

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

INTRODUCED

LLS NO. 17-0162.01 Brita Darling x2241

SENATE BILL 17-121

SENATE SPONSORSHIP

Crowder and Lundberg,

HOUSE SPONSORSHIP

Danielson and Landgraf,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING IMPROVING MEDICAID CLIENT CORRESPONDENCE.**

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 department of health care policy and financing (department) to engage in an ongoing process to improve medicaid client communications, including client letters and notices, that concern eligibility for or the denial, reduction, suspension, or termination of a benefit. Among other requirements included in the bill, the department shall ensure that client communications are accurate,

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.*

readable, and understandable, clearly conveying the purpose of the letter or notice and the specific action or actions that the client must take in response to the letter or notice.

The bill requires the department to include in certain notices a specific and plain language explanation of the basis for the denial, reduction, suspension, or termination of a benefit; specific and detailed information concerning household composition, income sources and amounts, and assets; and a description of necessary information or documents that the client has not provided.

To the extent practicable, the department shall test new or significantly revised client communications against the requirements included in the bill with a representative sample of medicaid clients, advocacy organizations, and counties prior to implementing the client communications. As part of the testing, the department shall solicit feedback from a workgroup established by the department to provide customer and community partner feedback regarding client communications.

The department shall also ensure that letters and notices affecting clients with disabilities, seniors, and other vulnerable populations are appropriately prioritized for improvement consistent with the requirements in the bill. The department shall receive feedback from the workgroup established to provide customer and community partner feedback regarding client communications as part of the department's involvement in state-level decision-making relating to computer system changes and training.

The department shall provide information concerning medicaid client communications improvements as part of its annual presentation to its legislative committee of reference.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25.5-4-212 as
3 follows:

4 **25.5-4-212. Medicaid client communications improvement**
5 **process - legislative declaration.** (1) (a) THE GENERAL ASSEMBLY FINDS
6 AND DECLARES THAT:

7 (I) UNDERSTANDABLE, TIMELY, INFORMATIVE, AND CLEAR
8 COMMUNICATIONS FROM THE STATE DEPARTMENT ARE CRITICAL TO THE
9 LIFE AND HEALTH OF MEDICAID RECIPIENTS, AND, IN SOME CASES, ARE A

1 MATTER OF LIFE AND DEATH FOR OUR MOST VULNERABLE POPULATIONS;

2 (II) UNCLEAR, CONFUSING, AND LATE CORRESPONDENCE FROM THE
3 STATE DEPARTMENT CAUSES AN INCREASED WORKLOAD FOR THE STATE,
4 COUNTIES ADMINISTERING THE MEDICAID PROGRAM, AND NONPROFIT
5 ADVOCACY GROUPS ASSISTING CLIENTS; AND

6 (III) GOVERNMENT SHOULD BE A GOOD STEWARD OF TAXPAYERS'
7 MONEY, ENSURING THAT IT IS SPENT IN THE MOST COST-EFFECTIVE
8 MANNER.

9 (b) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IMPROVING
10 MEDICAID CLIENT COMMUNICATIONS, TESTING NEW AND REVISED CLIENT
11 COMMUNICATIONS WITH CLIENTS, ADVOCATES, AND COUNTIES, AND
12 PUTTING IN PLACE ACCOUNTABILITY FOR THE STATE DEPARTMENT AND
13 THE SYSTEM AS A WHOLE TO ENSURE SUCCESSFUL CLIENT
14 COMMUNICATIONS IS CRITICAL AND NECESSARY NOT ONLY FOR THE
15 HEALTH AND WELFARE OF MEDICAID CLIENTS BUT ALSO TO HELP CONTAIN
16 RISING COSTS IN THE MEDICAID PROGRAM.

17 (2) THE STATE DEPARTMENT SHALL ENGAGE IN AN ONGOING
18 PROCESS TO CREATE, TEST, AND IMPROVE MEDICAID CLIENT
19 COMMUNICATIONS THAT CONCERN ELIGIBILITY FOR OR THE DENIAL,
20 REDUCTION, SUSPENSION, OR TERMINATION OF A BENEFIT. AT A MINIMUM,
21 THE STATE DEPARTMENT SHALL ENSURE THAT CLIENT COMMUNICATIONS,
22 INCLUDING CLIENT LETTERS AND NOTICES:

23 (a) ARE ACCURATE;

24 (b) ARE READABLE AT A SIXTH-GRADE READING LEVEL OR BELOW;

25 (c) ARE WRITTEN USING PERSON-FIRST, PLAIN LANGUAGE;

26 (d) ARE WRITTEN IN A LETTER FORMAT THAT INCLUDES THE DATE
27 OF THE COMMUNICATION AND A CLIENT GREETING;

1 (e) USE A POSITIVE, FRIENDLY TONE;

2 (f) ARE CONSISTENT, USING THE SAME TERMS THROUGHOUT,
3 INCLUDING COMMONLY USED PROGRAM NAMES;

4 (g) ARE TRANSLATED ACCURATELY AND IN A CULTURALLY
5 APPROPRIATE MANNER WHEN TRANSLATION IS REQUIRED;

6 (h) ARE UNDERSTANDABLE, CLEARLY CONVEYING THE PURPOSE OF
7 THE CLIENT COMMUNICATION, THE ACTION BEING TAKEN BY THE STATE
8 DEPARTMENT, IF ANY, AND THE SPECIFIC ACTION OR ACTIONS THAT THE
9 CLIENT MUST OR MAY TAKE IN RESPONSE TO THE COMMUNICATION;

10 (i) INCLUDE CONTACT INFORMATION FOR CLIENT QUESTIONS THAT
11 IS CLEARLY IDENTIFIED AS RELATING TO SPECIFIC CONTENT IN THE CLIENT
12 COMMUNICATION, INCLUDING A TELEPHONE NUMBER, E-MAIL ADDRESS,
13 AND PHYSICAL ADDRESS, AND THE HOURS OF OPERATION; AND

14 (j) IF POSSIBLE, SEPARATE LEGAL, PRIVACY, OR EDUCATIONAL
15 INFORMATION FROM THE MAIN CONTENT OF THE COMMUNICATION, EITHER
16 BY INCLUDING IT IN A SEPARATE BUT ENCLOSED DOCUMENT THAT IS
17 REFERENCED IN THE CLIENT COMMUNICATION OR BY PLACING THE
18 INFORMATION AFTER THE MAIN CONTENT OF THE COMMUNICATION TO
19 HELP MINIMIZE CONFUSION.

20 (3) (a) THE STATE DEPARTMENT SHALL INCLUDE WITHIN OR AS
21 PART OF A CLIENT COMMUNICATION:

22 (I) IN ANY COMMUNICATION, THE PURPOSE OF WHICH IS TO
23 PROVIDE NOTICE OF THE DENIAL, REDUCTION, SUSPENSION, OR
24 TERMINATION OF A BENEFIT, A SPECIFIC AND PLAIN LANGUAGE
25 EXPLANATION OF THE BASIS FOR THE DENIAL, REDUCTION, SUSPENSION, OR
26 TERMINATION OF THE BENEFIT;

27 (II) SPECIFIC AND DETAILED INFORMATION ON THE CLIENT'S

1 HOUSEHOLD COMPOSITION, INCOME SOURCES, AND INCOME AMOUNTS, IF
2 RELEVANT TO THE DETERMINATION FOR WHICH THE CLIENT
3 COMMUNICATION WAS ISSUED, AND INCLUDING INFORMATION RELATING
4 TO HOUSEHOLD ASSETS, IF RELEVANT TO A MEDICAID WAIVER PROGRAM;
5 AND

6 (III) A SPECIFIC DESCRIPTION OF ANY INFORMATION OR NECESSARY
7 DOCUMENTS THAT THE CLIENT HAS NOT PROVIDED;

8 (b) THE REQUIREMENTS SET FORTH IN SUBSECTION (3)(a) OF THIS
9 SECTION APPLY TO THE NOTICE OF ACTION, PRIOR AUTHORIZATION
10 REQUEST NOTICE, THE REDETERMINATION OR RENEWAL LETTER, THE
11 INCOME AND ELIGIBILITY VERIFICATION SYSTEM LETTER, THE
12 VERIFICATION CHECKLIST, AND THE INCOME TRUST LETTER.

13 (4) THE STATE DEPARTMENT IS ENCOURAGED TO PROMOTE THE
14 RECEIPT OF CLIENT COMMUNICATIONS ELECTRONICALLY OR THROUGH
15 MOBILE APPLICATIONS FOR CLIENTS WHO CHOOSE THOSE METHODS OF
16 DELIVERY.

17 (5) THE STATE DEPARTMENT, IN ITS DISCRETION AND UPON RECEIPT
18 OF ANY NECESSARY FUNDING, MAY IMPLEMENT THE CENTER FOR HEALTH
19 LITERACY FINDINGS RESULTING FROM A MULTI-AGENCY EFFORT IN 2016 TO
20 IMPROVE MEMBER ELIGIBILITY CORRESPONDENCE.

21 (6) AS PART OF ITS ONGOING PROCESS TO CREATE AND IMPROVE
22 CLIENT COMMUNICATIONS, TO THE EXTENT PRACTICABLE, THE STATE
23 DEPARTMENT SHALL TEST CLIENT COMMUNICATIONS AGAINST THE
24 CRITERIA SET FORTH IN SUBSECTION (2) OF THIS SECTION WITH A
25 REPRESENTATIVE SAMPLE OF MEDICAID CLIENTS, INCLUDING CLIENTS WITH
26 A DISABILITY, SENIORS, AND OTHER VULNERABLE POPULATIONS, AND WITH
27 CLIENT ADVOCATES AND COUNTY CUSTOMER SERVICE PERSONNEL AND

1 ADMINISTRATORS PRIOR TO IMPLEMENTING THE CLIENT COMMUNICATIONS.
2 AS PART OF ITS TESTING PROCESS, THE STATE DEPARTMENT SHALL SOLICIT
3 FEEDBACK FROM A WORKGROUP ESTABLISHED BY THE STATE DEPARTMENT
4 TO PROVIDE CUSTOMER AND COMMUNITY PARTNER FEEDBACK REGARDING
5 MEDICAID CLIENT COMMUNICATIONS.

6 (7) UNDERSTANDING THAT CLIENT COMMUNICATIONS THAT ONLY
7 AFFECT A SMALL NUMBER OF CLIENTS, INCLUDING CLIENTS WITH
8 DISABILITIES, SENIORS, AND OTHER VULNERABLE POPULATIONS, MAY,
9 NONETHELESS, HAVE A SIGNIFICANT IMPACT ON THE LIVES OF THOSE
10 CLIENTS DUE TO THE URGENT NEED FOR SERVICES, THE STATE
11 DEPARTMENT SHALL ENSURE THAT CLIENT COMMUNICATIONS IMPACTING
12 THOSE CLIENTS ARE APPROPRIATELY PRIORITIZED FOR REVISION AND
13 TESTING AND THAT RELATED COMPUTER SYSTEM CHANGES AND TRAINING
14 ARE IMPLEMENTED AS SOON AS PRACTICABLE. IN ORDER TO
15 APPROPRIATELY PRIORITIZE THE IMPROVEMENT OF CLIENT
16 COMMUNICATIONS FOR CLIENTS WITH DISABILITIES, SENIORS, AND OTHER
17 VULNERABLE POPULATIONS, AND THE IMPLEMENTATION OF RELATED
18 COMPUTER SYSTEM CHANGES AND TRAINING, THE STATE DEPARTMENT
19 SHALL PROVIDE FEEDBACK FROM THE WORKGROUP DESCRIBED IN
20 SUBSECTION (6) OF THIS SECTION AS PART OF THE STATE DEPARTMENT'S
21 INVOLVEMENT IN STATE-LEVEL DECISION-MAKING RELATING TO
22 COMPUTER SYSTEM CHANGES AND TRAINING.

23 (8) (a) AS PART OF ITS ANNUAL PRESENTATION MADE TO ITS
24 LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT TO SECTION 2-7-203,
25 THE STATE DEPARTMENT SHALL PRESENT INFORMATION CONCERNING:

26 (I) ITS PROCESS FOR ONGOING IMPROVEMENT TO CLIENT
27 COMMUNICATIONS;

1 (II) CLIENT COMMUNICATIONS REVISED PURSUANT TO THE
2 CRITERIA SET FORTH IN SUBSECTION (2) OF THIS SECTION DURING THE
3 PRIOR YEAR AND CLIENT COMMUNICATIONS IMPROVEMENTS THAT ARE
4 PLANNED FOR THE UPCOMING YEAR;

5 (III) A DESCRIPTION OF THE RESULTS OF TESTING OF NEW OR
6 SIGNIFICANTLY REVISED CLIENT COMMUNICATIONS PURSUANT TO
7 SUBSECTION (6) OF THIS SECTION, INCLUDING A DESCRIPTION OF THE
8 FEEDBACK FROM THE STATE DEPARTMENT'S WORKGROUP FOR CUSTOMER
9 AND COMMUNITY PARTNER FEEDBACK; AND

10 (IV) A DESCRIPTION OF AVAILABLE COUNTY DATA RELATING TO
11 THE FREQUENCY AND TYPE OF CLIENT CUSTOMER SERVICE INTERACTIONS
12 THAT ARE GENERATED BECAUSE OF CLIENT CONFUSION RELATED TO THE
13 ORGANIZATION, FORMATTING, OR LANGUAGE USED IN EXISTING CLIENT
14 COMMUNICATIONS.

15 (b) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136(11)
16 TO THE CONTRARY, THE REQUIREMENT TO REPORT TO THE LEGISLATIVE
17 COMMITTEE OF REFERENCE PURSUANT TO THIS SUBSECTION (8) CONTINUES
18 INDEFINITELY.

19 **SECTION 2.** In Colorado Revised Statutes, 25.5-4-212, **amend**
20 (8)(a)(III) and (8)(a)(IV); and **add** (8)(a)(V) as follows:

21 **25.5-4-212. Medicaid client communications improvement**
22 **process - legislative declaration.** (8) (a) As part of its annual
23 presentation made to its legislative committee of reference pursuant to
24 section 2-7-203, the state department shall present information
25 concerning:

26 (III) A description of the results of testing of new or significantly
27 revised client communications pursuant to subsection (6) of this section,

1 including a description of the feedback from the state department's
2 workgroup for customer and community partner feedback; and

3 (IV) A description of available county data relating to the
4 frequency and type of client customer service interactions that are
5 generated because of client confusion related to the organization,
6 formatting, or language used in existing client communications; AND

7 (V) A SUMMARY OF THE FINDINGS AND RECOMMENDATIONS OF
8 ANY AUDIT OF CLIENT COMMUNICATIONS PURSUANT TO SECTION
9 25.5-4-213 COMPLETED DURING THE PRIOR YEAR.

10 **SECTION 3. Effective date.** (1) Except as provided in
11 subsection (2) of this section, this act takes effect upon passage.

12 (2) Section 2 of this act takes effect only if House Bill 17-____
13 becomes law, and takes effect either upon the effective date of this act or
14 House Bill 17-____, whichever is later.

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