SENATE COMMITTEE OF REFERENCE REPORT

Date

Chair of Committee

February 12, 2020

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

<u>SB20-033</u> be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 25.5-6-1402, add
3 (6) as follows:

4 **25.5-6-1402. Definitions.** As used in this part 14, unless the context otherwise requires:

6 (6) "WORK INCENTIVES ELIGIBILITY GROUP" MEANS THE
7 CATEGORY OF ELIGIBILITY UNDER THE FEDERAL "BALANCED BUDGET ACT
8 OF 1997", PUB.L. 105-33, 111, AS AMENDED, FOR INDIVIDUALS WITH A
9 DISABILITY WHO, EXCEPT FOR ASSETS OR INCOME, WOULD BE ELIGIBLE FOR
10 THE SUPPLEMENTAL SECURITY INCOME PROGRAM. THIS ELIGIBILITY
11 APPLIES TO INDIVIDUALS WHO ARE SIXTY-FIVE YEARS OF AGE OR OLDER.
12 SECTION 2. In Colorado Revised Statutes, 25.5-6-1403, add (5)

13 as follows:

14 25.5-6-1403. Waivers and amendments. (5) (a) THE STATE 15 DEPARTMENT SHALL SEEK FEDERAL AUTHORIZATION THROUGH AN 16 AMENDMENT TO THE STATE MEDICAL ASSISTANCE PLAN TO IMPLEMENT 17 THE FEDERAL "BALANCED BUDGET ACT OF 1997", PUB.L. 105-33, 111, AS 18 AMENDED, WHICH PROVIDES INDIVIDUALS AN OPPORTUNITY TO BUY INTO 19 MEDICAID CONSISTENT WITH THE FEDERAL "SOCIAL SECURITY ACT", 42 20 U.S.C. SEC. 1396a (a)(10)(A)(ii)(XIII), AS AMENDED, TO PERMIT THE 21 STATE DEPARTMENT TO PROVIDE MEDICAL ASSISTANCE ELIGIBILITY TO 22 INDIVIDUALS IN THE WORK INCENTIVES ELIGIBILITY GROUP, AGE 23 SIXTY-FIVE AND OLDER, AFTER THEY ARE NO LONGER ELIGIBLE UNDER THE 24 FEDERAL "TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999", PUB.L. 106-170. 25

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1 (b) IN ADDITION TO SUBMITTING AN AMENDMENT TO THE STATE 2 MEDICAL ASSISTANCE PLAN PURSUANT TO SUBSECTION (5)(a) OF THIS 3 SECTION, THE STATE DEPARTMENT SHALL SUBMIT A STATE PLAN 4 AMENDMENT PURSUANT TO SECTION 1902(r)(2) of the FEDERAL "SOCIAL 5 SECURITY ACT" TO USE LESS RESTRICTIVE INCOME AND RESOURCE 6 METHODOLOGIES TO MATCH THE INCOME, HOUSEHOLD, AND ASSET LEVELS 7 OF THE MEDICAID BUY-IN PROGRAM FOR IMPLEMENTATION NO LATER THAN 8 JULY 1, 2021.

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SECTION 3. In Colorado Revised Statutes, 25.5-6-1404, amend 10 (1)(a); and repeal (4) as follows:

11 25.5-6-1404. Medicaid buy-in program - eligibility - premiums 12 - medicaid buy-in cash fund - report. (1) Eligibility. An individual is 13 eligible for and shall receive medicaid provided in this part 14 through a 14 medicaid buy-in program without losing eligibility for medicaid if all of 15 the following conditions are met:

16 (a) The individual meets the requirements for the basic coverage 17 group or the individual was previously in the basic coverage group and 18 now meets the requirements for the medical improvement group, OR THE 19 INDIVIDUAL WAS PREVIOUSLY IN THE BASIC COVERAGE GROUP AND NOW 20 MEETS THE REQUIREMENTS FOR THE WORK INCENTIVES ELIGIBILITY 21 GROUP;

22 (4) Private health insurance. (a) The state department shall, on 23 behalf of an individual who is eligible for medicaid under subsection (1) 24 of this section, pay premiums for or purchase individual coverage offered 25 by the individual's employer if the state department determines that 26 paying the premiums or purchasing the coverage will be less than 27 providing medicaid coverage. Any employer-sponsored health insurance 28 plan shall be the primary payer, and any payments made under medicaid 29 shall be secondary. In the event that the employer-sponsored health insurance plan provides benefits that are not equivalent to the benefits 30 31 provided under medicaid, medicaid shall provide all additional benefits 32 that are not provided by the employer-sponsored health insurance plan. 33 (b) If an individual is eligible for medicaid under subsection (1) 34 of this section and the individual's employer would pay for all or a portion

35 of the individual's private insurance, the state department may accept 36 contributions from the individual's employer to offset part of the cost of 37 providing services pursuant to this section.

38 SECTION 4. In Colorado Revised Statutes, 25.5-6-1405, amend 39 (2) as follows:

40 **25.5-6-1405.** Rule-making authority. (2) Any rules adopted by 41 the state board shall be MUST consistent with the federal "Ticket to Work

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- 1 and Work Incentives Improvement Act of 1999", Pub.L. 106-170, AND
- 2 THE "BALANCED BUDGET ACT OF 1997", PUB.L. 105-33, 111, AS
- 3 AMENDED.".
- 4 Page 2, strike lines 2 through 19.
- 5 Strike pages 3 through 5.
- 6 Page 6, strike line 1.
- 7 Renumber succeeding section accordingly.

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