SENATE COMMITTEE OF REFERENCE REPORT

February 16, 2017

Chairman of Committee

Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB17-121 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, strike everything below the enacting clause and substitute:

"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.".