

CHAPTER 381

CORRECTIONS

HOUSE BILL 08-1046

BY REPRESENTATIVE(S) Stafford, Solano, Borodkin, Carroll T., Casso, Hodge, Jahn, Kefalas, Levy, McFadyen, McGihon, Merrifield, Middleton, Pommer, Primavera, Rice, Todd, Frangas, Green, Kerr A., Labuda, and Summers;
also SENATOR(S) Windels, Boyd, Bacon, Gibbs, Keller, Sandoval, Shaffer, Tochtrop, and Tupa.

AN ACT

**CONCERNING PROCEDURES TO FACILITATE THE PROVISION OF PUBLIC BENEFITS TO OFFENDERS
TRANSITIONING FROM THE CRIMINAL JUSTICE SYSTEM, AND MAKING AN APPROPRIATION
THEREFOR.**

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

SECTION 1. Part 4 of article 2 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

19-2-418. Juveniles - medical benefits application assistance - county of residence - rules. (1) BEGINNING AS SOON AS PRACTICABLE, BUT NO LATER THAN JANUARY 1, 2009, NO LATER THAN ONE HUNDRED TWENTY DAYS PRIOR TO RELEASE, COMMITMENT FACILITY PERSONNEL OR STATE PERSONNEL SHALL ASSIST THE PARENT OR LEGAL GUARDIAN OF THE FOLLOWING JUVENILES IN APPLYING FOR MEDICAL ASSISTANCE PURSUANT TO PART 1 OR 2 OF ARTICLE 5 OF TITLE 25.5, C.R.S., OR IN APPLYING TO THE CHILDREN'S BASIC HEALTH PLAN PURSUANT TO SECTION 25.5-8-109, C.R.S.:

(a) A JUVENILE WHO WAS RECEIVING MEDICAL ASSISTANCE PURSUANT TO SECTION 25.5-5-101 (1) (f) OR 25.5-5-201 (1) (j), C.R.S., OR PURSUANT TO THE CHILDREN'S BASIC HEALTH PLAN PURSUANT TO SECTION 25.5-8-109, C.R.S., IMMEDIATELY PRIOR TO ENTERING THE JUVENILE COMMITMENT FACILITY AND IS LIKELY TO BE TERMINATED FROM RECEIVING MEDICAL ASSISTANCE WHILE COMMITTED OR IS REASONABLY EXPECTED TO MEET THE ELIGIBILITY CRITERIA SPECIFIED IN SECTION 25.5-5-101 (1) (f), 25.5-5-201 (1) (j), OR 25.5-8-109, C.R.S., UPON RELEASE; AND

(b) A JUVENILE WHO IS COMMITTED TO A JUVENILE COMMITMENT FACILITY.

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

(1.5) IF A JUVENILE IS COMMITTED OR PLACED FOR LESS THAN ONE HUNDRED TWENTY DAYS, COMMITMENT FACILITY PERSONNEL OR STATE PERSONNEL SHALL MAKE A REASONABLE EFFORT TO ASSIST THE PARENT OR LEGAL GUARDIAN OF THE JUVENILE IN APPLYING FOR MEDICAL ASSISTANCE AS SOON AS PRACTICABLE.

(2) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PROVIDE INFORMATION AND TRAINING ON MEDICAL ASSISTANCE ELIGIBILITY REQUIREMENTS AND ASSISTANCE TO THE PERSONNEL AT EACH COMMITMENT FACILITY TO ASSIST IN AND EXPEDITE THE APPLICATION PROCESS FOR MEDICAL ASSISTANCE FOR A JUVENILE HELD IN CUSTODY WHO MEETS THE REQUIREMENTS OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION.

(3) (a) FOR PURPOSES OF DETERMINING ELIGIBILITY PURSUANT TO SECTION 25.5-4-205, C.R.S., THE COUNTY OF RESIDENCE OF A JUVENILE SHALL BE THE COUNTY SPECIFIED BY THE JUVENILE AS HIS OR HER COUNTY OF RESIDENCE UPON RELEASE.

(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PROMULGATE RULES TO SIMPLIFY THE PROCESSING OF APPLICATIONS FOR MEDICAL ASSISTANCE PURSUANT TO SUBSECTION (1) OF THIS SECTION AND TO ALLOW A JUVENILE DETERMINED TO BE ELIGIBLE FOR SUCH MEDICAL ASSISTANCE TO ACCESS THE MEDICAL ASSISTANCE UPON RELEASE AND THEREAFTER. IF A COUNTY DEPARTMENT OF SOCIAL SERVICES DETERMINES THAT A JUVENILE IS ELIGIBLE FOR MEDICAL ASSISTANCE, THE COUNTY SHALL ENROLL THE JUVENILE IN MEDICAL ASSISTANCE OR THE CHILDREN'S BASIC HEALTH PLAN EFFECTIVE UPON RELEASE OF THE JUVENILE. AT THE TIME OF THE JUVENILE'S RELEASE, THE COMMITMENT FACILITY SHALL GIVE THE JUVENILE OR THE JUVENILE'S PARENT OR LEGAL GUARDIAN INFORMATION AND PAPERWORK NECESSARY FOR THE JUVENILE TO ACCESS MEDICAL ASSISTANCE. THE INFORMATION SHALL BE PROVIDED TO THE COMMITMENT FACILITY BY THE APPLICABLE COUNTY DEPARTMENT OF SOCIAL SERVICES.

(c) EACH JUVENILE COMMITMENT FACILITY ADMINISTRATOR SHALL ATTEMPT TO ENTER INTO PRERELEASE AGREEMENTS, IF APPROPRIATE, WITH THE COUNTY DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT OF HUMAN SERVICES, OR THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN ORDER TO:

(I) SIMPLIFY THE PROCESSING OF APPLICATIONS FOR MEDICAL ASSISTANCE OR FOR THE CHILDREN'S BASIC HEALTH PLAN BENEFITS PURSUANT TO SECTION 25.5-8-109, C.R.S., TO ENROLL, EFFECTIVE UPON RELEASE, A JUVENILE WHO IS ELIGIBLE FOR MEDICAL ASSISTANCE PURSUANT TO SECTION 25.5-5-101 (1) (f) OR 25.5-5-201 (1) (j), C.R.S., OR THE CHILDREN'S BASIC HEALTH PLAN PURSUANT TO SECTION 25.5-8-109, C.R.S.; AND

(II) PROVIDE THE JUVENILE OR THE JUVENILE'S PARENT OR LEGAL GUARDIAN WITH THE INFORMATION AND PAPERWORK NECESSARY TO ACCESS MEDICAL ASSISTANCE IMMEDIATELY UPON RELEASE.

SECTION 2. Part 1 of article 1 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-1-136. Persons in a department of human services facility - medical benefits application assistance - county of residence - rules. (1) (a) BEGINNING AS SOON AS PRACTICABLE, BUT NO LATER THAN JANUARY 1, 2009, NO LATER THAN ONE HUNDRED TWENTY DAYS PRIOR TO RELEASE, STATE DEPARTMENT FACILITY PERSONNEL SHALL ASSIST THE FOLLOWING PERSONS IN APPLYING FOR MEDICAL ASSISTANCE PURSUANT TO PART 1 OR 2 OF ARTICLE 5 OF TITLE 25.5, C.R.S.:

(I) A PERSON WHO WAS RECEIVING MEDICAL ASSISTANCE PURSUANT TO SECTION 25.5-5-101 (1) (f) OR 25.5-5-201 (1) (j), C.R.S., IMMEDIATELY PRIOR TO ENTERING THE STATE DEPARTMENT FACILITY AND IS LIKELY TO BE TERMINATED FROM RECEIVING MEDICAL ASSISTANCE WHILE COMMITTED OR OTHERWISE PLACED OR IS REASONABLY EXPECTED TO MEET THE ELIGIBILITY CRITERIA SPECIFIED IN SECTION 25.5-5-101 (1) (f) OR 25.5-5-201 (1) (j), C.R.S., UPON RELEASE; AND

(II) (A) A PERSON WHO IS COMMITTED TO A STATE DEPARTMENT FACILITY PURSUANT TO PART 1 OF ARTICLE 8 OF TITLE 16, C.R.S.; OR

(B) A PERSON WHO IS A PATIENT OR A JUVENILE WHO IS PLACED IN A STATE DEPARTMENT FACILITY PURSUANT TO COURT ORDER.

(b) IF THE PERSON IS COMMITTED OR PLACED FOR LESS THAN ONE HUNDRED TWENTY DAYS, STATE DEPARTMENT PERSONNEL SHALL MAKE A REASONABLE EFFORT TO ASSIST THE PERSON IN APPLYING FOR MEDICAL ASSISTANCE AS SOON AS PRACTICABLE.

(2) AS SOON AS PRACTICABLE, BUT NO LATER THAN JANUARY 1, 2009, NO LATER THAN ONE HUNDRED TWENTY DAYS PRIOR TO RELEASE, STATE DEPARTMENT FACILITY PERSONNEL SHALL ASSIST THE FOLLOWING PERSONS IN APPLYING FOR SUPPLEMENTAL SECURITY INCOME BENEFITS UNDER TITLE II OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 301, ET SEQ., AS AMENDED, AND IN ANY ASSOCIATED APPEALS PROCESS:

(a) A PERSON WHO WAS ELIGIBLE FOR SUPPLEMENTAL SECURITY INCOME BENEFITS UNDER TITLE II OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 301, ET SEQ., AS AMENDED, IMMEDIATELY PRIOR TO ENTERING THE STATE DEPARTMENT FACILITY AND IS LIKELY TO BE TERMINATED FROM RECEIVING SUPPLEMENTAL SECURITY INCOME BENEFITS WHILE COMMITTED OR OTHERWISE PLACED, OR IS REASONABLY EXPECTED TO MEET THE ELIGIBILITY CRITERIA FOR SUPPLEMENTAL SECURITY INCOME BENEFITS UPON RELEASE; AND

(b) (I) A PERSON WHO IS COMMITTED TO A STATE DEPARTMENT FACILITY PURSUANT TO PART 1 OF ARTICLE 8 OF TITLE 16, C.R.S.; OR

(II) A PERSON WHO IS A PATIENT WHO IS PLACED IN A STATE DEPARTMENT FACILITY PURSUANT TO COURT ORDER.

(3) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PROVIDE INFORMATION AND TRAINING ON MEDICAL ASSISTANCE ELIGIBILITY REQUIREMENTS AND ASSISTANCE TO THE FACILITY PERSONNEL AT EACH FACILITY TO ASSIST IN AND EXPEDITE THE APPLICATION PROCESS FOR MEDICAL ASSISTANCE FOR A PERSON HELD IN CUSTODY WHO MEETS THE REQUIREMENTS OF PARAGRAPH (a) OF SUBSECTION (1)

OF THIS SECTION.

(4) THE STATE DEPARTMENT SHALL PROVIDE INFORMATION AND EDUCATION REGARDING THE SUPPLEMENTAL SECURITY INCOME SYSTEMS AND APPLICATION PROCESSES TO PERSONNEL AT EACH FACILITY.

(5) (a) FOR PURPOSES OF DETERMINING ELIGIBILITY PURSUANT TO SECTION 25.5-4-205, C.R.S., THE COUNTY OF RESIDENCE OF THE PERSON SHALL BE THE COUNTY SPECIFIED BY THE PERSON AS HIS OR HER COUNTY OF RESIDENCE UPON RELEASE.

(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PROMULGATE RULES TO SIMPLIFY THE PROCESSING OF APPLICATIONS FOR MEDICAL ASSISTANCE PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND TO ALLOW A PERSON DETERMINED TO BE ELIGIBLE FOR SUCH MEDICAL ASSISTANCE TO ACCESS THE MEDICAL ASSISTANCE UPON RELEASE AND THEREAFTER. IF A COUNTY DEPARTMENT DETERMINES THAT A PERSON IS ELIGIBLE FOR MEDICAL ASSISTANCE, THE COUNTY SHALL ENROLL THE PERSON IN MEDICAID EFFECTIVE UPON HIS OR HER RELEASE. AT THE TIME OF THE PERSON'S RELEASE, THE FACILITY PERSONNEL SHALL GIVE THE PERSON INFORMATION AND PAPERWORK NECESSARY FOR THE PERSON TO ACCESS MEDICAL ASSISTANCE. THE INFORMATION SHALL BE PROVIDED TO THE FACILITY BY THE APPLICABLE COUNTY DEPARTMENT.

(c) EACH STATE DEPARTMENT FACILITY SHALL ATTEMPT TO ENTER INTO PRERELEASE AGREEMENTS WITH LOCAL SOCIAL SECURITY ADMINISTRATION OFFICES, AND, IF APPROPRIATE, THE COUNTY DEPARTMENT OR THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN ORDER TO:

(I) SIMPLIFY THE PROCESSING OF APPLICATIONS FOR MEDICAL ASSISTANCE OR FOR SUPPLEMENTAL SECURITY INCOME TO ENROLL, EFFECTIVE UPON RELEASE, A PERSON WHO IS ELIGIBLE FOR MEDICAL ASSISTANCE PURSUANT TO SECTION 25.5-5-101 (1) (f) OR 25.5-5-201 (1) (j), C.R.S.; AND

(II) PROVIDE THE PERSON WITH THE INFORMATION AND PAPERWORK NECESSARY TO ACCESS MEDICAL ASSISTANCE IMMEDIATELY UPON RELEASE.

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for the fiscal year beginning July 1, 2008, the sum of seventy-six thousand eighty-one dollars (\$76,081), or so much thereof as may be necessary, for the implementation of this act. Of said sum, eleven thousand nine hundred forty-one dollars (\$11,941) shall be from the general fund, six thousand one hundred six dollars (\$6,106) shall be cash funds from the old age pension fund created in article XXIV of the Colorado Constitution, and twenty-six thousand four hundred eight dollars (\$26,408) shall be from appropriated funds transferred from the department of health care policy and financing. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2008, the department of human services will receive the sum of thirty-one thousand six hundred twenty-six dollars (\$31,626) in federal funds 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) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2008, the sum of twenty-eight thousand four hundred eight dollars (\$28,408), or so much thereof as may be necessary, for the implementation of this act. Of said sum, thirteen thousand three hundred seventy-one dollars (\$13,371) shall be from the general fund, one thousand four hundred forty-three dollars (\$1,443) shall be cash funds from the children's basic health plan trust created in section 25.5-8-105 (1), Colorado Revised Statutes, and one hundred thirty-seven dollars (\$137) shall be cash funds from the old age pension fund created in article XXIV of the Colorado Constitution. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2008, the department of health care policy and financing will receive the sum of thirteen thousand four hundred fifty-seven dollars (\$13,457) in federal funds 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 twenty-five thousand three hundred twelve dollars (\$25,312).

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, 2008