Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL D

LLS NO. 08-0146.01 Jerry Barry

SENATE BILL

SENATE SPONSORSHIP

Boyd, and Windels

HOUSE SPONSORSHIP

Solano, and Stafford

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING SUSPENSION OF MEDICAID BENEFITS FOR PERSONS**
102 **CONFINED PURSUANT TO A COURT ORDER.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice Systems. Suspends medicaid benefits for persons who are:

- In the custody of the department of corrections or confined in a jail;
- Committed to or detained in a juvenile commitment

facility; or

- Committed to or placed in a department of human services facility pursuant to court order or certification.

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

2 **SECTION 1.** Part 2 of article 4 of title 25.5, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **25.5-4-205.5. Confined persons - suspension of benefits.**
6 (1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES, "CONFINED PERSON " MEANS A PERSON WHO IS:

8 (a) IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS;

9 (b) CONFINED IN A JAIL;

10 (c) COMMITTED TO OR DETAINED IN A JUVENILE COMMITMENT
11 FACILITY;

12 (d) COMMITTED TO A DEPARTMENT OF HUMAN SERVICES FACILITY
13 PURSUANT TO PART 1 OF ARTICLE 8 OF TITLE 16, C.R.S.; OR

14 (e) A PATIENT PLACED IN A DEPARTMENT OF HUMAN SERVICES
15 FACILITY PURSUANT TO COURT ORDER OR CERTIFICATION.

16 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON
17 WHO, IMMEDIATELY PRIOR TO BECOMING A CONFINED PERSON, WAS A
18 RECIPIENT OF MEDICAL ASSISTANCE PURSUANT TO THIS ARTICLE OR
19 ARTICLE 5 OR 6 OF THIS TITLE SHALL REMAIN ELIGIBLE FOR MEDICAL
20 ASSISTANCE WHILE A CONFINED PERSON; EXCEPT THAT NO MEDICAL
21 ASSISTANCE SHALL BE FURNISHED PURSUANT TO THIS ARTICLE OR ARTICLE
22 5 OR 6 OF THIS TITLE WHILE THE PERSON IS A CONFINED PERSON UNLESS
23 FEDERAL FINANCIAL PARTICIPATION IS AVAILABLE FOR THE COST OF THE
24 ASSISTANCE. ONCE A PERSON IS NO LONGER A CONFINED PERSON, THE

1 PERSON SHALL CONTINUE TO BE ELIGIBLE FOR RECEIPT OF MEDICAL
2 BENEFITS PURSUANT TO THIS ARTICLE OR ARTICLE 5 OR 6 OF THIS TITLE
3 UNTIL THE PERSON IS DETERMINED TO BE INELIGIBLE FOR THE RECEIPT OF
4 THE ASSISTANCE. TO THE EXTENT PERMITTED BY FEDERAL LAW, THE TIME
5 DURING WHICH A PERSON IS A CONFINED PERSON SHALL NOT BE INCLUDED
6 IN ANY CALCULATION OF WHEN THE PERSON MUST RECERTIFY HIS OR HER
7 ELIGIBILITY FOR MEDICAL ASSISTANCE PURSUANT TO THIS ARTICLE OR
8 ARTICLE 5 OR 6 OF THIS TITLE.
9 **SECTION 2. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.