

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Revision to the CHP+ Rule Concerning Additional unemployment compensation exemption, Section 150.1

Rule Number: MSB 09-07-14-B

Division / Contact / Phone: CHP+ / Annie Lee / 3663

**SECRETARY OF STATE
RULES ACTION SUMMARY AND FILING INSTRUCTIONS**

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 09-07-14-B, Revision to the Children's Basic Health Plan Rule Concerning Additional unemployment compensation exemption, Section 150.1
3. This action is an adoption of: new rules
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 10 CCR 2505-3.151.1, Colorado Department of Health Care Policy and Financing, Medical Assistance (10 CCR 2505-3).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Please add new text provided at §150.1.R immediately following current text at §150.1.Q. This change is effective 11/30/2009.

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Title of Rule: Revision to the CHP+ Rule Concerning Additional unemployment compensation exemption, Section 150.1

Rule Number: MSB 09-07-14-B

Division / Contact / Phone: CHP+ / Annie Lee / 3663

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The purpose of this rule change is to exempt the increase of \$25 a week in unemployment compensation benefits required under the American Recovery and Reinvestment Act of 2009. The proposed rule will ensure that the amount of the increase will not impact the income eligibility of CHP+ recipients or applicants.

2. An emergency rule-making is imperatively necessary

☐ to comply with state or federal law or federal regulation and/or

☐ for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:

American Recovery and Reinvestment Act of 2009 section 2002(h)

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, CRS (2008)

Initial Review

09/11/2009

Final Adoption

10/16/2009

Proposed Effective Date

11/30/2009

Emergency Adoption

DOCUMENT #02

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Revision to the CHP+ Rule Concerning Additional unemployment compensation exemption, Section 150.1

Rule Number: MSB 09-07-14-B

Division / Contact / Phone: CHP+ / Annie Lee / 3663

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The proposed rule will affect any individual who is currently eligible for CHP+ or who will be applying for CHP+ and who is receiving Unemployment Benefits.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The qualitative impact is that individuals can retain or gain CHP+ income eligibility and still receive the increase in unemployment compensation to help meet their living expenses.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The exemption of the increase in unemployment compensation will have no fiscal impact.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Inaction would cause the CHP+ program to be out of compliance with federal law which would jeopardize the Federal Financial Participation of the CHP+ program.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

N/A

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

None

150 CALCULATION OF FAMILY INCOME [Eff. 06/30/2009]

150.1 Income includes all employment, self-employment, and unearned income, with the following exceptions: [Eff. 06/30/2009]

- A. College grants and scholarships;
- B. Grants from non-profit, tax-exempt, charitable foundations specifically for cost sharing;
- C. Child support and foster care payments;
- D. Food stamps and Women, Infants, and Children (WIC) payments;
- E. Assistance provided by non-profit organizations, if the assistance is need-based (i.e. the cost of meals at a soup kitchen);
- F. Settlements;
- G. Stipends;
- H. College loans;
- I. Medical care provided for free or if a third party made the payments;
- J. Payments by credit life or disability insurance;
- K. Proceeds of a loan;
- L. Disaster relief assistance;
- M. Tax refunds;
- N. Moving expenses paid by employer for relocation;
- O. Income of children less than 19 years of age; and
- P. Children's Basic Health Plan premium assistance program payments
- Q. Effective April 10, 2009, all wages paid by the United States Census Bureau for temporary employment related to U.S. Census 2010 activities.

R. The additional unemployment compensation of \$25 a week enacted through the American Recovery and Reinvestment Act of 2009.

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Revision to the Child Health Plan Plus Rule Concerning
Exemption of Census Income, §150.1Q

Rule Number: MSB 09-08-17-A

Division / Contact / Phone: Child Health Plan Plus / Annie Lee / 303-866-3663

**SECRETARY OF STATE
RULES ACTION SUMMARY AND FILING INSTRUCTIONS**

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 09-08-17-A, Revision to the Child Health Plan Plus
Rule Concerning Exemption of Census Income, §150.1Q
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number
and page numbers affected):

Sections(s) Insert 150.1Q, Colorado Department of Health Care Policy and Financing,
Medical Assistance (10 CCR 2505-3).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

**Please replace current text at §150.1.Q with the amended text provided. This
change is effective 11/30/2009.**

Title of Rule: Revision to the Child Health Plan Plus Rule Concerning
Exemption of Census Income, §150.1Q

Rule Number: MSB 09-08-17-A

Division / Contact / Phone: Child Health Plan Plus / Annie Lee / 303-866-3663

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The proposed rule will allow clients of the Children's Basic Health Plan program to accept income as census work becomes available (deciennially) without risking the loss of CHP+ eligibility. This rule change is necessary to allow the exemption of census income without implementing a rule change every census year.

2. An emergency rule-making is imperatively necessary

☐ to comply with state or federal law or federal regulation and/or

☐ for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:

42 CFR §457.320(9)

CMS letter to State Health Officials dated February 18, 2000 specifically encourages states to exempt income from Census 2000 for purposes of Medicaid and SCHIP eligibility (available at <http://www.cms.hhs.gov/smdl/downloads/smd021800.pdf>). Furthermore, this Rule was changed to reflect this recommendation for the 2010 census in March 2009.

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, CRS (2008)

Initial Review

9/11/2009

Final Adoption

10/16/2009

Proposed Effective Date

11/30/2009

Emergency Adoption

DOCUMENT # 9

Title of Rule: Revision to the Child Health Plan Plus Rule Concerning Exemption of Census Income, §150.1Q

Rule Number: MSB 09-08-17-A

Division / Contact / Phone: Child Health Plan Plus / Annie Lee / 303-866-3663

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The class of persons that will be affected and benefit from this proposed rule change are Children's Basic Health Plan program clients.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Parents and guardians will be able to accept temporary census employment and maintain medical coverage for their children—without having to make a choice between employment or health care.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The exemption of census income will not have any fiscal impact.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The effect of inaction would be more time and administrative costs having to be spent in the future to exempt this income.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

N/A

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

None

150 CALCULATION OF FAMILY INCOME

150.1 Income includes all employment, self-employment, and unearned income, with the following exceptions:

- A. College grants and scholarships;
- B. Grants from non-profit, tax-exempt, charitable foundations specifically for cost sharing;
- C. Child support and foster care payments;
- D. Food stamps and Women, Infants, and Children (WIC) payments;
- E. Assistance provided by non-profit organizations, if the assistance is need-based (i.e. the cost of meals at a soup kitchen);
- F. Settlements;
- G. Stipends;
- H. College loans;
- I. Medical care provided for free or if a third party made the payments;
- J. Payments by credit life or disability insurance;
- K. Proceeds of a loan;
- L. Disaster relief assistance;
- M. Tax refunds;
- N. Moving expenses paid by employer for relocation;
- O. Income of children less than 19 years of age; and
- P. Children's Basic Health Plan premium assistance program payments
- Q. ~~Effective April 10, 2009, a~~All wages paid by the United States Census Bureau for temporary employment related to decennial U.S. Census ~~2010~~ activities.

150.2 Verification of earned income may be provided through the submission of documents as described in section 130.1 A. Verification of earned income shall be provided for the month of application or the month prior to the month of application, if the verification is not yet available for the application month. Estimated income may be used to determine eligibility if the applicant provides income verification for any part of the application month.

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Revision to the Child Health Plan Plus Rule Concerning the Extension of Eligibility Period for Afghan Special Immigrants, §100

Rule Number: MSB 09-08-17-B

Division / Contact / Phone: Child Health Plan Plus / Annie Lee / 303-866-3663

**SECRETARY OF STATE
RULES ACTION SUMMARY AND FILING INSTRUCTIONS**

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Health Care Policy and Financing / Medical Services Board
Name:
2. Title of Rule: MSB 09-08-17-B, Revision to the Child Health Plan Plus Rule Concerning the Extension of Eligibility Period for Afghan Special Immigrants, §100
3. This action is an adoption an amendment
of:
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 110.1B(5), Colorado Department of Health Care Policy and Financing, Medical Assistance (10 CCR 2505-3).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Please insert amended text (delete 6 and add 8 *months*) to §110.B.4. This change is effective 11/30/2009.

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Revision to the Child Health Plan Plus Rule Concerning the Extension of Eligibility Period for Afghan Special Immigrants, §100

Rule Number: MSB 09-08-17-B

Division / Contact / Phone: Child Health Plan Plus / Annie Lee / 303-866-3663

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The proposed rule will allow Afghan immigrants to have eligibility for the Children's Basic Health Plan program within eight (8) months of obtaining Special Immigrant status, which extends the eligibility period from six (6) months.

2. An emergency rule-making is imperatively necessary

☐ to comply with state or federal law or federal regulation and/or

☐ for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:

At section 602(b)(8) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009 (Public Law 111-08), enacted on 3/10/09, the refugee-like period of Medicaid and State Children's Health Insurance Program (SCHIP) eligibility for Afghan special immigrants was lengthened from 6 to 8 months, so that it now matches the 8-month period for Iraqi special immigrants.

4. State Authority for the Rule:

NA

Initial Review **09/11/2009**

Proposed Effective Date **11/30/2009**

Final Adoption

10/16/2009

Emergency Adoption

DOCUMENT #04

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Revision to the Child Health Plan Plus Rule Concerning the Extension of Eligibility Period for Afghan Special Immigrants, §100

Rule Number: MSB 09-08-17-B

Division / Contact / Phone: Child Health Plan Plus / Annie Lee / 303-866-3663

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The class of persons that will be affected and benefit from this proposed rule change are Afghan Special Immigrants who are also income eligible for Children's Basic Health Plan program--clients will now have eligibility for eight (8) months, rather than six (6).

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Afghan Special Immigrants will be able to benefit from CHP+ coverage for two additional months.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The extension of medical benefits will have an indeterminate fiscal impact. It is difficult to ascertain the number of Afghan Special Immigrant's that will reside in Colorado given that the overall number of special immigrant statuses issued is limited. Based on this information, we can estimate that the number of Afghan Special Immigrants receiving the time limited benefits will be relatively small and the cost will be nominal.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The cost of inaction would be non-compliance with federal law, which outweighs the potential costs of the proposed rule.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

N/A

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

None

100 ELIGIBILITY

110 INDIVIDUALS ASSISTED UNDER THE PROGRAM

110.1 To be eligible for the Children's Basic Health Plan, an eligible person shall:

- A. 1. Be less than 19 years of age; or
- 2. Be a pregnant woman
- B. Meet one of the following categories:
 - 1. A citizen or national of the United States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, or Swain's Island; or
 - 2. An alien or immigrant who entered the United States at least five years prior to the date of application and who is:
 - a. Lawfully admitted for permanent residence under the U.S. Immigration and Nationality Act; or
 - b. Paroled into the United States for at least one year under Section 212(d)(5) of the U.S. Immigration and Nationality Act; or
 - c. Granted conditional entry under Section 203(a)(7) of the U.S. Immigration and Nationality Act; or
 - 3. An alien who arrived in the United States on any date who is:
 - a. Lawfully residing in Colorado and is an honorably discharged military veteran; or
 - 1. A spouse of such military veteran; or
 - 2. An unremarried surviving spouse of such military veteran; or
 - 3. An unmarried dependent child of such military veteran.
 - b. Lawfully residing in Colorado and is on active duty in the United States Armed Forces, excluding military training; or
 - 1. A spouse of such individual; or
 - 2. An unremarried surviving spouse of such individual; or
 - 3. An unmarried dependent child of such individual.
 - c. Granted asylum under Section 208 of the U.S. Immigration and Nationality Act; or
 - d. Refugee under Section 207 of the U.S. Immigration and Nationality Act; or

- e. An individual with deportation withheld:
 - 1. Under Section 243(h) of the U.S. Immigration and Nationality Act, as in effect prior to September 30, 1996; or
 - 2. Under Section 241(b)(3), as amended by P.L. 104-208 of the U.S. Immigration and Nationality Act.
- f. A Cuban or Haitian entrant, as defined under Section 501(e)(2) of the U.S. Refugee Education Assistance Act of 1980; or
- g. An individual who:
 - 1. Was born in Canada and possesses at least 50 percent American Indian blood; or
 - 2. Is a member of an Indian tribe, as defined in 25 U.S.C. Section 450(b)e.
- h. Admitted into the United States as an Amerasian immigrant under Section 584 of the U.S. Foreign Operations, Export Financing, and Related Programs Appropriation Act of 1988, as amended by P.L. 100-461; or
- i. A lawfully admitted, permanent resident, who is a Hmong or Highland Lao veteran of the Vietnam conflict; or
- 4. An alien who was admitted in the United States on or after January 28, 2008 who is an Afghan Special Immigrant under section 101(a)(27) of the Immigration and Nationality Act (INA) within the initial ~~6-8~~ months of special immigrant status; and