

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

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 24-1095.01 Shelby Ross x4510

**HOUSE BILL 24-1400**

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**HOUSE SPONSORSHIP**

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**House Committees**  
Appropriations

**Senate Committees**  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING MEDICAID ELIGIBILITY PROCEDURES.**

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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://leg.colorado.gov/>.)*

**Joint Budget Committee.** Current law suspends certain provisions related to medicaid eligibility until June 1, 2024. The bill extends the suspension of those provisions until January 1, 2025.

The bill authorizes the department of health care policy and financing (state department) to seek federal authorization to not require additional verification during a medicaid member's (member) eligibility reenrollment process if information about the member's income or assets is not verified through a federally approved electronic data source.

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

SENATE  
2nd Reading Unamended  
April 4, 2024

HOUSE  
3rd Reading Unamended  
April 1, 2024

HOUSE  
2nd Reading Unamended  
March 28, 2024

For a member's income verification, the bill authorizes the state department to use the information on file or the information that was originally collected during the application process to determine whether the member is eligible for reenrollment. The state department shall require additional income verification if information about a member's income is not verified through a federally approved electronic data source for 2 or more consecutive years or as specified through federal authorization.

For a member's asset verification, the state department may complete the member's eligibility reenrollment process without any additional asset verification if there has been no change in the member's assets since the initial verification during the application process or as specified through federal authorization.

The bill authorizes the state department to seek federal authorization to delay a member's procedural termination during the reenrollment process to allow the member to continue receiving necessary services during the reenrollment process. The bill authorizes the state department to apply this delay in procedural termination to a specific population or as specified through federal authorization.

The bill authorizes the state department to seek federal authorization to allow an applicant's or member's eligibility for reenrollment to be based on financial findings from the supplemental nutrition assistance program, the temporary assistance for needy families program, and other means-tested benefit programs administered through the Colorado benefits management system. The state department may apply financial eligibility for medicaid to individuals whose gross income program and assets for applicable means-tested benefit programs are below applicable medicaid limits, regardless of differences in household composition and income-counting rules between programs or as specified through federal authorization.

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

2           **SECTION 1.** In Colorado Revised Statutes, 25.5-5-101, **amend**  
3 (6)(a) introductory portion, (6)(b), and (6)(c) as follows:

4           **25.5-5-101. Mandatory provisions - eligible groups - rules -**  
5 **repeal.** (6) (a) To ensure that the state department maintains access to  
6 state and federal funding provided by the federal "Families First  
7 Coronavirus Response Act", Pub.L. 116-127, and the federal  
8 "Consolidated Appropriations Act, 2023", the following subsections of

1 this section are suspended until ~~June 1, 2024~~ JANUARY 1, 2025:

2 (b) The state board may adopt rules to implement this subsection  
3 (6) to ensure that the state department can resume routine operations by  
4 ~~June 1, 2024~~, that follow guidance issued by the federal centers for  
5 medicare and medicaid services, including terminations of eligibility, the  
6 processing of eligibility renewals, and the transition between medical  
7 assistance and children's basic health plan eligibility categories.

8 (c) This subsection (6) is repealed, effective ~~June 1, 2024~~  
9 JANUARY 1, 2025.

10 **SECTION 2.** In Colorado Revised Statutes, 25.5-5-201, **amend**  
11 (7)(a) introductory portion, (7)(b), and (7)(c) as follows:

12 **25.5-5-201. Optional provisions - optional groups - rules -**  
13 **repeal.** (7) (a) To ensure that the state department maintains access to  
14 state and federal funding provided by the federal "Families First  
15 Coronavirus Response Act", Pub.L. 116-127, and the federal  
16 "Consolidated Appropriations Act, 2023", the following subsections of  
17 this section are suspended until ~~June 1, 2024~~ JANUARY 1, 2025:

18 (b) The state board may adopt rules to implement this subsection  
19 (7) to ensure that the state department can resume routine operations by  
20 ~~June 1, 2024~~, that follow guidance issued by the federal centers for  
21 medicare and medicaid services, including terminations of eligibility, the  
22 processing of eligibility renewals, and the transition between medical  
23 assistance and children's basic health plan eligibility categories.

24 (c) This subsection (7) is repealed, effective ~~June 1, 2024~~  
25 JANUARY 1, 2025.

26 **SECTION 3.** In Colorado Revised Statutes, 25.5-4-205, **amend**  
27 (3)(b)(I.5) and (3)(f) as follows:

1           **25.5-4-205. Application - verification of eligibility -**  
2           **demonstration project - rules - repeal.** (3) (b) (I.5) (A) If the state  
3           department determines that a ~~recipient~~ MEMBER was not eligible for  
4           medical benefits solely based upon the ~~recipient's~~ MEMBER'S income after  
5           the ~~recipient~~ MEMBER had been determined to be eligible based upon  
6           electronic data obtained through a federally approved electronic data  
7           source, the state department shall not pursue recovery from a county  
8           department for the cost of medical services provided to the ~~recipient~~  
9           MEMBER, and the county department is not responsible for any federal  
10          error rate sanctions resulting from ~~such~~ THE determination.

11           (B) Notwithstanding any other provision in this ~~paragraph (b)~~  
12          SUBSECTION (3)(b), for applications that contain self-employment income,  
13          the state department shall not implement this ~~paragraph (b)~~ SUBSECTION  
14          (3)(b) until ~~it~~ THE STATE DEPARTMENT can verify self-employment income  
15          through federally approved electronic data sources as authorized by rules  
16          of the state department and federal law.

17           (C) THE STATE DEPARTMENT MAY SEEK FEDERAL AUTHORIZATION  
18          TO NOT REQUIRE ADDITIONAL VERIFICATION DURING A MEMBER'S  
19          ELIGIBILITY REENROLLMENT PROCESS IF INFORMATION ABOUT THE  
20          MEMBER'S INCOME IS NOT VERIFIED THROUGH A FEDERALLY APPROVED  
21          ELECTRONIC DATA SOURCE. THE STATE DEPARTMENT MAY USE THE  
22          INFORMATION ON FILE OR THE INFORMATION THAT WAS ORIGINALLY  
23          COLLECTED DURING THE APPLICATION PROCESS TO DETERMINE WHETHER  
24          THE MEMBER IS ELIGIBLE FOR REENROLLMENT. NOTWITHSTANDING THIS  
25          SUBSECTION (3)(b)(I.5)(C) TO THE CONTRARY, THE STATE DEPARTMENT  
26          SHALL REQUIRE ADDITIONAL INCOME VERIFICATION IF INFORMATION  
27          ABOUT A MEMBER'S INCOME IS NOT VERIFIED THROUGH A FEDERALLY

1 APPROVED ELECTRONIC DATA SOURCE FOR TWO OR MORE CONSECUTIVE  
2 YEARS OR AS SPECIFIED THROUGH FEDERAL AUTHORIZATION.

3 (D) THE STATE DEPARTMENT MAY SEEK FEDERAL AUTHORIZATION  
4 TO NOT REQUIRE ADDITIONAL VERIFICATION DURING A MEMBER'S  
5 ELIGIBILITY REENROLLMENT PROCESS IF INFORMATION ABOUT THE  
6 MEMBER'S ASSETS IS NOT VERIFIED THROUGH A FEDERALLY APPROVED  
7 ELECTRONIC DATA SOURCE IN A REASONABLE TIME, AS DETERMINED BY  
8 THE STATE DEPARTMENT. THE STATE DEPARTMENT MAY COMPLETE THE  
9 MEMBER'S ELIGIBILITY REENROLLMENT PROCESS WITHOUT ANY  
10 ADDITIONAL VERIFICATION OF THE MEMBER'S ASSETS IF THERE HAS BEEN  
11 NO CHANGE IN THE MEMBER'S ASSETS SINCE THE INITIAL VERIFICATION  
12 DURING THE APPLICATION PROCESS OR AS SPECIFIED THROUGH FEDERAL  
13 AUTHORIZATION.

14 (E) THE STATE DEPARTMENT MAY SEEK FEDERAL AUTHORIZATION  
15 TO DELAY A MEMBER'S PROCEDURAL TERMINATION DURING THE  
16 REENROLLMENT PROCESS TO ALLOW THE MEMBER TO CONTINUE  
17 RECEIVING NECESSARY SERVICES DURING THE REENROLLMENT PROCESS.  
18 THE STATE DEPARTMENT MAY APPLY THIS DELAY IN PROCEDURAL  
19 TERMINATION TO A SPECIFIC POPULATION OR AS SPECIFIED THROUGH  
20 FEDERAL AUTHORIZATION.

21 (F) THE STATE DEPARTMENT MAY SEEK FEDERAL AUTHORIZATION  
22 TO ALLOW AN APPLICANT'S OR MEMBER'S ELIGIBILITY FOR REENROLLMENT  
23 TO BE BASED ON FINANCIAL FINDINGS FROM THE SUPPLEMENTAL  
24 NUTRITION ASSISTANCE PROGRAM ESTABLISHED PURSUANT TO PART 3 OF  
25 ARTICLE 2 OF TITLE 26, THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES  
26 PROGRAM ESTABLISHED PURSUANT TO PART 7 OF ARTICLE 2 OF TITLE 26,  
27 AND OTHER MEANS-TESTED BENEFIT PROGRAMS ADMINISTERED THROUGH

1 THE COLORADO BENEFITS MANAGEMENT SYSTEM. THE STATE  
2 DEPARTMENT MAY APPLY FINANCIAL ELIGIBILITY FOR MEDICAID TO  
3 INDIVIDUALS WHOSE GROSS INCOME PROGRAM AND ASSETS FOR  
4 APPLICABLE MEANS-TESTED BENEFIT PROGRAMS ARE BELOW APPLICABLE  
5 MEDICAID LIMITS, REGARDLESS OF DIFFERENCES IN HOUSEHOLD  
6 COMPOSITION AND INCOME-COUNTING RULES BETWEEN PROGRAMS OR AS  
7 SPECIFIED THROUGH FEDERAL AUTHORIZATION.

8 (G) SUBJECT TO AVAILABLE APPROPRIATIONS AND UPON  
9 RECEIVING NECESSARY FEDERAL AUTHORIZATION, THE STATE  
10 DEPARTMENT MAY IMPLEMENT SUBSECTIONS (3)(b)(I.5)(C), (3)(b)(I.5)(D),  
11 (3)(b)(I.5)(E), AND (3)(b)(I.5)(F) OF THIS SECTION.

12 (f) (I) To ensure that the state department maintains access to state  
13 and federal funding provided by the federal "Families First Coronavirus  
14 Response Act", Pub.L. 116-127, and the federal "Consolidated  
15 Appropriations Act, 2023", subsections (3)(b)(I) and (3)(d) of this section  
16 requiring the collection or verification of any information related to  
17 medical assistance eligibility factors, including citizenship, household  
18 size, income, or assets for those individuals already enrolled in the  
19 medical assistance program, are suspended until ~~June 1, 2024~~ JANUARY  
20 1, 2025.

21 (II) The state board may adopt rules to implement this subsection  
22 (3)(f) to ensure that the state department can resume routine operations  
23 ~~by June 1, 2024~~, that follow guidance issued by the federal centers for  
24 medicare and medicaid services, including terminations of eligibility, the  
25 processing of eligibility renewals, and the transition between medical  
26 assistance and children's basic health plan eligibility categories.

27 (III) This subsection (3)(f) is repealed, effective ~~June 1, 2024~~

1 JANUARY 1, 2025.

2 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-1404, **amend**  
3 (6)(c) as follows:

4 **25.5-6-1404. Medicaid buy-in program - eligibility - premiums**  
5 **- medicaid buy-in fund - report - rules - repeal.** (6) (c) This subsection  
6 (6) is repealed, effective ~~June 1, 2024~~ SEPTEMBER 1, 2025.

7 **SECTION 5.** In Colorado Revised Statutes, 25.5-8-109, **amend**  
8 (8); and **add** (4.5)(a)(VI), (4.5)(a)(VII), (4.5)(a)(VIII), (4.5)(a)(IX), and  
9 (4.5)(a)(X) as follows:

10 **25.5-8-109. Eligibility - children - pregnant women - rules -**  
11 **repeal.** (4.5) (a) (VI) THE STATE DEPARTMENT MAY SEEK FEDERAL  
12 AUTHORIZATION TO NOT REQUIRE ADDITIONAL VERIFICATION DURING A  
13 MEMBER'S ELIGIBILITY REENROLLMENT PROCESS IF INFORMATION ABOUT  
14 THE MEMBER'S INCOME IS NOT VERIFIED THROUGH A FEDERALLY  
15 APPROVED ELECTRONIC DATA SOURCE. THE STATE DEPARTMENT MAY USE  
16 THE INFORMATION ON FILE OR THE INFORMATION THAT WAS ORIGINALLY  
17 COLLECTED DURING THE APPLICATION PROCESS TO DETERMINE WHETHER  
18 THE MEMBER IS ELIGIBLE FOR REENROLLMENT. NOTWITHSTANDING THIS  
19 SUBSECTION (4.5)(a)(VI) TO THE CONTRARY, THE STATE DEPARTMENT  
20 SHALL REQUIRE ADDITIONAL INCOME VERIFICATION IF INFORMATION  
21 ABOUT A MEMBER'S INCOME IS NOT VERIFIED THROUGH A FEDERALLY  
22 APPROVED ELECTRONIC DATA SOURCE FOR TWO OR MORE CONSECUTIVE  
23 YEARS OR AS SPECIFIED THROUGH FEDERAL AUTHORIZATION.

24 (VII) THE STATE DEPARTMENT MAY SEEK FEDERAL  
25 AUTHORIZATION TO NOT REQUIRE ADDITIONAL VERIFICATION DURING A  
26 MEMBER'S ELIGIBILITY REENROLLMENT PROCESS IF INFORMATION ABOUT  
27 THE MEMBER'S ASSETS IS NOT VERIFIED THROUGH A FEDERALLY APPROVED

1 ELECTRONIC DATA SOURCE IN A REASONABLE TIME, AS DETERMINED BY  
2 THE STATE DEPARTMENT. THE STATE DEPARTMENT MAY COMPLETE THE  
3 MEMBER'S ELIGIBILITY REENROLLMENT PROCESS WITHOUT ANY  
4 ADDITIONAL VERIFICATION OF THE MEMBER'S ASSETS IF THERE HAS BEEN  
5 NO CHANGE IN THE MEMBER'S ASSETS SINCE THE INITIAL VERIFICATION  
6 DURING THE APPLICATION PROCESS OR AS SPECIFIED THROUGH FEDERAL  
7 AUTHORIZATION.

8 (VIII) THE STATE DEPARTMENT MAY SEEK FEDERAL  
9 AUTHORIZATION TO DELAY A MEMBER'S PROCEDURAL TERMINATION  
10 DURING THE REENROLLMENT PROCESS TO ALLOW THE MEMBER TO  
11 CONTINUE RECEIVING NECESSARY SERVICES DURING THE REENROLLMENT  
12 PROCESS. THE STATE DEPARTMENT MAY APPLY THIS DELAY IN  
13 PROCEDURAL TERMINATION TO A SPECIFIC POPULATION OR AS SPECIFIED  
14 THROUGH FEDERAL AUTHORIZATION.

15 (IX) THE STATE DEPARTMENT MAY SEEK FEDERAL AUTHORIZATION  
16 TO ALLOW AN APPLICANT'S OR MEMBER'S ELIGIBILITY FOR REENROLLMENT  
17 TO BE BASED ON FINANCIAL FINDINGS FROM THE SUPPLEMENTAL  
18 NUTRITION ASSISTANCE PROGRAM ESTABLISHED PURSUANT TO PART 3 OF  
19 ARTICLE 2 OF TITLE 26, THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES  
20 PROGRAM ESTABLISHED PURSUANT TO PART 7 OF ARTICLE 2 OF TITLE 26,  
21 AND OTHER MEANS-TESTED BENEFIT PROGRAMS ADMINISTERED THROUGH  
22 THE COLORADO BENEFITS MANAGEMENT SYSTEM. THE STATE  
23 DEPARTMENT MAY APPLY FINANCIAL ELIGIBILITY FOR MEDICAID TO  
24 INDIVIDUALS WHOSE GROSS INCOME PROGRAM AND ASSETS FOR  
25 APPLICABLE MEANS-TESTED BENEFIT PROGRAMS ARE BELOW APPLICABLE  
26 MEDICAID LIMITS, REGARDLESS OF DIFFERENCES IN HOUSEHOLD  
27 COMPOSITION AND INCOME-COUNTING RULES BETWEEN PROGRAMS OR AS



1 SPECIFIED THROUGH FEDERAL AUTHORIZATION.

2 (X) SUBJECT TO AVAILABLE APPROPRIATIONS AND UPON  
3 RECEIVING NECESSARY FEDERAL AUTHORIZATION, THE STATE  
4 DEPARTMENT MAY IMPLEMENT SUBSECTIONS (4.5)(a)(VI), (4.5)(a)(VII),  
5 (4.5)(a)(VIII), AND (4.5)(a)(IX) OF THIS SECTION.

6 (8) (a) To ensure that the state department maintains access to  
7 state and federal funding provided by the federal "Families First  
8 Coronavirus Response Act", Pub.L. 116-127, and the federal  
9 "Consolidated Appropriations Act, 2023", subsections (4) and (4.5)(a)(II)  
10 of this section requiring the state department to disenroll an individual  
11 enrolled in the children's basic health plan due to the annual verification  
12 of income, as authorized by the centers for medicare and medicaid  
13 services, are suspended until ~~June 1, 2024~~ JANUARY 1, 2025.

14 (b) The state board may adopt rules to implement this subsection  
15 (8) to ensure that the state department can resume routine operations by  
16 ~~June 1, 2024~~, that follow guidance issued by the federal centers for  
17 medicare and medicaid services, including terminations of eligibility, the  
18 processing of eligibility renewals, and the transition between medical  
19 assistance and children's basic health plan eligibility categories.

20 (c) This subsection (8) is repealed, effective ~~June 1, 2024~~  
21 JANUARY 1, 2025.

22 **SECTION 6. Safety clause.** The general assembly finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety or for appropriations for  
25 the support and maintenance of the departments of the state and state  
26 institutions.