

## CHAPTER 67

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**HEALTH CARE POLICY AND FINANCING**


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**HOUSE BILL 04-1058**

BY REPRESENTATIVE(S) Rippy, Boyd, Tochtrop, and Young;  
also SENATOR(S) May R., Hagedorn, Hanna, and Sandoval.

**AN ACT**

**CONCERNING ELIGIBILITY DETERMINATIONS UNDER THE "COLORADO MEDICAL ASSISTANCE ACT".**

*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, and the said 26-4-106 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, 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, EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION. Local social security offices also determine eligibility for medicaid benefits at the same time they determine eligibility for supplemental security income. THE STATE DEPARTMENT MAY ACCEPT MEDICAL ASSISTANCE APPLICATIONS AND DETERMINE MEDICAL ASSISTANCE ELIGIBILITY AND MAY DESIGNATE THE PRIVATE SERVICE CONTRACTOR THAT ADMINISTERS THE CHILDREN'S BASIC HEALTH PLAN, DENVER HEALTH AND HOSPITALS, AND A HOSPITAL THAT IS DESIGNATED AS A REGIONAL PEDIATRIC TRAUMA CENTER, AS DEFINED IN SECTION 25-3.5-703 (4) (f), C.R.S., TO ACCEPT MEDICAL ASSISTANCE APPLICATIONS AND TO DETERMINE MEDICAL ASSISTANCE ELIGIBILITY. 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, THE STATE DEPARTMENT, OR OTHER ENTITY DESIGNATED BY THE STATE 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.

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

~~(b) (I) Notwithstanding the requirement in paragraph (a) of this subsection (1) 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.

(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 committees of the house of representatives and the senate no later than October 1, 2003.

~~(III) SUBPARAGRAPH (II) OF this paragraph (b) is AND THIS SUBPARAGRAPH (III) ARE 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 AND DETERMINATION OF ELIGIBILITY for medical assistance only at locations other than the county departments, locations used for processing applications for ~~aid to families with dependent children~~ THE COLORADO WORKS PROGRAM, 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 OR AN ENTITY DESIGNATED BY THE STATE DEPARTMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION is not required to recover emergency assistance from an applicant who fails, upon recertification, to meet the photographic identification requirement.

(5) (a) THE STATE DEPARTMENT SHALL NOT PURSUE RECOVERY FROM A COUNTY FOR THE COST OF MEDICAL SERVICES PROVIDED TO A PERSON WHO HAS BEEN INCORRECTLY DETERMINED ELIGIBLE FOR MEDICAL ASSISTANCE BY THAT COUNTY OR ANY OTHER ENTITY.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2008.

(6) ON OR BEFORE DECEMBER 1, 2005, THE STATE DEPARTMENT SHALL REPORT TO THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THE PROGRESS OF THE PRIVATE SERVICE CONTRACTOR THAT ADMINISTERS THE CHILDREN'S BASIC HEALTH PLAN AND DENVER HEALTH AND HOSPITALS IN ACCEPTING MEDICAL ASSISTANCE APPLICATIONS AND DETERMINING MEDICAL ASSISTANCE ELIGIBILITY PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE STATE DEPARTMENT SHALL INCLUDE IN THE REPORT RECOMMENDATIONS REGARDING THE ADVISABILITY OF ADDITIONAL MEDICAL ASSISTANCE SITES.

**SECTION 2. 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: April 2, 2004