

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

PREAMENDED

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

LLS NO. 17-0162.01 Brita Darling x2241

SENATE BILL 17-121

SENATE SPONSORSHIP

Crowder and Lundberg,

HOUSE SPONSORSHIP

Danielson and Landgraf,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING IMPROVING MEDICAID CLIENT CORRESPONDENCE.**

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/>.)

Interim Study Committee on Communication Between the Department of Health Care Policy and Financing (HCPF) and Medicaid Clients. The bill requires the department of health care policy and financing (department) to engage in an ongoing process to improve medicaid client communications, including client letters and notices, that concern eligibility for or the denial, reduction, suspension, or termination of a benefit. Among other requirements included in the bill, the department shall ensure that client communications are accurate,

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

readable, and understandable, clearly conveying the purpose of the letter or notice and the specific action or actions that the client must take in response to the letter or notice.

The bill requires the department to include in certain notices a specific and plain language explanation of the basis for the denial, reduction, suspension, or termination of a benefit; specific and detailed information concerning household composition, income sources and amounts, and assets; and a description of necessary information or documents that the client has not provided.

To the extent practicable, the department shall test new or significantly revised client communications against the requirements included in the bill with a representative sample of medicaid clients, advocacy organizations, and counties prior to implementing the client communications. As part of the testing, the department shall solicit feedback from a workgroup established by the department to provide customer and community partner feedback regarding client communications.

The department shall also ensure that letters and notices affecting clients with disabilities, seniors, and other vulnerable populations are appropriately prioritized for improvement consistent with the requirements in the bill. The department shall receive feedback from the workgroup established to provide customer and community partner feedback regarding client communications as part of the department's involvement in state-level decision-making relating to computer system changes and training.

The department shall provide information concerning medicaid client communications improvements as part of its annual presentation to its legislative committee of reference.

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

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

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

7 **(I) ACCURATE, UNDERSTANDABLE, TIMELY, INFORMATIVE, AND**
8 **CLEAR CORRESPONDENCE FROM THE STATE DEPARTMENT IS CRITICAL TO**
9 **THE LIFE AND HEALTH OF MEDICAID RECIPIENTS, AND, IN SOME CASES, IS**

1 A MATTER OF LIFE AND DEATH FOR OUR MOST VULNERABLE POPULATIONS;

2 (II) UNCLEAR, CONFUSING, AND LATE CORRESPONDENCE FROM THE
3 STATE DEPARTMENT CAUSES AN INCREASED WORKLOAD FOR THE STATE,
4 COUNTIES ADMINISTERING THE MEDICAID PROGRAM, AND NONPROFIT
5 ADVOCACY GROUPS ASSISTING CLIENTS; AND

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

9 (b) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IMPROVING
10 MEDICAID CLIENT CORRESPONDENCE IS CRITICAL TO THE HEALTH AND
11 SAFETY OF MEDICAID CLIENTS AND WILL REDUCE UNNECESSARY
12 CONFUSION THAT REQUIRES CLIENTS TO CALL COUNTIES AND THE STATE
13 DEPARTMENT OR FILE APPEALS.

14 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES, "CLIENT CORRESPONDENCE" MEANS ANY COMMUNICATION, THE
16 PURPOSE OF WHICH IS TO PROVIDE NOTICE OF AN APPROVAL, DENIAL,
17 TERMINATION, OR CHANGE TO AN INDIVIDUAL'S MEDICAID ELIGIBILITY; TO
18 PROVIDE NOTICE OF THE APPROVAL, DENIAL, REDUCTION, SUSPENSION, OR
19 TERMINATION OF A MEDICAID BENEFIT; OR TO REQUEST ADDITIONAL
20 INFORMATION THAT IS RELEVANT TO AN INDIVIDUAL'S MEDICAID
21 ELIGIBILITY OR BENEFITS.

22 (3) THE STATE DEPARTMENT SHALL IMPROVE MEDICAID CLIENT
23 CORRESPONDENCE BY ENSURING THAT CLIENT CORRESPONDENCE REVISED
24 OR CREATED AFTER JANUARY 1, 2018:

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

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

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

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

7 (e) INCLUDES A STATEMENT TRANSLATED INTO THE TOP FIFTEEN
8 LANGUAGES MOST COMMONLY SPOKEN BY INDIVIDUALS IN COLORADO
9 WITH LIMITED ENGLISH PROFICIENCY INFORMING AN APPLICANT OR CLIENT
10 HOW TO SEEK FURTHER ASSISTANCE IN UNDERSTANDING THE CONTENT OF
11 THE CORRESPONDENCE;

12 (f) CLEARLY CONVEYS THE PURPOSE OF THE CLIENT
13 CORRESPONDENCE, THE ACTION OR ACTIONS BEING TAKEN BY THE STATE
14 DEPARTMENT OR ITS DESIGNATED ENTITY, IF ANY, AND THE SPECIFIC
15 ACTION OR ACTIONS THAT THE CLIENT MUST OR MAY TAKE IN RESPONSE TO
16 THE CORRESPONDENCE;

17 (g) INCLUDES A SPECIFIC DESCRIPTION OF ANY NECESSARY
18 INFORMATION OR DOCUMENTS REQUESTED FROM THE APPLICANT OR
19 CLIENT;

20 (h) INCLUDES CONTACT INFORMATION FOR CLIENT QUESTIONS;
21 AND

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

25 (4) SUBJECT TO THE AVAILABILITY OF SUFFICIENT APPROPRIATIONS
26 AND RECEIPT OF FEDERAL FINANCIAL PARTICIPATION, THE STATE
27 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

1 LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT TO SECTION 2-7-203,
2 THE STATE DEPARTMENT SHALL PRESENT INFORMATION CONCERNING:

3 (a) ITS PROCESS FOR ONGOING IMPROVEMENT OF CLIENT
4 CORRESPONDENCE;

5 (b) CLIENT CORRESPONDENCE REVISED PURSUANT TO CRITERIA SET
6 FORTH IN SUBSECTION (3) OF THIS SECTION DURING THE PRIOR YEAR AND
7 CLIENT CORRESPONDENCE IMPROVEMENTS THAT ARE PLANNED FOR THE
8 UPCOMING YEAR; AND

9 (c) A DESCRIPTION OF THE RESULTS OF TESTING OF NEW OR
10 SIGNIFICANTLY REVISED CLIENT CORRESPONDENCE PURSUANT TO
11 SUBSECTION (6) OF THIS SECTION, INCLUDING A DESCRIPTION OF THE
12 STAKEHOLDER FEEDBACK.

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 (August
16 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2018 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.