

CHAPTER 245

HEALTH CARE POLICY AND FINANCING

SENATE BILL 06-135

BY SENATOR(S) Owen, Tapia, Keller, Bacon, Fitz-Gerald, Gordon, Groff, Grossman, Hanna, Isgar, Mitchell, Sandoval, Shaffer, Tochtrop, Tupa, Veiga, Williams, and Windels;
also REPRESENTATIVE(S) Plant, Buescher, Hall, Berens, Borodkin, Coleman, Frangas, Green, Hodge, Kerr A., Madden, McGihon, Merrifield, Riesberg, Todd, and Vigil.

AN ACT

CONCERNING THE ENROLLMENT OF PREGNANT WOMEN IN THE CHILDREN'S BASIC HEALTH PLAN, AND, IN CONNECTION THEREWITH, AUTHORIZING THE USE OF TOBACCO TAX MONEYS TO PAY FOR THE SERVICES PROVIDED, AND MAKING AN APPROPRIATION.

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

SECTION 1. 26-19-109 (5) (a), Colorado Revised Statutes, is amended to read:

26-19-109. Eligibility - children - pregnant women. (5) (a) (I) A pregnant woman whose family income exceeds one hundred thirty-three percent of the federal poverty level but does not exceed ~~one hundred eighty-five percent~~ TWO HUNDRED PERCENT of the federal poverty level shall be presumptively eligible for the plan. Once determined eligible for the plan, a pregnant woman shall be considered to be continuously eligible throughout the pregnancy and for the sixty days following the pregnancy, even if the woman's eligibility would otherwise terminate during such period due to an increase in income. Upon birth, a child born to a woman eligible for the plan shall be eligible for the plan and shall be automatically enrolled in the plan in accordance with the eligibility requirements for children specified in subsection (4) of this section.

(II) Repealed.

(III) (A) UNTIL THE DEPARTMENT RECEIVES FEDERAL APPROVAL TO INCREASE ELIGIBILITY IN THE CHILDREN'S BASIC HEALTH PLAN FOR A PREGNANT WOMAN WHOSE FAMILY INCOME EXCEEDS ONE HUNDRED EIGHTY-FIVE PERCENT BUT DOES NOT EXCEED TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL, A PREGNANT WOMAN WITHIN THIS INCOME RANGE SHALL BE CONSIDERED ENROLLED IN THE PLAN

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

THROUGHOUT THE WOMAN'S PREGNANCY AND FOR THE SIXTY DAYS FOLLOWING THE PREGNANCY. A PREGNANT WOMAN CONSIDERED ENROLLED IN THE PLAN PURSUANT TO THIS SUBPARAGRAPH (III) SHALL NOT BE ELIGIBLE FOR THE PLAN UNTIL THE STATE DEPARTMENT RECEIVES FEDERAL APPROVAL TO INCREASE ELIGIBILITY IN THE PLAN FOR PREGNANT WOMEN. THE STATE DEPARTMENT SHALL PROVIDE A SET OF SERVICES EQUIVALENT TO THOSE PROVIDED UNDER THE PLAN TO PREGNANT WOMEN CONSIDERED ENROLLED IN, BUT NOT ELIGIBLE FOR, THE PLAN PURSUANT TO THIS SUBPARAGRAPH (III).

(B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1, 2007.

SECTION 2. The introductory portion of 24-22-117 (2) (a) (II), Colorado Revised Statutes, is amended, and the said 24-22-117 (2) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

24-22-117. Tobacco tax cash fund - accounts - creation - repeal. (2) There are hereby created in the state treasury the following funds:

(a) (II) Except as provided in ~~subparagraph (III)~~ SUBPARAGRAPHS (III) AND (IV) of this paragraph (a), for fiscal year 2005-06 and each fiscal year thereafter, moneys in the health care expansion fund shall be annually appropriated by the general assembly to the department of health care policy and financing for the following purposes:

(IV) (A) FOR FISCAL YEAR 2005-06, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IS AUTHORIZED TO USE MONEYS APPROPRIATED FROM THE HEALTH CARE EXPANSION FUND TO THE DEPARTMENT FOR PAYMENT OF ONE HUNDRED PERCENT OF THE EXPENSES INCURRED FOR SERVICES PROVIDED TO PREGNANT WOMEN WHOSE FAMILY INCOME EXCEEDS ONE HUNDRED EIGHTY-FIVE PERCENT BUT DOES NOT EXCEED TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL AND WHO ARE ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN PURSUANT TO SECTION 26-19-109 (5) (a) (III), C.R.S., UNTIL FEDERAL FINANCIAL PARTICIPATION IS AVAILABLE.

(B) THIS SUBPARAGRAPH (IV) IS REPEALED, EFFECTIVE JULY 1, 2007.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of moneys in the health care expansion fund created in section 24-22-117 (2) (a) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of health care policy and financing, for allocation to the indigent care division, children's basic health plan premiums costs, for the fiscal year beginning July 1, 2005, the sum of three hundred fifty-three thousand one hundred sixty-one dollars (\$353,161), or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. 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 25, 2006