

CHAPTER 227

HEALTH CARE POLICY AND FINANCING

SENATE BILL 03-291

BY SENATOR(S) Owen, Reeves, and Teck;
also REPRESENTATIVE(S) Young, Plant, and Witwer.

AN ACT

**CONCERNING CHANGES TO THE CHILDREN'S BASIC HEALTH PLAN, AND MAKING AN APPROPRIATION
IN CONNECTION THEREWITH.**

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

SECTION 1. 26-19-109 (5) (a), Colorado Revised Statutes, is amended, and the said 26-19-109 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

26-19-109. Eligibility - children - pregnant women - repeal. (5) (a) (I) A pregnant woman whose family income exceeds one hundred thirty-three percent of the federal poverty level but does not exceed one hundred eighty-five percent of the federal poverty level shall be presumptively eligible for the plan. Once determined eligible for the plan, a pregnant woman shall be considered to be continuously eligible throughout the pregnancy and for the sixty days following the pregnancy, even if the woman's eligibility would otherwise terminate during such period due to an increase in income. Upon birth, a child born to a woman eligible for the plan shall be eligible for the plan and shall be automatically enrolled in the plan in accordance with the eligibility requirements for children specified in subsection (4) of this section.

(II) (A) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION TO THE CONTRARY, THE DEPARTMENT SHALL NOT ENROLL ANY PREGNANT WOMEN IN THE PLAN ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II) AND THROUGH JUNE 30, 2004. HOWEVER, ANY WOMAN WHO WAS DETERMINED PRESUMPTIVELY ELIGIBLE BY THE ADMINISTRATOR OF THE PLAN PRIOR TO THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II) AND WHO IS SUBSEQUENTLY DETERMINED ELIGIBLE FOR THE PLAN OR ANY WOMAN WHO WAS ENROLLED IN THE PLAN PRIOR TO THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II) SHALL CONTINUE TO BE ELIGIBLE THROUGHOUT THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PREGNANCY AND FOR SIXTY DAYS FOLLOWING THE PREGNANCY UNDER THE PLAN UNTIL NOVEMBER 1, 2003. EFFECTIVE NOVEMBER 1, 2003, ANY SUCH WOMAN WHO STILL REQUIRES PRENATAL CARE OR POSTPARTUM CARE BEYOND NOVEMBER 1, 2003, SHALL NO LONGER BE ENROLLED IN THE PLAN ON OR AFTER NOVEMBER 1, 2003, BUT SHALL BE ENROLLED IN THE STATE-ONLY PRENATAL PROGRAM CREATED IN SECTION 26-19-107.5 AND SHALL CONTINUE TO RECEIVE HER PRENATAL CARE AND POSTPARTUM CARE FROM THE STATE-ONLY PRENATAL PROGRAM CREATED IN SECTION 26-19-107.5.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2004.

(d) ENROLLMENT OF A PREGNANT WOMAN IN THE PLAN SHALL BE LIMITED BASED UPON ANNUAL APPROPRIATIONS MADE OUT OF THE TRUST BY THE GENERAL ASSEMBLY AS DESCRIBED IN SECTION 26-19-105 AND ANY GRANTS AND DONATIONS. THE GENERAL ASSEMBLY SHALL ANNUALLY ESTABLISH MAXIMUM ENROLLMENT FIGURES FOR PREGNANT WOMEN IN THE PLAN. THE DEPARTMENT SHALL NOT EXCEED THE ENROLLMENT CAPS REGARDLESS OF WHETHER THE FUNDING COMES FROM ANNUAL APPROPRIATIONS OR GRANTS AND DONATIONS.

SECTION 2. Article 19 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-19-107.5. State-only prenatal program - legislative declaration - repeal.

(1) THE GENERAL ASSEMBLY HEREBY DECLARES THAT ITS INTENT IN CREATING THE STATE-ONLY PROGRAM FOR PRENATAL AND POSTPARTUM CARE FOR PREGNANT WOMEN IN THIS SECTION IS TO ESTABLISH A TRANSITIONAL PROGRAM TO PROVIDE PRENATAL CARE AND POSTPARTUM CARE FOR THAT GROUP OF WOMEN WHO WERE ALREADY DETERMINED ELIGIBLE UNDER THE PLAN OR WHO WERE ALREADY ENROLLED IN THE PLAN PRIOR TO THE SUSPENSION OF PRENATAL AND POSTPARTUM SERVICES UNDER THE PLAN.

(2) SUBJECT TO AVAILABLE APPROPRIATIONS, THERE IS HEREBY CREATED IN THE DEPARTMENT A STATE-ONLY PROGRAM FOR PRENATAL AND POSTPARTUM CARE, REFERRED TO IN THIS SECTION AS THE "STATE-ONLY PRENATAL PROGRAM", WHICH SHALL PROVIDE PRENATAL CARE AND SIXTY DAYS OF POSTPARTUM CARE TO ANY WOMAN WHO WAS DETERMINED PRESUMPTIVELY ELIGIBLE BY THE ADMINISTRATOR OF THE PLAN AS DESCRIBED IN SECTION 26-19-109 (5) (a) (I) PRIOR TO THE EFFECTIVE DATE OF THIS SECTION AND WHO WAS SUBSEQUENTLY DETERMINED ELIGIBLE FOR THE PLAN OR ANY WOMAN WHO WAS ENROLLED IN SUCH PLAN PRIOR TO THE EFFECTIVE DATE OF THIS SECTION. THE DEPARTMENT SHALL ENROLL SUCH WOMEN IN THE STATE-ONLY PRENATAL PROGRAM, EFFECTIVE NOVEMBER 1, 2003. THE DEPARTMENT SHALL ONLY PROVIDE SERVICES UNDER THE STATE-ONLY PRENATAL PROGRAM TO SUCH WOMEN ON OR AFTER NOVEMBER 1, 2003, AND UNTIL THE LAST WOMAN ELIGIBLE FOR THE STATE-ONLY PRENATAL PROGRAM HAS RECEIVED CARE. THE STATE-ONLY PRENATAL PROGRAM SHALL BE FUNDED FROM APPROPRIATIONS MADE TO THE DEPARTMENT BY THE GENERAL ASSEMBLY.

(3) THE MEDICAL SERVICES BOARD SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT THE STATE-ONLY PRENATAL PROGRAM, INCLUDING THE PATIENT'S RIGHTS AND RESPONSIBILITIES, ELIGIBILITY, ENROLLMENT, AND THE TYPES OF SERVICES COVERED.

(4) THE DEPARTMENT MAY CONTRACT WITH THE PROVIDERS WHO PROVIDE PRENATAL AND POSTPARTUM SERVICES UNDER THE PLAN TO PROVIDE SUCH SERVICES UNDER THE STATE-ONLY PRENATAL PROGRAM. SUCH CONTRACTS MAY BE ENTERED INTO IN THE SAME MANNER AS THOSE FOR THE PLAN.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2004.

SECTION 3. 26-19-108 (4), Colorado Revised Statutes, is amended to read:

26-19-108. Financial management. (4) (a) Nothing in this article or any rules promulgated pursuant to the plan shall be interpreted to create a legal entitlement in any person to coverage under the plan. Enrollment in the plan shall be limited based upon annual appropriations made out of the trust by the general assembly as described in section 26-19-105 and any grants and donations. The general assembly shall annually establish maximum enrollment figures for subsidized children. Such enrollment caps shall not be exceeded by the department regardless of whether the funding comes from annual appropriations or grants and donations. When enrollment in the plan must be limited pursuant to this subsection (4), the department shall give priority to children who would qualify for medicaid as if there were no asset testing and to children with family incomes under one hundred thirty-three percent of the federal poverty level.

(b) THE DEPARTMENT SHALL REPORT QUARTERLY TO THE JOINT BUDGET COMMITTEE ON ANY ENROLLMENT CAPS THAT HAVE BEEN INSTITUTED FOR THE PLAN AND THE NUMBER OF CHILDREN WHO ARE ON WAITING LISTS.

SECTION 4. Appropriation - adjustments to the 2003 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The general fund appropriation for the indigent care program, HB 97-1304 children's basic health plan trust, is decreased by five million eight hundred twenty-two thousand nine hundred eight dollars (\$5,822,908).

(b) The appropriation for the indigent care program, children's basic health plan, administration, is decreased by three hundred sixty-eight thousand eight hundred ninety-nine dollars (\$368,899). Of said sum, one hundred twenty-nine thousand one hundred sixteen dollars (\$129,116) shall be from cash funds exempt and two hundred thirty-nine thousand seven hundred eighty-three dollars (\$239,783) shall be from federal funds.

(c) The appropriation for the indigent care program, children's basic health plan, premium costs, is decreased by sixteen million eighty-five thousand seven hundred forty-six dollars (\$16,085,746). Of said sum, five million seven hundred seventy-three thousand three hundred forty-four dollars (\$5,773,344) shall be from cash funds exempt and ten million three hundred twelve thousand four hundred two dollars (\$10,312,402) shall be from federal funds.

(d) The appropriation for the indigent care program, children's basic health plan, dental benefit costs, is increased by two hundred twenty-seven thousand two hundred

eighty-nine dollars (\$227,289). Of said sum, seventy-nine thousand five hundred fifty-two dollars (\$79,552) shall be from cash funds exempt and one hundred forty-seven thousand seven hundred thirty-seven dollars (\$147,737) shall be from federal funds.

(2) (a) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(I) The general fund appropriation for the indigent care program, HB 97-1304 children's basic health plan trust, is increased by three hundred thousand dollars (\$300,000).

(II) The appropriation for the indigent care program, children's basic health plan, premium costs, is increased by seven hundred sixty-one thousand five hundred three dollars (\$761,503). Of said sum, two hundred sixty-six thousand five hundred twenty-six dollars (\$266,526) shall be from the children's basic health plan trust established in section 26-19-105, Colorado Revised Statutes, and four hundred ninety-four thousand nine hundred seventy-seven dollars (\$494,977) shall be from federal funds.

(III) The appropriation for the indigent care program, children's basic health plan, dental benefit costs, is increased by ninety-five thousand one hundred thirty-four dollars (\$95,134). Of said sum, thirty-three thousand two hundred ninety-seven dollars (\$33,297) shall be from the children's basic health plan trust established in section 26-19-105, Colorado Revised Statutes, and sixty-one thousand eight hundred thirty seven dollars (\$61,837) shall be from federal funds.

(b) It is the intent of the general assembly that the appropriations made in paragraph (a) of this subsection (2) for the implementation of this act shall be derived from savings generated from the implementation of the provisions of SB 03-101, as enacted during the first regular session of the sixty-fourth general assembly.

(3) (a) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(I) The general fund appropriation for the indigent care program, HB 97-1034, children's basic health plan trust, is increased by four hundred eighty-four thousand dollars (\$484,000).

(II) The appropriation for the indigent care program, children's basic health plan, premium costs, is increased by one million two hundred twenty-eight thousand five hundred three dollars (\$1,228,503). Of said sum, four hundred twenty-nine thousand nine hundred seventy-six dollars (\$429,976) shall be from the children's basic health plan trust established in section 26-19-105, Colorado Revised Statutes, and seven hundred ninety-eight thousand five hundred twenty-seven dollars (\$798,527) shall be from federal funds.

(III) The appropriation for the indigent care program, children's basic health plan, dental benefit costs, is increased by one hundred fifty-three thousand four hundred

seventy-five dollars (\$153,475). Of said sum, fifty-three thousand seven hundred sixteen dollars (\$53,716) shall be from the children's basic health plan trust established in section 26-19-105, Colorado Revised Statutes, and ninety-nine thousand seven hundred fifty-nine dollars (\$99,759) shall be from federal funds.

(b) It is the intent of the general assembly that the appropriations made in paragraph (a) of this subsection (3) for the implementation of this act shall be derived from savings generated from the implementation of the provisions of SB 03-107, as enacted during the first regular session of the sixty-fourth general assembly.

(4) The appropriation made in the annual general appropriation act as adjusted by paragraph (1) of this section assumes: (a) an average annual medical cost per child of \$1,051.80 (\$87.65 per month), not including dental services, and assumes an estimated average monthly caseload of 52,965 children; (b) average annual dental costs per child of \$131.40 (\$10.95 per month); (c) 2,417 member months of prenatal care at a cost of \$363.00 per member month for women enrolled in the program prior to the effective date of this act; and (d) 342 births at an average cost of \$3,965 for women enrolled in the program prior to the effective date of this act. It is the intent of the general assembly that the department of health care policy and financing shall manage the children's caseload so as not to exceed the overall appropriation for the children's basic health plan in fiscal year 2003-04.

SECTION 5. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2003, the sum of forty-three thousand seven hundred dollars (\$43,700), or so much thereof as may be necessary, for the purpose of providing a state-only prenatal program as described in section 26-19-107.5, Colorado Revised Statutes.

(2) It is the intent of the general assembly that the general fund appropriation for the implementation of the state-only prenatal program created in section 26-19-107.5, Colorado Revised Statutes, shall be derived from savings generated from the implementation of the provisions of SB 03-101, as enacted during the first regular session of the sixty-fourth general assembly.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 1, 2003