

CHAPTER 201

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 09-261

BY SENATOR(S) Tapia, Keller, White;
also REPRESENTATIVE(S) Ferrandino, Pommer, Marostica, Schafer S.

AN ACT

CONCERNING THE USE OF MONEYS IN THE SUPPLEMENTAL OLD AGE PENSION HEALTH AND MEDICAL CARE FUND TO PAY FOR SERVICES RECEIVED BY CERTAIN PERSONS IN THE STATE MEDICAID PROGRAM, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 25.5-2-101 (3), Colorado Revised Statutes, is amended to read:

25.5-2-101. Old age pension health and medical care fund - supplemental old age pension health and medical care fund - cash system of accounting - legislative declaration - rules - repeal. (3) (a) There is hereby established in the state department a supplemental health and medical care program to provide health and medical care to persons who qualify to receive old age pensions and who are not patients in an institution for tuberculosis or mental diseases. The state board shall promulgate rules for administration of the supplemental health and medical care program, which shall be based upon and shall provide the same types of services that are provided pursuant to the rules for administration of the health and medical care program described in subsection (2) of this section. When the costs of providing health and medical care in a particular fiscal year to such old age pension recipients exceed the amount available in that fiscal year from the old age pension health and medical care fund created in subsection (2) of this section, the medical care for such recipients shall be provided by the supplemental health and medical care program. The costs of the supplemental health and medical care program shall be paid out of the supplemental old age pension health and medical care fund, which is hereby created in the state treasury. The supplemental old age pension health and medical care fund, referred to as the "supplemental fund", shall consist of state sales and use tax revenues allocated to the supplemental fund pursuant to the provisions of section 39-26-123 (3), C.R.S., and any moneys appropriated to the supplemental fund by the general assembly. The general

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

assembly may make annual appropriations or supplemental appropriations to the supplemental fund if it determines that the moneys in the old age pension health and medical care fund created in subsection (2) of this section will be insufficient to meet the health and medical needs of old age pension recipients for a particular fiscal year. Moneys in the supplemental fund shall be subject to annual appropriation by the general assembly. At the end of any fiscal year, any unexpended and unencumbered moneys remaining in the supplemental fund shall remain therein and shall not be credited or transferred to the general fund or any other fund. The supplemental health and medical care program and the supplemental fund shall be effective in fiscal year 2002-03.

(b) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3), FOR FISCAL YEAR 2008-09, UP TO THREE MILLION DOLLARS FROM THE SUPPLEMENTAL OLD AGE PENSION HEALTH AND MEDICAL CARE FUND MAY BE USED TO OFFSET GENERAL FUND COSTS OF PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER WHO ARE SERVED THROUGH THE STATE MEDICAID PROGRAM.

(II) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3), FOR FISCAL YEAR 2009-10, THE SUPPLEMENTAL OLD AGE PENSION HEALTH AND MEDICAL CARE FUND MAY BE USED TO OFFSET GENERAL FUND COSTS OF PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER WHO ARE SERVED THROUGH THE STATE MEDICAID PROGRAM.

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

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

SECTION 2. Part V (2) and the affected totals of section 2 of chapter 474, Session Laws of Colorado 2008, as amended by section 1 of Senate Bill 09-187, are amended to read:

Section 2. **Appropriation.**

**PART V
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING**

(2) MEDICAL SERVICES PREMIUMS^{9, 10, 11, 12, 13}

Services for 37,483 Supplemental Security Income Adults 65 and Older (SSI 65 +) at an average cost of \$20,120.77	754,186,704
Services for 6,368 Supplemental Security Income Adults 60 to 64 Years of Age (SSI 60 - 64) at an average cost of \$17,368.19	110,600,623

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APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Services for 15,172 Qualified Medicare Beneficiaries (QMBs) and Special Low-Income Medicare Beneficiaries (SLIMBs) at an average cost of \$1,330.45	20,185,656					
Services for 51,263 Supplemental Security Income Disabled Individuals at an average cost of \$14,120.57	723,862,731					
Services for 48,328 Categorically Eligible Low-income Adults at an average cost of \$4,482.29	216,619,998					
Services for 6,922 Baby Care Program Adults at an average cost of \$8,801.03	60,920,717					

Services for 301 Breast and Cervical Cancer Treatment Clients at an average cost of \$22,938.31	6,904,430						
Services for 12,514 Expansion Health Care Low-Income Adult Clients at an average cost of \$1,780.03	22,275,238						
Services for 231,030 Eligible Children at an average cost of \$1,802.05	416,328,602						
Services for 18,003 Foster Children at an average cost of \$3,722.25	67,011,705						
Services for 4,030 Non-Citizens at an average cost of \$15,193.07	61,228,080						
Repayment of Federal Disallowance	<u>3,176,846</u>						
		2,463,301,330	769,068,351(M)	369,000,000	92,737,346*	661,475 ^b	1,231,834,158
			766,068,351(M)		95,737,346 ^a		

^aOf this amount, \$73,929,336 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.; \$18,180,399 represents public funds certified as expenditures incurred by public hospitals and agencies that are eligible for federal financial participation under the Medicaid program; \$3,000,000 SHALL BE FROM THE SUPPLEMENTAL OLD AGE PENSION HEALTH AND MEDICAL CARE FUND CREATED IN SECTION 25.5-2-101 (2), C.R.S.; and \$627,611 shall be from the Autism Treatment Fund created in Section 25.5-6-805, C.R.S.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^b This amount shall be transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (II) (D), C.R.S.

TOTALS PART V

**(HEALTH CARE
POLICY AND
FINANCING)**

\$3,849,682,072	\$1,210,844,196	\$369,495,000 ^a	\$367,532,737^a	\$22,948,578	\$1,878,861,561
	<u>\$1,207,844,196</u>		<u>\$370,532,737^b</u>		

^a Of this amount, \$369,000,000 shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S., and \$495,000 shall be General Fund Exempt pursuant to Section 24-22-117 (1) (c) (I) (B), C.R.S. Further, said \$495,000 is also not subject to the statutory limitation on General Fund appropriations imposed by Section 24-75-201.1, C.R.S.

^b This amount includes \$725,598 the Colorado Autism Treatment Fund created in Section 25.5-6-805, C.R.S., and represents the total amount that the State Treasurer shall transfer from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115 (1) (a), C.R.S., to the Colorado Autism Treatment Fund pursuant to Section 24-22-115 (1) (a), C.R.S.

SECTION 3. Appropriation - adjustments in 2009 long bill. (1) For the implementation of this act, appropriations in the annual general appropriation act to the department of health care policy and financing, for the fiscal year beginning July 1, 2009, shall be adjusted as follows:

(a) The general fund appropriation for medical service premiums is decreased by six million dollars (\$6,000,000);

(b) The cash fund appropriation for medical service premiums is increased by six million dollars (\$6,000,000). Said amount shall be from the supplemental old age pension health and medical care fund created in section 25.5-2-101 (2), Colorado Revised Statutes.

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 1, 2009