

Does My Organization Have to Comply with HB1023?

**** IF YOU MARK THE FIRST BOX FOR EACH QUESTION BELOW
HB1023 compliance is required prior to providing the benefit to the client.****

1. Does your organization administer a “public benefit” as defined by the following?

YES NO

A. The U.S. Department of Health and Human Services (HHS) has issued a notice delineating which HHS programs are considered to be “federal public benefits”:

Adoption Assistance; Administration on Developmental Disabilities (ADD), State Developmental Disabilities Councils (direct services only); ADD, Special Projects (direct services only); ADD, University Affiliated Programs (clinical disability assessment services only); Adult Programs/Payments to Territories; Agency for Health Care Policy and Research Dissertation Grants; Child Care and Development Fund; Clinical Training Grant for Faculty Development in Alcohol & Drug Abuse; Foster Care; Health Profession Education and Training Assistance; Independent Living Program; Job Opportunities for Low Income Individuals (JOLI); Low Income Home Energy Assistance Program (LIHEAP); Medicare; Medicaid (except assistance for an emergency medical condition); Mental Health Clinical Training Grants; Native Hawaiian Loan Program; Refugee Cash Assistance; Refugee Medical Assistance; Refugee Medical Assistance; Refugee Preventative Health Services Program; Refugee Social Services Formula Program; Refugee Social Services Discretionary Program; Refugee Targeted Assistance Discretionary Program; Refugee Unaccompanied Minors Program; Refugee Voluntary Agency Matching Grant program; Repatriation Program; Residential Energy Assistance Challenge Option (REACH); Social Services Block Grant (SSBG); State Child Health Insurance Program (CHIP); and Temporary Assistance for Needy Families (TANF). (63 Fed. Reg. 41657 (Aug. 4, 1998))

B. The Colorado Department of Human Services and the Colorado Department of Health Care Policy and Financing have promulgated rules that delineate certain programs that are covered by HB1023 and are considered to be “public benefits”:

Temporary Assistance for Needy Families (TANF) / Colorado Works Program; State-Only Aid to the Needy Disabled (AND-SO); Aid to the Needy Disabled – Colorado Supplement (AND-CS); Aid to the Blind (AB); Old Age Pension (OAP); Low-Income Energy Assistance Program (LEAP); Foster and Adoptive Parent Certification; Child Welfare after care services (housing, education, support services); Children’s Basic Health Plan (CBHP); Old Age Pension Health and Medical Care Program; and the Colorado Indigent Care Program.

C. "Public benefit" means –

- a. any grant, contract, loan, professional license, or commercial license provided by an agency of a federal, state, or local government or by appropriated funds of a federal, state, or local government; and
- b. any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a federal, state, or local government or by appropriated funds of a federal, state, or local government. (8 U.S.C. §1611(c)(1), 8 U.S.C. §1621(c)(1))

- 2. Does your organization provide a public benefit to individuals who are 18-years-old or older upon applying for or receiving a public benefit?
 YES NO
- 3. Is "lawful presence" or citizenship required by law, ordinance, or rule in order to receive the public benefit being provided by your organization?
 YES NO
- 4. Is an individual application required to receive the public benefit? An "application" would be any request for a benefit that is conditioned upon a set of criteria prior to the benefit being provided. It is more than mere demographic or identification information.
 YES NO
- 5. Does federal law already prescribe specific verification procedures for the public benefit? Examples are Food Stamps, Refugee Services, and Medicaid.
 NO YES
- 6. Does your organization only provide Child Welfare Services (this would be services other than after care services provided to 18-21 year olds or certifying foster or adoptive parents)?
 NO YES
- 7. Does your organization only provide Adult Protection Services?
 NO YES
- 8. Does your organization only provide Child Care Program Services?
 NO YES
- 9. Does your organization only provide Child Support Enforcement Services?
 NO YES

10. Does your organization only provide treatment of emergency medical conditions?
 NO YES

“Emergency medical condition” means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in –

- a. Placing the patient’s health in serious jeopardy,
- b. Serious impairment to bodily functions, or
- c. Serious dysfunction of any bodily organ or part. (42 U.S.C. §1396b)

11. Does your organization only provide short-term, non-cash, in-kind emergency disaster relief?
 NO YES

12. Does your organization only provide public health assistance for immunizations or the testing / treatment of the symptoms of communicable disease?
 NO YES

13. Does your organization only provide a public benefit that meets all of the following:

- Public benefit delivers in-kind services at the community level; and
- Public benefit is necessary for the protection of life or safety; and
- Public benefit is not conditioned on the individual’s income and/or resources?

NO YES

14. Does your organization only provide prenatal care?
 NO YES

15. Does the government entity appropriating funds to your organization or referring clients to your organization currently determine eligibility for a HB1023-covered public benefit prior to referring / sending a client?
 NO YES

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