

CHAPTER 256

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 01-1161

BY REPRESENTATIVE(S) Mace, Coleman, Sanchez, Tochtrop, Williams S., Bacon, Borodkin, Boyd, Daniel, Garcia, Groff, Hodge, Jahn, Marshall, Miller, Plant, Ragsdale, Romanoff, Stengel, Tapia, Veiga, Vigil, Weddig;
also SENATOR(S) Hernandez, Dyer (Arapahoe), Hanna, Linkhart, Nichol, Tate, and Tupa.

AN ACT

CONCERNING ELIGIBILITY REQUIREMENTS FOR CHILDREN'S ACCESS TO HEALTH CARE, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 26-4-106 (1) and (3), Colorado Revised Statutes, are amended to read:

26-4-106. Application - verification of eligibility - repeal. (1) (a) Determination of eligibility for medical benefits shall be made by the county department in which the applicant resides. Local social security offices also determine eligibility for medicaid benefits at the same time they determine eligibility for supplemental security income. Any person who is determined to be eligible pursuant to the requirements of this article shall be eligible for benefits until such person is determined to be ineligible. Upon determination that any person is ineligible for medical benefits, the county department shall notify the applicant in writing of its decision and the reason therefor. Separate determination of eligibility and formal application for benefits under this article for persons eligible as provided in sections 26-4-201 and 26-4-301 shall be made in accordance with the rules and regulations of the state department.

(b) (I) NOTWITHSTANDING THE REQUIREMENT IN SUBSECTION (1) OF THIS SECTION THAT DETERMINATION OF ELIGIBILITY FOR MEDICAID BENEFITS SHALL BE MADE BY THE COUNTY DEPARTMENT, ELIGIBILITY FOR MEDICAL BENEFITS MAY BE MADE BY STATE DEPARTMENT ELIGIBILITY TECHNICIANS LOCATED AT THE PRIVATE SERVICE CONTRACTOR THAT ADMINISTERS THE CHILDREN'S BASIC HEALTH PLAN FOR THE SOLE PURPOSE OF DETERMINING THE MEDICAID ELIGIBILITY OF PERSONS APPLYING FOR THE CHILDREN'S BASIC HEALTH PLAN.

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

(II) THE STATE DEPARTMENT SHALL EVALUATE THE IMPACT ON THE CHILDREN'S BASIC HEALTH PLAN OF USING STATE DEPARTMENT ELIGIBILITY TECHNICIANS TO DETERMINE MEDICAID ELIGIBILITY OF PERSONS APPLYING FOR THE CHILDREN'S BASIC HEALTH PLAN AS ALLOWED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b). THE STATE DEPARTMENT SHALL EVALUATE WHETHER THE USE OF SUCH STAFF SOLVED PROBLEMS WITH COORDINATION BETWEEN THE CHILDREN'S BASIC HEALTH PLAN AND THE MEDICAID PROGRAM AND WHETHER THERE IS A NEED TO CONTINUE FUNDING STAFF TO PERFORM THIS FUNCTION. THE STATE DEPARTMENT SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE JOINT BUDGET COMMITTEE AND TO THE HEALTH, ENVIRONMENT, WELFARE AND INSTITUTIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH, ENVIRONMENT, CHILDREN AND FAMILIES COMMITTEE OF THE SENATE NO LATER THAN OCTOBER 1, 2003.

(III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2004.

(3) The state department shall promulgate rules to simplify the processing of applications in order that medical benefits are furnished to recipients as soon as possible, including rules that provide for initial processing of applications for medical assistance only at locations other than the county departments, ~~or~~ locations used for processing applications for aid to families with dependent children, OR AT THE LOCATION USED BY THE PRIVATE SERVICE CONTRACTOR THAT ADMINISTERS THE CHILDREN'S BASIC HEALTH PLAN FOR DETERMINING ELIGIBILITY OF CHILDREN FOR SUCH PLAN. Said rules may make provision for the payment of medical benefits for a period not to exceed three months prior to the date of application in cases where the applicant did not make application prior to his or her need for said medical benefits. Adequate safeguards shall be established by the state department to ensure that only eligible persons receive benefits under this article. In addition, an applicant who is eighteen years of age or older shall be required to supply a form of personal photographic identification either by providing a valid Colorado driver's license or a valid identification card issued by the department of revenue pursuant to section 42-2-302, C.R.S. The state department may adopt rules that exempt applicants from the requirement of supplying a form of personal photographic identification if such requirement causes an unreasonable hardship or if such requirement is in conflict with federal law. The state department shall also adopt rules that allow for assistance to be provided on an emergency basis until the applicant is able to obtain or qualify for a driver's license or identification card; however, a county department is not required to recover emergency assistance from an applicant who fails, upon recertification, to meet the photographic identification requirement.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the children's basic health plan trust created in section 26-19-105, Colorado Revised Statutes, not otherwise appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2001, the sum of forty-eight thousand eight hundred fifty dollars (\$48,850) and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act. It is the intent of the general assembly that no general fund appropriations be used to implement this act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2001, the department of health care policy and financing will receive the sum of fifty-two thousand four hundred ninety-eight dollars (\$52,498) in federal funds for the implementation of this act.

Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds. Of the federal funds noted, forty-four thousand five hundred ninety-three dollars (\$44,593) are estimated to be from title XIX federal funds and seven thousand nine hundred five dollars (\$7,905) are estimated to be from title XXI federal funds.

SECTION 3. Effective date. This act shall take effect July 1, 2001.

SECTION 4. 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: June 4, 2001