

## CHAPTER 404

---

**HEALTH CARE POLICY AND FINANCING**

---

**SENATE BILL 08-160**

BY SENATOR(S) Hagedorn, Groff, Bacon, Boyd, Gibbs, Gordon, Isgar, Romer, Sandoval, Schwartz, Shaffer, Tapia, Tochtrop, Tupa, Veiga, Williams, and Windels;  
also REPRESENTATIVE(S) McGihon, Benefield, Borodkin, Buescher, Butcher, Carroll M., Casso, Ferrandino, Fischer, Gallegos, Green, Hodge, Kefalas, Levy, Madden, Merrifield, Middleton, Peniston, Primavera, Rice, Romanoff, Solano, and Stafford.

**AN ACT****CONCERNING IMPROVEMENTS TO HEALTH CARE FOR CHILDREN.**

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

**SECTION 1.** 25.5-8-103 (4) (a), Colorado Revised Statutes, is amended to read:

**25.5-8-103. Definitions.** As used in this article, unless the context otherwise requires:

(4) "Eligible person" means:

(a) A person who is less than nineteen years of age, whose family income does not exceed two hundred ~~five~~ TWENTY-FIVE percent of the federal poverty level, adjusted for family size; EXCEPT THAT, SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT MAY INCREASE THE PERCENTAGE OF THE FEDERAL POVERTY LEVEL FOR PURPOSES OF ELIGIBILITY TO UP TO TWO HUNDRED FIFTY PERCENT; or

**SECTION 2.** 25.5-8-103 (4) (b), Colorado Revised Statutes, is amended to read:

**25.5-8-103. Definitions.** As used in this article, unless the context otherwise requires:

(4) "Eligible person" means:

(b) A pregnant woman whose family income does not exceed two hundred ~~five~~ TWENTY-FIVE percent of the federal poverty level, adjusted for family size, and who

---

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

is not eligible for medicaid; EXCEPT THAT, SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT MAY INCREASE THE PERCENTAGE OF THE FEDERAL POVERTY LEVEL FOR PURPOSES OF ELIGIBILITY TO UP TO TWO HUNDRED FIFTY PERCENT.

**SECTION 3.** 25.5-8-105 (2), Colorado Revised Statutes, is amended to read:

**25.5-8-105. Trust and supplemental settlement moneys account - created.**

(2) (a) Except as provided for in subsection (4) of this section, all or a portion of the moneys in the portion of the trust that is not the supplemental tobacco litigation settlement moneys account shall be annually appropriated by the general assembly for the purposes of this article and shall not be transferred to or revert to the general fund of the state at the end of any fiscal year.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2), MONEYS IN THE PORTION OF THE TRUST THAT IS NOT THE SUPPLEMENTAL TOBACCO LITIGATION SETTLEMENT MONEYS ACCOUNT MAY BE USED TO PAY THE STATE'S PORTION OF ANY COMPUTER SYSTEM CHANGES NECESSARY TO EXPAND ELIGIBILITY IN THE PLAN.

**SECTION 4.** 25.5-8-107 (1) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**25.5-8-107. Duties of the department - schedule of services - premiums - copayments - subsidies.** (1) In addition to any other duties pursuant to this article, the department shall have the following duties:

(a) (III) IN ADDITION TO THE ITEMS SPECIFIED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (a) AND ANY ADDITIONAL ITEMS APPROVED BY THE MEDICAL SERVICES BOARD, THE MEDICAL SERVICES BOARD SHALL INCLUDE MENTAL HEALTH SERVICES THAT ARE AT LEAST AS COMPREHENSIVE AS THE MENTAL HEALTH SERVICES PROVIDED TO MEDICAID RECIPIENTS IN THE SCHEDULE OF HEALTH CARE SERVICES.

**SECTION 5.** 25.5-8-109 (5) (a) (I), Colorado Revised Statutes, is amended to read:

**25.5-8-109. 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 ~~two hundred five percent of the federal poverty level~~ THE APPLICABLE LEVEL SPECIFIED IN SECTION 25.5-8-103 (4) (b) 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.

**SECTION 6. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, information technology contracts and projects, for information technology contracts,

for the fiscal year beginning July 1, 2008, the sum of sixty-four thousand three hundred eighty-six dollars (\$64,386) cash funds, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the children's basic health plan trust fund created in section 25.5-8-105 (1), Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive one hundred nineteen thousand five hundred seventy-four dollars (\$119,574) 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) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, indigent care program, for the children's basic health plan trust, for the fiscal year beginning July 1, 2008, the sum of thirty thousand three hundred twenty-eight dollars (\$30,328) cash funds, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from annual enrollment fees paid by families participating in the program.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, indigent care program, for children's basic health plan administration, for the fiscal year beginning July 1, 2008, the sum of three hundred fifty-dollars (\$350) cash funds, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the children's basic health plan trust fund created in section 25.5-8-105 (1), Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive six hundred fifty dollars (\$650) 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.

(4) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, indigent care program, for children's basic health plan premium costs, for the fiscal year beginning July 1, 2008, the sum of two million sixty-four thousand six hundred twenty-one dollars (\$2,064,621), or so much thereof as may be necessary, for the implementation of this act. Of said sum, one million five hundred seventy-seven thousand two hundred fifty-eight dollars (\$1,577,258) shall be from the children's basic health plan trust fund created in section 25.5-8-105 (1), Colorado Revised Statutes, four hundred fifty-seven thousand thirty-five dollars (\$457,035) shall be from the health care expansion fund created in section 24-22-117 (2) (a) (I), Colorado Revised Statutes, and thirty thousand three hundred twenty-eight dollars (\$30,328) shall be reappropriated funds from enrollment fees appropriated to the children's basic health plan trust fund created in section 25.5-8-105 (1), Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive three million seven hundred seventy-seven thousand nine hundred seventy-one dollars (\$3,777,971) 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.

(5) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, indigent care program, for children's basic health plan dental costs, for the fiscal year beginning July 1, 2008, the sum of ninety-eight thousand eight hundred forty-five dollars (\$98,845) cash funds, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the children's basic health plan trust fund created in section 25.5-8-105 (1), Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive one hundred eighty-three thousand five hundred seventy dollars (\$183,570) 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.

(6) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, department of human services Medicaid-funded programs, office of information technology services - Medicaid funding, for the Colorado benefits management system, for the fiscal year beginning July 1, 2008, the sum of sixteen thousand eight hundred thirty-five dollars (\$16,835) cash funds, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the children's basic health plan trust fund created in section 25.5-8-105 (1), Colorado Revised Statutes. In addition to said appropriations, the general assembly anticipates that the department of health care policy and financing will receive fifteen thousand thirty-one dollars (\$15,031) 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.

(7) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for the Colorado benefits management system, for the fiscal year beginning July 1, 2008, the sum of fifty-three thousand six hundred forty-two dollars (\$53,642). Of said sum, twenty-one thousand seven hundred seventy-six dollars (\$21,776) shall be from the children's basic health plan trust fund created in section 25.5-8-105 (1), Colorado Revised Statutes, and thirty-one thousand eight hundred sixty-six dollars (\$31,866) 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 thirty-eight thousand one hundred sixty-four dollars (\$38,164) 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.

**SECTION 7. Effective date.** (1) This act shall take effect upon passage; except that:

- (a) Section 4 of this act shall take effect on January 1, 2009;

- (b) Section 1 of this act shall take effect on March 1, 2009; and
- (c) Sections 2 and 5 of this act shall take effect on October 1, 2009.

**SECTION 8. 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 3, 2008