

CHAPTER 223

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 06-1211

BY REPRESENTATIVE(S) Frangas, Cloer, Benefield, Coleman, Crane, Hoppe, Riesberg, Stafford, Berens, and Vigil;
also SENATOR(S) Keller.

AN ACT**CONCERNING SANCTIONS UNDER THE MEDICAL ASSISTANCE PROGRAM.**

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

SECTION 1. Part 4 of article 4 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-4-402.5. Retaliation definition. (1) FOR PURPOSES OF ANY RULES PROMULGATED BY THE STATE DEPARTMENT OR STATE BOARD AND ANY ACTION TAKEN BY THE STATE DEPARTMENT AGAINST ANY PERSON, "RETALIATION" MEANS TAKING ANY OF THE FOLLOWING ACTIONS AGAINST A RECIPIENT OR SOMEONE ACTING ON BEHALF OF A RECIPIENT AFTER THE RECIPIENT OR SOMEONE ACTING ON BEHALF OF THE RECIPIENT FILES A COMPLAINT CONCERNING SERVICES PROVIDED OR NOT PROVIDED TO THE RECIPIENT:

(a) INDICATING TO A RECIPIENT THAT THE RECIPIENT CANNOT HAVE AN ADVOCATE, FAMILY MEMBER, OR OTHER AUTHORIZED REPRESENTATIVE ASSIST THE RECIPIENT; OR

(b) (I) AN ADVERSE ACTION THAT NEGATIVELY AFFECTS A RECIPIENT'S LEVEL OF ELIGIBILITY FOR OR RECEIPT OF SERVICES RECEIVED AT THE TIME OF THE COMPLAINT WITHOUT VERIFICATION OF A CHANGE IN THE RECIPIENT'S INCOME, RESOURCES, OR HEALTH CARE NEEDS THAT JUSTIFY THE ADVERSE ACTION.

(II) NO ADVERSE ACTION SHALL BE TAKEN AGAINST A RECIPIENT AFTER A COMPLAINT HAS BEEN FILED UNTIL THE RECIPIENT IS NOTIFIED OF THE PROPOSED ACTION, INFORMED OF THE REASON FOR THE PROPOSED ACTION, AND PROVIDED AN OPPORTUNITY TO APPEAL THE PROPOSED ACTION.

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

(2) "RETALIATION" SHALL NOT INCLUDE INSTANCES WHERE A RECIPIENT IS NOT ELIGIBLE FOR A SERVICE OR PROGRAM OR WHERE A PROVIDER DOCUMENTS A PROBLEM WITH A RECIPIENT AND SHARES THE DOCUMENTATION WITH THE RECIPIENT OR A THIRD PARTY PRIOR TO THE RECIPIENT FILING A COMPLAINT.

SECTION 2. Relocation of harmonizable provisions. Section 26-4-402.5, Colorado Revised Statutes, as enacted in section 1 of this act will be renumbered as and relocated to section 25.5-4-107, Colorado Revised Statutes, only if Senate Bill 06-219 is enacted and becomes law.

SECTION 3. 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: May 25, 2006