

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 16, 2017
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:

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

3 "SECTION 1. In Colorado Revised Statutes, **add** 25.5-4-212 as
4 follows:

5 **25.5-4-212. Medicaid client correspondence improvement**
6 **process - legislative declaration - definition.** (1) (a) THE GENERAL
7 ASSEMBLY FINDS AND DECLARES THAT:

8 (I) ACCURATE, UNDERSTANDABLE, TIMELY, INFORMATIVE, AND
9 CLEAR CORRESPONDENCE FROM THE STATE DEPARTMENT IS CRITICAL TO
10 THE LIFE AND HEALTH OF MEDICAID RECIPIENTS, AND, IN SOME CASES, IS
11 A MATTER OF LIFE AND DEATH FOR OUR MOST VULNERABLE POPULATIONS;

12 (II) UNCLEAR, CONFUSING, AND LATE CORRESPONDENCE FROM THE
13 STATE DEPARTMENT CAUSES AN INCREASED WORKLOAD FOR THE STATE,
14 COUNTIES ADMINISTERING THE MEDICAID PROGRAM, AND NONPROFIT
15 ADVOCACY GROUPS ASSISTING CLIENTS; AND

16 (III) GOVERNMENT SHOULD BE A GOOD STEWARD OF TAXPAYERS'
17 MONEY, ENSURING THAT IT IS SPENT IN THE MOST COST-EFFECTIVE
18 MANNER.

19 (b) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IMPROVING
20 MEDICAID CLIENT CORRESPONDENCE IS CRITICAL TO THE HEALTH AND
21 SAFETY OF MEDICAID CLIENTS AND WILL REDUCE UNNECESSARY
22 CONFUSION THAT REQUIRES CLIENTS TO CALL COUNTIES AND THE STATE
23 DEPARTMENT OR FILE APPEALS.

1 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
2 REQUIRES, "CLIENT CORRESPONDENCE" MEANS ANY COMMUNICATION, THE
3 PURPOSE OF WHICH IS TO PROVIDE NOTICE OF AN APPROVAL, DENIAL,
4 TERMINATION, OR CHANGE TO AN INDIVIDUAL'S MEDICAID ELIGIBILITY; TO
5 PROVIDE NOTICE OF THE APPROVAL, DENIAL, REDUCTION, SUSPENSION, OR
6 TERMINATION OF A MEDICAID BENEFIT; OR TO REQUEST ADDITIONAL
7 INFORMATION THAT IS RELEVANT TO AN INDIVIDUAL'S MEDICAID
8 ELIGIBILITY OR BENEFITS.

9 (3) THE STATE DEPARTMENT SHALL IMPROVE MEDICAID CLIENT
10 CORRESPONDENCE BY ENSURING THAT CLIENT CORRESPONDENCE REVISED
11 OR CREATED AFTER JANUARY 1, 2018:

12 (a) IS WRITTEN USING PERSON-FIRST, PLAIN LANGUAGE;

13 (b) IS WRITTEN IN A FORMAT THAT INCLUDES THE DATE OF THE
14 CORRESPONDENCE AND A CLIENT GREETING;

15 (c) IS CONSISTENT, USING THE SAME TERMS THROUGHOUT TO THE
16 EXTENT PRACTICABLE INCLUDING COMMONLY USED PROGRAM NAMES;

17 (d) IS ACCURATELY TRANSLATED INTO THE SECOND MOST
18 COMMONLY SPOKEN LANGUAGE IN THE STATE IF A CLIENT INDICATES THAT
19 THIS IS THE CLIENT'S WRITTEN LANGUAGE OF PREFERENCE OR AS REQUIRED
20 BY LAW;

21 (e) INCLUDES A STATEMENT TRANSLATED INTO THE TOP FIFTEEN
22 LANGUAGES MOST COMMONLY SPOKEN BY INDIVIDUALS IN COLORADO
23 WITH LIMITED ENGLISH PROFICIENCY INFORMING AN APPLICANT OR CLIENT
24 HOW TO SEEK FURTHER ASSISTANCE IN UNDERSTANDING THE CONTENT OF
25 THE CORRESPONDENCE;

26 (f) CLEARLY CONVEYS THE PURPOSE OF THE CLIENT
27 CORRESPONDENCE, THE ACTION OR ACTIONS BEING TAKEN BY THE STATE
28 DEPARTMENT OR ITS DESIGNATED ENTITY, IF ANY, AND THE SPECIFIC
29 ACTION OR ACTIONS THAT THE CLIENT MUST OR MAY TAKE IN RESPONSE TO
30 THE CORRESPONDENCE;

31 (g) INCLUDES A SPECIFIC DESCRIPTION OF ANY NECESSARY
32 INFORMATION OR DOCUMENTS REQUESTED FROM THE APPLICANT OR
33 CLIENT;

34 (h) INCLUDES CONTACT INFORMATION FOR CLIENT QUESTIONS;
35 AND

36 (i) INCLUDES A SPECIFIC AND PLAIN LANGUAGE EXPLANATION OF
37 THE BASIS FOR THE DENIAL, REDUCTION, SUSPENSION, OR TERMINATION OF
38 THE BENEFIT IF APPLICABLE.

39 (4) SUBJECT TO THE AVAILABILITY OF SUFFICIENT APPROPRIATIONS
40 AND RECEIPT OF FEDERAL FINANCIAL PARTICIPATION, THE STATE
41 DEPARTMENT SHALL MAKE ELECTRONICALLY AVAILABLE TO A CLIENT

1 SPECIFIC AND DETAILED INFORMATION CONCERNING THE CLIENT'S
2 HOUSEHOLD COMPOSITION, ASSETS, INCOME SOURCES, AND INCOME
3 AMOUNTS, IF RELEVANT TO A DETERMINATION FOR WHICH CLIENT
4 CORRESPONDENCE WAS ISSUED. IF IMPLEMENTED, THE STATE DEPARTMENT
5 SHALL NOTIFY CLIENTS IN THE WRITTEN CORRESPONDENCE OF THE OPTION
6 TO ACCESS THIS INFORMATION.

7 (5) THE STATE DEPARTMENT IS ENCOURAGED TO PROMOTE THE
8 RECEIPT OF CLIENT CORRESPONDENCE ELECTRONICALLY OR THROUGH
9 MOBILE APPLICATIONS FOR CLIENTS WHO CHOOSE THOSE METHODS OF
10 DELIVERY AS ALLOWED BY LAW.

11 (6) AS PART OF ITS ONGOING PROCESS TO CREATE AND IMPROVE
12 CLIENT CORRESPONDENCE, TO THE EXTENT PRACTICABLE AND PRIOR TO
13 IMPLEMENTING SIGNIFICANT CHANGES TO CLIENT CORRESPONDENCE, THE
14 STATE DEPARTMENT SHALL ENGAGE WITH EXPERTS IN WRITTEN
15 COMMUNICATION AND PLAIN LANGUAGE TO TEST CLIENT
16 CORRESPONDENCE AGAINST THE CRITERIA SET FORTH IN SUBSECTION (3)
17 OF THIS SECTION WITH A GEOGRAPHICALLY DIVERSE AND REPRESENTATIVE
18 SAMPLE OF MEDICAID CLIENTS RELEVANT TO THE CLIENT
19 CORRESPONDENCE BEING REVISED. THE STATE DEPARTMENT SHALL ALSO
20 DEVELOP A PROCESS TO REVIEW AND CONSIDER FEEDBACK FROM
21 STAKEHOLDERS INCLUDING CLIENT ADVOCATES AND COUNTIES PRIOR TO
22 IMPLEMENTING CHANGES TO CORRESPONDENCE.

23 (7) THE STATE DEPARTMENT SHALL ENSURE THAT CLIENT
24 CORRESPONDENCE THAT MAY ONLY AFFECT A SMALL NUMBER OF CLIENTS,
25 BUT MAY, NONETHELESS, HAVE A SIGNIFICANT IMPACT ON THE LIVES OF
26 THOSE CLIENTS, IS APPROPRIATELY PRIORITIZED FOR REVISION.

27 (8) AS PART OF ITS ANNUAL PRESENTATION MADE TO ITS
28 LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT TO SECTION 2-7-203,
29 THE STATE DEPARTMENT SHALL PRESENT INFORMATION CONCERNING:

30 (a) ITS PROCESS FOR ONGOING IMPROVEMENT OF CLIENT
31 CORRESPONDENCE;

32 (b) CLIENT CORRESPONDENCE REVISED PURSUANT TO CRITERIA SET
33 FORTH IN SUBSECTION (3) OF THIS SECTION DURING THE PRIOR YEAR AND
34 CLIENT CORRESPONDENCE IMPROVEMENTS THAT ARE PLANNED FOR THE
35 UPCOMING YEAR; AND

36 (c) A DESCRIPTION OF THE RESULTS OF TESTING OF NEW OR
37 SIGNIFICANTLY REVISED CLIENT CORRESPONDENCE PURSUANT TO
38 SUBSECTION (6) OF THIS SECTION, INCLUDING A DESCRIPTION OF THE
39 STAKEHOLDER FEEDBACK.

40 **SECTION 2. Act subject to petition - effective date.** This act
41 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor."

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