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EXECUTIVE ORDER

Temporarily Suspending Statutes to Maintain Eligibility for Medicaid and Children's Basic Health Plan Enrollees

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order temporarily suspending certain statutes to maintain eligibility for Coloradans enrolled in Medicaid and the Children's Basic Health Plan.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of widespread community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, and D 2020 058. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other state, local, and federal authorities, has undertaken a broad array of actions to respond to and mitigate the effects of the pandemic, prevent further spread, preserve our health care resources, and provide needed flexibility to address the collateral consequences of the pandemic. The Families First Coronavirus Response Act (FFCRA) offers states participating in the Medicaid program a 6.2% increase in their Federal Medicaid Assistance Percentage (FMAP) if they maintain eligibility and benefit levels for Medicaid enrollees on and after March 18, 2020.

This Executive Order ensures compliance with the FFCRA by temporarily suspending certain statutes for thirty (30) days to allow for continued eligibility or benefits status for those individuals enrolled in Medicaid as of March 18, 2020 and to prevent any changes in eligibility, and directs the Executive Director of the Department of Health Care Policy and Financing (HCPF) to delay the collection of annual fees for those enrolled in Colorado's Children's Basic Health Plan for thirty (30) days.

II. Directives

A. I temporarily suspend the following statutes for thirty (30) days concerning Medicaid eligibility:

1. C.R.S. §§ 25.5-4-205(3)(b)(I) and 25.5-4-205(3)(d) requiring the collection or verification of any information related to Medicaid eligibility factors, including citizenship, household size, income or assets for those persons already enrolled in Medicaid;

2. C.R.S. § 25.5-5-201(p) requiring disenrollment of anyone enrolled in Medicaid who reaches the age of sixty five (65);

3. C.R.S. § 25.5-5-101(1)(c) requiring the disenrollment of women enrolled in Medicaid because of pregnancy sixty (60) days following the postpartum period;

4. C.R.S. § 25.5-5-101(1)(e) requiring disenrollment of former foster care children;

5. C.R.S. § 25.5-5-101(1)(d) requiring disenrollment of one (1) year old children who were deemed Medicaid eligible at birth;

6. C.R.S. §§ 25.5-6-1404(1)(a), (b), and (3)(a) establishing coverage group requirements and requiring payment of premiums in order to maintain eligibility for the Medicaid buy in program;

B. I temporarily suspend C.R.S. §§ 25.5-8-109(4) and 25.5-8-109(4.5)(a)(II) requiring disenrollment associated with the annual verification of income of individuals enrolled in the Children's Basic Health Plan as authorized by the Centers for Medicare and Medicaid Services.

C. I direct the Executive Director of HCPF to delay the collection of annual enrollment fees for Children's Basic Health Plan enrollees collected under C.R.S. § 25.5-8-107(1)(b).

III. Duration

This Executive Order shall expire thirty (30) days from May 16, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this sixteenth day of May, 2020

Jared Polis
Governor