

CHAPTER 298

HEALTH CARE POLICY AND FINANCING

SENATE BILL 17-295

BY SENATOR(S) Lundberg, Lambert, Moreno, Cooke, Gardner, Kefalas, Martinez Humenik, Scott, Smallwood, Tate, Grantham; also REPRESENTATIVE(S) Young, Hamner, Rankin, Becker K., Bridges, Buckner, Carver, Catlin, Coleman, Danielson, Esgar, Exum, Foote, Ginal, Gray, Hansen, Herod, Hooton, Jackson, Kennedy, Lee, Liston, Lontine, McLachlan, Melton, Michaelson Jenet, Mitsch Bush, Navarro, Pabon, Pettersen, Ransom, Salazar, Singer, Valdez, Weissman, Wilson, Winter, Duran.

AN ACT

CONCERNING REVISIONS TO STATE AGENCY REPORTS CONCERNING FRAUD IN THE MEDICAID PROGRAM.

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

SECTION 1. In Colorado Revised Statutes, 25.5-1-115.5, **amend** (1) introductory portion, (1)(d), and (1)(e); and **add** (1)(f) as follows:

25.5-1-115.5. Medical assistance fraud - report. (1) On or before ~~January 15, 2013~~ ~~NOVEMBER 1, 2017~~, and on or before ~~January 15~~ ~~NOVEMBER 1~~ each year thereafter, the state department shall submit a written report to the JOINT BUDGET COMMITTEE; THE JUDICIARY COMMITTEE and the PUBLIC HEALTH CARE and ~~environment~~ HUMAN SERVICES committee of the house of representatives, or their successor committees; and to the judiciary committee and the health and human services committee of the senate, or their successor committees, ~~relating to~~ CONCERNING FRAUD IN THE MEDICAID PROGRAM. THE STATE DEPARTMENT SHALL COMPILE A SINGLE, COMPREHENSIVE REPORT THAT INCLUDES THE INFORMATION DESCRIBED IN THIS SUBSECTION (1), AS WELL AS INFORMATION THAT THE ATTORNEY GENERAL PROVIDES TO THE STATE DEPARTMENT PURSUANT TO SECTION 25.5-4-303.3. THE STATE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY CONCERNING THE fraudulent receipt of medicaid benefits, including, at a minimum:

(d) Recoveries, including fines and penalties, restitution ordered, and restitution collected; ~~and~~

(e) Trends in methods used to commit client fraud, excluding law enforcement-sensitive information; AND

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

(f) AN ESTIMATE OF THE TOTAL SAVINGS, TOTAL COST, AND NET COST-EFFECTIVENESS OF FRAUD DETECTION AND RECOVERY EFFORTS.

SECTION 2. In Colorado Revised Statutes, 25.5-4-303.3, **amend** (1) introductory portion, (1)(d), and (1)(e); and **add** (1)(f) as follows:

25.5-4-303.3. Provider fraud - attorney general report. (1) ~~On or before January 15, 2013, and on or before January 15 each year thereafter, No LATER THAN OCTOBER 1, 2017, AND NO LATER THAN OCTOBER 1 EACH YEAR THEREAFTER, the attorney general shall submit a written report to the judiciary committee and the health and environment committee of the house of representatives, or their successor committees, and to the judiciary committee and the health and human services committee of the senate, or their successor committees, STATE DEPARTMENT FOR INCLUSION IN A SINGLE, COMPREHENSIVE REPORT TO THE GENERAL ASSEMBLY CONCERNING MEDICAID FRAUD PURSUANT TO SECTION 25.5-1-115.5. THE ATTORNEY GENERAL SHALL PROVIDE INFORMATION relating to medicaid provider fraud including, at a minimum:~~

(d) Civil claims; ~~and~~

(e) Trends in methods used to commit provider fraud, excluding law enforcement-sensitive information; AND

(f) AN ESTIMATE OF THE TOTAL SAVINGS, TOTAL COST, AND NET COST-EFFECTIVENESS OF FRAUD DETECTION AND RECOVERY EFFORTS.

SECTION 3. 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.

Approved: June 2, 2017