

## CHAPTER 219

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**HEALTH CARE POLICY AND FINANCING**


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**SENATE BILL 11-250**

BY SENATOR(S) Boyd, Aguilar, Carroll, Foster, Giron, Guzman, Hodge, Hudak, Morse, Newell, Schwartz, Steadman, Tochtrop, Williams S.;  
also REPRESENTATIVE(S) Ferrandino and Summers, Conti, Fields, Hamner, Kefalas, Labuda, Massey, Pace, Riesberg, Schafer S., Todd, Vigil, Wilson.

**AN ACT****CONCERNING CHANGING THE ELIGIBILITY FOR CERTAIN PREGNANT WOMEN FROM THE CHILDREN'S BASIC HEALTH PLAN TO MEDICAID.**

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

**SECTION 1.** 25.5-5-205 (3) (b), Colorado Revised Statutes, is amended to read:

**25.5-5-205. Baby and kid care program - creation - eligibility.** (3) (b) (I) FOR CHILDREN UNDER SIX YEARS OF AGE, the percentage level of the federal poverty line, as defined pursuant to 42 U.S.C. sec. 9902 (2), used to determine eligibility under this subsection (3) shall be one hundred thirty-three percent. If the federal government establishes a new federal minimum percentage level of the federal poverty line used to determine eligibility under this subsection (3) that is different from the level set in this ~~paragraph (b)~~ SUBPARAGRAPH (I), the state department is authorized to meet such federal minimum level without requiring additional legislation; however, such minimum federal level shall be established by rule of the state board.

(II) FOR PREGNANT WOMEN, THE PERCENTAGE LEVEL OF THE FEDERAL POVERTY LINE, AS DEFINED PURSUANT TO 42 U.S.C. SEC. 9902 (2), USED TO DETERMINE ELIGIBILITY UNDER THIS SUBSECTION (3) SHALL BE ONE HUNDRED EIGHTY-FIVE PERCENT. IF THE FEDERAL GOVERNMENT ESTABLISHES A NEW FEDERAL MINIMUM PERCENTAGE LEVEL OF THE FEDERAL POVERTY LINE USED TO DETERMINE ELIGIBILITY UNDER THIS SUBSECTION (3) THAT IS DIFFERENT FROM THE LEVEL SET IN THIS SUBPARAGRAPH (II), THE STATE DEPARTMENT IS AUTHORIZED TO MEET SUCH FEDERAL MINIMUM LEVEL WITHOUT REQUIRING ADDITIONAL LEGISLATION; HOWEVER, SUCH MINIMUM FEDERAL LEVEL SHALL BE ESTABLISHED BY RULE OF THE

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

STATE BOARD.

**SECTION 2. 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 27, 2011