

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 01-0325.01 Kristen Forrestal

SENATE BILL 01-063

SENATE SPONSORSHIP

Hagedorn

HOUSE SPONSORSHIP

Stafford

Senate Committees

Health, Environment, Children & Families
Appropriations

House Committees

Health, Environment, Welfare, & Institutions
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE BREAST AND CERVICAL CANCER**
102 **PREVENTION AND TREATMENT PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

States that Colorado has opted to provide services to the breast and cervical cancer prevention and treatment program ("program") under the "Colorado Medical Assistance Act".

Declares that it is in the interest of the state to provide for the prevention and treatment of breast and cervical cancer.

Creates the program to provide medical assistance to eligible persons. States that to be eligible for medical assistance, a person must:

- Have been screened under the centers for disease control

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 18, 2001

SENATE
Amended 2nd Reading
April 17, 2001

and prevention's national breast and cervical cancer early detection program;

- Be in need of treatment;
- Not have reached 65 years of age; and
- Not have any creditable coverage as defined by the federal "Public Health Service Act".

States that medical assistance for breast and cervical cancer is available for the period that begins when the person is diagnosed and in need of treatment. The period ends on the date when a determination is made that the person is eligible for medical assistance, or if the person does not submit an application for medical assistance, the last day of the month following the month during which the person was found to be eligible for medical services, whichever date is earlier.

Requires the department of health care policy and financing ("department") to establish, operate, and monitor the program. Requires the department to amend the state medical assistance plan to include the breast and cervical cancer prevention and treatment program. Requires the department to submit the amendment to the federal health care financing administration regional office for approval.

Allows the department to accept and expend moneys from private and federal sources.

Grants rule-making authority to the medical services board.

Authorizes the department to apply for a waiver of statewide applicability to the appropriate federal authorities if sufficient funds are not available for the program.

Establishes a breast and cervical cancer prevention and treatment trust fund to receive moneys from private sources. Requires that interest income from the trust fund be appropriated for the purposes of the program. Creates a breast and cervical cancer prevention and treatment fund.

Makes an appropriation for the implementation of this act.

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

2 **SECTION 1.** 26-4-302 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **26-4-302. Basic services for the categorically needy - optional**
5 **services.** (1) The following are services for which federal financial
6 participation is available and which Colorado has selected to provide as
7 optional services under the medical assistance program:

1 (u) THE BREAST AND CERVICAL CANCER PREVENTION AND
2 TREATMENT PROGRAM PURSUANT TO SECTION 26-4-532.

3 **SECTION 2.** Part 5 of Article 4 of title 26, Colorado Revised
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

5 **26-4-532. Breast and cervical cancer prevention and treatment**
6 **program - declaration - creation - funds - repeal.** (1) THE GENERAL
7 ASSEMBLY HEREBY FINDS AND DECLARES THAT BREAST AND CERVICAL
8 CANCER ARE SIGNIFICANT HEALTH PROBLEMS FOR WOMEN IN THIS STATE.
9 THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THESE
10 CANCERS CAN AND SHOULD BE PREVENTED AND TREATED WHENEVER
11 POSSIBLE AND THAT ALL RESOURCES THAT ARE AVAILABLE TO THE STATE
12 FOR THIS PURPOSE SHOULD BE UTILIZED. IT IS THEREFORE THE INTENT OF
13 THE GENERAL ASSEMBLY TO ENACT THIS SECTION TO PROVIDE FOR THE
14 PREVENTION AND TREATMENT OF BREAST AND CERVICAL CANCER TO
15 WOMEN WHERE IT IS NOT OTHERWISE AVAILABLE FOR REASONS OF COST.

16 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
17 REQUIRES:

18 (a) "ELIGIBLE PERSON" MEANS A PERSON WHO:

19 (I) HAS BEEN SCREENED ON OR AFTER FEBRUARY 1, 2002, FOR
20 BREAST OR CERVICAL CANCER UNDER THE CENTERS FOR DISEASE CONTROL
21 AND PREVENTION'S, NATIONAL BREAST AND CERVICAL CANCER EARLY
22 DETECTION PROGRAM ESTABLISHED UNDER TITLE XV OF THE FEDERAL
23 "PUBLIC HEALTH SERVICE ACT", 42 U.S.C. SEC. 300k ET SEQ., IN
24 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1504 OF SUCH ACT, 42
25 U.S.C. SEC. 300n;

26 (II) HAS BEEN DIAGNOSED WITH BREAST OR CERVICAL CANCER AND
27 IS IN NEED OF BREAST OR CERVICAL CANCER TREATMENT;

1 (III) HAS NOT YET ATTAINED SIXTY-FIVE YEARS OF AGE;
2 (IV) DOES NOT HAVE ANY CREDITABLE COVERAGE AS DEFINED
3 UNDER FEDERAL LAW PURSUANT TO 42 U.S.C. SEC. 300gg (c); AND
4 (V) MEETS THE FINANCIAL ELIGIBILITY REQUIREMENTS
5 ESTABLISHED BY THE STATE BOARD.

6 (b) "QUALIFIED ENTITY" MEANS A PERSON DESIGNATED BY THE
7 STATE DEPARTMENT WHO HAS DIAGNOSED AN ELIGIBLE PERSON WITH THE
8 NEED FOR BREAST OR CERVICAL CANCER TREATMENT.

9 (3) THERE IS HEREBY CREATED A BREAST AND CERVICAL CANCER
10 PREVENTION AND TREATMENT PROGRAM TO PROVIDE MEDICAL BENEFITS TO
11 ELIGIBLE PERSONS UNDER THIS SECTION.

12 (4) BENEFITS FOR MEDICAL ASSISTANCE TO AN ELIGIBLE PERSON
13 SHALL BE LIMITED TO THE FOLLOWING PERIOD OF PRESUMPTIVE
14 ELIGIBILITY:

15 (a) SUCH PERIOD SHALL BEGIN WHEN A QUALIFIED ENTITY
16 DETERMINES THAT THE ELIGIBLE PERSON IS IN NEED OF TREATMENT FOR
17 BREAST OR CERVICAL CANCER.

18 (b) SUCH PERIOD SHALL END WITH THE EARLIER OF:

19 (I) THE DAY ON WHICH A DETERMINATION IS MADE THAT THE
20 PERSON IS ELIGIBLE FOR MEDICAL ASSISTANCE; OR

21 (II) IF THE ELIGIBLE PERSON DOES NOT FILE AN APPLICATION FOR
22 MEDICAL ASSISTANCE ON OR BEFORE THE LAST DAY OF THE MONTH
23 FOLLOWING THE MONTH DURING WHICH THE ELIGIBLE PERSON WAS FOUND
24 TO BE QUALIFIED FOR SERVICES UNDER THIS SECTION, THEN SUCH BENEFITS
25 SHALL END ON SUCH LAST DAY.

26 (5) THE STATE DEPARTMENT SHALL HAVE THE FOLLOWING POWERS
27 AND DUTIES:

1 (a) TO ESTABLISH, OPERATE, AND MONITOR THE BREAST AND
2 CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM TO PROVIDE
3 MEDICAL ASSISTANCE TO ELIGIBLE PERSONS IN ACCORDANCE WITH THE
4 PROVISIONS OF THE FEDERAL "BREAST AND CERVICAL CANCER
5 PREVENTION AND TREATMENT ACT OF 2000" ENACTED OCTOBER 24, 2000,
6 P.L. 106-354, AS AMENDED;

7 (b) TO AMEND THE STATE'S MEDICAL ASSISTANCE PLAN TO
8 INCORPORATE THE BREAST AND CERVICAL CANCER PREVENTION AND
9 TREATMENT PROGRAM. THE STATE DEPARTMENT SHALL SUBMIT SUCH
10 PROPOSED AMENDMENT TO THE FEDERAL HEALTH CARE FINANCING
11 ADMINISTRATION REGIONAL OFFICE FOR APPROVAL.

12 (c) TO ACCEPT AND EXPEND ANY GRANT OR AWARD OF MONEYS
13 FROM THE FEDERAL GOVERNMENT AND ANY MONEYS FROM NONPROFIT
14 HEALTH FOUNDATIONS ESTABLISHED PURSUANT TO A CONVERSION FROM
15 A NONPROFIT ENTITY TO A FOR-PROFIT ENTITY, AND ANY INTEREST AND
16 INCOME EARNED ON SUCH MONEYS, FOR THE PURPOSES SET FORTH IN THIS
17 SECTION.

18 (6) THE MEDICAL SERVICES BOARD SHALL ADOPT SUCH RULES AS
19 ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

20 (7) NO COSTS ASSOCIATED WITH THE BREAST AND CERVICAL
21 CANCER PREVENTION AND TREATMENT PROGRAM SHALL BE PAID FROM THE
22 GENERAL FUND. THE BREAST AND CERVICAL CANCER PREVENTION AND
23 TREATMENT PROGRAM SHALL NOT BE IMPLEMENTED UNTIL THE
24 DEPARTMENT CERTIFIES THAT SUFFICIENT FUNDS ARE AVAILABLE FROM
25 NONPROFIT HEALTH FOUNDATIONS. IF THE DEPARTMENT CERTIFIES THAT
26 SUFFICIENT FUNDS ARE AVAILABLE, THE DEPARTMENT MAY SEEK A
27 SUPPLEMENTAL APPROPRIATION FROM THE GENERAL ASSEMBLY FOR FISCAL

1 YEAR 2001-02 AND APPROPRIATIONS FOR FISCAL YEARS THEREAFTER.

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3 (8) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
4 BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND. THE
5 FUND SHALL CONSIST OF ANY _____
6 GRANT MONEYS RECEIVED FROM NONPROFIT HEALTH FOUNDATIONS
7 ESTABLISHED PURSUANT TO A CONVERSION FROM A NONPROFIT ENTITY TO
8 A FOR-PROFIT ENTITY, AND ANY MONEYS RECEIVED AS FEDERAL FINANCIAL
9 PARTICIPATION PROVIDED PURSUANT TO THE FEDERAL "BREAST AND
10 CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000" ENACTED
11 OCTOBER 24, 2000, P.L. 106-354, AS AMENDED. ALL MONEYS CREDITED
12 TO THE FUND AND ALL INTEREST AND INCOME EARNED ON THE MONEYS IN
13 THE FUND SHALL REMAIN IN THE FUND FOR THE PURPOSES SET FORTH IN
14 THIS SECTION. NO MONEYS CREDITED TO THE FUND SHALL BE
15 TRANSFERRED TO OR REVERT TO THE GENERAL FUND OF THE STATE AT THE
16 END OF ANY FISCAL YEAR.

17 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2006.

18 **SECTION 3. Effective date.** This act shall take effect at 12:01
19 a.m. on the day following the expiration of the ninety-day period after
20 final adjournment of the general assembly that is allowed for submitting
21 a referendum petition pursuant to article V, section 1 (3) of the state
22 constitution; except that, if a referendum petition is filed against this act
23 or an item, section, or part of this act within such period, then the act,
24 item, section, or part, if approved by the people, shall take effect on the
25 date of the official declaration of the vote thereon by proclamation of the
26 governor.