

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

ENGROSSED

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

LLS NO. 11-0971.01 Brita Darling

SENATE BILL 11-213

SENATE SPONSORSHIP

Hodge, Steadman, Lambert

HOUSE SPONSORSHIP

(None),

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING ENROLLEE COST-SHARING FOR CHILDREN ENROLLED IN**
102 **THE CHILDREN'S BASIC HEALTH PLAN, 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>.)

The department of health care policy and financing (the department) currently has the duty to implement a cost-sharing system using an enrollment fee for enrollees in the children's basic health plan (plan), excluding pregnant women and enrollees with a family income of

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
April 8, 2011

less than 150% of the federal poverty line (FPL). The bill directs the department to assess an annual enrollment fee for persons with a family income up to 205% of FPL, and to assess a monthly enrollment fee, capped at \$50 per month, per family, for children in families with a family income that exceeds 205% of the FPL.

The bill authorizes the department to provide information to the department of revenue concerning unpaid enrollment fees for offset against a state income tax refund. The department shall establish a process for an enrollee to contest and appeal the determination of debt.

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

2 **SECTION 1.** 25.5-8-107 (1) (b) and (1) (e), Colorado Revised
3 Statutes, are amended to read:

4 **25.5-8-107. Duties of the department - schedule of services -**
5 **premiums - copayments - subsidies.** (1) In addition to any other duties
6 pursuant to this article, the department shall have the following duties:

7 (b) (I) To design and implement a system of cost-sharing with
8 enrollees using an ~~annual~~ enrollment fee that is based on a sliding fee
9 scale; ~~The sliding fee scale shall be developed based on the enrollee's~~
10 ~~family income~~; except that no enrollment fee shall be assessed against an
11 enrollee whose family income is at or below one hundred fifty percent of
12 the federal poverty line and no enrollment fee shall be assessed against an
13 enrollee who is a pregnant woman. As permitted by federal and state law,
14 enrollees in the plan may use funds from a medical savings account to pay
15 the ~~annual~~ enrollment ~~fee~~ FEES. On or before November 1 of each year,
16 the department shall submit for approval to the joint budget committee its
17 annual proposal for cost sharing for the plan based upon a family's
18 income.

19 (II) FOR CHILDREN IN FAMILIES WITH A FAMILY INCOME EQUAL TO
20 OR GREATER THAN ONE HUNDRED FIFTY PERCENT OF THE FEDERAL

1 POVERTY LINE, BUT NO MORE THAN TWO HUNDRED AND FIVE PERCENT OF
2 THE FEDERAL POVERTY LINE, THE DEPARTMENT SHALL ASSESS AN ANNUAL
3 ENROLLMENT FEE.

4 (III) FOR CHILDREN IN FAMILIES WITH A FAMILY INCOME GREATER
5 THAN TWO HUNDRED AND FIVE PERCENT OF THE FEDERAL POVERTY LINE,
6 THE DEPARTMENT SHALL ASSESS A MONTHLY ENROLLMENT FEE THAT IS
7 NOT LESS THAN TWENTY DOLLARS FOR THE FIRST CHILD ENROLLED IN THE
8 PLAN AND NOT LESS THAN TEN DOLLARS FOR EACH ADDITIONAL CHILD
9 ENROLLED IN THE PLAN. THE TOTAL MONTHLY ENROLLMENT FEE
10 ASSESSED FOR A FAMILY SHALL NOT EXCEED FIFTY DOLLARS PER MONTH.
11 THE DEPARTMENT MAY ADJUST THE AMOUNTS SPECIFIED IN THIS
12 SUBPARAGRAPH (III) FOR INFLATION.

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14 (e) To design a procedure whereby a financial sponsor may pay
15 the ~~annual~~ enrollment fee or some portion thereof on behalf of a
16 subsidized or nonsubsidized enrollee; except that the payment made on
17 behalf of said enrollee shall not exceed the total enrollment fee due from
18 the enrollee;

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20 **SECTION 2. Appropriation - adjustments in 2011 long bill.**

21 (1) For the implementation of this act, appropriations made in the annual
22 general appropriation act, to the department of health care policy and
23 financing, for the fiscal year beginning July 1, 2011, shall be adjusted as
24 follows:

25 (a) The appropriation for the executive director's office, for
26 general administration, is increased by four thousand eight hundred
27 twenty-one dollars (\$4,821) and 0.2 FTE. Of this amount, one thousand

1 six hundred eighty-seven dollars (\$1,687) shall be from the general fund
2 and three thousand one hundred thirty-four dollars (\$3,134) shall be from
3 federal funds.

4 (b) The appropriation for the indigent care program, for children's
5 basic health plan administration, is increased by eleven thousand
6 eighty-eight dollars (\$11,088). Of this amount, three thousand eight
7 hundred eighty-one dollars (\$3,881) shall be from the general fund and
8 seven thousand two hundred seven dollars (\$7,207) shall be from federal
9 funds.

10 (c) The appropriation for the indigent care program, for children's
11 basic health plan medical and dental costs, is decreased by three hundred
12 ninety-eight thousand eight hundred forty-nine dollars (\$398,849). Of
13 this amount, one hundred thirty-nine thousand five hundred ninety-seven
14 dollars (\$139,597) shall be cash funds from the hospital provider fee cash
15 fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes, and
16 two hundred fifty-nine thousand two hundred fifty-two dollars (\$259,252)
17 shall be from federal funds.

18 (d) The appropriation for the department of human services
19 medicaid-funded programs, office of information technology services -
20 medicaid funding, for the Colorado benefits management system, is
21 increased by three hundred seventy-five thousand nine hundred sixty
22 dollars (\$375,960). Of said sum, twenty-nine thousand nine hundred
23 seventy dollars (\$29,970) shall be from the general fund, one hundred one
24 thousand six hundred sixteen dollars (\$101,616) shall be from the
25 children's basic health plan trust created in section 25.5-8-105 (1),
26 Colorado Revised Statutes, and two hundred forty-four thousand three
27 hundred seventy-four dollars (\$244,374) shall be from federal funds.

1 (2) For the implementation of this act, appropriations made in the
2 annual general appropriation act, to the department of human services,
3 office of information technology services, for the Colorado benefits
4 management system for the fiscal year beginning July 1, 2011, is
5 increased by three hundred seventy-five thousand nine hundred sixty
6 dollars (\$375,960). Said sum shall be reappropriated funds received from
7 the department of health care policy and financing out of the
8 appropriation made in subsection (1) (d) of this section.

9 (3) For the implementation of this act, appropriations made in the
10 annual general appropriation act, to the governor - lieutenant governor -
11 state planning and budgeting, office of information technology for the
12 Colorado benefits management system, for the fiscal year beginning July
13 1, 2011, is increased by three hundred seventy-five thousand nine
14 hundred sixty dollars (\$375,960). Said sum shall be reappropriated funds
15 received from the department of human services out of the appropriation
16 made in subsection (2) of this section.

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18 **SECTION 3. Effective date.** This act shall take effect July 1,
19 2011.

20 **SECTION 4. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.