

CHAPTER 203

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 99-067

BY SENATORS Weddig, Pascoe, Epps, Hernandez, Martinez, Rupert, Tanner, Tebedo, and Wattenberg;
also REPRESENTATIVES Grossman, Clarke, Gordon, Kester, Leyba, Veiga, S. Williams, Bacon, Chavez, Coleman, Gagliardi,
Keller, Plant, Ragsdale, Saliman, Tapia, Tate, Tochtrop, Tupa, Vigil, Windels, and Zimmerman.

AN ACT

CONCERNING THE PROVISION OF HEALTH CARE TO PERSONS IN THE AID TO THE NEEDY DISABLED PROGRAM WHO ARE NOT RECEIVING MEDICAID, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Legislative declaration. It is the intent of the general assembly that this act implement the provisions of 1999 Senate Concurrent Resolution Number 99-002 if such resolution is approved by the registered electors at the 2000 general election. The purpose of this resolution and this act is to allow the state to be reimbursed for old age pension payments made to a pensioner during the interim period while the pensioner is applying for benefits under the federal supplemental security income program (SSI), thus preventing the payment of dual benefits to the pensioner. The resolution provides that any moneys so recovered from such interim assistance reimbursement payments are to be transferred to the aid to the needy disabled program. It is the intent of the general assembly that the moneys so transferred to the aid to the needy disabled program should be used to increase the funds available for the medically correctable program for the aid to the needy disabled and to fund a basic health and medical care program for recipients of aid to the needy disabled who are not receiving medicaid.

SECTION 2. 26-2-111 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-2-111. Eligibility for public assistance. (2) **Old age pension.** (c.5) AN OLD AGE PENSION RECIPIENT WHO BECOMES ELIGIBLE FOR SUPPLEMENTAL SECURITY INCOME BENEFITS SHALL BE REQUIRED TO REPAY THE STATE OF COLORADO FOR INTERIM ASSISTANCE PAYMENTS MADE UNDER THE OLD AGE PENSION BASIC GRANT PROGRAM.

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

SECTION 3. 26-2-110, Colorado Revised Statutes, is amended to read:

26-2-110. Repayment not required. No person shall be required, in order to receive public assistance, to repay or promise to repay the state of Colorado any money properly paid to him or her as public assistance pursuant to the provisions of this article and the rules of the state department; except that the state may recoup interim assistance authorized under section 26-2-206, concerning blind and disabled individuals, AND UNDER SECTION 26-2-111 (2) (c.5), CONCERNING RECIPIENTS OF THE OLD AGE PENSION.

SECTION 4. 26-2-135, Colorado Revised Statutes, is amended to read:

26-2-135. Medically correctable program - fund established - rules. (1) On or before January 1, 1997, the state department shall make preparations for the implementation of a statewide medically correctable ~~pilot~~ program, referred to in this section as the "program". ~~The program shall be implemented for a term of three years.~~ Such preparations shall include but are not limited to staff training, policy development, and rule-making pursuant to article 4 of title 24, C.R.S.

(2) On and after January 1, 1997, the program shall be applicable to a person who:

(a) Has been approved for state aid to the needy disabled;

(b) Is determined to be unlikely to meet the disability criteria for supplemental security income;

(c) Has a disability that can be corrected with medical treatment at a cost that does not exceed ~~ten~~ TWENTY thousand dollars so that the person can return to employment; and

(d) Is not otherwise receiving workers' compensation benefits.

(3) The program shall consist of the following features:

(a) A process by which the state department shall determine whether a person qualifies to receive medical treatment so that the person can return to work;

(b) A set of procedures for monitoring a person's recovery from the medical treatment and return to work after participating in the program; and

(c) Annual reports to the joint budget committee and the house committee on health, environment, welfare, and institutions and the senate committee on health, environment, welfare, and institutions that identify the number of persons who received medical treatment pursuant to the program in the preceding fiscal year, their recovery rates and return to the workforce, and the amount of moneys spent on the program.

(4) The cost of the medical treatment identified in paragraph (c) of subsection (2) of this section shall not be a benefit for purposes of articles 40 to 47 of title 8, C.R.S.

(5) ~~This section is repealed, effective July 1, 2000.~~

SECTION 5. Part 1 of article 2 of title 26, Colorado Revised statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-2-119.5. Health and medical care program - aid to the needy disabled.

(1) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, IN CONSULTATION WITH THE DEPARTMENT OF HUMAN SERVICES, SHALL DEVELOP AND ADMINISTER A PROGRAM TO RANK HEALTH AND MEDICAL CARE NEEDS AND TO PROVIDE HEALTH AND MEDICAL CARE BASED ON SUCH RANKING TO PERSONS WHO QUALIFY TO RECEIVE AID TO THE NEEDY DISABLED AND WHO ARE NOT RECEIVING MEDICAL ASSISTANCE. SUCH PROGRAM, REFERRED TO IN THIS SECTION AS THE "HEALTH AND MEDICAL CARE PROGRAM" SHALL EVALUATE AND RANK THE HEALTH AND MEDICAL CARE NEEDS OF ALL PERSONS WHO QUALIFY FOR AID TO THE NEEDY DISABLED ON OR AFTER JANUARY 1, 2002, AND SHALL BE PROVIDED TO QUALIFYING PERSONS ONLY DURING THE INTERIM PERIOD AFTER THE PERSON QUALIFIES FOR THE AID TO THE NEEDY DISABLED PROGRAM AND UNTIL THE DETERMINATION IS MADE AS TO WHETHER THE PERSON QUALIFIES FOR FEDERAL SUPPLEMENTAL SECURITY INCOME BENEFITS. THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL SUBMIT A WRITTEN PLAN TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 1, 2001, ON WHAT TYPE OF HEALTH AND MEDICAL CARE SERVICES CAN BE PROVIDED FOR SUCH RECIPIENTS WITHIN AVAILABLE APPROPRIATIONS. SUCH PLAN SHALL INCLUDE RECOMMENDATIONS REGARDING HOW THE PROGRAM CAN BE LIMITED TO AVAILABLE APPROPRIATIONS FOR THE PROGRAM, SUCH AS LIMITATIONS ON ELIGIBILITY FOR THE PROGRAM, HOW UTILIZATION OF SERVICES CAN BE MANAGED, AND HOW SERVICES CAN BE PROVIDED, SUCH AS THE USE OF MANAGED CARE ORGANIZATIONS OR PURCHASING MEDICAID. THE DEPARTMENT'S PLAN SHALL INCLUDE ANY RECOMMENDATIONS FOR ANY LEGISLATIVE CHANGES OR BUDGETARY CHANGES THAT MAY BE NEEDED TO IMPLEMENT THE HEALTH AND MEDICAL CARE PROGRAM.

(2) THE STATE TREASURER SHALL TRANSFER MONEYS RECOVERED PURSUANT TO SECTION 3 OF ARTICLE XXIV OF THE STATE CONSTITUTION TO THE MEDICALLY CORRECTABLE PROGRAM AND TO THE HEALTH AND MEDICAL CARE PROGRAM IF SUCH TRANSFER IS AUTHORIZED BY THE VOTERS. THE COSTS OF THE HEALTH AND MEDICAL CARE PROGRAM SHALL BE FUNDED ANNUALLY FROM APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY FROM SUCH TRANSFERRED MONEYS AND FROM ANY OTHER SOURCES. THE HEALTH AND MEDICAL CARE PROGRAM SHALL COMMENCE JANUARY 1, 2002, AND SHALL APPLY TO PERSONS WHO APPLY FOR AID TO THE NEEDY DISABLED ON AND AFTER SAID DATE AND WHO MEET ELIGIBILITY REQUIREMENTS FOR MEDICAL CARE SERVICES AS SPECIFIED BY THE BOARD OF MEDICAL SERVICES BY RULE.

SECTION 6. 25.5-1-201 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25.5-1-201. Programs to be administered by the department of health care policy and financing. (1) Programs to be administered and functions to be performed by the department of health care policy and financing shall be as follows:

(1) THE HEALTH AND MEDICAL CARE PROGRAM FOR RECIPIENTS OF AID TO THE NEEDY DISABLED, AS SPECIFIED IN SECTION 26-2-119.5, C.R.S.

SECTION 7. 25.5-1-303 (1) (c), Colorado Revised Statutes, is amended, and the said 25.5-1-303 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

25.5-1-303. Powers and duties of the board - scope of authority - rules.

(1) The board shall have the authority set forth in subsection (3) of this section over the following programs administered by the department:

(c) Adult foster care, as specified in section 26-2-122.3, C.R.S.; ~~and~~

(e) THE HEALTH AND MEDICAL CARE PROGRAM FOR RECIPIENTS OF AID TO THE NEEDY DISABLED, AS SPECIFIED IN SECTION 26-2-119.5, C.R.S.

SECTION 8. Appropriation - adjustment in 1999 long bill. (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 human services, for allocation to the medically correctable program created in section 26-2-135, Colorado Revised Statutes, for the fiscal year beginning July 1, 1999, the sum of one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 1999, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by one hundred fifty thousand dollars (\$150,000).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by one hundred fifty thousand dollars (\$150,000).

SECTION 9. Effective date. (1) Sections 4 through 9 of this act shall take effect July 1, 1999.

(2) Sections 1 through 3 of this act shall take effect January 1, 2001, or upon proclamation by the governor of the vote of the registered electors at the 2000 general election approving 1999 Senate Concurrent Resolution Number 99-002, whichever is later. Sections 1 through 3 of this act shall not take effect if the registered electors at the 2000 general election disapprove 1999 Senate Concurrent Resolution Number 99-002.

SECTION 10. 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 20, 1999

Editor's Note: Subsection (2) of section 9 of this act provides that sections 1 through 3 of this act shall not take effect if the electors disapprove Senate Concurrent Resolution Number 99-002. However, that resolution was not enacted by the

General Assembly and will not be submitted to the electors. Therefore, sections 1 through 3 will not take effect.