

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1077.01 Brita Darling x2241

SENATE BILL 18-214

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

Beckman,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING A WAIVER FROM THE FEDERAL GOVERNMENT TO
102 IMPLEMENT SELF-SUFFICIENCY PROVISIONS IN THE COLORADO
103 MEDICAL ASSISTANCE PROGRAM.

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 directs the department of health care policy and financing (department) to prepare and submit a waiver to the federal government requesting authority to implement certain self-sufficiency provisions as part of the Colorado medical assistance program (medicaid). The bill:

! Requires able-bodied adults as a condition of eligibility for

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.

medicaid to become employed, actively seek employment, attend job or vocational training, or volunteer at a nonprofit organization; except that this requirement does not apply to certain persons specified in the bill;

- ! Requires able-bodied adults to verify income monthly for determination of eligibility;
- ! Authorizes the department to prohibit enrollment in medicaid if a person fails to report a change in family income or makes a false statement regarding compliance with the work requirement;
- ! Establishes a lifetime limit on medicaid benefits of 5 years, and includes persons excepted from the limit; and
- ! Authorizes the department to impose copayments to deter the use of emergency departments and ambulance services for nonemergency services and nonemergency transportation.

The bill requires the department to report to the general assembly regarding the preparation, submission, approval, implementation, and outcome of the self-sufficiency waiver provisions.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25.5-4-504 as
3 follows:

4 **25.5-4-504. Self-sufficiency in medical assistance waiver -**
5 **report.** (1) NO LATER THAN MARCH 30, 2019, THE STATE DEPARTMENT
6 SHALL PREPARE AND SUBMIT TO THE FEDERAL CENTERS FOR MEDICARE
7 AND MEDICAID SERVICES A DEMONSTRATION WAIVER UNDER SECTION
8 1115 OF THE SOCIAL SECURITY ACT, OR OTHER APPLICABLE WAIVER, AND
9 ANY STATE PLAN AMENDMENTS NECESSARY TO ALLOW THE STATE TO
10 INSTITUTE A WORK REQUIREMENT FOR ABLE-BODIED ADULTS RECEIVING
11 MEDICAL ASSISTANCE PURSUANT TO ARTICLES 4, 5, AND 6 OF THIS TITLE
12 25.5 AND REQUIRE OTHER SELF-SUFFICIENCY MEASURES. SUBJECT TO
13 AVAILABLE STATE APPROPRIATIONS, AS NECESSARY, AND FEDERAL
14 FINANCIAL PARTICIPATION, THE STATE DEPARTMENT SHALL IMPLEMENT

1 PROVISIONS OF THE SELF-SUFFICIENCY IN MEDICAL ASSISTANCE WAIVER
2 DESCRIBED IN THIS SECTION AS THOSE PROVISIONS ARE APPROVED BY THE
3 FEDERAL GOVERNMENT.

4 (2) THE WAIVER SUBMITTED BY THE STATE DEPARTMENT MUST:

5 (a) REQUIRE AS A CONDITION OF ELIGIBILITY FOR MEDICAL
6 ASSISTANCE THAT AN ABLE-BODIED ADULT BECOME EMPLOYED; ACTIVELY
7 SEEK EMPLOYMENT, AS VERIFIED BY THE STATE DEPARTMENT; ATTEND JOB
8 OR VOCATIONAL TRAINING; OR VOLUNTEER FOR AN INTERNAL REVENUE
9 SERVICE-DESIGNATED NONPROFIT ORGANIZATION FOR A MINIMUM OF
10 TWENTY HOURS PER WEEK; EXCEPT THAT THIS ELIGIBILITY CONDITION
11 DOES NOT APPLY IF THE PERSON:

12 (I) IS AT LEAST EIGHTEEN YEARS OF AGE BUT IS ATTENDING HIGH
13 SCHOOL AS A FULL-TIME STUDENT;

14 (II) IS PREGNANT;

15 (III) IS THE SOLE CAREGIVER OF A FAMILY MEMBER WHO IS UNDER
16 FIVE YEARS OF AGE; OR

17 (IV) IS RECEIVING TEMPORARY OR PERMANENT LONG-TERM
18 DISABILITY BENEFITS FROM A PRIVATE INSURER OR FROM A GOVERNMENT
19 PAYER;

20 (b) REQUIRE ABLE-BODIED ADULTS TO VERIFY INCOME MONTHLY
21 FOR ELIGIBILITY REDETERMINATION;

22 (c) AUTHORIZE THE STATE DEPARTMENT TO PROHIBIT
23 ENROLLMENT IN THE MEDICAL ASSISTANCE PROGRAM OF A PERSON WHO
24 FAILS TO REPORT A CHANGE IN FAMILY INCOME OR MAKES A FALSE
25 STATEMENT REGARDING COMPLIANCE WITH WORK REQUIREMENTS;

26 (d) ESTABLISH A LIFETIME LIMIT ON MEDICAL ASSISTANCE OF FIVE
27 YEARS UNLESS THE RECIPIENT IS:

1 (I) PREGNANT;

2 (II) THE SOLE CAREGIVER OF A FAMILY MEMBER WHO IS UNDER
3 FIVE YEARS OF AGE;

4 (III) RECEIVING TEMPORARY OR PERMANENT LONG-TERM
5 DISABILITY BENEFITS FROM A PRIVATE INSURER OR FROM A GOVERNMENT
6 PAYER;

7 (IV) AT LEAST EIGHTEEN YEARS OF AGE BUT IS ATTENDING HIGH
8 SCHOOL AS A FULL-TIME STUDENT; OR

9 (V) IS EMPLOYED FULL-TIME BUT CONTINUES TO MEET INCOME
10 ELIGIBILITY REQUIREMENTS UNDER THIS ARTICLE 4; AND

11 (e) AUTHORIZE THE STATE DEPARTMENT TO IMPOSE MEANINGFUL
12 COPAYMENTS TO DETER THE NONEMERGENCY USE OF EMERGENCY
13 DEPARTMENTS AND THE USE OF AMBULANCE SERVICES FOR
14 NONEMERGENCY TRANSPORTATION OR WHEN NOT MEDICALLY NECESSARY.

15 (3) BEGINNING IN 2018 AND CONTINUING EACH YEAR THEREAFTER,
16 THE STATE DEPARTMENT SHALL REPORT ON THE STATUS OF THE
17 SELF-SUFFICIENCY IN MEDICAL ASSISTANCE WAIVER, INCLUDING ITS
18 PREPARATION, SUBMISSION, APPROVAL, RENEWAL AND STATE PLAN
19 AMENDMENTS, AND IMPLEMENTATION AND OUTCOMES, TO THE HEALTH
20 AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC
21 HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
22 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, AT THE STATE
23 DEPARTMENT PRESENTATION HELD EACH YEAR PRIOR TO THE LEGISLATIVE
24 SESSION, AS REQUIRED PURSUANT TO SECTION 2-7-203.
25 NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I) TO
26 THE CONTRARY, THE REPORT TO THE COMMITTEES PURSUANT TO THIS
27 SUBSECTION (3) CONTINUES INDEFINITELY.

1 **SECTION 2. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2018 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.