

CHAPTER 331

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 99-1373

BY REPRESENTATIVES Tool, Saliman, Bacon, Chavez, Gagliardi, George, Grossman, Kaufman, Larson, Leyba, Mace, Spence, Tochtrop, Veiga, and Zimmerman;
also SENATORS Lacy, Tanner, Feeley, Hernandez, Linkhart, Pascoe, Rupert, and Weddig.

AN ACT

CONCERNING A FAMILY PLANNING PILOT PROGRAM FOR LOW-INCOME INDIVIDUALS.

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

SECTION 1. 26-4-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-4-103. Definitions. As used in this article, unless the context otherwise requires:

(13.3) "PILOT PROGRAM", AS USED IN SECTION 26-4-414.7, MEANS THE FAMILY PLANNING PILOT PROGRAM ESTABLISHED IN SECTION 26-4-414.7, WHICH IS CARRIED OUT BY ALL MEDICAID PROVIDERS WHO PROVIDE FAMILY PLANNING SERVICES AND WHICH SHALL BE REPEALED, EFFECTIVE JULY 1 FIVE YEARS AFTER THE ISSUANCE OF THE FEDERAL WAIVER OR JULY 1 IN THE YEAR IN WHICH THE WAIVER IS TERMINATED, WHICHEVER OCCURS FIRST.

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

26-4-414.7. Family planning pilot program - rules - federal waiver - repeal.
(1) THERE IS HEREBY ESTABLISHED A FAMILY PLANNING PILOT PROGRAM FOR THE PROVISION OF FAMILY PLANNING SERVICES TO CATEGORICALLY ELIGIBLE INDIVIDUALS WHO ARE AT OR BELOW ONE HUNDRED FIFTY PERCENT OF THE FEDERAL POVERTY LEVEL. THE MEDICAL SERVICES BOARD SHALL PROMULGATE RULES SETTING FORTH THE FAMILY PLANNING SERVICES TO BE PROVIDED UNDER THE FAMILY PLANNING PILOT 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.

(2) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, SHALL SEEK A FEDERAL WAIVER THAT IS COST-NEUTRAL TO THE STATE GENERAL FUND FOR THE IMPLEMENTATION OF THE FAMILY PLANNING PILOT PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SUCH THAT TEN PERCENT OF THE FAMILY PLANNING SERVICES PROVIDED TO LOW-INCOME FAMILIES PURSUANT TO THE PROGRAM AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION WOULD BE FUNDED WITH STATE GENERAL FUND MONEYS AND NINETY PERCENT WOULD BE FUNDED WITH FEDERAL MATCHING FUNDS.

(3) (a) UPON ISSUANCE OF THE FEDERAL WAIVER SOUGHT PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE DEPARTMENTS OF HEALTH CARE POLICY AND FINANCING AND PUBLIC HEALTH AND ENVIRONMENT SHALL SEEK THE NECESSARY APPROPRIATION OF GENERAL FUNDS THROUGH THE NORMAL BUDGETARY PROCESS FOR THE IMPLEMENTATION OF THIS ACT.

(b) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT IS AUTHORIZED TO ACCEPT AND EXPEND ON BEHALF OF THE STATE ANY FUNDS, GRANTS, GIFTS, AND DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF IMPLEMENTING THE FAMILY PLANNING PILOT PROGRAM ESTABLISHED IN THIS SECTION; EXCEPT THAT NO GIFT, GRANT, DONATION, OR FUNDS SHALL BE ACCEPTED IF THE CONDITIONS ATTACHED THERETO REQUIRE THE EXPENDITURE THEREOF IN A MANNER CONTRARY TO LAW.

(4) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT, OR SUCH EXECUTIVE DIRECTOR'S DESIGNEE, SHALL PREPARE A WRITTEN REPORT FOR THE MEMBERS OF THE GENERAL ASSEMBLY CONCERNING THE FINDINGS OF THE DEPARTMENT BASED UPON THE FAMILY PLANNING PILOT PROGRAM. SUCH REPORT SHALL BE PROVIDED TO THE MEMBERS OF THE GENERAL ASSEMBLY NOT MORE THAN THREE YEARS AFTER COMMENCEMENT OF THE PROGRAM. THE REPORT SHALL ADDRESS THE NUMBER OF INDIVIDUALS SERVED, THE TYPE OF SERVICES PROVIDED, THE COST OF THE PROGRAM, AND SUCH OTHER INFORMATION AS THE EXECUTIVE DIRECTOR DEEMS APPROPRIATE.

(5) THE IMPLEMENTATION OF THIS SECTION IS CONDITIONED UPON THE ISSUANCE OF ANY NECESSARY WAIVER BY THE FEDERAL GOVERNMENT AND AVAILABLE APPROPRIATIONS PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION. THE PROVISIONS OF THIS SECTION SHALL BE IMPLEMENTED TO THE EXTENT AUTHORIZED BY FEDERAL WAIVER. THE PILOT PROGRAM ESTABLISHED BY THIS SECTION SHALL CONTINUE FOR FIVE YEARS FROM THE RECEIPT OF THE FEDERAL WAIVER OR FOR SO LONG AS SPECIFIED IN THE FEDERAL WAIVER. THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO THE REVISOR OF STATUTES OF THE FINAL TERMINATION DATE OF THE WAIVER, AND THIS SECTION SHALL BE REPEALED, EFFECTIVE JULY 1 FIVE YEARS AFTER THE ISSUANCE OF THE FEDERAL WAIVER OR JULY 1 IN THE YEAR IN WHICH THE WAIVER IS TERMINATED, WHICHEVER OCCURS FIRST.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date

of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 3, 1999