

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0562.01 Brita Darling x2241

SENATE BILL 20-033

SENATE SPONSORSHIP

Tate,

HOUSE SPONSORSHIP

Lontine,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING ACCESS TO THE MEDICAID BUY-IN PROGRAM FOR
102 CERTAIN WORKING ADULTS WITH DISABILITIES WHO HAVE
103 BECOME INELIGIBLE FOR THE PROGRAM DUE TO AGE.

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://leg.colorado.gov>.)

The bill authorizes working adults with disabilities who are over 65 years of age to continue participating in the existing medicaid buy-in program as a state-funded program, without federal matching money, if, in part, the working adult:

! Is enrolled in or has applied for medicare;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! Is eligible for and receiving long-term care home- and community-based services or durable medical equipment as part of complex rehabilitative services or has extraordinary medical expenses, as determined by rule of the state board, that are not covered by medicare;
- ! Except as specified in the bill, was continuously enrolled in and receiving services through the medicaid buy-in program for at least one year immediately prior to attaining 65 years of age; and
- ! Continues to meet the work requirements for the medicaid buy-in program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25.5-6-1407 as
 3 follows:

4 **25.5-6-1407. Medicaid buy-in for certain ineligible working**
 5 **adults with disabilities - state-only funding - rules - legislative**
 6 **declaration - repeal.** (1) (a) THE GENERAL ASSEMBLY FINDS AND
 7 DECLARES THAT:

8 (I) THE MEDICAID BUY-IN PROGRAM CREATED IN THIS PART 14 HAS
 9 ALLOWED ADULTS WITH DISABILITIES TO LIVE AND WORK IN THE
 10 COMMUNITY WITHOUT LOSING ELIGIBILITY FOR THE STATE'S MEDICAL
 11 ASSISTANCE PROGRAM THAT PROVIDES NEEDED SERVICES FOR THESE
 12 ADULTS TO STAY ALIVE AND LIVE INDEPENDENTLY;

13 (II) THE MEDICAID BUY-IN PROGRAM FOR WORKING ADULTS WITH
 14 DISABILITIES PROVIDES PROGRAM PARTICIPATES A PATH OUT OF POVERTY
 15 BY ALLOWING EARNINGS OF UP TO FOUR HUNDRED FIFTY PERCENT OF THE
 16 FEDERAL POVERTY LEVEL WITH AN EARNED INCOME DISREGARD,
 17 ELIGIBILITY BASED ON A HOUSEHOLD SIZE OF ONE, AND PARTICIPATION
 18 WITHOUT AN ASSET TEST;

19 (III) WORKING ADULTS WITH DISABILITIES WHO ARE ELIGIBLE FOR

1 THE MEDICAID BUY-IN PROGRAM ARE ABLE TO PARTICIPATE IN THE STATE'S
2 MEDICAL ASSISTANCE PROGRAM BY PAYING PREMIUMS ESTABLISHED BY
3 THE STATE BOARD;

4 (IV) THESE PREMIUMS, IN ADDITION TO STATE AND FEDERAL
5 MATCHING DOLLARS, MAKE THE PROGRAM VIABLE;

6 (V) HOWEVER, FEDERAL LAW PERMITTING THE ESTABLISHMENT OF
7 STATE MEDICAID BUY-IN PROGRAMS AND ENSURING MATCHING FEDERAL
8 FINANCIAL PARTICIPATION IN THE COST OF THE MEDICAL BENEFITS
9 PROVIDED THROUGH THE PROGRAM TERMINATE WHEN THE RECIPIENT
10 REACHES SIXTY-FIVE YEARS AGE, EVEN THOUGH MANY PEOPLE WORK AT
11 LEAST UNTIL THE RETIREMENT AGE OF SIXTY-SEVEN, AND SOME WORK
12 WELL INTO THEIR SEVENTIES;

13 (VI) DUE TO THE AGE LIMITATION, WORKING ADULTS WITH
14 DISABILITIES WHO NEED TO CONTINUE RECEIVING MEDICAID BENEFITS
15 BECAUSE MEDICARE BENEFITS DO NOT COVER ALL NECESSARY SERVICES
16 ARE FORCED TO DRAMATICALLY REDUCE WORK AND SPEND DOWN ASSETS
17 ACCUMULATED DURING WORKING YEARS, INCLUDING RETIREMENT
18 SAVINGS; AND

19 (VII) WHILE WORKING ADULTS WITH DISABILITIES AND OTHER
20 ADVOCATES ARE SEEKING CHANGES AT THE FEDERAL LEVEL TO ALLOW
21 WORKING ADULTS WITH DISABILITIES TO CONTINUE WORKING AND
22 PARTICIPATING IN THE STATE'S MEDICAID BUY-IN PROGRAM PAST AGE
23 SIXTY-FIVE, THAT OPTION IS NOT YET AUTHORIZED UNDER FEDERAL LAW.

24 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT, UNTIL
25 SUCH TIME AS WORKING ADULTS WITH DISABILITIES WHO MEET CERTAIN
26 CRITERIA ARE ELIGIBLE TO CONTINUE RECEIVING MEDICAID BENEFITS
27 UNDER FEDERAL LAW WITH FEDERAL MATCHING DOLLARS, IT IS

1 NECESSARY TO THE LIVES AND INDEPENDENCE OF WORKING ADULTS WITH
2 DISABILITIES TO ALLOW THESE ADULTS TO CONTINUE PARTICIPATING IN
3 THE STATE MEDICAID BUY-IN PROGRAM WITHOUT FEDERAL FINANCIAL
4 PARTICIPATION THROUGH THE PAYMENT OF PREMIUMS AND USE OF
5 STATE-ONLY DOLLARS.

6 (2) NOTWITHSTANDING THE PROVISIONS OF THIS PART 14 TO THE
7 CONTRARY, AND ONLY UNTIL SUCH TIME AS CHANGES TO FEDERAL LAW
8 AUTHORIZE PARTICIPATION IN MEDICAID BUY-IN PROGRAMS AT SIXTY-FIVE
9 YEARS OF AGE OR OLDER WITH FEDERAL FINANCIAL PARTICIPATION, A
10 WORKING ADULT WITH DISABILITIES WHO MEETS THE ELIGIBILITY CRITERIA
11 SET FORTH IN SUBSECTION (3) OF THIS SECTION IS AUTHORIZED TO
12 CONTINUE PARTICIPATING IN THE MEDICAID BUY-IN PROGRAM CREATED IN
13 THIS PART 14 UNTIL THE WORKING ADULT NO LONGER MEETS THE
14 ELIGIBILITY CRITERIA SET FORTH IN SUBSECTION (3) OF THIS SECTION OR
15 THE WORK REQUIREMENTS FOR THE MEDICAID BUY-IN PROGRAM CREATED
16 IN THIS PART 14.

17 (3) A WORKING ADULT WITH DISABILITIES IS ELIGIBLE TO
18 PARTICIPATE IN THE MEDICAID BUY-IN PROGRAM ESTABLISHED IN THIS
19 PART 14 WITHOUT FEDERAL FINANCIAL PARTICIPATION IF THE WORKING
20 ADULT WITH DISABILITIES:

21 (a) IS SIXTY-FIVE YEARS OF AGE OR OLDER;

22 (b) IS ENROLLED IN OR HAS APPLIED FOR MEDICARE;

23 (c) IS ELIGIBLE FOR AND RECEIVING LONG-TERM CARE HOME- AND
24 COMMUNITY-BASED SERVICES PURSUANT TO THIS ARTICLE 6 OR DURABLE
25 MEDICAL EQUIPMENT AS PART OF COMPLEX REHABILITATIVE SERVICES OR
26 HAS EXTRAORDINARY MEDICAL EXPENSES, AS DETERMINED BY RULE OF
27 THE STATE BOARD, THAT ARE NOT COVERED BY MEDICARE;

1 (d) MEETS THE CRITERIA ESTABLISHED IN THIS SUBSECTION (3) AT
2 ALL TIMES WHILE PARTICIPATING IN THE MEDICAID BUY-IN PROGRAM
3 PURSUANT TO THIS SECTION; AND

4 (e) (I) WAS CONTINUOUSLY ENROLLED IN AND RECEIVING
5 SERVICES THROUGH THE MEDICAID BUY-IN PROGRAM CREATED IN THIS
6 PART 14 FOR AT LEAST ONE YEAR IMMEDIATELY PRIOR TO ATTAINING
7 SIXTY-FIVE YEARS OF AGE AND APPLIED TO PARTICIPATE IN THE MEDICAID
8 BUY-IN PROGRAM PURSUANT TO THIS SECTION IMMEDIATELY UPON
9 ATTAINING SIXTY-FIVE YEARS OF AGE; EXCEPT THAT THE ENROLLMENT
10 NEED NOT BE CONTINUOUS IF A PERIOD OF ENROLLMENT DISRUPTION WAS
11 CAUSED BY TECHNICAL OR ADMINISTRATIVE ERRORS RELATING TO THE
12 PROGRAM THAT ARE NOT DIRECTLY ATTRIBUTABLE TO THE RECIPIENT OR
13 CHANGES IN THE RECIPIENT'S ELIGIBILITY.

14 (II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION
15 (3)(e)(I) OF THIS SECTION TO THE CONTRARY, IF AN ADULT WITH
16 DISABILITIES WHO WAS ENROLLED IN AND RECEIVING SERVICES THROUGH
17 THE MEDICAID BUY-IN PROGRAM ON JANUARY 1, 2020, BECAME
18 INELIGIBLE FOR THE MEDICAID BUY-IN PROGRAM DUE SOLELY TO
19 ATTAINING SIXTY-FIVE YEARS OF AGE PRIOR TO THE IMPLEMENTATION OF
20 THIS SECTION, THE ADULT WITH DISABILITIES IS ELIGIBLE TO PARTICIPATE
21 IN THE MEDICAID BUY-IN PROGRAM PURSUANT TO THIS SECTION, SO LONG
22 AS THE ADULT WITH DISABILITIES MEETS THE OTHER CRITERIA
23 ESTABLISHED IN THIS SUBSECTION (3).

24 (B) THIS SUBSECTION (3)(e)(II) IS REPEALED, EFFECTIVE JULY 1,
25 2022.

26 (4) THE STATE BOARD MAY PROMULGATE RULES FOR THE
27 IMPLEMENTATION OF THIS SECTION, INCLUDING RULES ADJUSTING

1 PREMIUM AND COST-SHARING CHARGES, AS NECESSARY.

2 **SECTION 2. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety.