

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 22-0707.01 Chelsea Princell x4335

SENATE BILL 22-052

SENATE SPONSORSHIP

Jaquez Lewis and Smallwood,

HOUSE SPONSORSHIP

Mullica,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING ALIGNING MEDICAL ASSISTANCE INCOME ELIGIBILITY**
102 **REQUIREMENTS WITH FEDERAL LAW.**

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 aligns the medicaid and children's basic health plan income eligibility requirements for pregnant women and children with federal law.

Current law requires money in the healthcare affordability and sustainability fee cash fund (fund) to be used to expand eligibility for medicaid by increasing the income eligibility level for children and

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.

SENATE
Amended 2nd Reading
February 14, 2022

pregnant women under the children's basic health plan to up to 250% of the federal poverty line. The bill increases the eligibility level to up to 260%. Under current law, if the money in the fund is insufficient to fully fund all the purposes of the fund, the medical services board (state board) may reduce the percentage of the federal poverty level. The bill authorizes the state board to reduce the percentage of the federal poverty level to below 260%, but not below 250%.

The bill increases the medicaid income eligibility level for pregnant women from 133% of the federal poverty level to a federally approved specified percentage of the federal poverty level, adjusted for family size, as set forth in rules promulgated by the state board.

The bill increases the income eligibility level under the children's basic health plan for children and pregnant woman from 250% of the federal poverty level to a federally approved specified percentage of the federal poverty level, adjusted for family size, as set forth in state board rule.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-4-402.4, **amend**
3 (5)(b)(IV)(B) as follows:

4 **25.5-4-402.4. Hospitals - healthcare affordability and**
5 **sustainability fee - legislative declaration - Colorado healthcare**
6 **affordability and sustainability enterprise - federal waiver - fund**
7 **created - rules - reports - repeal. (5) Healthcare affordability and**
8 **sustainability fee cash fund. (b) All money in the fund is subject to**
9 federal matching as authorized under federal law and, subject to annual
10 appropriation by the general assembly, shall be expended by the
11 enterprise for the following purposes:

12 (IV) Subject to available revenue from the healthcare affordability
13 and sustainability fee and federal matching funds, to expand eligibility for
14 public medical assistance by:

15 (B) Increasing the eligibility level for children and pregnant
16 women under the children's basic health plan to up to two hundred fifty

1 SIXTY percent of the federal poverty line;

2 **SECTION 2.** In Colorado Revised Statutes, 25.5-5-101, **amend**
3 (1) introductory portion and (1)(c) as follows:

4 **25.5-5-101. Mandatory provisions - eligible groups - rules.**

5 (1) In order to participate in the medicaid program, the federal
6 government requires the state to provide medical assistance to certain
7 eligible groups. Pursuant to federal law and except as provided in
8 subsection (2) of this section, any person who is eligible for medical
9 assistance under the mandated groups specified in this section ~~shall~~ MUST
10 receive both the mandatory services that are specified in sections
11 25.5-5-102 and 25.5-5-103 and the optional services that are specified in
12 sections 25.5-5-202 and 25.5-5-203. Subject to the availability of federal
13 financial participation, the following are the individuals or groups that are
14 mandated under federal law to receive benefits under this ~~article~~ ARTICLE
15 5 and articles 4 and 6 of this ~~title~~ TITLE 25.5:

16 (c) Pregnant women whose family income does not exceed one
17 hundred thirty-three percent of the federal poverty line, adjusted for
18 family size, == == who meet the requirements pursuant to section 1902
19 (a)(10)(A) of the federal "Social Security Act". Once initial eligibility has
20 been established, the pregnant woman is continuously eligible throughout
21 the pregnancy and for the sixty days following the pregnancy, even if the
22 woman's eligibility would otherwise terminate during such period due to
23 an increase in income.

24 **SECTION 3.** In Colorado Revised Statutes, 25.5-5-201, **amend**
25 (1) introductory portion and (1)(m.5) as follows:

26 **25.5-5-201. Optional provisions - optional groups - rules.**

27 (1) The federal government allows the state to select optional groups to

1 receive medical assistance. Pursuant to federal law, any person who is
2 eligible for medical assistance under the optional groups specified in this
3 section ~~shall~~ MUST receive both the mandatory services specified in
4 sections 25.5-5-102 and 25.5-5-103 and the optional services specified in
5 sections 25.5-5-202 and 25.5-5-203. Subject to the availability of federal
6 financial aid funds, the following are the individuals or groups that
7 Colorado has selected as optional groups to receive medical assistance
8 pursuant to this ~~article~~ ARTICLE 5 and articles 4 and 6 of this title 25.5:

9 (m.5) Pregnant women, whose family income does not exceed one
10 hundred ~~eighty-five~~ NINETY-FIVE percent of the federal poverty line,
11 adjusted for family size; ==

12 **SECTION 4.** In Colorado Revised Statutes, 25.5-8-103, **amend**
13 (4)(a)(I), (4)(a)(II), (4)(b)(I), and (4)(b)(II) as follows:

14 **25.5-8-103. Definitions - rules.** As used in this article 8, unless
15 the context otherwise requires:

16 (4) "Eligible person" means:
17 (a) (I) A person who is less than nineteen years of age, whose
18 family income does not exceed two hundred ~~fifty~~ SIXTY percent of the
19 federal poverty line, adjusted for family size. ==

20 (II) Notwithstanding the provisions of subsection (4)(a)(I) of this
21 section, if the money in the healthcare affordability and sustainability fee
22 cash fund established pursuant to section 25.5-4-402.4 (5), together with
23 the corresponding federal matching funds, is insufficient to fully fund all
24 of the purposes described in section 25.5-4-402.4 (5)(b), after receiving
25 recommendations from the Colorado healthcare affordability and
26 sustainability enterprise established pursuant to section 25.5-4-402.4 (3),
27 for persons less than nineteen years of age, the state board may by rule

1 adopted pursuant to the provisions of section 25.5-4-402.4 (6)(b)(III)
2 reduce the percentage of the federal poverty line to below two hundred
3 ~~fifty~~ SIXTY percent, but the percentage shall not be reduced to below two
4 hundred ~~five~~ FIFTY percent.

5 (b) (I) A pregnant woman whose family income does not exceed
6 two hundred ~~fifty~~ SIXTY percent of the federal poverty line, adjusted for
7 family size, _____ and who is not eligible for medicaid.

8 (II) Notwithstanding the provisions of subsection (4)(b)(I) of this
9 section, if the money in the healthcare affordability and sustainability fee
10 cash fund established pursuant to section 25.5-4-402.4 (5), together with
11 the corresponding federal matching funds, is insufficient to fully fund all
12 of the purposes described in section 25.5-4-402.4 (5)(b), after receiving
13 recommendations from the Colorado healthcare affordability and
14 sustainability enterprise established pursuant to section 25.5-4-402.4 (3),
15 for pregnant women, the state board by rule adopted pursuant to the
16 provisions of section 25.5-4-402.4 (6)(b)(III) may reduce the percentage
17 of the federal poverty line to below two hundred ~~fifty~~ SIXTY percent, but
18 the percentage shall not be reduced to below two hundred ~~five~~ FIFTY
19 percent.

20 **SECTION 5. 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, or safety.