

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0403.01 Shelby Ross x4510

SENATE BILL 21-022

SENATE SPONSORSHIP

Bridges and Smallwood,

HOUSE SPONSORSHIP

Snyder and McKean,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CONFIRMATION OF RECEIPT OF A WRITTEN REQUEST TO**
102 **PERFORM AN AUDIT OF A MEDICAID PROVIDER PRIOR TO THE**
103 **COMMENCEMENT OF THE AUDIT.**

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>.)

The bill requires that, prior to initiating a review or audit of a medicaid provider, a reviewer or auditor shall confirm receipt of the written request to perform the audit or review.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-4-301, **amend**
3 (3)(a)(IV) as follows:

4 **25.5-4-301. Recoveries - overpayments - penalties - interest -**
5 **adjustments - liens - review or audit procedures.** (3) (a) A review or
6 audit of a provider is subject to the following procedures:

7 (IV) The reviewer or auditor shall initiate each review or audit
8 requiring an inspection of the provider's records by delivering to the
9 provider not less than ten business days prior to the commencement of the
10 audit a written request describing in detail such records and offering the
11 provider the option of providing either a reproduction of such records or
12 inspection by the reviewer or auditor at the provider's site. The request
13 must also clearly define milestone dates pertaining to records' requested
14 due dates, permissible extensions of dates, the timelines for informal
15 reconsideration, and deadlines for requesting a formal appeal. THE
16 REVIEWER OR AUDITOR SHALL CONFIRM RECEIPT OF THE WRITTEN REQUEST
17 PRIOR TO COMMENCING THE REVIEW OR AUDIT. IF, AFTER THREE FAILED
18 ATTEMPTS USING DIFFERENT COMMUNICATION METHODS, THE REVIEWER
19 OR AUDITOR CANNOT CONFIRM RECEIPT OF THE WRITTEN REQUEST, THE
20 REVIEWER OR AUDITOR MAY PROCEED WITH THE REVIEW OR AUDIT. IF THE
21 STATE DEPARTMENT CONTRACTS WITH A THIRD PARTY TO CONDUCT A
22 REVIEW OR AUDIT, THE STATE DEPARTMENT SHALL INFORM THE PROVIDER
23 OF THE CONTRACTOR'S CONTACT INFORMATION, INCLUDING THE E-MAIL
24 DOMAIN FROM WHICH COMMUNICATIONS WILL BE SENT. The records
25 subject to the request must be limited to records directly related to claims
26 for reimbursement submitted by the provider. In the event such records
27 are available from a county department of human or social services or

1 another agency, subdivision, or contractor of the state, the reviewer or
2 auditor shall request such records from such other agencies as may be
3 appropriate prior to making a request to the provider. The reviewer or
4 auditor shall conduct on-site inspections at reasonable times during
5 regular business hours, and the reviewer or auditor shall make
6 arrangements necessary for the reproduction of such records on site. If the
7 provider chooses to provide a reproduction of the records requested by
8 the reviewer or auditor instead of on-site inspection, the reviewer or
9 auditor shall give the provider a reasonable period of time, not less than
10 forty-five days, to provide such records, taking into account the scope of
11 the request, the time frame covered, and the reproduction arrangements
12 available to the provider.

13 **SECTION 2. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2022 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.