A BILL FOR AN ACT

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,
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.

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

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

25.5-4-212. Medicaid client communications improvement process - legislative declaration. (1) (a) The general assembly finds and declares that:

(I) Understandable, timely, informative, and clear communications from the state department are critical to the life and health of medicaid recipients, and, in some cases, are a
MATTER OF LIFE AND DEATH FOR OUR MOST VULNERABLE POPULATIONS;

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

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

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

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

(a) ARE ACCURATE;

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

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

(d) ARE WRITTEN IN A LETTER FORMAT THAT INCLUDES THE DATE
OF THE COMMUNICATION AND A CLIENT GREETING;
(e) Use a positive, friendly tone;

(f) Are consistent, using the same terms throughout, including commonly used program names;

(g) Are translated accurately and in a culturally appropriate manner when translation is required;

(h) Are understandable, clearly conveying the purpose of the client communication, the action being taken by the state department, if any, and the specific action or actions that the client must or may take in response to the communication;

(i) Include contact information for client questions that is clearly identified as relating to specific content in the client communication, including a telephone number, e-mail address, and physical address, and the hours of operation; and

(j) If possible, separate legal, privacy, or educational information from the main content of the communication, either by including it in a separate but enclosed document that is referenced in the client communication or by placing the information after the main content of the communication to help minimize confusion.

(3) (a) The state department shall include within or as part of a client communication:

(I) In any communication, the purpose of which is to provide notice of the denial, reduction, suspension, or termination of a benefit, a specific and plain language explanation of the basis for the denial, reduction, suspension, or termination of the benefit;

(II) Specific and detailed information on the client's
HOUSEHOLD COMPOSITION, INCOME SOURCES, AND INCOME AMOUNTS, IF RELEVANT TO THE DETERMINATION FOR WHICH THE CLIENT COMMUNICATION WAS ISSUED, AND INCLUDING INFORMATION RELATING TO HOUSEHOLD ASSETS, IF RELEVANT TO A MEDICAID WAIVER PROGRAM;

AND

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

(b) The requirements set forth in subsection (3)(a) of this section apply to the notice of action, prior authorization request notice, the redetermination or renewal letter, the income and eligibility verification system letter, the verification checklist, and the income trust letter.

(4) The state department is encouraged to promote the receipt of client communications electronically or through mobile applications for clients who choose those methods of delivery.

(5) The state department, in its discretion and upon receipt of any necessary funding, may implement the center for health literacy findings resulting from a multi-agency effort in 2016 to improve member eligibility correspondence.

(6) As part of its ongoing process to create and improve client communications, to the extent practicable, the state department shall test client communications against the criteria set forth in subsection (2) of this section with a representative sample of medicaid clients, including clients with a disability, seniors, and other vulnerable populations, and with client advocates and county customer service personnel and
ADMINISTRATORS PRIOR TO IMPLEMENTING THE CLIENT COMMUNICATIONS.

AS PART OF ITS TESTING PROCESS, THE STATE DEPARTMENT SHALL SOLICIT FEEDBACK FROM A WORKGROUP ESTABLISHED BY THE STATE DEPARTMENT TO PROVIDE CUSTOMER AND COMMUNITY PARTNER FEEDBACK REGARDING MEDICAID CLIENT COMMUNICATIONS.

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

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

(I) ITS PROCESS FOR ONGOING IMPROVEMENT TO CLIENT COMMUNICATIONS;
(II) CLIENT COMMUNICATIONS REVISED PURSUANT TO THE CRITERIA SET FORTH IN SUBSECTION (2) OF THIS SECTION DURING THE PRIOR YEAR AND CLIENT COMMUNICATIONS IMPROVEMENTS THAT ARE PLANNED FOR THE UPCOMING YEAR;

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

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

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

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

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

(III) A description of the results of testing of new or significantly revised client communications pursuant to subsection (6) of this section,
including a description of the feedback from the state department's workgroup for customer and community partner feedback; and

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

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

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

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

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