

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

REENGROSSED

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

LLS NO. 01-0526.01 Michele Hanigsberg

SENATE BILL 01-096

SENATE SPONSORSHIP

Linkhart

HOUSE SPONSORSHIP

(None)

Senate Committees

Health, Environment, Children & Families
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF HEALTH CARE TO PERSONS IN THE AID**
102 **TO THE NEEDY DISABLED PROGRAM.**

Bill Summary

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

Repeals and reenacts provisions requiring the department of health care policy and financing ("department") to develop programs to provide medical benefits to recipients of aid to the needy disabled who are not receiving medicaid. Limits medical benefits to the interim period after the person qualifies for aid to the needy disabled and until the determination is made whether the person qualifies for federal supplemental security income benefits. Eliminates those provisions requiring such programs to be developed within existing appropriations.

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 17, 2001

SENATE
Amended 2nd Reading
April 16, 2001

Subject to available appropriations, directs the department to establish a state-funded health and medical care program to provide health care for recipients of aid to the needy disabled who are not receiving medicaid. Authorizes the department to administer the program. Requires that the program include a basic, predefined set of services delivered either by essential community providers or through a managed care organization pursuant to a contract. Authorizes the state board of medical services to adopt rules to implement the program, including establishing the basic, predefined set of services.

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

2 **SECTION 1.** 26-2-119.5, Colorado Revised Statutes, is
3 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

4 **26-2-119.5. Mental health care program - aid to the needy**
5 **disabled - rules.** BEGINNING JULY 1, 2002, SUBJECT TO AVAILABLE
6 MONEYS IN THE MENTAL HEALTH CARE PROGRAM FUND, CREATED IN
7 SECTION 26-4-518 (3)(b), THE DEPARTMENT OF HEALTH CARE POLICY AND
8 FINANCING SHALL ESTABLISH AND ADMINISTER A PROGRAM, REFERRED TO
9 IN THIS SECTION AS "THE MENTAL HEALTH CARE PROGRAM", TO PROVIDE
10 COMPREHENSIVE MENTAL HEALTH CARE SERVICES _____ TO PERSONS WHO
11 QUALIFY TO RECEIVE AID TO THE NEEDY DISABLED AND WHO ARE NOT
12 RECEIVING MEDICAL ASSISTANCE. THE MENTAL HEALTH _____ CARE
13 PROGRAM SHALL BE PROVIDED TO PERSONS APPLYING FOR AID TO THE
14 NEEDY DISABLED ON OR AFTER JULY 1, 2002, AND SHALL BE PROVIDED
15 ONLY DURING THE INTERIM PERIOD AFTER THE PERSON QUALIFIES FOR THE
16 AID TO THE NEEDY DISABLED PROGRAM AND UNTIL THE DETERMINATION IS
17 MADE AS TO WHETHER THE PERSON QUALIFIES FOR SUPPLEMENTAL
18 SECURITY INCOME BENEFITS. THE MENTAL HEALTH CARE PROGRAM SHALL
19 INCLUDE COMPREHENSIVE MENTAL HEALTH CARE SERVICES AS DEFINED BY
20 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO BE

1 DELIVERED TO SUCH AID TO NEEDY DISABLED RECIPIENTS BY PROVIDERS
2 _____ PURSUANT TO A CONTRACT
3 WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING. THE
4 STATE BOARD OF MEDICAL SERVICES SHALL ADOPT RULES TO IMPLEMENT
5 THE MENTAL HEALTH CARE PROGRAM, TO ESTABLISH THE MENTAL HEALTH
6 CARE SERVICES AVAILABLE UNDER THE MENTAL HEALTH CARE PROGRAM,
7 AND TO SET THE RATES OF REIMBURSEMENT FOR THE _____ PROVIDERS.
8 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IS AUTHORIZED
9 TO CONTRACT WITH PROVIDERS TO PROVIDE SERVICES UNDER THE MENTAL
10 HEALTH CARE PROGRAM. THE COSTS OF THE MENTAL HEALTH CARE
11 PROGRAM SHALL BE FUNDED ANNUALLY FROM APPROPRIATIONS MADE BY
12 THE GENERAL ASSEMBLY.

13 **SECTION 2.** 26-4-518 (3) (b), Colorado Revised Statutes, as
14 amended by House Bill 01-1171, enacted at the First Regular Session of
15 the Sixty-third General Assembly, is amended to read:

16 **26-4-518. Payments by third parties - copayments by recipients**
17 **- review - appeal.** (3) (b) The state department shall enter into one or
18 more agreements with an independent contractor to pursue recoveries
19 from third parties pursuant to paragraph (a) of this subsection (3). Any
20 such agreement shall provide that the independent contractor's only
21 compensation shall be a prudent and reasonable percentage of the amount
22 recovered on behalf of the state department as determined by the state
23 department. THE STATE'S SHARE OF MONEYS RECOVERED FROM THIRD
24 PARTIES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), MINUS THE
25 STATE'S SHARE OF THE AMOUNT USED TO COMPENSATE THE INDEPENDENT
26 CONTRACTOR UNDER THIS PARAGRAPH (b), SHALL BE DEPOSITED IN THE
27 MENTAL HEALTH CARE PROGRAM FUND, WHICH FUND IS HEREBY CREATED.

1 MONEYS CREDITED TO THE MENTAL HEALTH CARE PROGRAM FUND SHALL
2 BE USED TO FUND THE MENTAL HEALTH CARE PROGRAM CREATED IN
3 SECTION 26-2-119.5. ALL MONEYS APPROPRIATED OR CREDITED TO THE
4 FUND AND ALL INCOME EARNED THEREON SHALL BE SUBJECT TO ANNUAL
5 APPROPRIATION BY THE GENERAL ASSEMBLY. ANY MONEYS REMAINING IN
6 THE FUND AT THE CLOSE OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND
7 AND SHALL NOT REVERT TO THE GENERAL FUND.

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