

CHAPTER 320

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 06-1270

BY REPRESENTATIVE(S) Merrifield, Paccione, Benefield, Larson, Massey, McKinley, Pommer, Solano, Todd, Butcher, Carroll M., Coleman, Frangas, Gallegos, Garcia, Madden, Marshall, Berens, Green, Kerr A., Penry, and White; also SENATOR(S) Gordon, Bacon, Boyd, Groff, Isgar, Jones, Mitchell, Shaffer, Spence, Tochtrop, Traylor, Tupa, Williams, and Windels.

AN ACT

CONCERNING THE AUTHORITY OF PUBLIC SCHOOL PERSONNEL TO MAKE DETERMINATIONS OF ELIGIBILITY FOR CERTAIN PUBLIC MEDICAL BENEFITS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Providing access to health care to Colorado's children is one of the state's most important goals;

(b) It is estimated that less than half of the children eligible for Colorado's children's basic health plan are enrolled in the plan;

(c) School districts collect financial information to determine a student's eligibility for free or reduced-cost lunches under the federal "National School Lunch Act";

(d) Many children eligible for free or reduced-cost lunches are also eligible for benefits under medicaid or the children's basic health plan;

(e) Currently, school districts may share financial information with county departments for purposes of determining eligibility under medicaid or the children's basic health plan, but, in order to enroll a child, a parent must go to a county department or other medicaid eligibility determination sites;

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

(f) Authorizing qualified personnel to make eligibility determinations for and to enroll students in medicaid or the children's basic health plan at the same time that eligibility for free or reduced-cost lunches is determined would increase enrollment of children in medicaid and the children's basic health plan.

(2) It is the intent of the general assembly to increase participation of children in public health benefits by making it easier for parents to enroll their children in the programs.

SECTION 2. 26-4-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-4-106. Application - verification of eligibility - demonstration project - rules - repeal. (1) (b.5) (I) THERE IS HEREBY ESTABLISHED A DEMONSTRATION PROJECT IN THE STATE DEPARTMENT TO AUTHORIZE QUALIFIED PERSONNEL TO MAKE ELIGIBILITY DETERMINATIONS FOR MEDICAL BENEFITS UNDER THE STATE MEDICAL ASSISTANCE PROGRAM AND THE CHILDREN'S BASIC HEALTH PLAN FOR STUDENTS ENROLLED IN A PUBLIC SCHOOL. FOR THE 2007-08 SCHOOL YEAR, THE EXECUTIVE DIRECTOR, AFTER RECEIVING RECOMMENDATIONS OF THE ADVISORY COMMITTEE ESTABLISHED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (b.5), SHALL SELECT NOT FEWER THAN THREE SCHOOL DISTRICTS IN BOTH RURAL AND URBAN AREAS TO PARTICIPATE IN THE DEMONSTRATION PROJECT.

(II) ON OR BEFORE SEPTEMBER 1, 2006, THE EXECUTIVE DIRECTOR SHALL CONVENE AN ADVISORY COMMITTEE, REFERRED TO IN THIS PARAGRAPH (b.5) AS THE "ADVISORY COMMITTEE", COMPOSED OF, BUT NOT LIMITED TO, A REPRESENTATIVE FROM EACH OF THE FOLLOWING: THE DEPARTMENT OF EDUCATION, THE STATE DEPARTMENT, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, A STATEWIDE ASSOCIATION OF SCHOOL BOARDS, A STATEWIDE ASSOCIATION OF SCHOOL EXECUTIVES, A STATEWIDE ASSOCIATION REPRESENTING PEDIATRICIANS, AND A HEALTH CARE ADVOCACY GROUP AND A PARENT OF A CHILD RECEIVING SERVICES UNDER THE CHILDREN'S BASIC HEALTH PLAN. MEMBERS OF THE ADVISORY COMMITTEE SHALL NOT BE COMPENSATED FOR SERVICE ON THE COMMITTEE OR REIMBURSED FOR THEIR EXPENSES ASSOCIATED WITH THE COMMITTEE. THE ADVISORY COMMITTEE SHALL:

(A) DEVELOP A MODEL APPLICATION FORM PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (b.5);

(B) ESTABLISH CRITERIA FOR THE SELECTION OF SCHOOL DISTRICTS TO PARTICIPATE IN THE DEMONSTRATION PROJECT, INCLUDING BUT NOT LIMITED TO A REQUIREMENT THAT DISTRICTS HAVE RECEIVED THE APPROVAL OF ANY AFFECTED COUNTIES FOR PARTICIPATION IN THE DEMONSTRATION PROJECT, DISTRICTS IN BOTH RURAL AND URBAN AREAS, DISTRICTS WITH A HIGH PERCENTAGE OF STUDENTS ELIGIBLE FOR FREE OR REDUCED-COST LUNCHES, SCHOOL DISTRICTS IN GEOGRAPHIC AREAS WITH HEALTH CARE PROVIDER NETWORKS OR FEDERALLY QUALIFIED HEALTH CENTERS, AS DEFINED IN THE FEDERAL "SOCIAL SECURITY ACT", THAT CAN HANDLE ADDITIONAL CHILDREN, AND SCHOOL DISTRICTS WITH THE TECHNOLOGICAL EQUIPMENT TO HANDLE THE ELIGIBILITY DETERMINATIONS;

(C) SOLICIT PROPOSALS FOR PARTICIPATION IN THE DEMONSTRATION PROJECT

FROM SCHOOL DISTRICTS THAT MAY INCLUDE THE ENTIRE SCHOOL DISTRICT OR SELECTED SCHOOLS WITHIN THE SCHOOL DISTRICT;

(D) REVIEW PROPOSALS FROM SCHOOL DISTRICTS;

(E) ON OR BEFORE MARCH 1, 2007, RECOMMEND TO THE EXECUTIVE DIRECTOR THE SCHOOL DISTRICTS TO PARTICIPATE IN THE DEMONSTRATION PROJECT; AND

(F) REVIEW OR RECOMMEND RULES TO BE PROMULGATED BY THE STATE BOARD PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (b.5).

(III) THE ADVISORY COMMITTEE SHALL ESTABLISH A MODEL FREE OR REDUCED-COST LUNCH APPLICATION FORM THAT INCLUDES BUT IS NOT LIMITED TO:

(A) FEDERALLY REQUIRED INFORMATION TO DETERMINE ELIGIBILITY FOR FREE OR REDUCED-COST LUNCHES;

(B) A NOTIFICATION THAT IF A CHILD QUALIFIES FOR FREE SCHOOL LUNCHES, THE CHILD MAY QUALIFY FOR MEDICAID OR THE CHILDREN'S BASIC HEALTH PLAN;

(C) A REQUEST FOR THE APPLICANT'S CONSENT TO SHARE INFORMATION REGARDING THE CHILD'S ELIGIBILITY TO PARTICIPATE IN MEDICAID OR THE CHILDREN'S BASIC HEALTH PLAN;

(D) A LISTING OF ALL OTHER ELIGIBILITY REQUIREMENTS FOR MEDICAID OR THE CHILDREN'S BASIC HEALTH PLAN;

(E) INFORMATION REGARDING MEDICAID AND THE CHILDREN'S BASIC HEALTH PLAN.

(IV) SCHOOL DISTRICTS PARTICIPATING IN THE DEMONSTRATION PROJECT:

(A) MAY SEEK REIMBURSEMENT FOR COSTS ASSOCIATED WITH DETERMINING ELIGIBILITY AND ENROLLING CHILDREN IN MEDICAID OR THE CHILDREN'S BASIC HEALTH PLAN FROM STATE OR FEDERAL MONEYS AVAILABLE FOR OUTREACH OR ENROLLMENT; AND

(B) SHALL COMPLY WITH ANY REQUIREMENTS IMPOSED PURSUANT TO RULE OF THE STATE BOARD.

(V) ON OR BEFORE JULY 15, 2007, THE STATE BOARD SHALL PROMULGATE RULES GOVERNING THE DEMONSTRATION PROJECT, INCLUDING BUT NOT LIMITED TO REQUIREMENTS FOR QUALIFIED PERSONNEL AND REPORTING REQUIREMENTS FOR PARTICIPATING SCHOOL DISTRICTS.

(VI) THE STATE DEPARTMENT SHALL INVESTIGATE AND REPORT TO SCHOOL DISTRICTS PARTICIPATING IN THE DEMONSTRATION PROJECT WHETHER THE SCHOOL DISTRICTS MAY RECEIVE FEDERAL PARTICIPATION FOR THE COSTS ASSOCIATED WITH DETERMINING ELIGIBILITY AND ENROLLING CHILDREN IN MEDICAID OR THE CHILDREN'S BASIC HEALTH PLAN.

(VII) SUBJECT TO THE RECEIPT OF SUFFICIENT GIFTS, GRANTS, OR DONATIONS, THE STATE DEPARTMENT SHALL CONTRACT FOR AN INDEPENDENT EVALUATION OF THE DEMONSTRATION PROJECT. ON OR BEFORE JANUARY 15, 2010, THE STATE DEPARTMENT SHALL FORWARD THE EVALUATION TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND THE JOINT BUDGET COMMITTEE. THE EVALUATION SHALL INCLUDE BUT NEED NOT BE LIMITED TO THE NUMBER OF STUDENTS ENROLLED IN MEDICAL BENEFIT PROGRAMS THROUGH EACH SCHOOL PARTICIPATING IN THE DEMONSTRATION PROJECT AND ANY PROBLEMS ENCOUNTERED IN ENROLLING CHILDREN THROUGH THE SCHOOL DISTRICTS.

(VIII) THIS PARAGRAPH (b.5) IS REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 3. Appropriation - adjustments to 2006 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing, executive director's office, for the fiscal year beginning July 1, 2006, shall be adjusted as follows:

(a) The appropriation to personal services is increased by forty-nine thousand six hundred fifty-six dollars (\$49,656) and 1.0 FTE. Of said sum, twenty-four thousand eight hundred twenty-eight dollars (\$24,828) shall be from the general fund and twenty-four thousand eight hundred twenty-eight dollars (\$24,828) shall be from federal funds.

(b) The appropriation to operating expenses is increased by nine thousand eight hundred seventy-six dollars (\$9,876). Of said sum, four thousand nine hundred thirty-eight dollars (\$4,938) shall be from the general fund and four thousand nine hundred thirty-eight dollars (\$4,938) shall be from federal funds.

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: June 2, 2006