

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0160.01 Brita Darling x2241

HOUSE BILL 17-1126

HOUSE SPONSORSHIP

Danielson,

SENATE SPONSORSHIP

Crowder,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REVIEW OF LEGAL SUFFICIENCY OF MEDICAID**
102 **APPEALS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Interim Study Committee on Communication Between the Department of Health Care Policy and Financing (HCPF) and Medicaid Clients. The bill requires the administrative law judge hearing medicaid appeals to review the legal sufficiency of the notice of action from which the recipient is appealing at the commencement of the appeal hearing if the notice of action concerns the termination or reduction of an

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

existing benefit. If the notice is legally insufficient, the judge shall advise the appellant that he or she may waive the defense of insufficient notice and proceed to a hearing on the merits or may ask the judge to decide the appeal based on the judge's finding of insufficiency. The judge shall advise the appellant that a legally sufficient notice may be issued in the future and that the state may recoup benefits from the appellant.

The provisions of the bill apply to hearings conducted on and after a certain date.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-4-207, **add**
3 (1)(d.5) as follows:

4 **25.5-4-207. Appeals - rules - applicability.** (1) (d.5) (I) AT THE
5 COMMENCEMENT OF A HEARING THAT CONCERNS THE TERMINATION OR
6 REDUCTION OF AN EXISTING BENEFIT, THE STATE DEPARTMENT'S
7 ADMINISTRATIVE LAW JUDGE SHALL REVIEW THE LEGAL SUFFICIENCY OF
8 THE NOTICE OF ACTION FROM WHICH THE RECIPIENT IS APPEALING. IF THE
9 ADMINISTRATIVE LAW JUDGE DETERMINES THAT THE NOTICE IS LEGALLY
10 INSUFFICIENT, THE ADMINISTRATIVE LAW JUDGE SHALL INFORM THE
11 APPELLANT THAT THE TERMINATION OR REDUCTION MAY BE SET ASIDE ON
12 THE BASIS OF INSUFFICIENT NOTICE WITHOUT PROCEEDING TO A HEARING
13 ON THE MERITS. THE APPELLANT MAY AFFIRMATIVELY WAIVE THE
14 DEFENSE OF INSUFFICIENT NOTICE AND AGREE TO PROCEED WITH A
15 HEARING ON THE MERITS OR MAY ASK THE ADMINISTRATIVE LAW JUDGE
16 TO DECIDE THE APPEAL ON THE BASIS OF HIS OR HER FINDING THAT THE
17 NOTICE IS LEGALLY INSUFFICIENT. THE ADMINISTRATIVE LAW JUDGE
18 SHALL ALSO INFORM THE APPELLANT THAT THE STATE DEPARTMENT MAY
19 ISSUE LEGALLY SUFFICIENT NOTICE IN THE FUTURE AND THAT THE STATE
20 DEPARTMENT MAY SEEK RECOUPMENT OF BENEFITS IF A BASIS FOR DENIAL
21 OR REDUCTION OF BENEFITS IS SUBSEQUENTLY DETERMINED.

1 (II) THIS SUBSECTION (1)(d.5) APPLIES TO HEARINGS CONDUCTED
2 ON AND AFTER JANUARY 1, 2018.

3 **SECTION 2. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.