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 correspondence improvement process - legislative declaration - definition. (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(I) ACCURATE, UNDERSTANDABLE, TIMELY, INFORMATIVE, AND CLEAR CORRESPONDENCE FROM THE STATE DEPARTMENT IS CRITICAL TO THE LIFE AND HEALTH OF MEDICAID RECIPIENTS, AND, IN SOME CASES, IS...
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 CORRESPONDENCE IS CRITICAL TO THE HEALTH AND
SAFETY OF MEDICAID CLIENTS AND WILL REDUCE UNNECESSARY
CONFUSION THAT REQUIRES CLIENTS TO CALL COUNTIES AND THE STATE
DEPARTMENT OR FILE APPEALS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
REQUIRES, "CLIENT CORRESPONDENCE" MEANS ANY COMMUNICATION, THE
PURPOSE OF WHICH IS TO PROVIDE NOTICE OF AN APPROVAL, DENIAL,
TERMINATION, OR CHANGE TO AN INDIVIDUAL’S MEDICAID ELIGIBILITY; TO
PROVIDE NOTICE OF THE APPROVAL, DENIAL, REDUCTION, SUSPENSION, OR
TERMINATION OF A MEDICAID BENEFIT; OR TO REQUEST ADDITIONAL
INFORMATION THAT IS RELEVANT TO AN INDIVIDUAL’S MEDICAID
ELIGIBILITY OR BENEFITS.

(3) THE STATE DEPARTMENT SHALL IMPROVE MEDICAID CLIENT
CORRESPONDENCE BY ENSURING THAT CLIENT CORRESPONDENCE REVISED
OR CREATED AFTER JANUARY 1, 2018:

(a) IS WRITTEN USING PERSON-FIRST, PLAIN LANGUAGE;

(b) IS WRITTEN IN A FORMAT THAT INCLUDES THE DATE OF THE
CORRESPONDENCE AND A CLIENT GREETING;
(c) Is consistent, using the same terms throughout to the extent practicable including commonly used program names;

(d) Is accurately translated into the second most commonly spoken language in the state if a client indicates that this is the client's written language of preference or as required by law;

(e) Includes a statement translated into the top fifteen languages most commonly spoken by individuals in Colorado with limited English proficiency informing an applicant or client how to seek further assistance in understanding the content of the correspondence;

(f) Clearly conveys the purpose of the client correspondence, the action or actions being taken by the state department or its designated entity, if any, and the specific action or actions that the client must or may take in response to the correspondence;

(g) Includes a specific description of any necessary information or documents requested from the applicant or client;

(h) Includes contact information for client questions;

and

(i) Includes a specific and plain language explanation of the basis for the denial, reduction, suspension, or termination of the benefit if applicable.

(4) Subject to the availability of sufficient appropriations and receipt of federal financial participation, the state department shall make electronically available to a client
SPECIFIC AND DETAILED INFORMATION CONCERNING THE CLIENT’S
HOUSEHOLD COMPOSITION, ASSETS, INCOME SOURCES, AND INCOME
AMOUNTS, IF RELEVANT TO A DETERMINATION FOR WHICH CLIENT
CORRESPONDENCE WAS ISSUED. IF IMPLEMENTED, THE STATE DEPARTMENT
SHALL NOTIFY CLIENTS IN THE WRITTEN CORRESPONDENCE OF THE OPTION
TO ACCESS THIS INFORMATION.

(5) The State Department is encouraged to promote the
receipt of client correspondence electronically or through
mobile applications for clients who choose those methods of
delivery as allowed by law.

(6) As part of its ongoing process to create and improve
client correspondence, to the extent practicable and prior to
implementing significant changes to client correspondence, the
State Department shall engage with experts in written
communication and plain language to test client
 correspondence against the criteria set forth in subsection (3)
of this section with a geographically diverse and representative
sample of Medicaid clients relevant to the client
correspondence being revised. The State Department shall also
develop a process to review and consider feedback from
stakeholders including client advocates and counties prior to
implementing changes to correspondence.

(7) The State Department shall ensure that client
correspondence that may only affect a small number of clients,
but may, nonetheless, have a significant impact on the lives of
those clients, is appropriately prioritized for revision.

(8) 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:

(a) ITS PROCESS FOR ONGOING IMPROVEMENT OF CLIENT CORRESPONDENCE;

(b) CLIENT CORRESPONDENCE REVISED PURSUANT TO CRITERIA SET FORTH IN SUBSECTION (3) OF THIS SECTION DURING THE PRIOR YEAR AND CLIENT CORRESPONDENCE IMPROVEMENTS THAT ARE PLANNED FOR THE UPCOMING YEAR; AND

(c) A DESCRIPTION OF THE RESULTS OF TESTING OF NEW OR SIGNIFICANTLY REVISED CLIENT CORRESPONDENCE PURSUANT TO SUBSECTION (6) OF THIS SECTION, INCLUDING A DESCRIPTION OF THE STAKEHOLDER FEEDBACK.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.