009, THE PERCENTAGE  
9 LEVEL OF THE FEDERAL POVERTY LINE SHALL BE INCREASED TO ONE  
10 HUNDRED THIRTY-THREE PERCENT. If the federal government establishes  
11 a new federal minimum percentage level of the federal poverty line used  
12 to determine eligibility under this paragraph (c) that is different from the  
13 level set in this subparagraph (II), the state department is authorized to  
14 meet ~~such~~ THE federal minimum level without requiring additional  
15 legislation; however, such minimum federal level shall be established by  
16 rule of the state board.

17           (e) A CHILD WHO IS DETERMINED TO BE ELIGIBLE UNDER THIS  
18 SUBSECTION (3) SHALL REMAIN ELIGIBLE FOR TWELVE MONTHS  
19 FOLLOWING THE LAST DAY OF THE MONTH IN WHICH THE CHILD WAS  
20 ENROLLED; EXCEPT THAT A CHILD SHALL NO LONGER BE ELIGIBLE AND  
21 SHALL BE DISENROLLED IF THE STATE DEPARTMENT BECOMES AWARE OR  
22 IS NOTIFIED THAT ANY OF THE FOLLOWING HAS OCCURRED:

23           (I) THE CHILD HAS MOVED OUT OF THE STATE;

24           (II) THE CHILD HAS BEEN ENROLLED IN THE CHILDREN'S BASIC  
25 HEALTH PLAN PURSUANT TO ARTICLE 8 OF THIS TITLE; EXCEPT THAT, IF A  
26 CHILD IS DISENROLLED PURSUANT TO THIS SUBPARAGRAPH (II), THE STATE  
27 DEPARTMENT SHALL ENSURE THAT THE CHILD IS CONTINUOUSLY COVERED

1 THROUGH THE TRANSITION FROM THE BABY AND KID CARE PROGRAM TO  
2 THE CHILDREN'S BASIC HEALTH PLAN; OR

3 (III) THE CHILD HAS BEEN ENROLLED IN A COMMERCIAL HEALTH  
4 INSURANCE PLAN DURING THE TWELVE-MONTH PERIOD FOLLOWING  
5 ENROLLMENT UNDER THIS SECTION.

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

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

10 (4) "Eligible person" means:

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

17 **SECTION 4.** 25.5-5-204, Colorado Revised Statutes, is amended  
18 BY THE ADDITION OF A NEW SUBSECTION to read:

19 **25.5-5-204. Presumptive eligibility - pregnant women -**  
20 **children - state plan.** (2.7) NOTWITHSTANDING THE PROVISIONS OF  
21 SECTION 25.5-4-205 (1), THE STATE DEPARTMENT SHALL ALLOW  
22 ORGANIZATIONS THAT DO NOT PROVIDE DIRECT MEDICAL SERVICES TO  
23 PRESUMPTIVELY DETERMINE ELIGIBILITY FOR MEDICAID AND THE  
24 CHILDREN'S BASIC HEALTH PLAN. THE DEPARTMENT SHALL ACTIVELY  
25 SEEK THE PARTICIPATION OF A WIDE RANGE OF COMMUNITY-BASED  
26 ORGANIZATIONS TO PRESUMPTIVELY DETERMINE ELIGIBILITY IN AREAS  
27 WHERE ACCESS TO SUCH DETERMINATIONS IS LIMITED.

1           **SECTION 5. Effective date.** Section 3 of this act shall take  
2 effect July 1, 2008, and the remainder of this act shall take effect on  
3 passage.

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