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State/Territory Name: Colorado

State Plan Amendment (SPA) #: CO-09-042

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
1600 Broadway, Suite 700
Denver, CO 80202-4967



Region VIII

March 19, 2010

Sandeep Wadhwa, MD, MBA
Medicaid Director
Medical & CHP+ Administration Office
Department of Health Care Policy and Financing
1570 Grant Street
Denver, CO 80203-1818

Dear Dr. Wadhwa:

We are pleased to inform you that your Colorado SPA 09-042 regarding the 1931 eligibility group has been approved with an effective date of May 1, 2010.

If you have any questions regarding this SPA, please contact Diane Dunstan-Murphy of my staff at either (303) 844-7040 or diane.dunstan@cms.hhs.gov.

Sincerely,

/s/

Richard C. Allen
Associate Regional Administrator
Division for Medicaid & Children's Health Operations

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL**

FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES

1. TRANSMITTAL NUMBER:

09-042

2. STATE:

COLORADO

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)

TO: REGIONAL ADMINISTRATOR
CENTERS FOR MEDICARE & MEDICAID SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

April 1, 2010 ~~April 1, 2010~~ **May 1, 2010**

5. TYPE OF PLAN MATERIAL (Check One):

NEW STATE PLAN

AMENDMENT TO BE CONSIDERED AS A NEW PLAN

AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION

1931(b)(2) of the Act [42 U.S.C. 1396u-1]

7. FEDERAL BUDGET IMPACT

a. FFY 09 \$ 19,758,290
b. FFY 10 \$ 44,424,447

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Page 1a Supplement 12a to Attachment 2.6-A
Attachment 2.6-A pg. 7, pg. 11a
Supp. 1 to attach 2.6a, pg. 3
Supp. 2 to attach 2.6a, 1+2 pg.

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

Page 1a Supplement 12a to Attachment 2.6-A

SUBJECT OF AMENDMENT
Expansion of the 1931 program to 100% of the federal poverty level for Family and Children's Medicaid

11. GOVERNOR'S REVIEW (Check One)

GOVERNOR'S OFFICE REPORTED NO COMMENT

OTHER, AS SPECIFIED

Governor's letter dated 29 July 2009

COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE OF STATE AGENCY OFFICIAL

[Redacted Signature]

13.

Susan Williamson

16. RETURN TO

Colorado Department of Health Care Policy and Financing
1570 Grant Street
Denver, CO 80203-1818

14. TITLE

Director, Client and Community Relations Office

Attn: Rachel Gibbons

15. DATE SUBMITTED

12/21/09

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED

12/21/09

18. DATE APPROVED

3/19/2010

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL

5/1/10

20. SIGNATURE OF REGIONAL OFFICIAL

[Redacted Signature]

21. TYPED NAME

Richard C. Allen

Associate Regional Administrator

22. REMARKS

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State Colorado

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
1902(r)(2) of the Act	<p>1. <u>Methods of Determining Income</u></p> <p>a. <u>AFDC-related individuals (except for poverty level related pregnant women, infants, and children).</u></p> <p>(1) In determining countable income for AFDC-related individuals, the following methods are used:</p> <p>— (a) The methods under the State's approved AFDC plan only; or</p> <p><u>X</u> (b) The methods under the State's approved AFDC plan and/or any more liberal methods described in Supplement 8a to ATTACHMENT 2.6-A.</p> <p>(2) In determining relative financial responsibility, the agency considers only the income of spouses living in the same household as available to spouses and the income of parents as available to children living with parents until the children become 21.</p>
1902(e)(6) the Act	<p>(3) Agency continues to treat women eligible under the provisions of sections 1902(a)(10) of the Act as eligible, without regard to any changes in income of the family of which she is a member, for the 60-day period after her pregnancy ends and any remaining days in the month in which the 60th day falls.</p>

TN No. 09-042
Supersedes TN No. 92-14

Approval Date 3/19/10
Effective Date May 1, 2010

State Colorado

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
1902(l)(3)(E) and 1902(r)(2) of the Act	<p>e. <u>Poverty level pregnant women, infants, and children.</u> For pregnant women and infants or children covered under the provisions of sections 1902(a)(10)(A)(i)(IV), (VI), and (VII), and 1902(a)(10)(A)(ii)(IX) of the Act--</p> <p>(1) The following methods are used in determining countable income:</p> <p>___ The methods of the State's approved AFDC plan.</p> <p>___ The methods of the approved title IV-E plan.</p> <p><u>X</u> The methods of the approved AFDC State plan and/or any more liberal methods described in <u>Supplement 8a to ATTACHMENT 2.6-A.</u></p> <p>___ The methods of the approved title IV-E plan and/or any more liberal methods described in <u>Supplement 8a to ATTACHMENT 2.6-A.</u></p>

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

STATE OF COLORADO

ELIGIBILITY UNDER SECTION 1931 OF THE ACT

The state covers low-income families and children under section 1931 of the Act.

The following groups were included in the AFDC State Plan effective July 16, 1996:

- Pregnant women with no other eligible children.
- AFDC children age 18 who are full-time students in a secondary school or in the equivalent level of vocational or technical training with the expectation that the child will graduate before age 19.
- In determining eligibility for Medicaid, the agency uses the AFDC standards and methodologies in effect as of July 16, 1996 without modification.
- The agency applies lower income standards which are not lower than the AFDC standards in effect on May 12, 1988, as follows:
- The agency applies higher income standards than those in effect as of July 16, 1996, increased by no more than the percentage increases in the CPI-U since July 16, 1996, as follows:

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM**

STATE OF COLORADO

ELIGIBILITY UNDER SECTION 1931 OF THE ACT

- _____ The agency applies higher resource standards than those in effect as of July 16, 1996, increased by no more than the percentage increases in the CPI-U since July 16, 1995, as follows:
- X The agency uses less restrictive income and/or resource methodologies than those in effect as of July 16, 1996, as follows:
- No resource test
 - Disregards the income difference by the family size in the amount of the AFDC payment standard and 100% of the Federal Poverty Level (as revised annually in the Federal Register) plus \$1 using all AFDC income counting methodologies except the 185% of the need standard income test, the \$30 plus 1/3 earned income disregard for the first 4 months, and the \$30 disregard for 8 calendar months following the 4 consecutive months of \$30 plus 1/3 disregard
 - All wages paid by the Census Bureau for temporary employment related to the decennial Census are excluded
- X The income and/or resource methodologies that the less restrictive methodologies replace are as follows:
- Resource limit of \$2,000.00
 - One motor vehicle of any value is allowed
 - Requirement of parental deprivation
 - \$30 plus 1/3 remaining earned income disregard for the first 4 months
 - \$30 disregard for 8 calendar months following the 4 consecutive months of \$30 plus 1/3 disregard
 - 185% of the need standard gross income test

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM**

STATE OF COLORADO

_____ The agency terminates medical assistance (except for certain pregnant women and children) for individuals who fail to meet TANF work requirements.

_____ The agency continues to apply the following waivers of provisions of Part A of Title IV in effect as of July 16, 1996, or submitted prior to August 22, 1996 and approved by the Secretary on or before July 1, 1997.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State Colorado

INCOME ELIGIBILITY LEVELS (Continued)

B. OPTIONAL CATEGORICALLY NEEDY GROUPS WITH INCOMES RELATED TO FEDERAL POVERTY LEVEL

1. Pregnant Women and Infants

The levels for determining income eligibility for optional groups of pregnant women and infants under the provisions of sections 1902(a)(10)(A)(ii)(IX) and 1902(1)(2) of the Act are as follows:

Based on __ percent of the official Federal income poverty level (no less than 133 percent and no more than 185 percent).

<u>Family size</u>	<u>Income Level</u>
1	\$
2	\$
3	\$
4	\$
5	\$

TN No. 09-042 Approval Date 3/19/10 Effective Date May 1, 2010
Supersedes
TN No. 92-2 HCFA ID: 7985E

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

STATE OF COLORADO

MORE LIBERAL METHODS OF TREATING INCOME
UNDER SECTION 1902 (r) (2) OF THE ACT*

Section 1902 (f) State Non-Section 1902 (f) State

1. All wages paid by the Census Bureau for temporary employees related to the decennial Census are excluded.

Methodologies less restrictive than AFDC

Wages paid by the Census Bureau for temporary employment related to census activities are excluded for the following eligibility groups:

Qualified children and pregnant women under 1902(a)(10)(A)(i)(III).

Poverty level pregnant women and infants (133 –185% FPL) under 1902(a)(10)(A)(i)(IV).

Poverty level children under age 6 (133% FPL) under 1902(a)(10)(A)(i)(VI).

Poverty level children under age 19 (100% FPL) under 1902(a)(10)(A)(i)(VII).

Optional categorically needy groups under 1902(a)(10)(A)(ii) as listed below:

- 1902(a)(10)(A)(ii)(I)
- 1905(a)(i)
- 1902(a)(10)(A)(ii)(II)
- 1902(a)(10)(A)(ii)(IV)

NOTE: The Special Income Level Group under 1902(a)(10)(A)(ii)(V), the Individuals Who Would be Eligible if In an Institution Group under 1902(a)(10)(A)(ii)(VI) and the Hospice Group under 1902(a)(10)(A)(ii)(VII) cannot be included in this disregard.

TN No. 09-042
Supersedes TN No. 09-001

Approval Date 3/19/10
Effective Date May 1, 2010

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

STATE OF COLORADO

- Medically Needy under 1902(a)(10)(C)(i)(III).
- All aged, blind or disabled groups in 209(b) states under 1902(f).
- QMBs, SLMBs and QIs under 1905(p),

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

STATE OF COLORADO

2. Parents/caretaker relatives, pregnant women, and children under age 20 who would be eligible for AFDC if their work-related child care costs were paid from earnings rather than by a State Agency under 1902(a)(10)(A)(ii)(II)
Methodologies less restrictive than AFDC

In determining countable income, the agency disregards the income difference by the family size in the amount of the AFDC payment standard and 100% of the Federal Poverty Level (as revised annually in the Federal Register) plus \$1 using all AFDC income counting methodologies except the 185% of the need standard income test, the \$30 plus 1/3 earned income disregard for the first 4 months, and the \$30 disregard for 8 calendar months following the 4 consecutive months of \$30 plus 1/3 disregard.

3. Qualified pregnant women and children under 1902(a)(10)(A)(i)(III)
Methodologies less restrictive than AFDC

In determining countable income, the agency disregards the income difference by the family size in the amount of the AFDC payment standard and 100% of the Federal Poverty Level (as revised annually in the Federal Register) plus \$1 using all AFDC income counting methodologies except the 185% of the need standard income test, the \$30 plus 1/3 earned income disregard for the first 4 months, and the \$30 disregard for 8 calendar months following the 4 consecutive months of \$30 plus 1/3 disregard.

4. Parents/caretaker relatives, pregnant women, and children under age 20 who would be eligible for AFDC if they were not in a medical institution under 1902(a)(10)(A)(ii)(IV)
Methodologies less restrictive than AFDC

In determining countable income, the agency disregards the income difference by the family size in the amount of the AFDC payment standard and 100% of the Federal Poverty Level (as revised annually in the Federal Register) plus \$1 using all AFDC income counting methodologies except the 185% of the need standard income test, the \$30 plus 1/3 earned income disregard for the first 4 months, and the \$30 disregard for 8 calendar months following the 4 consecutive months of \$30 plus 1/3 disregard.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

STATE OF COLORADO

5. Poverty-level related pregnant women, infants, and children under 1902(a)(10(A)(i)(IV), (VI), and VII)
Methodologies less restrictive than AFDC

In determining countable income, the agency uses all AFDC income counting methodologies except the 185% of the need standard income test and any more liberal income methodologies specified for these eligibility groups in Supplement 8a to Attachment 2.6-A.

*More liberal methods may not result in exceeding gross income limitations under Section 1903 (f).

TN No. 09-042
Supersedes TN No. _____

Approval Date 3/19/10
Effective Date May 1, 2010