

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0097.03 Michael Dohr

HOUSE BILL 08-1046

HOUSE SPONSORSHIP

Stafford, and Solano

SENATE SPONSORSHIP

Windels, and Boyd

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROCEDURES TO FACILITATE THE PROVISION OF PUBLIC
102 BENEFITS TO OFFENDERS TRANSITIONING FROM THE CRIMINAL
103 JUSTICE SYSTEM.

Bill Summary

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

Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice Systems. For juveniles in a commitment center and certain persons confined in a facility of the department of human services who meet specified criteria, offers assistance from appropriate personnel in applying for medicaid,

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.

children's basic health plan benefits, supplemental security income ("SSI"), or social security disability insurance ("SSDI").

Stipulates that the person shall receive such assistance at least 120 days prior to release, or sooner if possible. Requires the department of human services to provide information and training on the SSI or SSDI application process and assistance to personnel at each facility. Requires the department of health care policy and financing to provide information and training on the medicaid application process and assistance to personnel at each facility.

Mandates that the department of health care policy and financing simplify the processing of applications for medicaid and the children's basic health plan and that the department of human services simplify the processing of applications for SSI and SSDI to allow eligible persons to receive medicaid as a result of being eligible for SSI or SSDI upon release and thereafter.

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

2 **SECTION 1.** Part 4 of article 2 of title 19, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **19-2-418. Juveniles - medical benefits application assistance**
6 **- county of residence - rules.** (1) BEGINNING AS SOON AS PRACTICABLE,
7 BUT NO LATER THAN JANUARY 1, 2009, NO LATER THAN ONE HUNDRED
8 TWENTY DAYS PRIOR TO RELEASE, COMMITMENT FACILITY PERSONNEL OR
9 STATE PERSONNEL SHALL ASSIST THE PARENT OR LEGAL GUARDIAN OF THE
10 FOLLOWING JUVENILES IN APPLYING FOR MEDICAL ASSISTANCE PURSUANT
11 TO PART 1 OR 2 OF ARTICLE 5 OF TITLE 25.5, C.R.S., OR IN APPLYING TO
12 THE CHILDREN'S BASIC HEALTH PLAN PURSUANT TO SECTION 25.5-8-109,
13 C.R.S.:

14 (a) A JUVENILE WHO WAS RECEIVING MEDICAL ASSISTANCE
15 PURSUANT TO SECTION 25.5-5-101 (1) (f) OR 25.5-5-201 (1) (j), C.R.S., OR
16 PURSUANT TO THE CHILDREN'S BASIC HEALTH PLAN PURSUANT TO SECTION
17 25.5-8-109, C.R.S., IMMEDIATELY PRIOR TO ENTERING THE JUVENILE

1 COMMITMENT FACILITY AND IS LIKELY TO BE TERMINATED FROM
2 RECEIVING MEDICAL ASSISTANCE WHILE COMMITTED OR IS REASONABLY
3 EXPECTED TO MEET THE ELIGIBILITY CRITERIA SPECIFIED IN SECTION
4 25.5-5-101 (1) (f), 25.5-5-201 (1) (j), OR 25.5-8-109, C.R.S., UPON
5 RELEASE; AND

6 (b) A JUVENILE WHO IS COMMITTED TO A JUVENILE COMMITMENT
7 FACILITY.

8 (2) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
9 SHALL PROVIDE INFORMATION AND TRAINING ON MEDICAL ASSISTANCE
10 ELIGIBILITY REQUIREMENTS AND ASSISTANCE TO THE PERSONNEL AT EACH
11 COMMITMENT FACILITY TO ASSIST IN AND EXPEDITE THE APPLICATION
12 PROCESS FOR MEDICAL ASSISTANCE FOR A JUVENILE HELD IN CUSTODY
13 WHO MEETS THE REQUIREMENTS OF PARAGRAPH (a) OF SUBSECTION (1) OF
14 THIS SECTION.

15 (3) (a) FOR PURPOSES OF DETERMINING ELIGIBILITY PURSUANT TO
16 SECTION 25.5-4-205, C.R.S., THE COUNTY OF RESIDENCE OF A JUVENILE
17 SHALL BE THE COUNTY SPECIFIED BY THE JUVENILE AS HIS OR HER COUNTY
18 OF RESIDENCE UPON RELEASE.

19 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
20 CARE POLICY AND FINANCING SHALL PROMULGATE RULES TO SIMPLIFY THE
21 PROCESSING OF APPLICATIONS FOR MEDICAL ASSISTANCE PURSUANT TO
22 SUBSECTION (1) OF THIS SECTION AND TO ALLOW A JUVENILE DETERMINED
23 TO BE ELIGIBLE FOR SUCH MEDICAL ASSISTANCE TO ACCESS THE MEDICAL
24 ASSISTANCE UPON RELEASE AND THEREAFTER. IF A COUNTY DEPARTMENT
25 OF SOCIAL SERVICES DETERMINES THAT A JUVENILE IS ELIGIBLE FOR
26 MEDICAL ASSISTANCE, THE COUNTY SHALL ENROLL THE JUVENILE IN
27 MEDICAL ASSISTANCE OR THE CHILDREN'S BASIC HEALTH PLAN EFFECTIVE

1 UPON RELEASE OF THE JUVENILE. AT THE TIME OF THE JUVENILE'S
2 RELEASE, THE COMMITMENT FACILITY SHALL GIVE THE JUVENILE OR THE
3 JUVENILE'S PARENT OR LEGAL GUARDIAN INFORMATION AND PAPERWORK
4 NECESSARY FOR THE JUVENILE TO ACCESS MEDICAL ASSISTANCE. THE
5 INFORMATION SHALL BE PROVIDED TO THE COMMITMENT FACILITY BY THE
6 APPLICABLE COUNTY DEPARTMENT OF SOCIAL SERVICES.

7 (c) EACH JUVENILE COMMITMENT FACILITY ADMINISTRATOR SHALL
8 ATTEMPT TO ENTER INTO PRERELEASE AGREEMENTS, IF APPROPRIATE,
9 WITH THE COUNTY DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT
10 OF HUMAN SERVICES, OR THE DEPARTMENT OF HEALTH CARE POLICY AND
11 FINANCING IN ORDER TO:

12 (I) SIMPLIFY THE PROCESSING OF APPLICATIONS FOR MEDICAL
13 ASSISTANCE OR FOR THE CHILDREN'S BASIC HEALTH PLAN BENEFITS
14 PURSUANT TO SECTION 25.5-8-109, C.R.S., TO ENROLL, EFFECTIVE UPON
15 RELEASE, A JUVENILE WHO IS ELIGIBLE FOR MEDICAL ASSISTANCE
16 PURSUANT TO SECTION 25.5-5-101 (1) (f) OR 25.5-5-201 (1) (j), C.R.S., OR
17 THE CHILDREN'S BASIC HEALTH PLAN PURSUANT TO SECTION 25.5-8-109,
18 C.R.S.; AND

19 (II) PROVIDE THE JUVENILE OR THE JUVENILE'S PARENT OR LEGAL
20 GUARDIAN WITH THE INFORMATION AND PAPERWORK NECESSARY TO
21 ACCESS MEDICAL ASSISTANCE IMMEDIATELY UPON RELEASE.

22 **SECTION 2.** Part 1 of article 1 of title 26, Colorado Revised
23 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
24 read:

25 **26-1-135. Persons in a department of human services facility**
26 **- medical benefits application assistance - county of residence - rules.**

27 (1) (a) BEGINNING AS SOON AS PRACTICABLE, BUT NO LATER THAN

1 JANUARY 1, 2009, NO LATER THAN ONE HUNDRED TWENTY DAYS PRIOR TO
2 RELEASE, STATE DEPARTMENT FACILITY PERSONNEL SHALL ASSIST THE
3 FOLLOWING PERSONS IN APPLYING FOR MEDICAL ASSISTANCE PURSUANT
4 TO PART 1 OR 2 OF ARTICLE 5 OF TITLE 25.5, C.R.S.:

5 (I) A PERSON WHO WAS RECEIVING MEDICAL ASSISTANCE
6 PURSUANT TO SECTION 25.5-5-101 (1) (f) OR 25.5-5-201 (1) (j), C.R.S.,
7 IMMEDIATELY PRIOR TO ENTERING THE STATE DEPARTMENT FACILITY AND
8 IS LIKELY TO BE TERMINATED FROM RECEIVING MEDICAL ASSISTANCE
9 WHILE COMMITTED OR OTHERWISE PLACED OR IS REASONABLY EXPECTED
10 TO MEET THE ELIGIBILITY CRITERIA SPECIFIED IN SECTION 25.5-5-101 (1)
11 (f) OR 25.5-5-201 (1) (j), C.R.S., UPON RELEASE; AND

12 (II) (A) A PERSON WHO IS COMMITTED TO A STATE DEPARTMENT
13 FACILITY PURSUANT TO PART 1 OF ARTICLE 8 OF TITLE 16, C.R.S.; OR

14 (B) A PERSON WHO IS A PATIENT OR A JUVENILE WHO IS PLACED IN
15 A STATE DEPARTMENT FACILITY PURSUANT TO COURT ORDER.

16 (b) IF THE PERSON IS COMMITTED OR PLACED FOR LESS THAN ONE
17 HUNDRED TWENTY DAYS, STATE DEPARTMENT PERSONNEL SHALL MAKE
18 A REASONABLE EFFORT TO ASSIST THE PERSON IN APPLYING FOR MEDICAL
19 ASSISTANCE AS SOON AS PRACTICABLE.

20 (2) AS SOON AS PRACTICABLE, BUT NO LATER THAN JANUARY 1,
21 2009, NO LATER THAN ONE HUNDRED TWENTY DAYS PRIOR TO RELEASE,
22 STATE DEPARTMENT FACILITY PERSONNEL SHALL ASSIST THE FOLLOWING
23 PERSONS IN APPLYING FOR SUPPLEMENTAL SECURITY INCOME BENEFITS
24 UNDER TITLE II OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC.
25 301, ET SEQ., AS AMENDED, AND IN ANY ASSOCIATED APPEALS PROCESS:

26 (a) A PERSON WHO WAS ELIGIBLE FOR SUPPLEMENTAL SECURITY
27 INCOME BENEFITS UNDER TITLE II OF THE FEDERAL "SOCIAL SECURITY

1 ACT", 42 U.S.C. SEC. 301, ET SEQ., AS AMENDED, IMMEDIATELY PRIOR TO
2 ENTERING THE STATE DEPARTMENT FACILITY AND IS LIKELY TO BE
3 TERMINATED FROM RECEIVING SUPPLEMENTAL SECURITY INCOME
4 BENEFITS WHILE COMMITTED OR OTHERWISE PLACED, OR IS REASONABLY
5 EXPECTED TO MEET THE ELIGIBILITY CRITERIA FOR SUPPLEMENTAL
6 SECURITY INCOME BENEFITS UPON RELEASE; AND

7 (b) (I) A PERSON WHO IS COMMITTED TO A STATE DEPARTMENT
8 FACILITY PURSUANT TO PART 1 OF ARTICLE 8 OF TITLE 16, C.R.S.; OR

9 (II) A PERSON WHO IS A PATIENT WHO IS PLACED IN A STATE
10 DEPARTMENT FACILITY PURSUANT TO COURT ORDER.

11 (3) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
12 SHALL PROVIDE INFORMATION AND TRAINING ON MEDICAL ASSISTANCE
13 ELIGIBILITY REQUIREMENTS AND ASSISTANCE TO THE FACILITY PERSONNEL
14 AT EACH FACILITY TO ASSIST IN AND EXPEDITE THE APPLICATION PROCESS
15 FOR MEDICAL ASSISTANCE FOR A PERSON HELD IN CUSTODY WHO MEETS
16 THE REQUIREMENTS OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS
17 SECTION.

18 (4) THE STATE DEPARTMENT SHALL PROVIDE INFORMATION AND
19 EDUCATION REGARDING THE SUPPLEMENTAL SECURITY INCOME SYSTEMS
20 AND APPLICATION PROCESSES TO PERSONNEL AT EACH FACILITY.

21 (5) (a) FOR PURPOSES OF DETERMINING ELIGIBILITY PURSUANT TO
22 SECTION 25.5-4-205, C.R.S., THE COUNTY OF RESIDENCE OF THE PERSON
23 SHALL BE THE COUNTY SPECIFIED BY THE PERSON AS HIS OR HER COUNTY
24 OF RESIDENCE UPON RELEASE.

25 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
26 CARE POLICY AND FINANCING SHALL PROMULGATE RULES TO SIMPLIFY THE
27 PROCESSING OF APPLICATIONS FOR MEDICAL ASSISTANCE PURSUANT TO

1 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND TO ALLOW A
2 PERSON DETERMINED TO BE ELIGIBLE FOR SUCH MEDICAL ASSISTANCE TO
3 ACCESS THE MEDICAL ASSISTANCE UPON RELEASE AND THEREAFTER. IF A
4 COUNTY DEPARTMENT DETERMINES THAT A PERSON IS ELIGIBLE FOR
5 MEDICAL ASSISTANCE, THE COUNTY SHALL ENROLL THE PERSON IN
6 MEDICAID EFFECTIVE UPON HIS OR HER RELEASE. AT THE TIME OF THE
7 PERSON'S RELEASE, THE FACILITY PERSONNEL SHALL GIVE THE PERSON
8 INFORMATION AND PAPERWORK NECESSARY FOR THE PERSON TO ACCESS
9 MEDICAL ASSISTANCE. THE INFORMATION SHALL BE PROVIDED TO THE
10 FACILITY BY THE APPLICABLE COUNTY DEPARTMENT.

11 (c) EACH STATE DEPARTMENT FACILITY SHALL ATTEMPT TO ENTER
12 INTO PRERELEASE AGREEMENTS WITH LOCAL SOCIAL SECURITY
13 ADMINISTRATION OFFICES, AND, IF APPROPRIATE, THE COUNTY
14 DEPARTMENT OR THE DEPARTMENT OF HEALTH CARE POLICY AND
15 FINANCING IN ORDER TO:

16 (I) SIMPLIFY THE PROCESSING OF APPLICATIONS FOR MEDICAL
17 ASSISTANCE OR FOR SUPPLEMENTAL SECURITY INCOME TO ENROLL,
18 EFFECTIVE UPON RELEASE, A PERSON WHO IS ELIGIBLE FOR MEDICAL
19 ASSISTANCE PURSUANT TO SECTION 25.5-5-101 (1) (f) OR 25.5-5-201 (1)
20 (j), C.R.S.; AND

21 (II) PROVIDE THE PERSON WITH THE INFORMATION AND
22 PAPERWORK NECESSARY TO ACCESS MEDICAL ASSISTANCE IMMEDIATELY
23 UPON RELEASE.

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