

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

ENGROSSED

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

LLS NO. 24-1095.01 Shelby Ross x4510

HOUSE BILL 24-1400

HOUSE SPONSORSHIP

Bird and Sirota, Taggart

SENATE SPONSORSHIP

Kirkmeyer and Zenzinger, Bridges

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEDICAID ELIGIBILITY PROCEDURES.**

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.

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.

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.