

CHAPTER 376

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 04-1447

BY REPRESENTATIVE(S) Romanoff, Larson, Berry, Briggs, Cloer, Coleman, Frangas, Hefley, Plant, Salazar, Stafford, Vigil, Borodkin, Boyd, Carroll, Jahn, Madden, Marshall, McGihon, Merrifield, Miller, Paccione, Spradley, Tochtrop, Weddig, and Williams S.;
also SENATOR(S) Owen, Fitz-Gerald, Gordon, Groff, Hanna, Keller, Sandoval, Tapia, Tupa, and Windels.

AN ACT

CONCERNING THE ENROLLMENT IN THE CHILDREN'S BASIC HEALTH PLAN OF A CHILD WHO IS NO LONGER ELIGIBLE FOR MEDICAID DUE TO THE IMPLEMENTATION OF SENATE BILL 03-176, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 26-19-109, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-19-109. Eligibility - children - pregnant women - repeal. (6) THE STATE DEPARTMENT SHALL PROVIDE A CHILD WHO IS NO LONGER ELIGIBLE FOR THE STATE'S MEDICAID PROGRAM DUE TO THE IMPLEMENTATION OF SENATE BILL 03-176, AS ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY, WITH THE APPROPRIATE NOTICE OF THE OPPORTUNITY TO CHOOSE TO BE ENROLLED IN THE PLAN PRIOR TO THE CHILD'S DISENROLLMENT FROM MEDICAID. IF THE CHILD'S PARENT OR LEGAL GUARDIAN CHOOSES TO HAVE THE CHILD ENROLLED IN THE PLAN, AFFIRMS INCOME ELIGIBILITY, AND AGREES TO ANY APPLICABLE COST-SHARING, THE STATE DEPARTMENT SHALL ENROLL THE CHILD IN THE PLAN WITH NO LAPSE OF COVERAGE BETWEEN THE CHILD'S ENROLLMENT IN MEDICAID AND THE CHILD'S ENROLLMENT IN THE PLAN. THE CHILD SHALL BE ELIGIBLE FOR THE PLAN FOR A PERIOD OF TWELVE MONTHS CONSISTENT WITH THE PROVISIONS OF SUBSECTION (4) OF THIS SECTION.

SECTION 2. 24-75-1104 (1) (d), Colorado Revised Statutes, is amended to read:

24-75-1104. Use of settlement moneys - programs. (1) For the 2000-01 fiscal year and for each fiscal year thereafter, the following programs shall receive

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

appropriations in the specified amounts from the settlement moneys annually received by the state:

(d) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (d), the tobacco education, prevention, and cessation grant program created in part 8 of article 3.5 of title 25, C.R.S., shall receive fifteen percent of the total amount of settlement moneys annually received by the state; except that the amount received in any fiscal year FOR PROGRAMS SPECIFIED IN THIS PARAGRAPH (d) shall not exceed fifteen million dollars;

(II) OF THE MONEYS ALLOCATED TO THE TOBACCO EDUCATION, PREVENTION, AND CESSATION GRANT PROGRAM IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE ALLOCATED TO PAY THE STATE'S SHARE OF THE CHILDREN'S BASIC HEALTH PLAN COSTS FOR CHILDREN WHO LOSE MEDICAID COVERAGE DUE TO THE IMPLEMENTATION OF SENATE BILL 03-176, WHICH SHALL BE TRANSFERRED TO THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN SECTION 26-19-105, C.R.S., BEGINNING IN STATE FISCAL YEAR 2004-05;

SECTION 3. 25-3.5-807 (2) (a), Colorado Revised Statutes, is amended to read:

25-3.5-807. Tobacco program fund - created. (2) (a) Except as otherwise provided in section 24-75-1104 (1) (d), (1.7) (d), ~~or~~ AND (1.8) (a) (III), C.R.S., beginning in fiscal year 2000-01 and for fiscal years thereafter so long as the state receives moneys pursuant to the master settlement agreement, the general assembly shall annually appropriate to the fund fifteen percent of the amount transmitted to the state treasurer pursuant to the provisions of the master settlement agreement, other than attorney fees and costs, during the preceding fiscal year; except that the amount so appropriated to the fund in any fiscal year shall not exceed fifteen million dollars. The general assembly shall appropriate the amount specified in this subsection (2) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

SECTION 4. Appropriation - adjustments to the 2004 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2004, to the department of health care policy and financing, division of indigent care, shall be adjusted as follows:

(a) The appropriation to children's basic health plan administration is increased by six thousand four hundred fifty-five dollars (\$6,455). Of said sum, two thousand two hundred sixty dollars (\$2,260) shall be cash funds exempt and four thousand one hundred ninety-five dollars (\$4,195) shall be from federal funds. The cash funds exempt amount shall be from the children's basic health plan trust created in section 26-19-105, Colorado Revised Statutes.

(b) The appropriation to children's basic health plan premium costs is increased by three hundred nine thousand eight hundred fifty-five dollars (\$309,855). Of said sum, one hundred eight thousand four hundred forty-nine dollars (\$108,449) shall be cash funds exempt and two hundred one thousand four hundred six dollars (\$201,406) shall be from federal funds. The cash funds exempt amount shall be from the children's basic health plan trust created in section 25-19-105, Colorado Revised Statutes.

(c) The appropriation to children's basic health plan dental benefit costs is increased by thirty-eight thousand five hundred forty-four dollars (\$38,544). Of said sum, thirteen thousand four hundred ninety-one dollars (\$13,491) shall be cash funds exempt and twenty-five thousand fifty-three dollars (\$25,053) shall be from federal funds. The cash funds exempt amount shall be from the children's basic health plan trust created in section 26-19-105, Colorado Revised Statutes.

SECTION 5. Appropriation - adjustments to the 2004 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2004, to the department of health care policy and financing, division of indigent care, shall be adjusted as follows:

(a) The cash funds exempt appropriation to the House Bill 97-1304 children's basic health plan trust is increased by two hundred fifty thousand dollars (\$250,000). The cash funds exempt shall be from the allocation of the tobacco litigation settlement cash fund pursuant to section 24-75-1104 (1) (d), Colorado Revised Statutes.

(b) The appropriation to children's basic health plan administration is increased by six thousand four hundred fifty-five dollars (\$6,455). Of said sum, two thousand two hundred sixty dollars (\$2,260) shall be cash funds exempt and four thousand one hundred ninety-five dollars (\$4,195) shall be from federal funds. The cash funds exempt amount shall be from the children's basic health plan trust created in section 26-19-105, Colorado Revised Statutes.

(c) The appropriation to children's basic health plan premium costs is increased by three hundred nine thousand eight hundred fifty-five dollars (\$309,855). Of said sum, one hundred eight thousand four hundred forty-nine dollars (\$108,449) shall be cash funds exempt and two hundred one thousand four hundred six dollars (\$201,406) shall be from federal funds. The cash funds exempt amount shall be from the children's basic health plan trust created in section 25-19-105, Colorado Revised Statutes.

(d) The appropriation to children's basic health plan dental benefit costs is increased by thirty-eight thousand five hundred forty-four dollars (\$38,544). Of said sum, thirteen thousand four hundred ninety-one dollars (\$13,491) shall be cash funds exempt and twenty-five thousand fifty-three dollars (\$25,053) shall be from federal funds. The cash funds exempt amount shall be from the children's basic health plan trust created in section 26-19-105, Colorado Revised Statutes.

SECTION 6. Effective date. (1) Except as provided in subsections (2) and (3) of this section, this act shall take effect upon passage.

(2) Sections 2, 3, and 5 of this act shall only take effect if House Bill 04-1421 is not enacted at the Second Regular Session of the Sixty-fourth General Assembly and does not become law.

(3) Section 4 of this act shall only take effect if House Bill 04-1421 is enacted at the Second Regular Session of the Sixty-fourth General Assembly and becomes law.

SECTION 7. 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, 2004