

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0161.01 Brita Darling x2241

HOUSE BILL 17-1143

HOUSE SPONSORSHIP

Landgraf,

SENATE SPONSORSHIP

Crowder,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUDITS OF CORRESPONDENCE SENT TO MEDICAID**
102 **CLIENTS.**

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 directs the office of the state auditor (OSA) to conduct or cause to be conducted an audit of client communications, including letters and notices, sent to clients or potential clients in medicaid programs. The audits will be conducted in 2020 and 2023 and

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.*

thereafter at the discretion of the state auditor.

Among other items set forth in the bill, the performance audits will review client communications for readability, understandability, and accuracy. In addition, the audits will review available county data regarding customer contacts relating to client confusion with client communications.

The OSA will report audit findings, conclusions, and recommendations to the legislative audit committee, the joint budget committee, the public health care and human services committee of the house of representatives, the health and human services committee of the senate, and the joint technology committee, or any successor committees.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25.5-4-213 as
3 follows:

4 **25.5-4-213. Audit of medicaid client correspondence -**
5 **definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES, "CLIENT CORRESPONDENCE" MEANS ANY
7 COMMUNICATION, THE PURPOSE OF WHICH IS TO PROVIDE NOTICE OF
8 APPROVAL, DENIAL, REDUCTION, SUSPENSION, OR TERMINATION OF A
9 MEDICAID BENEFIT OR TO PROVIDE ADDITIONAL INFORMATION REGARDING
10 A CLIENT'S MEDICAID ELIGIBILITY.

11 (2) DURING THE 2020 CALENDAR YEAR AND THE 2023 CALENDAR
12 YEAR, THE OFFICE OF THE STATE AUDITOR SHALL CONDUCT OR CAUSE TO
13 BE CONDUCTED A PERFORMANCE AUDIT OF CLIENT CORRESPONDENCE.
14 THEREAFTER, THE STATE AUDITOR, IN THE EXERCISE OF HIS OR HER
15 DISCRETION, MAY CONDUCT OR CAUSE TO BE CONDUCTED ADDITIONAL
16 PERFORMANCE AUDITS OF CLIENT CORRESPONDENCE PURSUANT TO THIS
17 SECTION. THE AUDIT SHALL INCLUDE CORRESPONDENCE GENERATED
18 THROUGH THE COLORADO BENEFITS MANAGEMENT SYSTEM, AS WELL AS
19 CORRESPONDENCE THAT IS NOT GENERATED THROUGH THE COLORADO

1 BENEFITS MANAGEMENT SYSTEM.

2 (3) THE PERFORMANCE AUDIT CONDUCTED PURSUANT TO THIS
3 SECTION SHALL INCLUDE:

4 (a) A REVIEW OF AVAILABLE DATA FROM COUNTIES, THE
5 DEPARTMENT'S CUSTOMER SERVICE CONTRACT CENTER, AND FROM
6 ASSISTORS WITHIN THE HEALTH BENEFIT EXCHANGE, CREATED IN ARTICLE
7 22 OF TITLE 10, REGARDING CUSTOMER SERVICE CONTACTS THAT ARE
8 RELATED TO CLIENT CONFUSION REGARDING CORRESPONDENCE RECEIVED
9 BY MEDICAID CLIENTS OR APPLICANTS;

10 (b) A REVIEW OF THE ACCURACY OF CLIENT CORRESPONDENCE AT
11 THE TIME IT IS GENERATED;

12 (c) A REVIEW OF WHETHER CLIENT CORRESPONDENCE SATISFIES
13 THE REQUIREMENTS OF ANY STATE OR FEDERAL LAW, RULE, OR
14 REGULATION RELATING TO THE SUFFICIENCY OF ANY NOTICE;

15 (d) A REVIEW OF THE SUFFICIENCY OF ANY CLIENT
16 CORRESPONDENCE TESTING PROCESS CONDUCTED BY THE DEPARTMENT
17 AND WHETHER TESTING IS DONE PRIOR TO IMPLEMENTING NEW OR
18 SIGNIFICANTLY REVISED CLIENT COMMUNICATIONS;

19 (e) A REVIEW OF THE RESULTS OF ANY CLIENT CORRESPONDENCE
20 TESTING, INCLUDING CLIENT COMPREHENSION OF THE INTENDED PURPOSE
21 OR PURPOSES OF THE CORRESPONDENCE; AND

22 (f) A REVIEW OF THE ACCURACY OF CLIENT INCOME AND
23 HOUSEHOLD COMPOSITION INFORMATION THAT IS COMMUNICATED
24 ELECTRONICALLY, IF APPLICABLE.

25 (4) IF AUDIT FINDINGS INCLUDE FINDINGS THAT INFORMATION
26 CONTAINED IN CLIENT CORRESPONDENCE IS INACCURATE AT THE TIME THE
27 CORRESPONDENCE WAS GENERATED, THE AUDIT SHALL IDENTIFY, IF

1 POSSIBLE, THE SOURCE OF THE INACCURATE INFORMATION, WHICH MAY
2 INCLUDE BUT IS NOT LIMITED TO COMPUTER SYSTEM OR INTERFACE ISSUES,
3 COUNTY INPUT ERROR, OR APPLICANT ERROR.

4 (5) BASED ON THE FINDINGS AND CONCLUSIONS IDENTIFIED
5 DURING THE PERFORMANCE AUDIT CONDUCTED PURSUANT TO THIS
6 SECTION, THE OFFICE OF THE STATE AUDITOR SHALL MAKE
7 RECOMMENDATIONS TO THE STATE DEPARTMENT FOR IMPROVING CLIENT
8 CORRESPONDENCE. ON OR BEFORE DECEMBER 30, 2020, DECEMBER 30,
9 2023, AND DECEMBER 30 IN ANY CALENDAR YEAR IN WHICH AN AUDIT IS
10 CONDUCTED PURSUANT TO THIS SECTION, THE OFFICE OF THE STATE
11 AUDITOR SHALL SUBMIT THE FINDINGS, CONCLUSIONS, AND
12 RECOMMENDATIONS FROM THE PERFORMANCE AUDIT IN THE FORM OF A
13 WRITTEN REPORT TO THE LEGISLATIVE AUDIT COMMITTEE, WHICH SHALL
14 HOLD A PUBLIC HEARING FOR THE PURPOSES OF A REVIEW OF THE REPORT.
15 THE REPORT SHALL ALSO BE SUBMITTED TO THE JOINT BUDGET
16 COMMITTEE, THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE
17 OF THE HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES
18 COMMITTEE OF THE SENATE, AND THE JOINT TECHNOLOGY COMMITTEE, OR
19 ANY SUCCESSOR COMMITTEES.

20
21 **SECTION 2. Act subject to petition - effective date.** (1) Except
22 as provided in subsection (2) of this section, this act takes effect at 12:01
23 a.m. on the day following the expiration of the ninety-day period after
24 final adjournment of the general assembly (August 9, 2017, if
25 adjournment sine die is on May 10, 2017); except that, if a referendum
26 petition is filed pursuant to section 1 (3) of article V of the state
27 constitution against this act or an item, section, or part of this act within

1 such period, then the act, item, section, or part will not take effect unless
2 approved by the people at the general election to be held in November
3 2018 and, in such case, will take effect on the date of the official
4 declaration of the vote thereon by the governor.

5 (2) Section 2 of this act takes effect only if Senate Bill 17-121
6 becomes law, in which case this act takes effect on the effective date of
7 this act or Senate Bill 17-121, whichever is later.