

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0389.01 Jane Ritter

HOUSE BILL 10-1103

HOUSE SPONSORSHIP

Todd,

SENATE SPONSORSHIP

Steadman,

House Committees

Health and Human Services
Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE RELIEF FUND FOR CHILDREN**
102 **WITH A CATASTROPHIC MEDICAL CONDITION, AND MAKING AN**
103 **APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Interim Committee on the Developmental Disability Waiting List. The bill creates the relief fund for children with a catastrophic medical condition (fund) and the commission for the relief fund for children with a catastrophic medical condition (commission).

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
3rd Reading Unamended
April 26, 2010

HOUSE
Amended 2nd Reading
April 23, 2010

The bill defines a catastrophic medical condition as an illness, a condition, or chronic care needs where the medical expenses are not covered by any other state or federal program or any insurance contract and exceed 10% of the first \$100,000 of annual income of a family plus 15% of the excess income over \$100,000.

The bill outlines basic eligibility for receiving financial assistance from the fund and lists medical and related expenses toward which the financial assistance may be applied. State agencies are authorized to seek public and private moneys for deposit into the fund.

Membership for the commission is described, as well as the powers and duties of the commission. The commission is authorized to negotiate or settle a claim that the fund maintains for reimbursement against a family who has received assistance for the medical and related expenses of a child with a catastrophic medical condition and has recovered damages in a legal action for the child's medical and related expenses.

For the purposes of providing the moneys necessary to establish the fund and meet the purposes of the bill, health coverage carriers shall charge a one-dollar annual surcharge on the premium for each covered resident, which shall then be transmitted to the state treasurer for deposit into the fund.

Finally, the bill requires the commission to submit an annual report to the health and human services committees of the house of representatives and the senate on the activities of the commission and fund.

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

2 **SECTION 1.** Part 1 of article 1 of title 25.5, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **25.5-1-126. Relief fund for children with a catastrophic**
6 **medical condition - creation - eligibility - expenses covered - advisory**
7 **board created - funding - rules - reporting.** (1) AS USED IN THIS
8 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 (a) "ADVISORY BOARD" MEANS THE ADVISORY BOARD FOR THE
10 RELIEF FUND FOR CHILDREN WITH A CATASTROPHIC MEDICAL CONDITION
11 CREATED IN SUBSECTION (4) OF THIS SECTION.

1 **(b)** "CATASTROPHIC MEDICAL CONDITION" MEANS AN ILLNESS, A
2 CONDITION, OR CHRONIC CARE NEEDS THAT RESULT IN MEDICAL OR OTHER
3 EXPENSES THAT ARE:

4 **(I)** NOT REIMBURSED BY ANY OTHER STATE OR FEDERAL PROGRAM
5 OR ANY INSURANCE COVERAGE; AND

6 **(II)** EXCEED TEN PERCENT OF A FAMILY'S GROSS ANNUAL FEDERAL
7 TAXABLE INCOME, AS DEFINED UNDER THE FEDERAL "INTERNAL REVENUE
8 CODE OF 1986", AS AMENDED, FOR FAMILIES EARNING LESS THAN ONE
9 HUNDRED THOUSAND DOLLARS OR FIFTEEN PERCENT OF A FAMILY'S GROSS
10 ANNUAL FEDERAL TAXABLE INCOME, AS DEFINED UNDER THE FEDERAL
11 "INTERNAL REVENUE CODE OF 1986", AS AMENDED, FOR FAMILIES
12 EARNING MORE THAN ONE HUNDRED THOUSAND DOLLARS.

13 **(c)** "CHILD" MEANS A PERSON TWENTY-ONE YEARS OF AGE OR
14 YOUNGER WHO HAS A CATASTROPHIC MEDICAL CONDITION.

15 **(d)** "CHILD'S FAMILY" MEANS A CHILD AND THE CHILD'S PARENTS
16 OR LEGAL GUARDIANS WHO ARE LEGALLY RESPONSIBLE FOR THE CHILD'S
17 MEDICAL EXPENSES.

18 **(e)** "COVERED LIFE" MEANS ANY RECIPIENT OF HEALTH OR DENTAL
19 COVERAGE IN THIS STATE.

20 **(f)** "FUND" MEANS THE RELIEF FUND FOR CHILDREN WITH A
21 CATASTROPHIC MEDICAL CONDITION CREATED IN SUBSECTION (2) OF THIS
22 SECTION.

23 **(g)** "INCOME" MEANS ALL INCOME, FROM WHATEVER SOURCE
24 DERIVED, ACTUALLY RECEIVED BY A CHILD'S FAMILY.

25 **(h)** "RESIDENT" MEANS A PERSON LEGALLY DOMICILED WITHIN THE
26 STATE FOR A PERIOD OF ONE YEAR IMMEDIATELY PRECEDING THE DATE OF
27 APPLICATION TO THE FUND. MERE SEASONAL OR TEMPORARY RESIDENCE

1 WITHIN THE STATE, OF WHATEVER DURATION, DOES NOT CONSTITUTE
2 DOMICILE. THE BURDEN OF ESTABLISHING LEGAL DOMICILE WITHIN THE
3 STATE IS UPON THE PARENTS OR LEGAL GUARDIANS OF THE CHILD.

4 (2) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
5 RELIEF FUND FOR CHILDREN WITH A CATASTROPHIC MEDICAL CONDITION.
6 THE FUND SHALL CONSIST OF ANY GIFTS, GRANTS, AND DONATIONS
7 RECEIVED, ANY APPROPRIATION BY THE GENERAL ASSEMBLY, THE
8 MONEYS COLLECTED PURSUANT TO SUBSECTION (6) OF THIS SECTION, AND
9 ANY OTHER MONEYS DEPOSITED IN THE FUND. ANY STATE AGENCY OR
10 DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR
11 DONATIONS FROM PUBLIC OR PRIVATE SOURCES FOR THE PURPOSES OF THIS
12 SECTION; EXCEPT THAT A GIFT, GRANT, OR DONATION SHALL NOT BE
13 ACCEPTED IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH
14 THIS SECTION OR ANY OTHER LAW OF THE STATE. ALL PRIVATE AND
15 PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS OR
16 APPROPRIATED BY THE GENERAL ASSEMBLY SHALL BE TRANSMITTED TO
17 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. ALL
18 MONEYS COLLECTED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED
19 TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.
20 THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY
21 THE GENERAL ASSEMBLY FOR FINANCIAL ASSISTANCE AS DESCRIBED IN
22 SUBSECTION (3) OF THIS SECTION AND FOR THE DIRECT AND INDIRECT
23 COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION.

24 (b) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
25 INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE
26 FUND.

27 (c) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING

1 IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND
2 AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
3 ANOTHER FUND; EXCEPT THAT MONEYS FROM THE FUND MAY BE
4 TRANSFERRED TO THE GENERAL FUND TO OFFSET ANY EMPLOYEE-RELATED
5 IMPACT TO THE GENERAL FUND THAT IS A RESULT OF THE
6 IMPLEMENTATION OR ADMINISTRATION OF THIS SECTION.

7
8 (3) (a) A CHILD WITH A CATASTROPHIC MEDICAL CONDITION WHO
9 IS A RESIDENT SHALL BE ELIGIBLE TO APPLY, THROUGH HIS OR HER PARENT
10 OR LEGAL GUARDIAN, TO THE FUND.

11 (b) WHENEVER A CHILD WITH A CATASTROPHIC MEDICAL
12 CONDITION IS ELIGIBLE FOR THE PROGRAM, THE CHILD, THROUGH HIS OR
13 HER PARENT OR LEGAL GUARDIAN, MAY RECEIVE FINANCIAL ASSISTANCE
14 FROM MONEYS IN THE FUND, SUBJECT TO POLICIES AND PROCEDURES
15 ESTABLISHED BY THE MEDICAL SERVICES BOARD PURSUANT TO
16 SUBSECTION (4) OF THIS SECTION AND THE AVAILABILITY OF MONEYS IN
17 THE FUND.

18 (c) THE FINANCIAL ASSISTANCE SHALL INCLUDE, BUT IS NOT
19 LIMITED TO, PAYMENTS OR REIMBURSEMENTS FOR THE COSTS OF MEDICAL
20 TREATMENT, HOSPITAL CARE, PRESCRIPTION DRUGS, NURSING CARE,
21 RESPITE CARE BUT NOT INCLUDING EMERGENCY RESPITE CARE, PHYSICIAN
22 SERVICES, RESPITE AND MEDICALLY NECESSARY SUPPLIES, FORMULA AND
23 DIAPERS, DURABLE MEDICAL EQUIPMENT, HOME MODIFICATIONS AND
24 ADAPTATIONS TO TRANSPORTATION RELATED TO THE CATASTROPHIC
25 MEDICAL CONDITION, AND OTHER IDENTIFIABLE FINANCIAL NEEDS
26 RELATED TO THE HEALTH AND WELLNESS OF A CHILD WITH A
27 CATASTROPHIC MEDICAL CONDITION.

1 (d) THE MEDICAL SERVICES BOARD SHALL NOT AWARD ANY
2 FINANCIAL ASSISTANCE PURSUANT TO THIS SUBSECTION (3) UNTIL THE
3 BALANCE IN THE FUND EQUALS AT LEAST TWO MILLION DOLLARS.

4 (4) (a) THERE IS HEREBY CREATED IN THE STATE DEPARTMENT THE
5 ADVISORY BOARD FOR THE RELIEF FUND FOR CHILDREN WITH A
6 CATASTROPHIC MEDICAL CONDITION. THE ADVISORY BOARD SHALL
7 CONSIST OF THE FOLLOWING ELEVEN MEMBERS:

8 (I) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT, OR HIS
9 OR HER DESIGNEE;

10 (II) THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND
11 ENVIRONMENT, OR HIS OR HER DESIGNEE;

12 (III) THE COMMISSIONER OF INSURANCE, OR HIS OR HER DESIGNEE;

13 (IV) THE FOLLOWING EIGHT MEMBERS APPOINTED BY THE
14 GOVERNOR ON OR BEFORE SEPTEMBER 1, 2010:

15 (A) TWO HEALTH CARE PROVIDERS WHO SPECIALIZE IN CARE FOR
16 CHILDREN;

17 (B) TWO PERSONS WHO ARE MEMBERS OF ADVOCACY GROUPS FOR
18 PERSONS WITH CATASTROPHIC MEDICAL CONDITIONS; ■

19 (C) TWO CAREGIVERS OF CHILDREN WHO HAVE A CATASTROPHIC
20 MEDICAL CONDITION.

21 (D) A REPRESENTATIVE FROM THE INSURANCE INDUSTRY; AND

22 (E) A REPRESENTATIVE FROM THE BUSINESS COMMUNITY.

23 (b) MEMBERS OF THE ADVISORY BOARD SHALL SERVE FOR
24 THREE-YEAR TERMS; EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED BY
25 THE GOVERNOR, TWO MEMBERS SHALL BE APPOINTED FOR ONE-YEAR
26 TERMS; THREE MEMBERS SHALL BE APPOINTED FOR TWO-YEAR TERMS; AND
27 THREE MEMBERS SHALL BE APPOINTED FOR THREE-YEAR TERMS. THE

1 GOVERNOR SHALL DESIGNATE THE LENGTH OF TERMS FOR EACH OF THE
2 MEMBERS FIRST APPOINTED IN ACCORDANCE WITH THIS SUBSECTION (4).
3 VACANCIES SHALL BE FILLED BY APPOINTMENT FOR THE REMAINDER OF
4 THE UNEXPIRED TERM.

5 (c) THE ADVISORY BOARD SHALL HOLD ITS FIRST MEETING NO
6 LATER THAN OCTOBER 1, 2010, AT WHICH MEETING THE MEMBERS SHALL
7 ELECT A CHAIR AND CO-CHAIR. WHENEVER POSSIBLE, RURAL
8 PARTICIPATION SHALL BE ENCOURAGED THROUGH THE USE OF ELECTRONIC
9 MEDIA FOR MEETINGS.

10 (d) MEMBERS OF THE ADVISORY BOARD SHALL SERVE WITHOUT
11 COMPENSATION.

12 (e) THE ADVISORY BOARD SHALL MAKE RECOMMENDATIONS TO
13 THE MEDICAL SERVICES BOARD WITH REGARD TO THE ADOPTION OF RULES
14 BY THE MEDICAL SERVICES BOARD TO:

15 (I) ESTABLISH A PROGRAM TO ADMINISTER THE FUND AND
16 AUTHORIZE THE PAYMENT OR MEDICAL REIMBURSEMENT OF THE MEDICAL
17 AND RELATED EXPENSES OF CHILDREN WHO QUALIFY TO RECEIVE MONEYS
18 FROM THE FUND;

19 (II) ESTABLISH PROCEDURES FOR APPLYING TO THE FUND,
20 DETERMINING ELIGIBILITY FOR THE PAYMENT OR REIMBURSEMENT OF
21 MEDICAL AND RELATED EXPENSES FOR CHILDREN, AND PROCESSING CLAIM
22 DISPUTES;

23 (III) ESTABLISH A PROCESS TO SCREEN EACH APPLICANT FOR
24 OTHER SOURCES OF COVERAGE AND FOR POTENTIAL ELIGIBILITY FOR
25 GOVERNMENT PROGRAMS AND TO DOCUMENT THE RESULTS OF THE
26 SCREENING. IF THE ADVISORY BOARD DETERMINES THAT AN APPLICANT
27 IS POTENTIALLY ELIGIBLE FOR MEDICAID OR ANOTHER GOVERNMENT

1 PROGRAM, THE ADVISORY BOARD SHALL ASSIST THE APPLICANT IN
2 APPLYING FOR BENEFITS UNDER SUCH PROGRAM.

3
4 (IV) ESTABLISH A SLIDING-FEE SCALE FOR DETERMINING THE
5 AMOUNT OF REIMBURSEMENT FOR THE MEDICAL AND RELATED EXPENSES
6 OF EACH CHILD WITH A CATASTROPHIC MEDICAL CONDITION WHO IS
7 ELIGIBLE FOR FINANCIAL ASSISTANCE FROM THE FUND. THE MEDICAL
8 SERVICES BOARD SHALL BASE THE SLIDING-FEE SCALE ON THE ABILITY OF
9 THE CHILD'S FAMILY TO PAY FOR MEDICAL AND RELATED EXPENSES,
10 TAKING INTO ACCOUNT THE SIZE, INCOME AND ASSETS, AND MEDICAL AND
11 RELATED EXPENSES OF THE CHILD'S FAMILY.

12 (f) THE ADVISORY BOARD SHALL ALSO MAKE RECOMMENDATIONS
13 TO THE MEDICAL SERVICES BOARD REGARDING THE FOLLOWING:

14 (I) THE AMOUNT OF REIMBURSEMENT FOR THE MEDICAL AND
15 RELATED EXPENSES OF EACH CHILD WITH A CATASTROPHIC MEDICAL
16 CONDITION BASED ON THE SLIDING-FEE SCALE ESTABLISHED BY RULE BY
17 THE MEDICAL SERVICES BOARD PURSUANT TO SUBPARAGRAPH (IV) OF
18 PARAGRAPH (e) OF THIS SUBSECTION (4);

19 (II) ADJUSTMENTS TO THE FINANCIAL ELIGIBILITY CRITERIA BASED
20 ON THE MONEYS AVAILABLE IN THE FUND;

21 (III) OTHER SOURCES OF INCOME TO CONTRIBUTE TO THE FUND
22 THROUGH GIFTS, GRANTS, AND DONATIONS;

23 (IV) METHODS TO DISSEMINATE INFORMATION ON THE FUND TO
24 THE PUBLIC; AND

25 (V) ANY OTHER MATTERS DEEMED APPROPRIATE BY THE
26 ADVISORY BOARD OR REQUESTED BY THE MEDICAL SERVICES BOARD IN
27 CONNECTION WITH THE PROGRAM ESTABLISHED PURSUANT TO THIS

1 SECTION.

2 (g) THE ADVISORY BOARD SHALL MAINTAIN CONFIDENTIAL
3 RECORDS ON EACH CHILD WHO APPLIES FOR ASSISTANCE FROM THE FUND.

4 (h) THE ADVISORY BOARD SHALL PREPARE AND SUBMIT A REPORT
5 TO THE MEDICAL SERVICES BOARD, DETAILING THE INFORMATION
6 DESCRIBED IN SUBSECTION (7) OF THIS SECTION. UPON RECEIPT AND
7 REVIEW, THE MEDICAL SERVICES BOARD SHALL SUBMIT THE REPORT TO
8 THE GENERAL ASSEMBLY IN ACCORDANCE WITH SUBSECTION (7) OF THIS
9 SECTION.

10 (5) THE MEDICAL SERVICES BOARD SHALL ADOPT RULES AS
11 DESCRIBED IN PARAGRAPH (e) OF SUBSECTION (4) OF THIS SECTION. IN
12 ADOPTING SUCH RULES, THE MEDICAL SERVICES BOARD SHALL TAKE INTO
13 CONSIDERATION THE RECOMMENDATIONS OF THE ADVISORY BOARD.

14 (6) (a) FOR THE PURPOSES OF PROVIDING THE MONEYS NECESSARY
15 TO ESTABLISH THE FUND AND MEET THE PURPOSES OF THIS SECTION, THE
16 DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES
17 SHALL CHARGE ALL CARRIERS, AS DEFINED IN SECTIONS 10-16-102 (8) AND
18 24-50-603 (2), C.R.S., AND ALL INSURERS, AS DEFINED IN SECTION
19 10-8-503 (10.5), C.R.S., AN ANNUAL ASSESSMENT OF ONE DOLLAR ON
20 HEALTH AND DENTAL COVERAGE FOR EACH COVERED LIFE IN THE STATE,
21 EXCEPT FOR THOSE PERSONS WHO HAVE COVERAGE THROUGH THE
22 CHILDREN'S BASIC HEALTH PLAN. THE DIVISION OF INSURANCE SHALL
23 TRANSMIT ALL ASSESSMENTS COLLECTED FROM CARRIERS AND INSURERS
24 TO THE STATE TREASURER, ___ WHO SHALL DEPOSIT THE MONEYS IN THE
25 FUND.

26 (b) CARRIERS AND INSURERS SHALL PAY THE ASSESSMENT TO THE
27 DIVISION OF INSURANCE IN ACCORDANCE WITH RULES PROMULGATED BY

1 THE COMMISSIONER OF INSURANCE PURSUANT TO PARAGRAPH (c) OF THIS
2 SUBSECTION (6). IF A CARRIER OR INSURER FAILS TO PAY THE ASSESSMENT
3 WITHIN THE PERIODS ESTABLISHED BY RULE, THE COMMISSIONER MAY USE
4 ALL LAWS OF THIS STATE TO ENFORCE PAYMENT OF THE ASSESSMENTS.

5 (c) THE COMMISSIONER OF INSURANCE SHALL PROMULGATE RULES
6 TO IMPLEMENT THIS SUBSECTION (6), INCLUDING, BUT NOT LIMITED TO:

7 (I) THE REASONABLE TIME PERIODS FOR THE BILLING AND
8 COLLECTION OF THE ASSESSMENTS;

9 (II) THE PROCESS FOR DETERMINING THE TOTAL AMOUNT OF THE
10 ASSESSMENT OWED BY EACH CARRIER AND INSURER SUBJECT TO THIS
11 SUBSECTION (6), INCLUDING THE PROCESS FOR OBTAINING ACCURATE
12 INFORMATION ABOUT THE NUMBER OF COVERED LIVES INSURED BY ANY
13 CARRIER OR INSURER WITHIN THE SIX MONTHS PRIOR TO AN ASSESSMENT;
14 AND

15 (III) ANY PROCEDURES FOR THE APPROVAL OF DEFERRAL OR
16 ABATEMENT OF ASSESSMENTS, IN WHOLE OR IN PART, INCLUDING, BUT NOT
17 LIMITED TO, THE CREATION OF A CREDIT AGAINST THE AMOUNT OF AN
18 ASSESSMENT OWED BY A CARRIER OR INSURER FOR SUCH CARRIER OR
19 INSURER WHO ISSUES BENEFIT PLANS TO PERSONS WHO ARE ELIGIBLE FOR
20 THE PROGRAM.

21 (7) ON OR BEFORE JANUARY 1, 2012, AND EACH JANUARY 1
22 THEREAFTER, THE ADVISORY BOARD SHALL PREPARE AND SUBMIT A
23 REPORT TO THE MEDICAL SERVICES BOARD, _____ SUMMARIZING THE
24 ACTIVITIES OF THE COMMISSION AND THE FUND, INCLUDING BUT NOT
25 LIMITED TO THE NUMBER OF FAMILIES SERVED, THE AMOUNT OF MONEY
26 DISTRIBUTED FROM THE FUND, AND THE AMOUNT OF MONEY IN THE FUND
27 AT THE TIME OF THE REPORT. THE MEDICAL SERVICES BOARD SHALL

1 SUBMIT THE REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEES
2 OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
3 COMMITTEES, BY EACH JANUARY 31 FOLLOWING RECEIPT OF THE REPORT
4 FROM THE ADVISORY BOARD.

5 **SECTION 2.** 10-16-110, Colorado Revised Statutes, is amended
6 BY THE ADDITION OF A NEW SUBSECTION to read:

7 **10-16-110. Fees paid by health coverage entities.** (1.5) THE
8 DIVISION SHALL CHARGE EACH CARRIER, SUBJECT TO THE PROVISIONS OF
9 PART 1, 2, 3, 4, OR 5 OF THIS ARTICLE, AN ASSESSMENT OF ONE DOLLAR
10 ON HEALTH AND DENTAL COVERAGE FOR EACH COVERED LIFE IN THE
11 STATE, EXCEPT FOR THOSE PERSONS WHO HAVE COVERAGE THROUGH THE
12 CHILDREN'S BASIC HEALTH PLAN. THE DIVISION SHALL TRANSMIT THE
13 MONEYS COLLECTED TO THE STATE TREASURER WHO SHALL DEPOSIT THE
14 MONEYS IN THE RELIEF FUND FOR CHILDREN WITH A CATASTROPHIC
15 MEDICAL CONDITION CREATED IN SECTION 25.5-1-126 (2), C.R.S.

16 **SECTION 3.** 25.5-1-303 (1) (e), Colorado Revised Statutes, is
17 amended, and the said 25.5-1-303 (1) is further amended BY THE
18 ADDITION OF A NEW PARAGRAPH to read:

19 **25.5-1-303. Powers and duties of the board - scope of authority**
20 **- rules.** (1) The board shall have the authority set forth in subsection (3)
21 of this section over the following programs administered by the state
22 department:

23 (e) The old age pension health and medical care program and the
24 supplemental old age pension health and medical care program, as
25 specified in section 25.5-2-101; AND

26 (f) THE RELIEF FUND FOR CHILDREN WITH A CATASTROPHIC
27 MEDICAL CONDITION, CREATED IN SECTION 25.5-1-126.

1 **SECTION 4. Appropriation.** (1) For the implementation of this
2 act, appropriations made in the annual general appropriation act for the
3 fiscal year beginning July 1, 2010, to the department of health care policy
4 and financing shall be adjusted as follows:

5 (a) The cash fund appropriation to the executive director's division
6 for general administration is increased by seventy-eight thousand nine
7 hundred sixty-four dollars (\$78,964) and 1.5 FTE. Said sum shall be
8 from the relief fund for children with a catastrophic medical condition
9 created in section 25.5-1-126 (2) (a), Colorado Revised Statutes.

10 (b) The cash appropriation to the other medical services for
11 financial assistance for families is increased by two million seven
12 hundred sixty-one thousand seven hundred fifty-three dollars
13 (\$2,761,753). Said sum shall be from the relief fund for children with a
14 catastrophic medical condition created in section 25.5-1-126 (2) (a),
15 Colorado Revised Statutes.

16 **SECTION 5. Act subject to petition - effective date -**
17 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
18 following the expiration of the ninety-day period after final adjournment
19 of the general assembly (August 11, 2010, if adjournment sine die is on
20 May 12, 2010); except that, if a referendum petition is filed pursuant to
21 section 1 (3) of article V of the state constitution against this act or an
22 item, section, or part of this act within such period, then the act, item,
23 section, or part shall not take effect unless approved by the people at the
24 general election to be held in November 2010 and shall take effect on the
25 date of the official declaration of the vote thereon by the governor.

26 (2) The provisions of this act shall apply to insurance policies in
27 place on or after January 1, 2011.