

CHAPTER 123

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 17-1126

BY REPRESENTATIVE(S) Danielson and Michaelson Jenet, Becker K., Ginal, Herod, Hooton, Lontine, Mitsch Bush, Pettersen, Singer, Valdez, Duran;
also SENATOR(S) Crowder, Aguilar, Fields, Kefalas, Martinez Humenik, Moreno, Zenzinger.

AN ACT**CONCERNING THE REVIEW OF LEGAL SUFFICIENCY OF MEDICAID APPEALS.**

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. 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.

Approved: April 6, 2017