

CHAPTER 219

HEALTH CARE POLICY AND FINANCING

SENATE BILL 03-279

BY SENATOR(S) Owen, Reeves, and Teck;
also REPRESENTATIVE(S) Young, Plant, and Witwer.

AN ACT**CONCERNING LIMITATIONS ON THE PROVISION OF SERVICES IN THE MEDICAL ASSISTANCE PROGRAM.**

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

SECTION 1. The introductory portion to 26-4-202 (1), Colorado Revised Statutes, is amended, and the said 26-4-202 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

26-4-202. Basic services for the categorically needy - mandated services.

(1) Subject to the provisions of SUBSECTION (2) OF THIS SECTION AND section 26-4-104, the program for the categorically needy shall include the following services as mandated and defined by federal law:

(2) IN ORDER TO KEEP EXPENDITURES WITHIN APPROVED APPROPRIATIONS, THE MEDICAL SERVICES BOARD MAY, BY RULE, ESTABLISH LIMITS ON A SERVICE PROVIDED PURSUANT TO THIS SECTION SO LONG AS THE SERVICE PROVIDED IS SUFFICIENT IN THE AMOUNT, DURATION, AND SCOPE TO REASONABLY ACHIEVE THE PURPOSE OF THE SERVICE AS REQUIRED BY FEDERAL LAW OR REGULATION. WHEN A RULE IS PROMULGATED PURSUANT TO THIS SUBSECTION (2), THE MEDICAL SERVICES BOARD SHALL PROVIDE A SUMMARY REPORT OF THE LIMITATIONS ESTABLISHED BY THE RULE AND ANY FISCAL IMPACT OF THE RULE TO MEMBERS OF THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES AND ANY OTHER MEMBERS OF THE GENERAL ASSEMBLY WHO REQUEST THE REPORTS.

SECTION 2. The introductory portion to 26-4-302 (1), Colorado Revised Statutes, is amended, and the said 26-4-302 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

26-4-302. Basic services for the categorically needy - optional services.

(1) SUBJECT TO THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, the following are services for which federal financial participation is available and which Colorado has selected to provide as optional services under the medical assistance program:

(2) IN ORDER TO KEEP EXPENDITURES WITHIN APPROVED APPROPRIATIONS, THE MEDICAL SERVICES BOARD MAY, BY RULE, ESTABLISH LIMITS ON A SERVICE PROVIDED PURSUANT TO THIS SECTION SO LONG AS THE SERVICE PROVIDED IS SUFFICIENT IN THE AMOUNT, DURATION, AND SCOPE TO REASONABLY ACHIEVE THE PURPOSE OF THE SERVICE AS REQUIRED BY FEDERAL LAW OR REGULATION. WHEN A RULE IS PROMULGATED PURSUANT TO THIS SUBSECTION (2), THE MEDICAL SERVICES BOARD SHALL PROVIDE A SUMMARY REPORT OF THE LIMITATIONS ESTABLISHED BY THE RULE AND ANY FISCAL IMPACT OF THE RULE TO MEMBERS OF THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES AND ANY OTHER MEMBERS OF THE GENERAL ASSEMBLY WHO REQUEST THE REPORTS.

SECTION 3. The introductory portion to 26-4-303 (1), Colorado Revised Statutes, is amended, and the said 26-4-303 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

26-4-303. Optional programs with special state provisions. (1) SUBJECT TO THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, this section specifies programs developed by Colorado to increase federal financial participation through selecting optional services or optional eligible groups. These programs include but are not limited to:

(2) IN ORDER TO KEEP EXPENDITURES WITHIN APPROVED APPROPRIATIONS, THE MEDICAL SERVICES BOARD MAY, BY RULE, ESTABLISH LIMITS ON A SERVICE PROVIDED PURSUANT TO THIS SECTION SO LONG AS THE SERVICE PROVIDED IS SUFFICIENT IN THE AMOUNT, DURATION, AND SCOPE TO REASONABLY ACHIEVE THE PURPOSE OF THE SERVICE AS REQUIRED BY FEDERAL LAW OR REGULATION. WHEN A RULE IS PROMULGATED PURSUANT TO THIS SUBSECTION (2), THE MEDICAL SERVICES BOARD SHALL PROVIDE A SUMMARY REPORT OF THE LIMITATIONS ESTABLISHED BY THE RULE AND ANY FISCAL IMPACT OF THE RULE TO MEMBERS OF THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES AND ANY OTHER MEMBERS OF THE GENERAL ASSEMBLY WHO REQUEST THE REPORTS.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2003, and shall apply to services provided on or after said date.

SECTION 5. 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 1, 2003