

## CHAPTER 118

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**HEALTH CARE POLICY AND FINANCING**

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## SENATE BILL 23-182

BY SENATOR(S) Zenzinger and Kirkmeyer, Bridges, Exum, Ginal, Kolker, Marchman, Moreno, Priola;  
also REPRESENTATIVE(S) Bird and Pugliese, Bockenfeld, Sirota, Dickson, Lieder, Lindsay, Snyder, McCluskie.

**AN ACT****CONCERNING THE TEMPORARY SUSPENSION OF CERTAIN STATUTORY REQUIREMENTS FOR MEDICAL ASSISTANCE PROGRAMS.**

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

**SECTION 1.** In Colorado Revised Statutes, 25.5-5-101, **add** (6) as follows:

**25.5-5-101. Mandatory provisions - eligible groups - rules - repeal.** (6) (a) To ENSURE THAT THE STATE DEPARTMENT MAINTAINS ACCESS TO STATE AND FEDERAL FUNDING PROVIDED BY THE FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND THE FEDERAL "CONSOLIDATED APPROPRIATIONS ACT, 2023", THE FOLLOWING SUBSECTIONS OF THIS SECTION ARE SUSPENDED UNTIL JUNE 1, 2024:

(I) SUBSECTION (1)(c) OF THIS SECTION REQUIRING THE STATE DEPARTMENT TO DISENROLL A WOMAN RECEIVING MEDICAL ASSISTANCE SIXTY DAYS FOLLOWING THE WOMAN'S PREGNANCY;

(II) SUBSECTION (1)(d) OF THIS SECTION REQUIRING THE STATE DEPARTMENT TO DISENROLL A CHILD AT ONE YEAR OF AGE WHO WAS ELIGIBLE TO RECEIVE MEDICAL ASSISTANCE AT BIRTH;

(III) SUBSECTION (1)(e) OF THIS SECTION REQUIRING THE STATE DEPARTMENT TO DISENROLL FORMER FOSTER CARE CHILDREN; AND

(IV) ANY OTHER PROVISION OF THIS SECTION THAT REQUIRES THE STATE DEPARTMENT TO DISENROLL AN INDIVIDUAL RECEIVING MEDICAL ASSISTANCE PRIOR TO THE STATE DEPARTMENT PROCESSING THE INDIVIDUAL'S NEXT ANNUAL RENEWAL FOR ELIGIBILITY FOLLOWING THE END OF THE CONTINUOUS ENROLLMENT

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

REQUIREMENTS IMPLEMENTED PURSUANT TO THE FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND THE FEDERAL "CONSOLIDATED APPROPRIATIONS ACT, 2023".

(b) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS SUBSECTION (6) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME ROUTINE OPERATIONS BY JUNE 1, 2024, THAT FOLLOW GUIDANCE ISSUED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES, INCLUDING TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF ELIGIBILITY RENEWALS, AND THE TRANSITION BETWEEN MEDICAL ASSISTANCE AND CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY CATEGORIES.

(c) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JUNE 1, 2024.

**SECTION 2.** In Colorado Revised Statutes, 25.5-5-201, **add** (7) and (8) as follows:

**25.5-5-201. Optional provisions - optional groups - rules - repeal.** (7) (a) TO ENSURE THAT THE STATE DEPARTMENT MAINTAINS ACCESS TO STATE AND FEDERAL FUNDING PROVIDED BY THE FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND THE FEDERAL "CONSOLIDATED APPROPRIATIONS ACT, 2023", THE FOLLOWING SUBSECTIONS OF THIS SECTION ARE SUSPENDED UNTIL JUNE 1, 2024:

(I) SUBSECTION (1)(p) OF THIS SECTION REQUIRING THE STATE DEPARTMENT TO DISENROLL AN INDIVIDUAL ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM WHO REACHES SIXTY-FIVE YEARS OF AGE; AND

(II) ANY OTHER PROVISION OF THIS SECTION THAT REQUIRES THE STATE DEPARTMENT TO DISENROLL AN INDIVIDUAL RECEIVING MEDICAL ASSISTANCE PRIOR TO THE STATE DEPARTMENT PROCESSING THE INDIVIDUAL'S NEXT ANNUAL RENEWAL FOR ELIGIBILITY FOLLOWING THE END OF THE CONTINUOUS ENROLLMENT REQUIREMENTS IMPLEMENTED PURSUANT TO THE FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND THE FEDERAL "CONSOLIDATED APPROPRIATIONS ACT, 2023".

(b) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS SUBSECTION (7) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME ROUTINE OPERATIONS BY JUNE 1, 2024, THAT FOLLOW GUIDANCE ISSUED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES, INCLUDING TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF ELIGIBILITY RENEWALS, AND THE TRANSITION BETWEEN MEDICAL ASSISTANCE AND CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY CATEGORIES.

(c) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JUNE 1, 2024.

(8) (a) THE STATE DEPARTMENT MAY CONTINUE TO PROVIDE COVERAGE FOR THE TESTING AND TREATMENT FOR COVID-19 FOR UNINSURED INDIVIDUALS PURSUANT TO SECTION 1902 (a)(10)(A)(ii)(XXIII) OF THE FEDERAL "SOCIAL SECURITY ACT" THROUGH MAY 31, 2023, WITHOUT FEDERAL FINANCIAL PARTICIPATION.

(b) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS SUBSECTION (8) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME ROUTINE OPERATIONS IN AN

ORDERLY PROCESS THAT FOLLOWS GUIDANCE PROVIDED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES, INCLUDING TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF ELIGIBILITY RENEWALS, AND THE TRANSITION BETWEEN MEDICAID AND CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY CATEGORIES.

(c) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE MAY 31, 2023.

**SECTION 3.** In Colorado Revised Statutes, 25.5-4-205, **add** (3)(f) as follows:

**25.5-4-205. Application - verification of eligibility - demonstration project - rules - repeal.** (3) (f) (I) TO ENSURE THAT THE STATE DEPARTMENT MAINTAINS ACCESS TO STATE AND FEDERAL FUNDING PROVIDED BY THE FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND THE FEDERAL "CONSOLIDATED APPROPRIATIONS ACT, 2023", SUBSECTIONS (3)(b)(I) AND (3)(d) OF THIS SECTION REQUIRING THE COLLECTION OR VERIFICATION OF ANY INFORMATION RELATED TO MEDICAL ASSISTANCE ELIGIBILITY FACTORS, INCLUDING CITIZENSHIP, HOUSEHOLD SIZE, INCOME, OR ASSETS FOR THOSE INDIVIDUALS ALREADY ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM ARE SUSPENDED UNTIL JUNE 1, 2024.

(II) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS SUBSECTION (3)(f) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME ROUTINE OPERATIONS BY JUNE 1, 2024, THAT FOLLOW GUIDANCE ISSUED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES, INCLUDING TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF ELIGIBILITY RENEWALS, AND THE TRANSITION BETWEEN MEDICAL ASSISTANCE AND CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY CATEGORIES.

(III) THIS SUBSECTION (3)(f) IS REPEALED, EFFECTIVE JUNE 1, 2024.

**SECTION 4.** In Colorado Revised Statutes, 25.5-6-1404, **add** (6) as follows:

**25.5-6-1404. Medicaid buy-in program - eligibility - premiums - medicaid buy-in fund - report - rules - repeal.** (6) (a) TO ENSURE THAT THE STATE DEPARTMENT MAINTAINS ACCESS TO STATE AND FEDERAL FUNDING PROVIDED BY THE FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND THE FEDERAL "CONSOLIDATED APPROPRIATIONS ACT, 2023", SUBSECTIONS (1)(a), (1)(b), AND (3)(a) OF THIS SECTION ESTABLISHING COVERAGE GROUP REQUIREMENTS AND REQUIRING PAYMENT OF PREMIUMS IN ORDER TO MAINTAIN ELIGIBILITY FOR THE MEDICAID BUY-IN PROGRAM ARE SUSPENDED UNTIL THE LAST DAY OF THE TWELFTH MONTH FOLLOWING THE END OF THE DECLARED FEDERAL PUBLIC HEALTH EMERGENCY AS A RESULT OF THE CORONAVIRUS DISEASE 2019, KNOWN AS "COVID-19".

(b) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS SUBSECTION (6) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME ROUTINE OPERATIONS THAT FOLLOW GUIDANCE ISSUED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES, INCLUDING TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF ELIGIBILITY RENEWALS, AND THE TRANSITION BETWEEN MEDICAL ASSISTANCE AND CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY CATEGORIES.

(c) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JUNE 1, 2024.

**SECTION 5.** In Colorado Revised Statutes, 25.5-8-109, **add** (8) as follows:

**25.5-8-109. Eligibility - children - pregnant women - rules - repeal.** (8) (a) TO ENSURE THAT THE STATE DEPARTMENT MAINTAINS ACCESS TO STATE AND FEDERAL FUNDING PROVIDED BY THE FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND THE FEDERAL "CONSOLIDATED APPROPRIATIONS ACT, 2023", SUBSECTIONS (4) AND (4.5)(a)(II) OF THIS SECTION REQUIRING THE STATE DEPARTMENT TO DISENROLL AN INDIVIDUAL ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN DUE TO THE ANNUAL VERIFICATION OF INCOME, AS AUTHORIZED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES ARE SUSPENDED UNTIL JUNE 1, 2024.

(b) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS SUBSECTION (8) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME ROUTINE OPERATIONS BY JUNE 1, 2024, THAT FOLLOW GUIDANCE ISSUED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES, INCLUDING TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF ELIGIBILITY RENEWALS, AND THE TRANSITION BETWEEN MEDICAL ASSISTANCE AND CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY CATEGORIES.

(c) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JUNE 1, 2024.

**SECTION 6.** In Colorado Revised Statutes, 25.5-4-209, **add** (1)(e) as follows:

**25.5-4-209. Payments by third parties - copayments by recipients - review - appeal - children's waiting list reduction fund - rules - repeal.** (1) (e) (I) TO ENSURE THAT THE STATE DEPARTMENT MAINTAINS ACCESS TO STATE AND FEDERAL FUNDING PROVIDED BY THE FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND THE FEDERAL "CONSOLIDATED APPROPRIATIONS ACT, 2023", SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION REQUIRING COPAYMENTS OR MEMBER COST SHARING FOR COVID-19 TESTING, VACCINES, SPECIALIZED EQUIPMENT, AND THERAPIES TO COMPLY WITH THE "FAMILY FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND THE "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, ARE SUSPENDED UNTIL THE LAST DAY OF THE TWELFTH MONTH FOLLOWING THE END OF THE DECLARED FEDERAL PUBLIC HEALTH EMERGENCY AS A RESULT OF THE CORONAVIRUS DISEASE 2019, KNOWN AS "COVID-19".

(II) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS SUBSECTION (1)(e) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME ROUTINE OPERATIONS THAT FOLLOW GUIDANCE ISSUED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES, INCLUDING TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF ELIGIBILITY RENEWALS, AND THE TRANSITION BETWEEN MEDICAL ASSISTANCE AND CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY CATEGORIES.

(III) THIS SUBSECTION (1)(e) IS REPEALED, EFFECTIVE SEPTEMBER 30, 2024.

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

Approved: April 27, 2023