

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0038.01 Brita Darling x2241

SENATE BILL 13-200

SENATE SPONSORSHIP

Aguilar, Kefalas

HOUSE SPONSORSHIP

Ferrandino,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING AN INCREASE IN THE INCOME ELIGIBILITY FOR CERTAIN**
102 **OPTIONAL GROUPS IN THE MEDICAID PROGRAM TO ONE**
103 **HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY**
104 **LINE.**

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>.)

Under current law, moneys in the hospital provider fee cash fund may be used to increase, up to 100% of the federal poverty line (FPL), the

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.

medicaid eligibility income level for parents of children who are eligible for medicaid and for childless adults or adults without a dependent child in the home. The bill allows moneys in the hospital provider fee cash fund to be used to increase the income eligibility for parents and caretaker relatives of medicaid children from 61% to 133% of FPL and to increase the income eligibility for childless adults or adults without a dependent child to up to 133% of FPL.

In addition, to implement the federal Affordable Care Act, the bill amends the optional eligibility groups in Colorado's medicaid program to increase the income eligibility levels for parents and caretaker relatives of medicaid children from 100% to 133% of FPL and for childless adults or adults without dependent children as described in federal law to 133% of FPL.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-4-402.3, **amend**
3 (4) (b) (IV) (A) and (4) (b) (IV) (C) as follows:

4 **25.5-4-402.3. Providers - hospital - provider fees - legislative**
5 **declaration - federal waiver - fund created - rules - advisory board -**
6 **repeal.** (4) (b) All moneys in the fund shall be subject to federal
7 matching as authorized under federal law and subject to annual
8 appropriation by the general assembly for the following purposes:

9 (IV) Subject to available revenue from the provider fee and
10 federal matching funds, to expand eligibility for public medical assistance
11 by:

12 (A) Increasing the eligibility level for parents AND CARETAKER
13 RELATIVES of children who are eligible for medical assistance ~~or the~~
14 ~~children's basic health plan~~ PURSUANT TO SECTION 25.5-5-201 (1) (m),
15 FROM SIXTY-ONE PERCENT to ~~up to~~ one hundred THIRTY-THREE percent of
16 the federal poverty line;

17 (C) Providing eligibility under the state medical assistance
18 program for a childless adult or an adult without a dependent child in the

1 home PURSUANT TO SECTION 25.5-5-201 (1) (p), who earns up to one
2 hundred THIRTY-THREE percent of the federal poverty line;

3 **SECTION 2.** In Colorado Revised Statutes, 25.5-5-201, **amend**
4 (1) (m), and (1) (p) as follows:

5 **25.5-5-201. Optional provisions - optional groups - repeal.**

6 (1) The federal government allows the state to select optional groups to
7 receive medical assistance. Pursuant to federal law, any person who is
8 eligible for medical assistance under the optional groups specified in this
9 section shall receive both the mandatory services specified in sections
10 25.5-5-102 and 25.5-5-103 and the optional services specified in sections
11 25.5-5-202 and 25.5-5-203. Subject to the availability of federal financial
12 aid funds, the following are the individuals or groups that Colorado has
13 selected as optional groups to receive medical assistance pursuant to this
14 article and articles 4 and 6 of this title:

15 (m) ~~(F)(A)~~ Parents AND CARETAKER RELATIVES of children who
16 are eligible for the medical assistance program ~~or the children's basic~~
17 ~~health plan, article 8 of this title,~~ whose family income does not exceed
18 ~~a specified~~ ONE HUNDRED THIRTY-THREE percent of the federal poverty
19 line, adjusted for family size. ~~as set by the state board by rule, which~~
20 ~~percentage shall be not less than one hundred percent.~~

21 ~~(B) Notwithstanding the provisions of sub-subparagraph (A) of~~
22 ~~this subparagraph (F), if the moneys in the hospital provider fee cash fund~~
23 ~~established pursuant to section 25.5-4-402.3 (4), together with the~~
24 ~~corresponding federal matching funds, are insufficient to fully fund all of~~
25 ~~the purposes described in section 25.5-4-402.3 (4) (b), after receiving~~
26 ~~recommendations from the hospital provider fee oversight and advisory~~
27 ~~board established pursuant to section 25.5-4-402.3 (6), for parents of~~

1 children eligible for the medical assistance program or the children's basic
2 health plan, the state board by rule adopted pursuant to the provisions of
3 section ~~25.5-4-402.3~~ (5) (b) (III) may reduce the medical benefits offered
4 to such parent whose family income exceeds sixty percent of the federal
5 poverty line or reduce the percentage of the federal poverty line to below
6 one hundred percent, but the percentage shall not be reduced to below
7 sixty percent.

8 (C) ~~Notwithstanding the provisions of sub-subparagraph (A) of~~
9 ~~this subparagraph (I), until the state department receives federal~~
10 ~~authorization to increase the percentage of the federal poverty line for~~
11 ~~parents of children eligible for the medical assistance program or the~~
12 ~~children's basic health plan, the percentage of the federal poverty line~~
13 ~~shall be not less than sixty percent. Within sixty days after the state~~
14 ~~department receives authorization to increase the percentage of the~~
15 ~~federal poverty line, the executive director shall send written notice to the~~
16 ~~revisor of statutes informing him or her of the authorization. This~~
17 ~~sub-subparagraph (C) is repealed, effective the July 1 following the~~
18 ~~receipt of the notice to the revisor of statutes.~~

19 (H) ~~Repealed.~~

20 (p) (F) Subject to federal approval, ~~persons over eighteen years of~~
21 ~~age~~ ADULTS who are childless or without a dependent child in the home,
22 AS DESCRIBED IN SECTION 1902 (a) (10) (A) (i) (VIII) OF THE SOCIAL
23 SECURITY ACT, 42 U.S.C. SEC 1396a, WHO HAVE ATTAINED NINETEEN
24 YEARS OF AGE BUT HAVE NOT ATTAINED SIXTY-FIVE YEARS OF AGE, and
25 whose family income does not exceed a ~~specified percentage~~ ONE
26 HUNDRED THIRTY-THREE PERCENT of the federal poverty line, adjusted for
27 family size. ~~and as set by the state board by rule, which percentage shall~~

1 be not less than one hundred percent.

2 ~~(H) Notwithstanding the provisions of subparagraph (I) of this~~
3 ~~paragraph (p), if the moneys in the hospital provider fee cash fund~~
4 ~~established pursuant to section 25.5-4-402.3 (4), together with the~~
5 ~~corresponding federal matching funds, are insufficient to fully fund all of~~
6 ~~the purposes described in section 25.5-4-402.3 (4) (b), after receiving~~
7 ~~recommendations from the hospital provider fee oversight and advisory~~
8 ~~board established pursuant to section 25.5-4-402.3 (6), for childless~~
9 ~~persons or for persons without a dependent child in the home, the state~~
10 ~~board by rule adopted pursuant to the provisions of section 25.5-4-402.3~~
11 ~~(5) (b) (H) may reduce the medical benefits offered or the percentage of~~
12 ~~the federal poverty line to below one hundred percent or may eliminate~~
13 ~~this eligibility group.~~

14 ~~(H) Repealed.~~

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