

CHAPTER 311

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 00-1076

BY REPRESENTATIVES Tool, Bacon, Clarke, Coleman, Gagliardi, George, Grossman, Kaufman, Keller, Lawrence, Leyba, Mace, Morrison, Plant, Ragsdale, Saliman, Scott, Tapia, Taylor, Tochtrop, Veiga, Vigil, S. Williams, Windels, and Zimmerman; also SENATORS Wham, Dennis, Feeley, Hernandez, Linkhart, Martinez, Phillips, Reeves, Rupert, and Tanner.

AN ACT

CONCERNING THE PROVISION OF PRENATAL CARE TO UNDOCUMENTED WOMEN, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares:

- (a) That access to prenatal care by undocumented women in Colorado is inadequate;
- (b) That lack of prenatal care results in a high rate of low-weight births;
- (c) That low birth weight contributes substantially to infant mortality and childhood disabilities; and
- (d) That children born with low birth weights are more likely to be born premature and more likely to develop health problems during their lifetimes.

(2) The general assembly recognizes that there are many conditions that can be prevented or lessened through prenatal care, such as mental retardation, cerebral palsy, and blindness. The general assembly recognizes that studies have shown that every dollar spent on prenatal care yields between one dollar and seventy cents and three dollars and thirty-eight cents in savings by reducing neonatal complications. The general assembly also recognizes that prenatal care benefits the public health because it provides an opportunity to identify and treat communicable diseases. The general assembly hereby declares that the purpose of this act is to authorize the provision of prenatal care to pregnant women who are undocumented.

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 2. 26-4-203 (3), Colorado Revised Statutes, is amended to read:

26-4-203. Mandated programs with special state provisions - repeal.

(3) (a) Emergency medical assistance shall be provided to any person who is not a citizen of the United States, including undocumented aliens, aliens who are not qualified aliens, and qualified aliens who entered the United States on or after August 22, 1996, who has an emergency medical condition and meets one of the categorical requirements set forth in section 26-4-201; except that such persons shall not be required to meet any residency requirement other than that required by federal law.

(a.5) Repealed.

(a.6) (I) PRENATAL CARE SHALL BE PROVIDED TO PREGNANT WOMEN WHO ARE ELIGIBLE FOR EMERGENCY MEDICAL ASSISTANCE THROUGH A PROGRAM ADMINISTERED BY THE STATE DEPARTMENT CALLED THE PRENATAL CARE FOR UNDOCUMENTED WOMEN PILOT PROGRAM.

(II) THE MEDICAL SERVICES BOARD SHALL ADOPT RULES SPECIFYING THE REQUIREMENTS FOR MANAGED CARE ORGANIZATIONS TO ARRANGE FOR THE PROVISION OF EMERGENCY MEDICAL ASSISTANCE AND PRENATAL CARE ONLY TO PREGNANT WOMEN AS DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (3). EMERGENCY MEDICAL ASSISTANCE STATUS DOES NOT CONSTITUTE MEMBERSHIP IN A MANAGED CARE ORGANIZATION.

(III) THIS PARAGRAPH (a.6) IS REPEALED, EFFECTIVE JULY 1, 2003.

(b) The medical services board shall adopt rules necessary for the implementation of this subsection (3), including ~~a rule defining~~ IN SUCH RULES DEFINITIONS OF "emergency services", ~~and an~~ "emergency medical condition", "GEOGRAPHIC AREA", AND "PRENATAL CARE".

(c) (I) THE STATE DEPARTMENT SHALL CONTRACT WITH ONE MANAGED CARE ORGANIZATION FOR EACH GEOGRAPHIC AREA IN THE STATE DESIGNATED BY THE STATE DEPARTMENT TO BE SELECTED THROUGH A REQUEST FOR PROPOSAL PROCESS TO ARRANGE FOR THE PROVISION OF PRENATAL CARE TO PREGNANT WOMEN WHO ARE ELIGIBLE UNDER PARAGRAPH (a) OF THIS SUBSECTION (3) FOR LABOR AND DELIVERY SERVICES AS EMERGENCY MEDICAL ASSISTANCE. THE CARE OF A PREGNANT WOMAN WHO IS ELIGIBLE FOR EMERGENCY MEDICAL ASSISTANCE WILL AUTOMATICALLY BE MANAGED BY THE MANAGED CARE ORGANIZATION SERVING THE GEOGRAPHIC AREA IN WHICH THE PREGNANT WOMAN LIVES OR DELIVERS, IF THERE IS A MANAGED CARE ORGANIZATION THAT HAS CONTRACTED WITH THE STATE DEPARTMENT TO ARRANGE FOR THE PROVISION OF PRENATAL CARE IN THAT GEOGRAPHIC AREA. THE COST OF PROVIDING PRENATAL CARE SHALL BE BORNE BY THE MANAGED CARE ORGANIZATION PROVIDING THE CARE. THE RATE OF REIMBURSEMENT PROVIDED BY THE MEDICAL ASSISTANCE PROGRAM TO THE MANAGED CARE ORGANIZATION FOR PRENATAL CARE, LABOR, AND DELIVERY SHALL BE LIMITED TO THE AMOUNT PROVIDED FOR EMERGENCY LABOR AND DELIVERY. PRENATAL CARE AND ANY OTHER NON-EMERGENCY MEDICAL SERVICE IS NOT REIMBURSABLE THROUGH THE MEDICAL ASSISTANCE PROGRAM. PRENATAL CARE FOR PREGNANT WOMEN ELIGIBLE FOR EMERGENCY MEDICAL SERVICES SHALL ONLY BE AVAILABLE TO WOMEN LIVING OR

DELIVERING IN THE GEOGRAPHIC AREAS FOR WHICH THE STATE DEPARTMENT HAS CONTRACTS WITH A MANAGED CARE ORGANIZATION. PREGNANT WOMEN LIVING OR DELIVERING IN GEOGRAPHIC AREAS IN WHICH THERE IS NO MANAGED CARE ORGANIZATION UNDER CONTRACT WITH THE STATE DEPARTMENT SHALL RECEIVE ONLY EMERGENCY MEDICAL ASSISTANCE. THE STATE DEPARTMENT SHALL REPORT ANNUALLY ON THE PRENATAL CARE FOR UNDOCUMENTED WOMEN PILOT PROGRAM, INCLUDING THE NUMBER OF MANAGED CARE ORGANIZATIONS CONTRACTING WITH THE STATE DEPARTMENT, THE NUMBER OF PREGNANT WOMEN SERVED BY THE PROGRAM, AND THE IMPACT OF THE PROGRAM ON IMPROVING PUBLIC HEALTH AND REDUCING NEONATAL COMPLICATIONS. SUCH REPORT SHALL BE SUBMITTED, BY NOVEMBER 1 OF EACH YEAR, TO THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY.

(II) OUT-OF-NETWORK PROVIDERS WHO DO NOT ROUTINELY AND REGULARLY PERFORM EMERGENCY LABOR AND DELIVERY PROFESSIONAL SERVICES BUT WHO, ON OCCASION, DO PROVIDE SUCH SERVICES SHALL BE REIMBURSED AT ONE HUNDRED PERCENT OF THE MEDICAID FEE SCHEDULE.

(III) THE MANAGED CARE ORGANIZATION SHALL BE REQUIRED TO OFFER A CONTRACT TO EXISTING OR HISTORICAL PROVIDERS OF PRENATAL CARE OR LABOR AND DELIVERY SERVICES AND TO REIMBURSE PROFESSIONAL SERVICES FOR PRENATAL CARE AND LABOR AND DELIVERY AT ONE HUNDRED PERCENT OF THE MEDICAID FEE SCHEDULE.

(IV) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2003.

SECTION 3. Appropriation - adjustment in 2000 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 health care policy and financing, medical services administration, for the fiscal year beginning July 1, 2000, the sum of one hundred seventy-one thousand dollars (\$171,000), 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, 2000, 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 seventy-one thousand dollars (\$171,000).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by one hundred seventy-one thousand dollars (\$171,000).

SECTION 4. 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 1, 2000