

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 05-0651.01 Kristen Forrestal

HOUSE BILL 05-1245

HOUSE SPONSORSHIP

Solano, and Madden

SENATE SPONSORSHIP

Tochtrop,

House Committees

Health and Human Services
Appropriations

Senate Committees

Health and Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REPORTING REQUIREMENTS REGARDING PERSONS**
102 **RECEIVING PUBLIC HEALTH CARE BENEFITS, AND MAKING AN**
103 **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.)

Requires an applicant for health care benefits administered by the department of health care policy and financing (state department), including, but not limited to, benefits provided pursuant to the "Colorado Medical Assistance Act" and the children's basic health plan, and a person requesting uncompensated care in a hospital to identify the employer or employers of the proposed beneficiary of the health care benefits, or if the beneficiary is not employed, the adult responsible for

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
Amended 2nd Reading
May 2, 2005

HOUSE
3rd Reading Unamended
April 14, 2005

HOUSE
Amended 2nd Reading
April 8, 2005

providing the beneficiary's support. Requires the state department to report annually to the general assembly regarding employers with 25 or more employees who are public health program beneficiaries. Requires the state department to make the report available to any person who requests such report.

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

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

5 **25.5-1-203. Programs administered by the department -**
6 **uncompensated care - reporting requirements.** (1) AN APPLICANT FOR
7 HEALTH CARE BENEFITS UNDER PROGRAMS ADMINISTERED BY THE STATE
8 DEPARTMENT AND A PERSON REQUESTING UNCOMPENSATED CARE IN A
9 HOSPITAL SHALL IDENTIFY THE EMPLOYER OR EMPLOYERS OF THE
10 PROPOSED BENEFICIARY OF HEALTH CARE BENEFITS. IN THE EVENT THE
11 PROPOSED BENEFICIARY IS NOT EMPLOYED, THE APPLICANT SHALL
12 IDENTIFY THE EMPLOYER OR EMPLOYERS OF ANY ADULT WHO IS
13 RESPONSIBLE FOR PROVIDING ALL OR SOME OF THE PROPOSED
14 BENEFICIARY'S SUPPORT.

15 (2) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE STATE
16 DEPARTMENT SHALL TRANSMIT A REPORT TO THE GENERAL ASSEMBLY
17 IDENTIFYING ALL EMPLOYERS IDENTIFIED PURSUANT TO THE APPLICATION
18 REQUIREMENTS IN SUBSECTION (1) OF THIS SECTION WHO EMPLOY **FIFTY** OR
19 MORE PUBLIC HEALTH PROGRAM BENEFICIARIES. IN DETERMINING
20 WHETHER THE **FIFTY-EMPLOYEE** THRESHOLD IS MET, THE STATE
21 DEPARTMENT SHALL INCLUDE ALL PUBIC HEALTH PROGRAM BENEFICIARIES
22 EMPLOYED BY THE EMPLOYER AND ITS SUBSIDIARIES AT ALL LOCATIONS
23 WITHIN THE STATE. THE REPORT SHALL INCLUDE EACH EMPLOYER'S NAME,

1 LOCATION OR LOCATIONS, THE TOTAL NUMBER OF EMPLOYEES AND
2 DEPENDENTS WHO ARE ENROLLED IN EACH STATE DEPARTMENT
3 ADMINISTERED HEALTH CARE PROGRAM, AND THE TOTAL COST TO THE
4 STATE FOR PROVIDING HEALTH CARE BENEFITS FOR THE EMPLOYEES AND
5 ENROLLED DEPENDENTS OF EACH NAMED EMPLOYER. THE REPORT SHALL
6 NOT INCLUDE INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION AS
7 DEFINED BY 45 CFR SECTION 160.103 AND SHALL BE SUBJECT TO PRIVACY
8 STANDARDS PURSUANT TO THE FEDERAL "HEALTH INSURANCE
9 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 1320d
10 TO 1320d-8, AS AMENDED.

11 (3) ANY MEMBER OF THE PUBLIC HAS A RIGHT TO REQUEST A COPY
12 OF THE REPORT PROVIDED TO MEMBERS OF THE GENERAL ASSEMBLY
13 PURSUANT TO SUBSECTION (2) OF THIS SECTION, AND THE STATE
14 DEPARTMENT SHALL MAKE SUCH REPORT AVAILABLE TO THE PERSON
15 MAKING THE REQUEST.

16 (4) FOR THE PURPOSES OF THIS SECTION, "PROPOSED BENEFICIARY"
17 MEANS AN INDIVIDUAL WHO FILES AN APPLICATION FOR BENEFITS OR
18 HOSPITAL CARE FOR HIMSELF OR HERSELF, OR FOR ANOTHER INDIVIDUAL
19 ON WHOSE BEHALF AN APPLICATION IS FILED, INCLUDING BUT NOT LIMITED
20 TO CHILDREN OR OTHER DEPENDENTS OF THE APPLICANT OR OTHER
21 INDIVIDUAL FOR WHOM THE APPLICATION IS FILED.

22

23 **SECTION 2. Appropriation - adjustments in 2005 long bill. (1)**

24 For the implementation of this act, appropriations made in the annual
25 general appropriation act to the department of health care policy and
26 financing, department of human services medicaid-funded programs,
27 office of information technology services-medicaid funding, Colorado

1 benefits management system for the fiscal year beginning July 1, 2005,
2 shall be increased by sixty-three thousand one hundred sixty dollars
3 (\$63,160). Of said sum, thirty-one thousand five hundred eighty dollars
4 (\$31,580) shall be from the general fund and thirty-one thousand five
5 hundred eighty dollars (\$31,580) shall be from federal funds.

6 (2) For the implementation of this act, appropriations made in the
7 annual general appropriation act to the department of human services,
8 office of information technology services, Colorado benefits management
9 system for the fiscal year beginning July 1, 2005, shall be increased by
10 sixty-three thousand one hundred sixty dollars (\$63,160). Said sum shall
11 be a cash fund exempt transfer of medicaid funds appropriated to the
12 department of health care policy and financing.

13 (3) It is the intent of the general assembly that the general fund
14 appropriation in subsection (1) of this section shall be derived from
15 savings generated from the implementation of the provisions of House
16 Bill 05-1243, as enacted during the First Regular Session of the
17 Sixty-fifth General Assembly.

18 **SECTION 3. Effective date.** (1) Except as otherwise provided
19 in subsection (2) of this section, this act shall take effect upon passage.

20 (2) This act shall only take effect if:

21 (a) House Bill 05-1243 is enacted at the First Regular Session of
22 the Sixty-fifth General Assembly and becomes law; and

23 (b) The final fiscal estimate for House Bill 05-1243, as
24 determined from the appropriations enacted in said bill, shows a net
25 reduction in the amount of general fund revenues appropriated for the
26 state fiscal year 2005-06, that is equal to or greater than the amount of
27 the general fund appropriation made for the implementation of this act for

1 the state fiscal year 2005-06, as reflected in section 3 of this act; and
2 (c) The staff director of the joint budget committee files written
3 notice with the revisor of statutes no later than July 15, 2005, that the
4 requirement set forth in paragraph (b) of this subsection (2) has been met.