

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0562.01 Brita Darling x2241

SENATE BILL 20-033

SENATE SPONSORSHIP

Tate,

HOUSE SPONSORSHIP

Lontine,

Senate Committees

Health & Human Services
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING ACCESS TO THE MEDICAID BUY-IN PROGRAM FOR**
102 **CERTAIN WORKING ADULTS WITH DISABILITIES WHO HAVE**
103 **BECOME INELIGIBLE FOR THE PROGRAM DUE TO AGE.**

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://leg.colorado.gov>.)

The bill authorizes working adults with disabilities who are over 65 years of age to continue participating in the existing medicaid buy-in program as a state-funded program, without federal matching money, if, in part, the working adult:

! Is enrolled in or has applied for medicare;

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

- ! Is eligible for and receiving long-term care home- and community-based services or durable medical equipment as part of complex rehabilitative services or has extraordinary medical expenses, as determined by rule of the state board, that are not covered by medicare;
- ! Except as specified in the bill, was continuously enrolled in and receiving services through the medicaid buy-in program for at least one year immediately prior to attaining 65 years of age; and
- ! Continues to meet the work requirements for the medicaid buy-in program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-6-1402, add (6)
3 as follows:

4 **25.5-6-1402. Definitions.** As used in this part 14, unless the
5 context otherwise requires:

6 (6) "WORK INCENTIVES ELIGIBILITY GROUP" MEANS THE
7 CATEGORY OF ELIGIBILITY UNDER THE FEDERAL "BALANCED BUDGET ACT
8 OF 1997", PUB.L. 105-33, 111, AS AMENDED, FOR INDIVIDUALS WITH A
9 DISABILITY WHO, EXCEPT FOR ASSETS OR INCOME, WOULD BE ELIGIBLE FOR
10 THE SUPPLEMENTAL SECURITY INCOME PROGRAM. THIS ELIGIBILITY
11 APPLIES TO INDIVIDUALS WHO ARE SIXTY-FIVE YEARS OF AGE OR OLDER.

12 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-1403, add (5)
13 as follows:

14 **25.5-6-1403. Waivers and amendments.** (5) (a) THE STATE
15 DEPARTMENT SHALL SEEK FEDERAL AUTHORIZATION THROUGH AN
16 AMENDMENT TO THE STATE MEDICAL ASSISTANCE PLAN TO IMPLEMENT
17 THE FEDERAL "BALANCED BUDGET ACT OF 1997", PUB.L. 105-33, 111, AS
18 AMENDED, WHICH PROVIDES INDIVIDUALS AN OPPORTUNITY TO BUY INTO
19 MEDICAID CONSISTENT WITH THE FEDERAL "SOCIAL SECURITY ACT", 42

1 U.S.C. SEC. 1396a (a)(10)(A)(ii)(XIII), AS AMENDED, TO PERMIT THE
2 STATE DEPARTMENT TO PROVIDE MEDICAL ASSISTANCE ELIGIBILITY TO
3 INDIVIDUALS IN THE WORK INCENTIVES ELIGIBILITY GROUP, AGE
4 SIXTY-FIVE AND OLDER, AFTER THEY ARE NO LONGER ELIGIBLE UNDER THE
5 FEDERAL "TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT
6 OF 1999", PUB.L. 106-170.

7 (b) IN ADDITION TO SUBMITTING AN AMENDMENT TO THE STATE
8 MEDICAL ASSISTANCE PLAN PURSUANT TO SUBSECTION (5)(a) OF THIS
9 SECTION, THE STATE DEPARTMENT SHALL SUBMIT A STATE PLAN
10 AMENDMENT PURSUANT TO SECTION 1902(r)(2) OF THE FEDERAL "SOCIAL
11 SECURITY ACT" TO USE LESS RESTRICTIVE INCOME AND RESOURCE
12 METHODOLOGIES TO MATCH THE INCOME, HOUSEHOLD, AND ASSET LEVELS
13 OF THE MEDICAID BUY-IN PROGRAM FOR IMPLEMENTATION NO LATER THAN
14 JULY 1, 2021.

15 **SECTION 3.** In Colorado Revised Statutes, 25.5-6-1404, **amend**
16 **(1)(a); and repeal (4) as follows:**

17 **25.5-6-1404. Medicaid buy-in program - eligibility - premiums**
18 **- medicaid buy-in cash fund - report. (1) Eligibility.** An individual is
19 eligible for and shall receive medicaid provided in this part 14 through a
20 medicaid buy-in program without losing eligibility for medicaid if all of
21 the following conditions are met:

22 (a) The individual meets the requirements for the basic coverage
23 group or the individual was previously in the basic coverage group and
24 now meets the requirements for the medical improvement group, OR THE
25 INDIVIDUAL WAS PREVIOUSLY IN THE BASIC COVERAGE GROUP AND NOW
26 MEETS THE REQUIREMENTS FOR THE WORK INCENTIVES ELIGIBILITY
27 GROUP:

1 (4) Private health insurance. (a) The state department shall, on
2 behalf of an individual who is eligible for medicaid under subsection (1)
3 of this section, pay premiums for or purchase individual coverage offered
4 by the individual's employer if the state department determines that
5 paying the premiums or purchasing the coverage will be less than
6 providing medicaid coverage. Any employer-sponsored health insurance
7 plan shall be the primary payer, and any payments made under medicaid
8 shall be secondary. In the event that the employer-sponsored health
9 insurance plan provides benefits that are not equivalent to the benefits
10 provided under medicaid, medicaid shall provide all additional benefits
11 that are not provided by the employer-sponsored health insurance plan.

12 (b) If an individual is eligible for medicaid under subsection (1)
13 of this section and the individual's employer would pay for all or a portion
14 of the individual's private insurance, the state department may accept
15 contributions from the individual's employer to offset part of the cost of
16 providing services pursuant to this section.

17 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-1405, **amend**
18 (2) as follows:

19 **25.5-6-1405. Rule-making authority.** (2) Any rules adopted by
20 the state board shall be MUST consistent with the federal "Ticket to Work
21 and Work Incentives Improvement Act of 1999", Pub.L. 106-170, AND
22 THE "BALANCED BUDGET ACT OF 1997", PUB.L. 105-33, 111, AS
23 AMENDED.

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27 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.