

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
10.11.15

DRAFT

*Temporary storage location: S:\PUBLIC\LLS\2016A\Bills\Interim\Colorado Health Insurance
Exchange Oversight Committee\16-0285.wpd*

LLS NO. 16-0285.01 Christy Chase x2008

COMMITTEE BILL

Colorado Health Insurance Exchange Oversight Committee

BILL TOPIC: "HCPF Avoid Gaps In Medical Coverage"

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE DEPARTMENT OF HEALTH**
102 **CARE POLICY AND FINANCING INVESTIGATE PROPOSALS TO**
103 **AVOID GAPS IN MEDICAL COVERAGE, AND, IN CONNECTION**
104 **THEREWITH, REQUIRING THE DEPARTMENT TO APPLY FOR**
105 **NECESSARY FEDERAL WAIVERS TO ALIGN INCOME**
106 **DETERMINATIONS UNDER THE COLORADO MEDICAL ASSISTANCE**
107 **PROGRAM WITH OTHER FEDERAL HEALTH CARE LAWS AND TO**
108 **CONDUCT A STUDY TO ANALYZE CONTINUOUS MEDICAL**
109 **ASSISTANCE ELIGIBILITY FOR ADULTS AND OTHER METHODS TO**
110 **ELIMINATE GAPS IN HEALTH CARE COVERAGE.**

Bill Summary

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billssummaries>.)

Colorado Health Insurance Exchange Oversight Committee.

The bill directs the department of health care policy and financing (department) to apply to the secretary of the federal department of health and human services for all waivers necessary to allow the state to use the same methodology for determining income for purposes of eligibility in the state's medicaid program and for the federal advance payment tax credit available under the federal "Patient Protection and Affordable Care Act".

The department is to engage stakeholders to assist in developing the waivers and is to submit the waivers by January 1, 2017. If the waivers are not granted, the department is precluded from implementing the changes requested under the waivers.

The department is also required to study the potential benefits and costs of implementing continuous eligibility for adult medicaid recipients who experience fluctuations in income that would otherwise result in medicaid ineligibility.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25.5-4-504 as
3 follows:

4 **25.5-4-504. Waivers for aligning medical assistance with**
5 **certain provisions of other health care laws - study of methods to**
6 **reduce discontinuity in coverage - repeal.** (1) THE STATE DEPARTMENT,
7 WITH THE ASSISTANCE OF ANY OTHER STATE DEPARTMENTS OR AGENCIES
8 THAT MAY BE IMPACTED, SHALL APPLY TO THE SECRETARY OF THE
9 DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ALL WAIVERS
10 NECESSARY TO SECURE FEDERAL FINANCIAL PARTICIPATION TO ALLOW THE
11 STATE TO ALIGN THE METHODS USED FOR ASSESSING INCOME FOR
12 PURPOSES OF DETERMINING ELIGIBILITY FOR:

1 (a) MEDICAL ASSISTANCE PURSUANT TO SECTION 25.5-4-205 AND
2 RULES PROMULGATED PURSUANT TO THAT SECTION; AND

3 (b) THE ADVANCE PAYMENT TAX CREDIT PERMITTED UNDER
4 SECTION 1412 OF THE FEDERAL "PATIENT PROTECTION AND AFFORDABLE
5 CARE ACT", PUB.L. 111-148, AS AMENDED BY THE "HEALTH CARE AND
6 EDUCATION RECONCILIATION ACT OF 2010", PUB.L. 111-152.

7 (2) THE STATE DEPARTMENT SHALL ENGAGE WITH INTERESTED
8 STAKEHOLDERS, INCLUDING THE COLORADO HEALTH BENEFIT EXCHANGE
9 ESTABLISHED IN ARTICLE 22 OF TITLE 10, C.R.S., RECIPIENTS AND
10 ADVOCATES FOR RECIPIENTS, COUNTIES, AND PROVIDERS, TO DEVELOP THE
11 WAIVERS.

12 (3) THE DEPARTMENT SHALL SUBMIT THE NECESSARY WAIVERS BY
13 JANUARY 1, 2017. IF THE SECRETARY OF THE FEDERAL DEPARTMENT OF
14 HEALTH AND HUMAN SERVICES GRANTS THE WAIVERS REQUESTED
15 PURSUANT TO THIS SECTION, THE STATE DEPARTMENT AND THE COLORADO
16 HEALTH BENEFIT EXCHANGE SHALL IMPLEMENT THE CHANGES OUTLINED
17 IN SUBSECTION (1) OF THIS SECTION. IF THE SECRETARY DENIES THE
18 WAIVERS, THE STATE DEPARTMENT AND THE COLORADO HEALTH BENEFIT
19 EXCHANGE SHALL NOT IMPLEMENT THE CHANGES SPECIFIED IN
20 SUBSECTION (1) OF THIS SECTION.

21 (4) (a) IN ADDITION TO DEVELOPING AND APPLYING FOR WAIVERS
22 AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE STATE
23 DEPARTMENT SHALL CONDUCT A STUDY ON THE POTENTIAL BENEFITS AND
24 COSTS OF IMPLEMENTING CONTINUOUS ELIGIBILITY FOR MEDICAL
25 ASSISTANCE OVER A TWELVE-MONTH PERIOD FOR ADULT RECIPIENTS WHO
26 WOULD OTHERWISE LOSE ELIGIBILITY DUE TO INCOME FLUCTUATIONS. AS
27 PART OF THE STUDY, THE STATE DEPARTMENT SHALL ALSO CONSIDER AND

1 ANALYZE OTHER METHODS FOR REDUCING THE EFFECTS OF INCOME
2 FLUCTUATIONS ON CONTINUITY OF COVERAGE AND AVOIDING GAPS IN
3 COVERAGE. THE STATE DEPARTMENT SHALL COMPLETE ITS STUDY AND
4 REPORTS ITS FINDING TO THE JOINT BUDGET COMMITTEE NO LATER THAN
5 NOVEMBER 1, 2016.

6 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2017.

7 **SECTION 2. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.