

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1100.01 Yelana Love x2295

SENATE BILL 16-170

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SENATE SPONSORSHIP

Tate, Roberts

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Health & Human Services

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE PURCHASE OF INSURANCE THROUGH THE  
102 COLORADO HEALTH BENEFIT EXCHANGE FOR INDIVIDUALS WHO  
103 ARE ELIGIBLE FOR THE STATE MEDICAID PROGRAM.

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Bill Summary

*(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/bills summaries>.)*

The bill authorizes the department to purchase individual health insurance through the exchange for individuals who are eligible for medicaid but prefer private insurance.

The bill directs the department of health care policy and financing to apply to the secretary of the federal department of health and human

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

services for all waivers necessary to allow the state to use the subsidy available under the federal "Patient Protection and Affordable Care Act" to purchase a health benefit plan through the Colorado Health Benefit Exchange (exchange).

The bill requires the board of the exchange to provide information to the public about the process of purchasing private insurance through the exchange for a person who is eligible for medicaid.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-4-210, **add** (1)  
3 (c) as follows:

4 **25.5-4-210. Purchase of health insurance for recipients.**

5 (1) (c) THE STATE DEPARTMENT MAY ALSO PURCHASE INDIVIDUAL  
6 INSURANCE ON THE COLORADO HEALTH BENEFIT EXCHANGE, IN FULL OR  
7 IN PART, FOR AN INDIVIDUAL WHO IS ELIGIBLE FOR MEDICAID BUT WHO  
8 CHOOSES NOT TO RECEIVE MEDICAID, IF THE INDIVIDUAL'S ENROLLMENT  
9 IN THE EXCHANGE WOULD CREATE A COST SAVINGS FOR THE STATE.

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

12 **25.5-4-504. Waivers for aligning medical assistance with**  
13 **certain provisions of other health care laws.** (1) (a) THE STATE

14 DEPARTMENT, WITH THE ASSISTANCE OF ANY OTHER STATE DEPARTMENTS  
15 OR AGENCIES THAT MIGHT BE AFFECTED, SHALL APPLY TO THE SECRETARY  
16 OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ALL  
17 WAIVERS NECESSARY TO SECURE FEDERAL FINANCIAL PARTICIPATION TO  
18 ALLOW THE STATE TO PROVIDE THE FEDERAL SUBSIDY TO AN INDIVIDUAL  
19 WHO:

20 (I) IS ELIGIBLE FOR THE STATE'S MEDICAID PROGRAM;

21 (II) CHOOSES NOT TO PARTICIPATE IN THE STATE'S MEDICAID  
22 PROGRAM; AND

1 (III) CHOOSES TO PURCHASE INSURANCE ON THE COLORADO  
2 HEALTH BENEFIT EXCHANGE, ESTABLISHED IN ARTICLE 22 OF TITLE 10,  
3 C.R.S.

4 (b) AN INDIVIDUAL WHO IS AWARDED A SUBSIDY PURSUANT TO  
5 THIS SUBSECTION (1) SHALL USE THE SUBSIDY TO PAY INSURANCE  
6 PREMIUMS, CODEDUCTIBLES, COINSURANCE, AND CO-PAYS.

7 (2) THE STATE DEPARTMENT SHALL ENGAGE WITH INTERESTED  
8 STAKEHOLDERS, INCLUDING THE COLORADO HEALTH BENEFIT EXCHANGE,  
9 RECIPIENTS AND ADVOCATES FOR RECIPIENTS, COUNTIES, AND PROVIDERS,  
10 TO DEVELOP THE WAIVERS.

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

20 **SECTION 3.** In Colorado Revised Statutes, 10-22-106, **add** (5)  
21 as follows:

22 **10-22-106. Powers and duties of the board.** (5) (a) THE BOARD  
23 SHALL PROVIDE INFORMATION ON THE PROCESS FOR AN INDIVIDUAL WHO  
24 IS ELIGIBLE FOR THE STATE MEDICAID PROGRAM TO PURCHASE A HEALTH  
25 BENEFIT PLAN FROM AN INSURER PARTICIPATING IN THE EXCHANGE.

26 (b) THE BOARD SHALL PROMINENTLY DISPLAY THE INFORMATION  
27 REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (5) ON ALL

1 PROMOTIONAL MATERIALS CREATED BY THE EXCHANGE.

2           **SECTION 4. Act subject to petition - effective date.** This act  
3 takes effect at 12:01 a.m. on the day following the expiration of the  
4 ninety-day period after final adjournment of the general assembly (August  
5 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
6 referendum petition is filed pursuant to section 1 (3) of article V of the  
7 state constitution against this act or an item, section, or part of this act  
8 within such period, then the act, item, section, or part will not take effect  
9 unless approved by the people at the general election to be held in  
10 November 2016 and, in such case, will take effect on the date of the  
11 official declaration of the vote thereon by the governor.