

CHAPTER 110

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 95-1081

BY REPRESENTATIVES Paschall and Clarke;
also SENATOR Hopper.

AN ACT

CONCERNING COVERAGE OF MEDICAL CARE PROVIDED AT STATE CORRECTIONAL FACILITIES UNDER THE "COLORADO MEDICAL ASSISTANCE ACT", AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 26-4-301 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

26-4-301. Optional provisions - optional groups. (1) The federal government allows the state to select optional groups to receive medical assistance. Pursuant to federal law, any person who is eligible for medical assistance under the optional groups specified in this section shall receive both the mandatory services specified in sections 26-4-202 and 26-4-203 and the optional services specified in sections 26-4-302 and 26-4-303. Subject to the availability of federal financial aid funds, the following are the individuals or groups which Colorado has selected as optional groups to receive medical assistance pursuant to this article:

(i) INDIVIDUALS WHO ARE SENTENCED TO THE CUSTODY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS AND ARE CONFINED IN A STATE CORRECTIONAL FACILITY AS SET FORTH IN SECTION 26-4-530;

(j) INFANTS BORN TO FEMALES WHO ARE IN THE CUSTODY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS AS SET FORTH IN SECTION 26-4-530.

SECTION 2. Part 5 of article 4 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

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

26-4-530. Care of inmates and infants born to female inmates - waiver. THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING MAY SEEK FROM THE APPROPRIATE FEDERAL AUTHORITIES OR AGENCIES ANY WAIVERS NECESSARY TO ALLOW FOR ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER THIS ARTICLE FOR INDIVIDUALS WHO ARE SENTENCED TO THE CUSTODY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS AND ARE CONFINED IN A STATE CORRECTIONAL FACILITY AND SHALL SEEK FROM THE APPROPRIATE FEDERAL AUTHORITIES OR AGENCIES ANY WAIVERS NECESSARY TO ALLOW FOR ELIGIBILITY FOR MEDICAL ASSISTANCE FOR INFANTS BORN TO FEMALES WHO ARE IN THE CUSTODY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS. AN INMATE'S ESTATE, AS DEFINED IN SECTION 16-11-501 (5) (b), C.R.S., SHALL NOT BE COUNTED AS INCOME FOR PURPOSES OF DETERMINING ELIGIBILITY OF AN INMATE FOR MEDICAL ASSISTANCE UNDER THIS ARTICLE; HOWEVER, ANY MONEYS COLLECTED PURSUANT TO AN ORDER TO REIMBURSE THE DEPARTMENT OF CORRECTIONS FOR THE COST OF CARE PURSUANT TO SECTION 16-11-501, C.R.S., OR SECTION 17-10-103, C.R.S., THAT ARE ATTRIBUTABLE TO MEDICAL CARE SHALL BE USED TO REIMBURSE THE STATE FOR THE STATE'S FINANCIAL PARTICIPATION FOR MEDICAL ASSISTANCE.

SECTION 3. 16-11-501, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

16-11-501. Judgment for costs and fines. (6) AFTER THE SET-OFFS FOR RESTITUTION AND FOR MAINTENANCE AND SUPPORT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, ANY AMOUNTS RECOVERED PURSUANT TO THIS SECTION THAT ARE AVAILABLE TO REIMBURSE THE COSTS OF PROVIDING MEDICAL CARE SHALL BE USED TO REIMBURSE THE STATE FOR THE STATE'S FINANCIAL PARTICIPATION FOR MEDICAL ASSISTANCE IF MEDICAL CARE IS PROVIDED FOR THE INMATE OR AN INFANT OF A FEMALE INMATE UNDER THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLE 4 OF TITLE 26, C.R.S.

SECTION 4. 17-10-103, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-10-103. Action for reimbursement of cost of care. (4) AFTER THE SET-OFFS FOR RESTITUTION AND FOR MAINTENANCE AND SUPPORT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, ANY AMOUNTS RECOVERED PURSUANT TO THIS SECTION THAT ARE AVAILABLE TO REIMBURSE THE COSTS OF PROVIDING MEDICAL CARE SHALL BE USED TO REIMBURSE THE STATE FOR THE STATE'S FINANCIAL PARTICIPATION FOR MEDICAL ASSISTANCE IF MEDICAL CARE IS PROVIDED FOR THE INMATE OR AN INFANT OF A FEMALE INMATE UNDER THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLE 4 OF TITLE 26, C.R.S.

SECTION 5. Appropriation in the long bill to be adjusted. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1995, shall be adjusted as follows:

(a) The appropriation to the department of health care policy and financing, medical services, is increased by twenty-nine thousand seven hundred twenty-nine dollars (\$29,729) of which amount fourteen thousand one hundred six dollars (\$14,106) shall be from the general fund and fifteen thousand six hundred twenty-three dollars (\$15,623) shall be from federal funds.

(b) The general fund appropriation to the department of corrections is decreased by twenty-nine thousand seven hundred twenty-nine dollars (\$29,729) and the cash funds exempt appropriation to the department of corrections is increased by twenty-nine thousand seven hundred twenty-nine dollars (\$29,729). Such sum shall be out of moneys received from the department of health care policy and financing pursuant to paragraph (a) of this subsection (1).

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: April 27, 1995