

CHAPTER 242

HEALTH CARE POLICY AND FINANCING

SENATE BILL 08-006

BY SENATOR(S) Boyd, Windels, and Bacon;
also REPRESENTATIVE(S) Solano, Stafford, Carroll T., Casso, Frangas, Jahn, Kefalas, Kerr A., King, Labuda, and Todd.

AN ACT

CONCERNING SUSPENSION OF MEDICAID BENEFITS FOR PERSONS CONFINED PURSUANT TO A COURT ORDER, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Part 2 of article 4 of title 25.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25.5-4-205.5. Confined persons - suspension of benefits. (1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "CONFINED PERSON" MEANS A PERSON WHO IS:

(a) AN INMATE CONFINED TO A CORRECTIONAL INSTITUTION OPERATED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF CORRECTIONS;

(b) CONFINED IN A JAIL;

(c) COMMITTED TO A JUVENILE COMMITMENT FACILITY;

(d) COMMITTED TO A DEPARTMENT OF HUMAN SERVICES FACILITY PURSUANT TO PART 1 OF ARTICLE 8 OF TITLE 16, C.R.S.; OR

(e) A PATIENT PLACED IN A DEPARTMENT OF HUMAN SERVICES FACILITY PURSUANT TO COURT ORDER OR CERTIFICATION.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON WHO, IMMEDIATELY PRIOR TO BECOMING A CONFINED PERSON, WAS A RECIPIENT OF MEDICAL ASSISTANCE PURSUANT TO THIS ARTICLE OR ARTICLE 5 OR 6 OF THIS TITLE SHALL REMAIN ELIGIBLE FOR MEDICAL ASSISTANCE WHILE A CONFINED PERSON;

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

EXCEPT THAT NO MEDICAL ASSISTANCE SHALL BE FURNISHED PURSUANT TO THIS ARTICLE OR ARTICLE 5 OR 6 OF THIS TITLE WHILE THE PERSON IS A CONFINED PERSON UNLESS FEDERAL FINANCIAL PARTICIPATION IS AVAILABLE FOR THE COST OF THE ASSISTANCE, INCLUDING BUT NOT LIMITED TO JUVENILES HELD IN A FACILITY OPERATED BY OR UNDER CONTRACT TO THE DIVISION OF YOUTH CORRECTIONS ESTABLISHED PURSUANT TO SECTION 19-2-203, C.R.S., OR THE DEPARTMENT OF HUMAN SERVICES. ONCE A PERSON IS NO LONGER A CONFINED PERSON, THE PERSON SHALL CONTINUE TO BE ELIGIBLE FOR RECEIPT OF MEDICAL BENEFITS PURSUANT TO THIS ARTICLE OR ARTICLE 5 OR 6 OF THIS TITLE UNTIL THE PERSON IS DETERMINED TO BE INELIGIBLE FOR THE RECEIPT OF THE ASSISTANCE. TO THE EXTENT PERMITTED BY FEDERAL LAW, THE TIME DURING WHICH A PERSON IS A CONFINED PERSON SHALL NOT BE INCLUDED IN ANY CALCULATION OF WHEN THE PERSON MUST RECERTIFY HIS OR HER ELIGIBILITY FOR MEDICAL ASSISTANCE PURSUANT TO THIS ARTICLE OR ARTICLE 5 OR 6 OF THIS TITLE.

SECTION 2. Appropriation - adjustment to the 2008 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, for the fiscal year beginning July 1, 2008, shall be adjusted as follows:

(a) The general fund appropriation to the executive director's office, information technology contracts and projects, for information technology contracts is increased by the sum of seventy-four thousand six hundred twenty-four dollars (\$74,624), or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive two hundred twenty-three thousand eight hundred seventy-one dollars (\$223,871) federal funds in the fiscal year beginning July 1, 2008, for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(b) The appropriation to the department of human services Medicaid-funded programs, office of information technology services - Medicaid funding, for the Colorado benefits management system is increased by forty-nine thousand seven hundred eight dollars (\$49,708), or so much thereof as may be necessary, for the implementation of this act. Of said sum, forty-four thousand seventy-nine dollars (\$44,079) shall be from the general fund, five thousand one hundred forty-two dollars (\$5,142) shall be cash funds from the children's basic health trust fund created in section 25.5-8-105 (1), Colorado Revised Statutes, and four hundred eighty-seven dollars (\$487) shall be reappropriated funds from moneys in the old age pension fund appropriated to the department of human services, pursuant to article XXIV of the Colorado constitution. In addition to said appropriations, the general assembly anticipates that the department of health care policy and financing will receive forty-four thousand three hundred eighty-four dollars (\$44,384) federal funds in the fiscal year beginning July 1, 2008, for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(2) For the implementation of this act, appropriations made in the annual general appropriation act to the department of human services, for the fiscal year beginning

July 1, 2008, shall be adjusted as follows: the appropriation to the division of information technology, for the Colorado benefits management system is increased by one hundred fifty-eight thousand three hundred ninety-two dollars (\$158,392). Of said sum, forty-two thousand five hundred forty-six dollars (\$42,546) shall be from the general fund, twenty-one thousand seven hundred fifty-four dollars (\$21,754) shall be cash funds from the old age pension fund created in section 1 of article XXIV of the Colorado constitution, and ninety-four thousand ninety-two dollars (\$94,092) shall be reappropriated funds transferred from the department of health care policy and financing. In addition to said appropriations, the general assembly anticipates that the department of human services will receive one hundred twelve thousand six hundred eighty-eight dollars (\$112,688) federal funds in the fiscal year beginning July 1, 2008, for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(3) For the implementation of this act, the general fund appropriation to the controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by one hundred sixty-one thousand two hundred forty-nine dollars (\$161,249).

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: May 20, 2008