

CHAPTER 143

HEALTH CARE POLICY AND FINANCING

SENATE BILL 08-022

BY SENATOR(S) Sandoval, Boyd, Gibbs, Groff, Hagedorn, Isgar, Morse, Romer, Schwartz, Shaffer, Tochtrop, Veiga, and Windels;
also REPRESENTATIVE(S) Ferrandino, Borodkin, Casso, Frangas, Gagliardi, Labuda, Marshall, McGihon, Merrifield, and Todd.

AN ACT**CONCERNING OVEREXPENDITURES IN THE CHILDREN'S BASIC HEALTH PLAN.**

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

SECTION 1. 24-75-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-75-109. Controller may allow expenditures in excess of appropriations - limitations - appropriations for subsequent fiscal year restricted - repeal.

(1) For the purpose of closing the state's books, and subject to the provisions of this section, the controller may, on or after May 1 of any fiscal year and before the forty-fifth day after the close thereof, upon approval of the governor, allow any department, institution, or agency of the state, including any institution of higher education, to make an expenditure in excess of the amount authorized by an item of appropriation for such fiscal year if:

(a.5) THE OVEREXPENDITURE IS BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR THE CHILDREN'S BASIC HEALTH PLAN ESTABLISHED PURSUANT TO ARTICLE 8 OF TITLE 25.5, C.R.S.; EXCEPT THAT TO THE EXTENT THAT THE OVEREXPENDITURE ALLOWED PURSUANT TO THIS PARAGRAPH (a.5) IS FROM THE GENERAL FUND, THE OVEREXPENDITURE FROM THE GENERAL FUND SHALL NOT EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS IN ANY FISCAL YEAR; OR

SECTION 2. 25.5-8-108 (4) (a), Colorado Revised Statutes, is amended to read:

25.5-8-108. Financial management - cash system of accounting.

(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.

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

~~Enrollment in the plan shall be limited based upon annual appropriations made out of the trust by the general assembly as described in section 25.5-8-105 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 IF enrollment in the plan must be IS 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.~~

SECTION 3. 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: April 14, 2008