A BILL FOR AN ACT

CONCERNING ALLOWING ADOPTIVE PARENTS WHO ARE PARTIES TO ADOPTION ASSISTANCE AGREEMENTS TO PAY FOR MEDICAL SERVICES THAT WOULD OTHERWISE BE REIMBURSABLE UNDER THE AGREEMENT.

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 permits adoptive parents who are parties to an adoption assistance agreement (agreement) to pay for services or items from a provider that is not enrolled in the medical assistance program. These
services or items would otherwise be reimbursable under the medical assistance program pursuant to the terms of the agreement. The adoptive parents must determine that the special needs of the child or youth require items or services from the provider and must enter into a documented agreement with the provider in which the adoptive parents agree to bear the cost of the item or service.

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

   SECTION 1. In Colorado Revised Statutes, 26-7-107, amend (3) and (5) as follows:

   26-7-107. Determination of benefits - adoption assistance agreement - review - definitions. (3) (a) Determination of the type and amount of benefits to be provided must take into consideration the circumstances of the adoptive family and the current and anticipated needs of the eligible child or youth being adopted. In no case may the amount of the monthly subsidy payment exceed the foster care maintenance payment that would have been paid if the eligible child or youth had been in foster care at the time of the eligible child's or youth's adoption or at the time of renegotiation in the case of adoption assistance adjustment. The amount of payments may be adjusted periodically if either the needs of the eligible child or youth or the circumstances of the family change, but only with the concurrence of the adoptive parents.

   (b) (I) In addressing the special needs of an eligible adopted child or youth, adoptive parents may knowingly take on additional costs for items or services for the child or youth being adopted, which items or services are otherwise covered costs under the medical assistance program established in articles 4, 5, and 6 of title 25.5 and identified as benefits in
SECTION 26-7-106 (2)(b). The limitations on recipient payments contained in sections 24-31-808 and 25.5-4-301 do not apply to such additional costs so long as the adoptive parents consent to bear the costs as provided in subsection (3)(b)(II) of this section.

(II) The adoptive parents may enter into a documented agreement, as described in section 25.5-4-301 (1)(a)(I), with a provider under which the adoptive parents agree to pay for additional costs associated with items or services that are reimbursable under the medical assistance program but which, in the judgment of the adoptive parents, may be required from a provider that is not enrolled in the medical assistance program. Under these circumstances, the adoptive parents are liable for the costs of such items or services.

(5) An agreement entered into pursuant to subsection (1) of this section must be reviewed at least every three years. The county departments shall provide written notice of the upcoming review to the adoptive family.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.