

University of Colorado Law School

Colorado Law Scholarly Commons

Session Laws 1951-2000

Colorado Session Laws

1969

Amending the Colorado Medical Assistance Act.

Colorado General Assembly

Follow this and additional works at: <https://scholar.law.colorado.edu/session-laws-1951-2000>

Recommended Citation

Colorado General Assembly, "Amending the Colorado Medical Assistance Act." (1969). *Session Laws 1951-2000*. 4967.

<https://scholar.law.colorado.edu/session-laws-1951-2000/4967>

This Act is brought to you for free and open access by the Colorado Session Laws at Colorado Law Scholarly Commons. It has been accepted for inclusion in Session Laws 1951-2000 by an authorized administrator of Colorado Law Scholarly Commons. For more information, please contact rebecca.ciota@colorado.edu.

CHAPTER 280

RELIEF AND PUBLIC WELFARE**MEDICAL ASSISTANCE — CATEGORICALLY NEEDY**

[Tentative placement, 119-12-3 et seq.]

(Senate Bill No. 81. By Senators Kemp, Nicholson, Taylor, Vollack, Brown, Cisneros, Saunders, and Williams; also Representatives Calabrese, Horst, Arnold, Bain, Bastien, Braden, Colorado, Cooper, Dameron, DeMoulin, Dittmore, Grace, Grant, Hamilton, Jackson, Klein, Knox, Lamm, Neal, Porter, Quinlan, Safran, and Sanchez.)

A N A C T**AMENDING THE COLORADO MEDICAL ASSISTANCE ACT.**

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

Section 1. Section 3 of chapter 63, Session Laws of Colorado 1968, is amended BY THE ADDITION OF NEW SUBSECTIONS (12) AND (13) to read:

Section 3. Definitions.—(12) "Essential person" means a person who resides with the recipient and is determined to be rendering a service to the recipient which, if the recipient were living alone, would have to be provided for him.

(13) "State board" means the state board of social services.

Section 2. Section 4 of chapter 63, Session Laws of Colorado 1968, is amended to read:

Section 4. Medical programs.—(1) The state department OF SOCIAL SERVICES, by rules and regulations, shall establish a program of medical assistance to provide necessary medical care for the categorically needy, AND, WHERE A FEDERAL STATUTE OR REGULATION PERMITS ADDITIONAL FEDERAL MONEYS TO BE MADE AVAILABLE FOR SUCH PURPOSE, THE DEPARTMENT MAY PROVIDE NECESSARY MEDICAL CARE FOR AN ESSENTIAL PERSON. and THE DEPARTMENT OF SOCIAL SERVICES is hereby designated as the single state agency to administer such program in accordance with Title XIX and this act. Such program shall not be required to furnish recipients under sixty-five years of age, the benefits that are provided to recipients sixty-five years of age and over, under Title XVIII of the "Social Security Act"; but said program shall otherwise be uniform to the extent required by Title XIX of the "Social Security Act".

Section 3. Section 6 of chapter 63, Session Laws of Colorado 1968, is amended to read:

Section 6. Other services and benefits.—(1) In accordance with fed-

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

eral requirements pertaining to the development of a broad based medical care program for low income families by January 1, 1975, the state department of welfare SOCIAL SERVICES is hereby directed to prepare a comprehensive medical plan for consideration by the general assembly. The comprehensive plan shall include alternate means of expanding the medical care benefits and coverage provided in this act. The comprehensive plan shall be re-evaluated annually and shall be based upon a documented review of medical needs of low income families in Colorado, a detailed analysis of priorities of service, coverage, program costs, and an evaluation of progress. The medical advisory committee, appointed pursuant to this act, shall assist the department in the preparation of the comprehensive plan.

(2) THE DEPARTMENT OF SOCIAL SERVICES, PURSUANT TO RULES AND REGULATIONS OF THE STATE BOARD, SHALL HAVE THE AUTHORITY TO INCLUDE IN MEDICAL CARE BENEFITS PROVIDED UNDER THIS ACT REASONABLE AMOUNTS FOR THE PERSONAL NEEDS OF ANY RECIPIENT RECEIVING SKILLED NURSING HOME SERVICES, IF THE RECIPIENT IS NOT OTHERWISE ELIGIBLE FOR SUCH AMOUNTS FROM OTHER CATEGORIES OF PUBLIC ASSISTANCE; BUT SUCH AMOUNTS FOR PERSONAL NEEDS SHALL NOT EXCEED SUCH AMOUNTS AS ARE INCLUDED FOR THIS PURPOSE IN BENEFITS TO RECIPIENTS OF THE OLD AGE PENSION. PAYMENTS FOR FUNERAL AND BURIAL EXPENSES UPON THE DEATH OF A RECIPIENT MAY BE PROVIDED UNDER RULES AND REGULATIONS OF THE STATE BOARD IN THE SAME MANNER AS PROVIDED TO RECIPIENTS DEFINED IN SECTION 3 (10) (b) OF THIS ACT.

Section 4. Section 7 of chapter 63, Session Laws of Colorado 1968, is amended to read:

Section 7. Application—verification of eligibility.—(1) Determination of eligibility for medical benefits shall be made by the county department in which the applicant resides. ANY PERSON AT ANY TIME DURING A CALENDAR MONTH WHO IS DETERMINED TO BE ELIGIBLE PURSUANT TO THE REQUIREMENTS OF THIS ACT SHALL BE ELIGIBLE FOR BENEFITS DURING ALL OF THE SUBSEQUENT PORTION OF SAID CALENDAR MONTH. Upon determination that any person is ineligible for medical benefits, the county department shall notify the applicant and the state department OF SOCIAL SERVICES in writing of its decision and the reason therefor. SEPARATE DETERMINATION OF ELIGIBILITY AND FORMAL APPLICATION FOR BENEFITS UNDER THIS ACT FOR PERSONS ELIGIBLE UNDER SECTION 3 (10) (b) OF THIS ACT SHALL BE MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE BOARD.

(2) The state department BOARD shall promulgate rules and regulations to simplify the processing of applications in order that medical benefits are furnished to recipients as soon as possible. SAID RULES MAY MAKE PROVISION FOR THE PAYMENT OF MEDICAL BENEFITS FOR A PERIOD NOT TO EXCEED SEVEN DAYS PRIOR TO THE DATE OF APPLICATION IN CASES WHERE THE APPLICANT WAS PRECLUDED FROM MAKING SUCH APPLICATION PRIOR TO HIS NEED FOR SAID MEDICAL BENEFITS. Adequate safeguards shall be established by the state department OF SOCIAL SERVICES to insure that only eligible persons receive benefits under this act.

Section 5. Section 11 (4) of chapter 63, Session Laws of Colorado 1968, is amended to read:

Section 11. Vendors — payments — rules.—(4) ANY RECIPIENT RECEIVING BENEFITS UNDER THIS ACT WHO RECEIVES ANY SUPPLEMENTAL INCOME, AVAILABLE FOR MEDICAL PURPOSES UNDER RULES AND REGULATIONS OF THE STATE BOARD, SHALL APPLY SUCH SUPPLEMENTAL INCOME TO THE COST OF THE BENEFITS RENDERED AND the rules and regulations may require reports from vendors of other payments received by them FROM OR on behalf of recipients.

Section 6. Section 12 of chapter 63, Session Laws of Colorado 1968, is amended to read:

Section 12. Reimbursement to counties—medical assistance fund.—The state department OF SOCIAL SERVICES shall reimburse the county departments for costs of administration incurred BY THE COUNTIES under this act in accordance with the provisions of section 119-1-15 (2), C.R.S. 1963.

Section 7. Section 13 of chapter 63, Session Laws of Colorado 1968, is amended to read:

Section 13. Recoveries—adjustments—liens.—No recipient or his estate shall be liable for the cost of medical benefits properly rendered to him. If at any time during the continuance of medical benefits, the recipient becomes possessed of property having a value in excess of that amount set by law or by the rules and regulations of the state department OF SOCIAL SERVICES, or receives any increase in income, it shall be the duty of the recipient to notify the county department thereof and the county department may, after investigation, either revoke such medical benefits or alter the amount thereof, as the circumstances may require. INCOME OF A RECIPIENT WHICH IS APPLIED PURSUANT TO SECTION 11 (4), AS AMENDED, OF THIS ACT SHALL NOT DISQUALIFY SAID RECIPIENT FROM RECEIVING BENEFITS UNDER THIS ACT NOR SHALL IT DISQUALIFY A RECIPIENT, AS DEFINED IN SECTION 3 (10) (b) OF THIS ACT. Any medical assistance paid to which a recipient was not lawfully entitled shall be recoverable from the recipient or his estate by the county as a debt due the state, but no lien may be imposed against the property of a recipient on account of medical assistance paid or to be paid on his behalf under this act, except pursuant to judgment of a court of competent jurisdiction. Incorrect payments to vendors due to their omission, error, fraud, or defalcation, shall be recoverable from the said vendor by deduction from subsequent payments or by the county as a debt due the state.

Section 8. Effective date.—This act shall take effect July 1, 1969.

Section 9. Safety clause.—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 28, 1969