

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. 08-0097.03 Michael Dohr

HOUSE BILL 08-1046

HOUSE SPONSORSHIP

Stafford, and Solano

SENATE SPONSORSHIP

Windels, and Boyd

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

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, AND 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.)

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.

SENATE
3rd Reading Unamended
April 23, 2008

SENATE
Amended 2nd Reading
April 22, 2008

HOUSE
3rd Reading Unamended
February 19, 2008

HOUSE
Amended 2nd Reading
February 18, 2008

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 (1.5) IF A JUVENILE IS COMMITTED OR PLACED FOR LESS THAN ONE
9 HUNDRED TWENTY DAYS, COMMITMENT FACILITY PERSONNEL OR STATE
10 PERSONNEL SHALL MAKE A REASONABLE EFFORT TO ASSIST THE PARENT
11 OR LEGAL GUARDIAN OF THE JUVENILE IN APPLYING FOR MEDICAL
12 ASSISTANCE AS SOON AS PRACTICABLE.

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

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

24 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
25 CARE POLICY AND FINANCING SHALL PROMULGATE RULES TO SIMPLIFY THE
26 PROCESSING OF APPLICATIONS FOR MEDICAL ASSISTANCE PURSUANT TO
27 SUBSECTION (1) OF THIS SECTION AND TO ALLOW A JUVENILE DETERMINED

1 TO BE ELIGIBLE FOR SUCH MEDICAL ASSISTANCE TO ACCESS THE MEDICAL
2 ASSISTANCE UPON RELEASE AND THEREAFTER. IF A COUNTY DEPARTMENT
3 OF SOCIAL SERVICES DETERMINES THAT A JUVENILE IS ELIGIBLE FOR
4 MEDICAL ASSISTANCE, THE COUNTY SHALL ENROLL THE JUVENILE IN
5 MEDICAL ASSISTANCE OR THE CHILDREN'S BASIC HEALTH PLAN EFFECTIVE
6 UPON RELEASE OF THE JUVENILE. AT THE TIME OF THE JUVENILE'S
7 RELEASE, THE COMMITMENT FACILITY SHALL GIVE THE JUVENILE OR THE
8 JUVENILE'S PARENT OR LEGAL GUARDIAN INFORMATION AND PAPERWORK
9 NECESSARY FOR THE JUVENILE TO ACCESS MEDICAL ASSISTANCE. THE
10 INFORMATION SHALL BE PROVIDED TO THE COMMITMENT FACILITY BY THE
11 APPLICABLE COUNTY DEPARTMENT OF SOCIAL SERVICES.

12 (c) EACH JUVENILE COMMITMENT FACILITY ADMINISTRATOR SHALL
13 ATTEMPT TO ENTER INTO PRERELEASE AGREEMENTS, IF APPROPRIATE,
14 WITH THE COUNTY DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT
15 OF HUMAN SERVICES, OR THE DEPARTMENT OF HEALTH CARE POLICY AND
16 FINANCING IN ORDER TO:

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

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

27 **SECTION 2.** Part 1 of article 1 of title 26, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
2 read:

3 **26-1-135. Persons in a department of human services facility**
4 **- medical benefits application assistance - county of residence - rules.**

5 (1) (a) BEGINNING AS SOON AS PRACTICABLE, BUT NO LATER THAN
6 JANUARY 1, 2009, NO LATER THAN ONE HUNDRED TWENTY DAYS PRIOR TO
7 RELEASE, STATE DEPARTMENT FACILITY PERSONNEL SHALL ASSIST THE
8 FOLLOWING PERSONS IN APPLYING FOR MEDICAL ASSISTANCE PURSUANT
9 TO PART 1 OR 2 OF ARTICLE 5 OF TITLE 25.5, C.R.S.:

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

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

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

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

25 (2) AS SOON AS PRACTICABLE, BUT NO LATER THAN JANUARY 1,
26 2009, NO LATER THAN ONE HUNDRED TWENTY DAYS PRIOR TO RELEASE,
27 STATE DEPARTMENT FACILITY PERSONNEL SHALL ASSIST THE FOLLOWING

1 PERSONS IN APPLYING FOR SUPPLEMENTAL SECURITY INCOME BENEFITS
2 UNDER TITLE II OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC.
3 301, ET SEQ., AS AMENDED, AND IN ANY ASSOCIATED APPEALS PROCESS:

4 (a) A PERSON WHO WAS ELIGIBLE FOR SUPPLEMENTAL SECURITY
5 INCOME BENEFITS UNDER TITLE II OF THE FEDERAL "SOCIAL SECURITY
6 ACT", 42 U.S.C. SEC. 301, ET SEQ., AS AMENDED, IMMEDIATELY PRIOR TO
7 ENTERING THE STATE DEPARTMENT FACILITY AND IS LIKELY TO BE
8 TERMINATED FROM RECEIVING SUPPLEMENTAL SECURITY INCOME
9 BENEFITS WHILE COMMITTED OR OTHERWISE PLACED, OR IS REASONABLY
10 EXPECTED TO MEET THE ELIGIBILITY CRITERIA FOR SUPPLEMENTAL
11 SECURITY INCOME BENEFITS UPON RELEASE; AND

12 (b) (I) 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 (II) A PERSON WHO IS A PATIENT WHO IS PLACED IN A STATE
15 DEPARTMENT FACILITY PURSUANT TO COURT ORDER.

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

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

26 (5) (a) FOR PURPOSES OF DETERMINING ELIGIBILITY PURSUANT TO
27 SECTION 25.5-4-205, C.R.S., THE COUNTY OF RESIDENCE OF THE PERSON

1 SHALL BE THE COUNTY SPECIFIED BY THE PERSON AS HIS OR HER COUNTY
2 OF RESIDENCE UPON RELEASE.

3 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
4 CARE POLICY AND FINANCING SHALL PROMULGATE RULES TO SIMPLIFY THE
5 PROCESSING OF APPLICATIONS FOR MEDICAL ASSISTANCE PURSUANT TO
6 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND TO ALLOW A
7 PERSON DETERMINED TO BE ELIGIBLE FOR SUCH MEDICAL ASSISTANCE TO
8 ACCESS THE MEDICAL ASSISTANCE UPON RELEASE AND THEREAFTER. IF A
9 COUNTY DEPARTMENT DETERMINES THAT A PERSON IS ELIGIBLE FOR
10 MEDICAL ASSISTANCE, THE COUNTY SHALL ENROLL THE PERSON IN
11 MEDICAID EFFECTIVE UPON HIS OR HER RELEASE. AT THE TIME OF THE
12 PERSON'S RELEASE, THE FACILITY PERSONNEL SHALL GIVE THE PERSON
13 INFORMATION AND PAPERWORK NECESSARY FOR THE PERSON TO ACCESS
14 MEDICAL ASSISTANCE. THE INFORMATION SHALL BE PROVIDED TO THE
15 FACILITY BY THE APPLICABLE COUNTY DEPARTMENT.

16 (c) EACH STATE DEPARTMENT FACILITY SHALL ATTEMPT TO ENTER
17 INTO PRERELEASE AGREEMENTS WITH LOCAL SOCIAL SECURITY
18 ADMINISTRATION OFFICES, AND, IF APPROPRIATE, THE COUNTY
19 DEPARTMENT OR THE DEPARTMENT OF HEALTH CARE POLICY AND
20 FINANCING IN ORDER TO:

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

26 (II) PROVIDE THE PERSON WITH THE INFORMATION AND
27 PAPERWORK NECESSARY TO ACCESS MEDICAL ASSISTANCE IMMEDIATELY

1 UPON RELEASE.

2 **SECTION 3. Appropriation.** (1) In addition to any other
3 appropriation, there is hereby appropriated, to the department of human
4 services, for the fiscal year beginning July 1, 2008, the sum of seventy-six
5 thousand eighty-one dollars (\$76,081), or so much thereof as may be
6 necessary, for the implementation of this act. Of said sum, eleven
7 thousand nine hundred forty-one dollars (\$11,941) shall be from the
8 general fund, six thousand one hundred six dollars (\$6,106) shall be cash
9 funds from the old age pension fund created in article XXIV of the
10 Colorado Constitution, and twenty-six thousand four hundred eight
11 dollars (\$26,408) shall be from appropriated funds transferred from the
12 department of health care policy and financing. In addition to said
13 appropriation, the general assembly anticipates that, for the fiscal year
14 beginning July 1, 2008, the department of human services will receive the
15 sum of thirty-one thousand six hundred twenty-six dollars (\$31,626) in
16 federal funds for the implementation of this act. Although the federal
17 funds are not appropriated in this act, they are noted for the purpose of
18 indicating the assumptions used relative to these funds in developing state
19 appropriation amounts.

20 (2) In addition to any other appropriation, there is hereby
21 appropriated, to the department of health care policy and financing, for
22 the fiscal year beginning July 1, 2008, the sum of twenty-eight thousand
23 four hundred eight dollars (\$28,408), or so much thereof as may be
24 necessary, for the implementation of this act. Of said sum, thirteen
25 thousand three hundred seventy-one dollars (\$13,371) shall be from the
26 general fund, one thousand four hundred forty-three dollars (\$1,443) shall
27 be cash funds from the children's basic health plan trust created in section

1 25.5-8-105 (1), Colorado Revised Statutes, and one hundred thirty-seven
2 dollars (\$137) shall be cash funds from the old age pension fund created
3 in article XXIV of the Colorado Constitution. In addition to said
4 appropriation, the general assembly anticipates that, for the fiscal year
5 beginning July 1, 2008, the department of health care policy and
6 financing will receive the sum of thirteen thousand four hundred
7 fifty-seven dollars (\$13,457) in federal funds for the implementation of
8 this act. Although the federal funds are not appropriated in this act, they
9 are noted for the purpose of indicating the assumptions used relative to
10 these funds in developing state appropriation amounts.

11 (3) For the implementation of this act, the general fund
12 appropriation to the controlled maintenance trust fund made in section 23
13 of the annual general appropriation act, for the fiscal year beginning July
14 1, 2008, shall be decreased by twenty-five thousand three hundred twelve
15 dollars (\$25,312).

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