

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

**PREAMENDED**

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

LLS NO. 22-0273.01 Shelby Ross x4510

**HOUSE BILL 22-1094**

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**HOUSE SPONSORSHIP**

**Titone and Ricks,**

**SENATE SPONSORSHIP**

**Fields,**

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**House Committees**

Health & Insurance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING ELIGIBILITY FOR MEDICAL ASSISTANCE FOR SURVIVORS**  
102      **OF TORTURE.**

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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>.)*

Beginning January 1, 2023, the bill grants a survivor of torture who is receiving care and rehabilitation services from a rehabilitative service provider eligibility for medical assistance without federal financial participation.

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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.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds that:

4 (a) Torture has a devastating impact on the health outcomes of  
5 survivors. Several studies characterize torture as one of the main  
6 predictors of depression, post-traumatic stress disorder, and anxiety  
7 among survivors.

8 (b) Due to the torture survivors have experienced, survivors of  
9 torture have vast and varied physical, behavioral, and mental health  
10 needs.

11 (c) Individuals who have been subjected to some form of torture  
12 tend to exhibit higher levels of anxiety than other baseline populations.  
13 Disruption in sleep patterns, increased irritability, and low mood are also  
14 common symptoms within this population, especially given the  
15 exponentially higher likelihood of having survived head trauma, which  
16 likelihood is as high as 64% in some studies.

17 (d) Survivors of torture are two to three times more likely to  
18 experience chronic pain as a direct consequence of the torture they  
19 endured. Other common medical presentations include gastrointestinal  
20 issues, lung infections, skin abrasions, and lower back pain.

21 (e) Federal eligibility for services through the federal office of  
22 refugee resettlement within the department of health and human services  
23 does not depend on a person's immigration status, and there is no time  
24 limit for receiving such services, although on average survivors receive  
25 services for 2 to 3 years. However, survivors of torture often do not  
26 qualify for medicaid due to the person's pending immigration status.

27 (f) Survivors of torture with pending immigration status often

1 struggle to access the medical and mental health services they need to  
2 recover from the effects of torture.

3 (2) Therefore, the general assembly declares that access to  
4 medical coverage for survivors of torture will allow for preventive care  
5 and earlier treatment of the physical and psychological effects of torture,  
6 thereby mitigating the costs the state will incur when these individuals are  
7 granted asylum and become medicaid-eligible or when they alternatively  
8 access services through emergency service providers. Extending  
9 eligibility now will preclude the need for more complex and costly  
10 treatment for conditions that compound over a protracted period without  
11 access to care.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 25.5-2-104 as  
13 follows:

14 **25.5-2-104. Survivors of torture - eligibility for medical**  
15 **assistance - rules - definitions.** (1) AS USED IN THIS SECTION, UNLESS  
16 THE CONTEXT OTHERWISE REQUIRES:

17 (a) "CARE AND REHABILITATION SERVICES" MEANS THE PROVISION  
18 OF OR REFERRAL TO SERVICES, INCLUDING BUT NOT LIMITED TO BASIC  
19 NEEDS SUPPORT, COMMUNITY RESOURCES ORIENTATION AND NAVIGATION,  
20 CLINICAL CASE MANAGEMENT AND CARE NAVIGATION, AND PSYCHOSOCIAL  
21 SUPPORT SERVICES, INCLUDING PEER-LED MUTUAL SUPPORT GROUPS AND  
22 LEGAL REPRESENTATION.

23 (b) "REHABILITATIVE SERVICE PROVIDER" MEANS A  
24 COLORADO-BASED ORGANIZATION, PROVIDER, OR ENTITY THAT IS:

25 (I) AN ACTIVE MEMBER OF THE NATIONAL CONSORTIUM OF  
26 TORTURE TREATMENT PROVIDERS; OR

27 (II) AN ORGANIZATION, PROVIDER, OR ENTITY RECEIVING FUNDING

1 FROM THE FEDERAL DIRECT SERVICES FOR SURVIVORS OF TORTURE GRANT  
2 PROGRAM OR THE FEDERAL TECHNICAL ASSISTANCE TO SURVIVORS OF  
3 TORTURE ORGANIZATIONS GRANT PROGRAM WITHIN THE OFFICE OF  
4 REFUGEE RESETTLEMENT IN THE FEDERAL DEPARTMENT OF HEALTH AND  
5 HUMAN SERVICES.

6 (c) "SURVIVOR OF TORTURE" MEANS A PERSON WHO HAS BEEN  
7 TORTURED IN ANOTHER COUNTRY AND NOW LIVES IN COLORADO.

8 (d) "TORTURE" HAS THE SAME MEANING AS DEFINED IN 18 U.S.C.  
9 SEC. 2340.

10 (2) BEGINNING JANUARY 1, 2023, A SURVIVOR OF TORTURE IS  
11 ELIGIBLE FOR MEDICAL ASSISTANCE PURSUANT TO ARTICLES 4, 5, AND 6 OF  
12 THIS TITLE 25.5. THE STATE SHALL PAY FOR THE MEDICAL ASSISTANCE  
13 WITHOUT FEDERAL FINANCIAL PARTICIPATION UNLESS A FEDERAL MATCH  
14 BECOMES AVAILABLE FOR THE SERVICES DESCRIBED IN THIS SECTION, IN  
15 WHICH CASE THE STATE DEPARTMENT MAY SEEK SUCH FEDERAL  
16 FINANCIAL PARTICIPATION TO PAY FOR THE SERVICES.

17 (3) IN ORDER TO BE ELIGIBLE TO RECEIVE MEDICAL ASSISTANCE  
18 PURSUANT TO SUBSECTION (2) OF THIS SECTION, A SURVIVOR OF TORTURE  
19 MUST BE RECEIVING CARE AND REHABILITATION SERVICES FROM A  
20 REHABILITATIVE SERVICE PROVIDER.

21 (4) THE STATE BOARD SHALL ADOPT RULES AS NECESSARY TO  
22 IMPLEMENT THIS SECTION, INCLUDING RULES SPECIFYING THE MANNER IN  
23 WHICH SURVIVORS OF TORTURE WILL BE NOTIFIED ABOUT ELIGIBILITY FOR  
24 MEDICAL ASSISTANCE.

25 (5) THE STATE DEPARTMENT SHALL NOT IMPOSE ANY  
26 COST-SHARING REQUIREMENTS ON SURVIVORS OF TORTURE RECEIVING  
27 MEDICAL ASSISTANCE PURSUANT TO THIS SECTION.

1           **SECTION 3. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, or safety.