

CHAPTER 96

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 05-1025

BY REPRESENTATIVE(S) Stafford, Marshall, Green, Borodkin, Boyd, Buescher, Cloer, Frangas, Hodge, McGihon, Merrifield, Paccione, Plant, Pommer, Ragsdale, Todd, Weissmann, and Berens;
also SENATOR(S) Hagedorn, Anderson, Dyer, and Mitchell.

AN ACT

CONCERNING ELIGIBILITY UNDER THE "COLORADO MEDICAL ASSISTANCE ACT".

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

SECTION 1. Part 3 of article 4 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-4-304. Presumptive eligibility - pregnant women - state plan. (1) FOR PURPOSES OF THIS SECTION, "PRESUMPTIVE ELIGIBILITY" MEANS THE SELF-DECLARATION OF INCOME, ASSETS, AND STATUS IN ORDER TO PROMPTLY RECEIVE MEDICAL ASSISTANCE SERVICES PRIOR TO THE VERIFICATION OF INCOME, ASSETS, AND STATUS.

(2) (a) A PREGNANT WOMAN SHALL BE PRESUMPTIVELY ELIGIBLE FOR THE MEDICAL ASSISTANCE PROGRAM AND SHALL RECEIVE SERVICES SPECIFIED BY FEDERAL LAW ONLY IF THE WOMAN DECLARES ALL PERTINENT INFORMATION RELATING TO THE CRITERIA OF INCOME, ASSETS, AND STATUS.

(b) A WOMAN SHALL DECLARE HER IMMIGRATION STATUS UNLESS THE GENERAL ASSEMBLY PROVIDES FUNDING FOR PRENATAL CARE SERVICES FOR UNDOCUMENTED RESIDENTS.

(3) THE STATE DEPARTMENT SHALL MAKE ANY NECESSARY CHANGES TO THE STATE PLAN TO COMPLY WITH THIS SECTION.

SECTION 2. 26-4-106 (1) and (6), Colorado Revised Statutes, are amended 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.

26-4-106. 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., AND OTHER MEDICAL ASSISTANCE SITES DETERMINED NECESSARY BY THE STATE DEPARTMENT to accept medical assistance applications, ~~and~~ to determine medical assistance eligibility, AND TO DETERMINE PRESUMPTIVE ELIGIBILITY. WHEN THE STATE DEPARTMENT DETERMINES THAT IT IS NECESSARY TO DESIGNATE AN ADDITIONAL MEDICAL ASSISTANCE SITE, THE STATE DEPARTMENT SHALL NOTIFY THE COUNTY IN WHICH THE MEDICAL ASSISTANCE SITE IS LOCATED THAT AN ADDITIONAL MEDICAL ASSISTANCE SITE HAS BEEN DESIGNATED. 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 of the state department.

(b) (I) 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) and (III) Repealed.

(c) THE STATE DEPARTMENT SHALL DEVELOP TRAINING SAFEGUARDS TO PREVENT ACTIONS TAKEN BY STAFF OF MEDICAL ASSISTANCE SITES FROM AFFECTING FOOD AND CASH ASSISTANCE ELIGIBILITY.

(6) On or before December 1, 2005, the state department shall report to the ~~health, environment, welfare, and institutions~~ HEALTH AND HUMAN SERVICES 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, AND ANY OTHER MEDICAL ASSISTANCE SITE in accepting medical assistance applications, ~~and~~ determining medical assistance eligibility, AND DETERMINING PRESUMPTIVE 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 3. 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 22, 2005