

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 1, 2010  
Date

Committee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

HB10-1043 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 2 through 19.

2 Strike pages 3 through 7.

3 Page 8, strike lines 1 through 5 and substitute:

4 "SECTION 1. 25.5-5-101 (4), Colorado Revised Statutes, is  
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **25.5-5-101. Mandatory provisions - eligible groups.**  
7 (4) (c) SUBJECT TO THE RECEIPT OF ANY NECESSARY FEDERAL APPROVAL  
8 AND PURSUANT TO 42 U.S.C. SEC. 1396a (r) (2) AND 42 U.S.C. SEC.  
9 1396u-1 (b) (2) (C), FOR THE GROUPS DESCRIBED IN PARAGRAPHS (a) TO  
10 (c) OF SUBSECTION (1) OF THIS SECTION, THE STATE BOARD SHALL  
11 DEVELOP AN INCOME- AND RESOURCE-COUNTING METHOD TO REPLACE  
12 THE METHOD USED UNDER THE AID TO FAMILIES WITH DEPENDENT  
13 CHILDREN PROGRAM PURSUANT TO RULES THAT WERE IN EFFECT ON JULY  
14 16, 1996. THE INCOME- AND RESOURCE-COUNTING METHOD SHALL BE:

15 (I) NO MORE RESTRICTIVE THAN THE METHOD USED UNDER THE  
16 AID TO FAMILIES WITH DEPENDENT CHILDREN PURSUANT TO THE RULES  
17 THAT WERE IN EFFECT ON JULY 16, 1996; AND

18 (II) NO LESS RESTRICTIVE THAN THE METHOD USED TO DETERMINE

1 ELIGIBILITY FOR OTHER COVERED GROUPS UNDER SUBSECTION (1) OF THIS  
2 SECTION AND SECTIONS 25.5-5-201, 25.5-5-204, 25.5-5-204.5, AND  
3 25.5-5-205.

4 **SECTION 2.** 25.5-5-201 (5), Colorado Revised Statutes, is  
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **25.5-5-201. Optional provisions - optional groups - repeal.**  
7 (5) (c) SUBJECT TO THE RECEIPT OF ANY NECESSARY FEDERAL APPROVAL  
8 AND PURSUANT TO 42 U.S.C. SEC. 1396a (r) (2) AND 42 U.S.C. SEC.  
9 1396u-1 (b) (2) (C), FOR THE GROUPS DESCRIBED IN PARAGRAPHS (d) AND  
10 (e) OF SUBSECTION (1) OF THIS SECTION, THE STATE BOARD SHALL  
11 DEVELOP AN INCOME- AND RESOURCE-COUNTING METHOD TO REPLACE  
12 THE METHOD USED UNDER THE AID TO FAMILIES WITH DEPENDENT  
13 CHILDREN PROGRAM PURSUANT TO RULES THAT WERE IN EFFECT ON JULY  
14 16, 1996. THE INCOME- AND RESOURCE-COUNTING METHOD SHALL BE:

15 (I) NO MORE RESTRICTIVE THAN THE METHOD USED UNDER THE  
16 AID TO FAMILIES WITH DEPENDENT CHILDREN PURSUANT TO THE RULES  
17 THAT WERE IN EFFECT ON JULY 16, 1996; AND

18 (II) NO LESS RESTRICTIVE THAN THE METHOD USED TO DETERMINE  
19 ELIGIBILITY FOR OTHER COVERED GROUPS UNDER SUBSECTION (1) OF THIS  
20 SECTION AND SECTIONS 25.5-5-101, 25.5-5-204, 25.5-5-204.5, AND  
21 25.5-5-205.

22 **SECTION 3.** 25.5-5-202 (1) (r), Colorado Revised Statutes, is  
23 amended to read:

24 **25.5-5-202. Basic services for the categorically needy - optional**  
25 **services - repeal.** (1) Subject to the provisions of subsection (2) of this  
26 section, the following are services for which federal financial  
27 participation is available and which Colorado has selected to provide as  
28 optional services under the medical assistance program:

29 (r) For any pregnant woman who is enrolled OR ELIGIBLE for  
30 services pursuant to section 25.5-5-101 (1) (c) OR 25.5-5-205, ~~or who~~  
31 ~~would be eligible for aid to families with dependent children pursuant to~~  
32 ~~rules in effect on July 16, 1996,~~ alcohol and drug and addiction  
33 counseling and treatment, including outpatient and residential care but not  
34 including room and board while receiving residential care;

1           **SECTION 4.** 25.5-5-205 (3) (a) and (3) (c) (I), Colorado Revised  
2 Statutes, are amended to read:

3           **25.5-5-205. Baby and kid care program - creation - eligibility.**  
4 (3) (a) On and after April 1, 1990, children under the age of six years and  
5 pregnant women shall be eligible for benefits under the baby and kid care  
6 program; except that, for the purpose of eligibility under this subsection  
7 (3) only:

8           (I) Such individual's family income shall exceed the eligibility  
9 threshold used in determining eligibility for aid to families with  
10 dependent children assistance pursuant to rules in effect on July 16, 1996,  
11 AND THE METHOD ADOPTED BY THE STATE BOARD PURSUANT TO SECTIONS  
12 25.5-5-101 (4) (c) AND 25.5-5-201 (5) (c), but shall not exceed the  
13 equivalent of the percentage level of the federal poverty line that is  
14 specified pursuant to paragraph (b) of this subsection (3);

15           ~~(II) (A) Except as otherwise provided in sub-subparagraph (B) of~~  
16 ~~this subparagraph (H), children under six years of age shall meet the~~  
17 ~~income standard used to determine eligibility for aid to families with~~  
18 ~~dependent children assistance except as provided in this subsection (3).~~

19           ~~(B) Pregnant women shall meet the income standard used to~~  
20 ~~determine eligibility for aid to families with dependent children~~  
21 ~~assistance, except as provided in this subsection (3). No resource~~  
22 ~~standard shall be applied to pregnant women as a condition of eligibility.~~  
23 ~~Once initial eligibility has been established for a pregnant woman under~~  
24 ~~this subsection (3), she shall be considered to be continuously eligible~~  
25 ~~throughout the pregnancy and for the sixty days following the pregnancy,~~  
26 ~~even if the woman's eligibility would otherwise terminate during such~~  
27 ~~period due to an increase in income. A child born to a woman eligible for~~  
28 ~~assistance pursuant to this subsection (3) shall be eligible for medical~~  
29 ~~assistance until the child attains one year of age so long as the infant~~  
30 ~~remains in the eligible woman's household and the woman would be~~  
31 ~~eligible for assistance if she were pregnant.~~

32           (c) (I) On and after July 1, 1991, children born after September  
33 30, 1983, who have attained age six but have not attained age nineteen  
34 shall be eligible for benefits under the baby and kid care program; except  
35 that, for the purpose of eligibility under this paragraph (c) only, such  
36 individual's family income shall exceed the eligibility threshold used in

1 determining eligibility for aid to families with dependent children  
2 assistance pursuant to rules in effect on July 16, 1996, AND THE METHOD  
3 ADOPTED BY THE STATE BOARD PURSUANT TO SECTIONS 25.5-5-101 (4) (c)  
4 AND 25.5-5-201 (5) (c), but shall not exceed the equivalent of the  
5 percentage level of the federal poverty line that is specified pursuant to  
6 subparagraph (II) of this paragraph (c).

7           **SECTION 5.** 25.5-5-301 (4), Colorado Revised Statutes, is  
8 amended to read:

9           **25.5-5-301. Clinic services.** (4) "Clinic services" also means  
10 preventive, diagnostic, therapeutic, rehabilitative, or palliative items or  
11 services that are furnished to a pregnant woman who is enrolled OR  
12 ELIGIBLE for services pursuant to section 25.5-5-101 (1) (c) OR 25.5-5-205  
13 ~~or who is eligible for aid to families with dependent children pursuant to~~  
14 ~~rules in effect on July 16, 1996,~~ in a facility ~~which~~ THAT is not a part of  
15 a hospital but is organized and operated as a freestanding alcohol or drug  
16 treatment program approved and licensed by the division of alcohol and  
17 drug abuse of the department of human services pursuant to section  
18 25-1-207 (1) (c), C.R.S.

19           **SECTION 6.** 25.5-5-309 (1), Colorado Revised Statutes, is  
20 amended to read:

21           **25.5-5-309. Pregnant women - needs assessment - referral to**  
22 **treatment program.** (1) The health care practitioner for each pregnant  
23 woman who is enrolled OR ELIGIBLE for services pursuant to section  
24 25.5-5-101 (1) (c) OR 25.5-5-205 ~~or who would be eligible for aid to~~  
25 ~~families with dependent children pursuant to rules in effect on July 16,~~  
26 ~~1996,~~ shall be encouraged to identify as soon as possible after such  
27 woman is determined to be pregnant whether such woman is at risk of a  
28 poor birth outcome due to substance abuse during the prenatal period and  
29 in need of special assistance in order to reduce such risk. If the health  
30 care practitioner makes such a determination regarding any pregnant  
31 woman, the health care practitioner shall be encouraged to refer such  
32 woman to any entity approved and licensed by the department of human  
33 services for the performance of a needs assessment. Any pregnant  
34 woman who is eligible for services pursuant to section 25.5-5-205 ~~or who~~  
35 ~~would be eligible for aid to families with dependent children pursuant to~~  
36 ~~rules in effect on July 16, 1996,~~ may refer herself for such needs  
37 assessment."

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