

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0273.01 Shelby Ross x4510

HOUSE BILL 22-1094

HOUSE SPONSORSHIP

Titone and Ricks,

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ELIGIBILITY FOR MEDICAL ASSISTANCE FOR SURVIVORS
102 OF TORTURE.

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>.)

Beginning January 1, 2023, the bill grants a survivor of torture who is receiving care and rehabilitation services from a rehabilitative service provider eligibility for medical assistance without federal financial participation.

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.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Torture has a devastating impact on the health outcomes of
5 survivors. Several studies characterize torture as one of the main
6 predictors of depression, post-traumatic stress disorder, and anxiety
7 among survivors.

8 (b) Due to the torture survivors have experienced, survivors of
9 torture have vast and varied physical, behavioral, and mental health
10 needs.

11 (c) Individuals who have been subjected to some form of torture
12 tend to exhibit higher levels of anxiety than other baseline populations.
13 Disruption in sleep patterns, increased irritability, and low mood are also
14 common symptoms within this population, especially given the
15 exponentially higher likelihood of having survived head trauma, which
16 likelihood is as high as 64% in some studies.

17 (d) Survivors of torture are two to three times more likely to
18 experience chronic pain as a direct consequence of the torture they
19 endured. Other common medical presentations include gastrointestinal
20 issues, lung infections, skin abrasions, and lower back pain.

21 (e) Federal eligibility for services through the federal office of
22 refugee resettlement within the department of health and human services
23 does not depend on a person's immigration status, and there is no time
24 limit for receiving such services. However, survivors of torture often do
25 not qualify for medicaid due to the person's pending immigration status.

26 (f) Survivors of torture with pending immigration status often
27 struggle to access the medical and mental health services they need to

1 recover from the effects of torture.

2 (2) Therefore, the general assembly declares that access to
3 medical coverage for survivors of torture will allow for preventive care
4 and earlier treatment of the physical and psychological effects of torture,
5 thereby mitigating the costs the state will incur when these individuals are
6 granted asylum and become medicaid-eligible or when they alternatively
7 access services through emergency service providers. Extending
8 eligibility now will preclude the need for more complex and costly
9 treatment for conditions that compound over a protracted period without
10 access to care.

11 **SECTION 2.** In Colorado Revised Statutes, **add** 25.5-2-104 as
12 follows:

13 **25.5-2-104. Survivors of torture - eligibility for medical**
14 **assistance - rules - definitions.** (1) AS USED IN THIS SECTION, UNLESS
15 THE CONTEXT OTHERWISE REQUIRES:

16 (a) "REHABILITATIVE SERVICE PROVIDER" MEANS AN ACTIVE
17 MEMBER OF THE NATIONAL CONSORTIUM OF TORTURE TREATMENT
18 PROVIDERS, OR AN ORGANIZATION, PROVIDER, OR ENTITY RECEIVING
19 FUNDING FROM THE FEDERAL DIRECT SERVICES FOR SURVIVORS OF
20 TORTURE GRANT PROGRAM OR THE FEDERAL TECHNICAL ASSISTANCE TO
21 SURVIVORS OF TORTURE ORGANIZATIONS GRANT PROGRAM WITHIN THE
22 OFFICE OF REFUGEE RESETTLEMENT IN THE FEDERAL DEPARTMENT OF
23 HEALTH AND HUMAN SERVICES.

24 (b) "SURVIVOR OF TORTURE" MEANS A PERSON WHO HAS BEEN
25 TORTURED IN ANOTHER COUNTRY AND NOW LIVES IN THE UNITED STATES.

26 (c) "TORTURE" HAS THE SAME MEANING AS DEFINED IN 18 U.S.C.
27 SEC. 2340.

1 (2) BEGINNING JANUARY 1, 2023, A SURVIVOR OF TORTURE IS
2 ELIGIBLE FOR MEDICAL ASSISTANCE PURSUANT TO ARTICLES 4, 5, AND 6 OF
3 THIS TITLE 25.5. THE STATE SHALL PAY FOR THE MEDICAL ASSISTANCE
4 WITHOUT FEDERAL FINANCIAL PARTICIPATION.

5 (3) IN ORDER TO BE ELIGIBLE TO RECEIVE MEDICAL ASSISTANCE
6 PURSUANT TO SUBSECTION (2) OF THIS SECTION, A SURVIVOR OF TORTURE
7 MUST BE RECEIVING CARE AND REHABILITATION SERVICES FROM A
8 REHABILITATIVE SERVICE PROVIDER.

9 (4) THE STATE BOARD SHALL ADOPT RULES AS NECESSARY TO
10 IMPLEMENT THIS SECTION, INCLUDING RULES SPECIFYING THE MANNER IN
11 WHICH SURVIVORS OF TORTURE WILL BE NOTIFIED ABOUT ELIGIBILITY FOR
12 MEDICAL ASSISTANCE.

13 (5) THE STATE DEPARTMENT SHALL NOT IMPOSE ANY
14 COST-SHARING REQUIREMENTS ON SURVIVORS OF TORTURE RECEIVING
15 MEDICAL ASSISTANCE PURSUANT TO THIS SECTION.

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