

CHAPTER 221

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 02-1295

BY REPRESENTATIVE(S) Romanoff, Alexander, Decker, Hefley, Kester, Snook, Bacon, Boyd, Coleman, Groff, Hodge, Jahn, Lawrence, Madden, Marshall, Plant, Sanchez, Smith, Stafford, Tapia, Vigil, Williams S., and Tochtrop; also SENATOR(S) Owen, Andrews, Linkhart, Hanna, Isgar, Pascoe, and Windels.

AN ACT

CONCERNING PROCEDURES TO FACILITATE THE PROVISION OF BENEFITS TO OFFENDERS TRANSITIONING FROM THE CRIMINAL JUSTICE SYSTEM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-113.5. Inmates held in correctional facilities - medical benefits application assistance - county of residence - repeal. (1) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), ON AND AFTER JANUARY 1, 2003, ANY PERSON WHO IS SENTENCED TO A TERM OF IMPRISONMENT IN A CORRECTIONAL FACILITY WHO WAS RECEIVING MEDICAL ASSISTANCE PURSUANT TO SECTION 26-4-201 (1) (i), C.R.S., OR SECTION 26-4-301 (1) (I), C.R.S., IMMEDIATELY PRIOR TO ENTERING THE CORRECTIONAL FACILITY, OR WHO IS REASONABLY EXPECTED TO MEET ELIGIBILITY CRITERIA PURSUANT TO SECTION 26-4-201 (1) (i), C.R.S., OR SECTION 26-4-301 (1) (I), C.R.S., UPON RELEASE, SHALL RECEIVE ASSISTANCE FROM CORRECTIONAL FACILITY PERSONNEL IN APPLYING FOR SUCH MEDICAL ASSISTANCE AT LEAST NINETY DAYS PRIOR TO RELEASE.

(b) ON AND AFTER JANUARY 1, 2003, ANY PERSON WHO IS SENTENCED TO A TERM OF IMPRISONMENT IN A CORRECTIONAL FACILITY WHO WAS ELIGIBLE FOR SUPPLEMENTAL SECURITY INCOME BENEFITS UNDER TITLE II OF THE FEDERAL "SOCIAL SECURITY ACT" IMMEDIATELY PRIOR TO ENTERING THE CORRECTIONAL FACILITY, OR WHO IS REASONABLY EXPECTED TO MEET ELIGIBILITY CRITERIA FOR SUPPLEMENTAL SECURITY INCOME BENEFITS UPON RELEASE, SHALL RECEIVE ASSISTANCE FROM THE CORRECTIONAL FACILITY PERSONNEL IN APPLYING FOR SUCH SUPPLEMENTAL

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

SECURITY INCOME BENEFITS AT LEAST NINETY DAYS PRIOR TO RELEASE OR SOONER, IF POSSIBLE.

(2) ON OR BEFORE JANUARY 1, 2003, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PROVIDE INFORMATION AND TRAINING ON MEDICAL ASSISTANCE ELIGIBILITY REQUIREMENTS AND ASSISTANCE TO EACH CORRECTIONAL FACILITY TO ASSIST IN AND EXPEDITE THE APPLICATION PROCESS FOR MEDICAL ASSISTANCE FOR ANY INMATE HELD IN CUSTODY WHO MEETS THE REQUIREMENTS OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION.

(3) ON OR BEFORE JANUARY 1, 2003, THE DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE INFORMATION AND EDUCATION REGARDING THE SUPPLEMENTAL SECURITY INCOME SYSTEMS AND PROCESSES TO EACH CORRECTIONAL FACILITY.

(4) (a) FOR PURPOSES OF DETERMINING ELIGIBILITY PURSUANT TO SECTION 26-4-106, C.R.S., THE COUNTY OF RESIDENCE OF THE INMATE HELD IN CUSTODY SHALL BE THE COUNTY SPECIFIED BY THE INMATE AS HIS OR HER COUNTY OF RESIDENCE UPON RELEASE.

(b) ON OR BEFORE JANUARY 1, 2003, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PROMULGATE RULES TO SIMPLIFY THE PROCESSING OF APPLICATIONS FOR MEDICAL ASSISTANCE PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND TO ALLOW INMATES DETERMINED TO BE ELIGIBLE FOR SUCH MEDICAL ASSISTANCE TO ACCESS THE MEDICAL ASSISTANCE UPON RELEASE AND THEREAFTER. IF A COUNTY DEPARTMENT OF SOCIAL SERVICES DETERMINES THAT AN INMATE IS ELIGIBLE FOR MEDICAL ASSISTANCE, THE COUNTY SHALL ENROLL THE INMATE IN MEDICAID EFFECTIVE UPON RELEASE OF THE INMATE. AT THE TIME OF THE INMATE'S RELEASE, THE CORRECTIONAL FACILITY SHALL GIVE THE INMATE INFORMATION AND PAPERWORK NECESSARY FOR THE INMATE TO ACCESS MEDICAL ASSISTANCE. SUCH INFORMATION SHALL BE PROVIDED BY THE APPLICABLE COUNTY DEPARTMENT OF SOCIAL SERVICES.

(c) ON OR BEFORE JANUARY 1, 2003, THE DEPARTMENT OF CORRECTIONS SHALL ATTEMPT TO ENTER INTO PRERELEASE AGREEMENTS WITH LOCAL SOCIAL SECURITY ADMINISTRATION OFFICES, AND, IF APPROPRIATE, THE COUNTY DEPARTMENTS OF SOCIAL SERVICES, THE DEPARTMENT OF HUMAN SERVICES, OR THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO SIMPLIFY THE PROCESSING OF APPLICATIONS FOR MEDICAID OR FOR SUPPLEMENTAL SECURITY INCOME TO ENROLL INMATES WHO ARE ELIGIBLE FOR MEDICAL ASSISTANCE PURSUANT TO SECTION 26-4-201 (1) (i), C.R.S., OR 26-4-301 (1) (l), C.R.S., EFFECTIVE UPON RELEASE AND TO PROVIDE SUCH INMATES WITH THE INFORMATION AND PAPERWORK NECESSARY TO ACCESS MEDICAL ASSISTANCE IMMEDIATELY UPON RELEASE.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005. PRIOR TO SUCH REPEAL, THE FUNCTIONS OF THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN ASSISTING AND EXPEDITING THE APPLICATION PROCESS OF AN INMATE FOR RECEIPT OF MEDICAL ASSISTANCE OR SUPPLEMENTAL SECURITY INCOME PRIOR TO RELEASE AND THE FUNCTION OF THE DEPARTMENT OF HUMAN SERVICES IN PROVIDING EDUCATION CONCERNING SUPPLEMENTAL SECURITY INCOME SYSTEMS AND PROCESSES SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104, C.R.S.

SECTION 2. Article 27 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-27-105.7. Offenders held in community corrections programs - medical benefits application assistance - county of residence - repeal. (1) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), ON AND AFTER JANUARY 1, 2003, ANY PERSON WHO IS SENTENCED TO A COMMUNITY CORRECTIONS PROGRAM AND WHO WAS RECEIVING MEDICAL ASSISTANCE PURSUANT TO SECTION 26-4-201 (1) (i), C.R.S., OR SECTION 26-4-301 (1) (l), C.R.S., IMMEDIATELY PRIOR TO ENTERING THE COMMUNITY CORRECTIONS PROGRAM, OR WHO IS REASONABLY EXPECTED TO MEET ELIGIBILITY CRITERIA PURSUANT TO SECTION 26-4-201 (1) (i), C.R.S., OR SECTION 26-4-301 (1) (l), C.R.S., UPON RELEASE, SHALL RECEIVE ASSISTANCE FROM COMMUNITY CORRECTIONS PROGRAM AGENTS IN APPLYING FOR SUCH MEDICAL ASSISTANCE AT LEAST NINETY DAYS PRIOR TO RELEASE.

(b) ON AND AFTER JANUARY 1, 2003, ANY PERSON WHO IS SENTENCED TO A COMMUNITY CORRECTIONS PROGRAM WHO WAS ELIGIBLE FOR SUPPLEMENTAL SECURITY INCOME BENEFITS UNDER TITLE II OF THE FEDERAL "SOCIAL SECURITY ACT" IMMEDIATELY PRIOR TO ENTERING THE COMMUNITY CORRECTIONS PROGRAM, OR WHO IS REASONABLY EXPECTED TO MEET ELIGIBILITY CRITERIA FOR SUPPLEMENTAL SECURITY INCOME BENEFITS UPON RELEASE, SHALL RECEIVE ASSISTANCE FROM COMMUNITY CORRECTIONS PROGRAM AGENTS IN APPLYING FOR SUCH SUPPLEMENTAL SECURITY INCOME BENEFITS AT LEAST NINETY DAYS PRIOR TO RELEASE OR SOONER, IF POSSIBLE.

(2) ON OR BEFORE JANUARY 1, 2003, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PROVIDE INFORMATION AND TRAINING ON MEDICAL ASSISTANCE ELIGIBILITY REQUIREMENTS AND ASSISTANCE TO EACH COMMUNITY CORRECTIONS PROGRAM TO ASSIST IN AND EXPEDITE THE APPLICATION PROCESS FOR MEDICAL ASSISTANCE FOR ANY OFFENDER PLACED IN A COMMUNITY CORRECTIONS PROGRAM WHO MEETS THE REQUIREMENTS OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION.

(3) ON OR BEFORE JANUARY 1, 2003, THE DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE INFORMATION AND EDUCATION REGARDING THE SUPPLEMENTAL SECURITY INCOME SYSTEMS AND PROCESSES TO EACH COMMUNITY CORRECTIONS PROGRAM.

(4) (a) FOR PURPOSES OF DETERMINING ELIGIBILITY PURSUANT TO SECTION 26-4-106, C.R.S., THE COUNTY OF RESIDENCE OF THE OFFENDER SHALL BE THE COUNTY SPECIFIED BY THE OFFENDER AS HIS OR HER COUNTY OF RESIDENCE UPON RELEASE.

(b) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PROMULGATE RULES TO SIMPLIFY THE PROCESSING OF APPLICATIONS FOR MEDICAL ASSISTANCE PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND TO ALLOW OFFENDERS DETERMINED TO BE ELIGIBLE FOR SUCH MEDICAL ASSISTANCE TO ACCESS THE MEDICAL ASSISTANCE UPON RELEASE AND THEREAFTER. IF A COUNTY DEPARTMENT OF SOCIAL SERVICES DETERMINES THAT SUCH OFFENDER IS ELIGIBLE FOR MEDICAL ASSISTANCE, THE COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL ENROLL THE OFFENDER IN MEDICAID EFFECTIVE UPON RELEASE OF THE OFFENDER. AT THE

TIME OF THE OFFENDER'S RELEASE, THE COMMUNITY CORRECTIONS PROGRAM AGENTS SHALL GIVE THE OFFENDER INFORMATION AND PAPERWORK NECESSARY FOR THE OFFENDER TO ACCESS MEDICAL ASSISTANCE. SUCH INFORMATION SHALL BE PROVIDED BY THE APPLICABLE COUNTY DEPARTMENT OF SOCIAL SERVICES.

(c) ON OR BEFORE JANUARY 1, 2003, EACH COMMUNITY CORRECTIONS PROGRAM SHALL ATTEMPT TO ENTER INTO PRERELEASE AGREEMENTS WITH LOCAL SOCIAL SECURITY ADMINISTRATION OFFICES, AND, IF APPROPRIATE, THE COUNTY DEPARTMENTS OF SOCIAL SERVICES, THE DEPARTMENT OF HUMAN SERVICES, OR THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO SIMPLIFY THE PROCESSING OF APPLICATIONS FOR MEDICAID OR FOR SUPPLEMENTAL SECURITY INCOME TO ENROLL OFFENDERS WHO ARE ELIGIBLE FOR MEDICAL ASSISTANCE PURSUANT TO SECTION 26-4-201 (1) (i), C.R.S., OR 26-4-301 (1) (l), C.R.S., EFFECTIVE UPON RELEASE AND TO PROVIDE SUCH OFFENDERS WITH THE INFORMATION AND PAPERWORK NECESSARY TO ACCESS MEDICAL ASSISTANCE IMMEDIATELY UPON RELEASE.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005. PRIOR TO SUCH REPEAL, THE FUNCTIONS OF THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN ASSISTING AND EXPEDITING THE APPLICATION PROCESS OF AN INMATE FOR RECEIPT OF MEDICAL ASSISTANCE OR SUPPLEMENTAL SECURITY INCOME PRIOR TO RELEASE AND THE FUNCTION OF THE DEPARTMENT OF HUMAN SERVICES IN PROVIDING EDUCATION CONCERNING SUPPLEMENTAL SECURITY INCOME SYSTEMS AND PROCESSES SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104, C.R.S.

SECTION 3. 24-34-104 (36), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (36) The following agencies, functions, or both, shall terminate on July 1, 2005:

(e) THE FUNCTIONS OF THE COMMUNITY CORRECTIONS BOARD, THE DEPARTMENT OF CORRECTIONS, AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN ASSISTING IN AND EXPEDITING THE APPLICATION PROCESS OF AN INMATE OR AN OFFENDER FOR THE RECEIPT OF MEDICAL ASSISTANCE OR SUPPLEMENTAL SECURITY INCOME PRIOR TO RELEASE AND THE FUNCTION OF THE DEPARTMENT OF HUMAN SERVICES IN PROVIDING EDUCATION CONCERNING SUPPLEMENTAL SECURITY INCOME SYSTEMS AND PROCESSES IN ACCORDANCE WITH SECTIONS 17-1-113.5 AND 17-27-105.7, C.R.S.

SECTION 4. Appropriation. (1) In addition to any other appropriation, for the fiscal year beginning July 1, 2002, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of health care policy and financing, the sum of fifty thousand five hundred sixty-three dollars (\$50,563), or so much thereof as may be necessary, for implementation of this act. The general assembly further anticipates that, for the fiscal year beginning July 1, 2002, the department of health care policy and financing will receive the sum of fifty thousand five hundred sixty-three dollars (\$50,563) in federal funds for the implementation of this act. Although these federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(2) It is the intent of the general assembly that the general fund appropriation for the implementation of this act shall be derived from savings generated from the implementation of the provisions of House Bill 02-1292, as enacted during the Second Regular Session of the Sixty-third General Assembly.

SECTION 5. Effective date. (1) This act shall take effect on July 1, 2002; except that, this act shall only take effect if:

(a) The final fiscal estimate for House Bill 02-1292, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the final general fund fiscal estimate for this act, as reflected in section 4 of this act; and

(b) House Bill 02-1292 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law.

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: May 30, 2002