

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 17-1126

BY REPRESENTATIVE(S) Danielson and Michaelson Jenet, Becker K., Ginal, Herod, Hooton, Lontine, Mitsch Bush, Pettersen, Singer, Valdez, Duran;
also SENATOR(S) Crowder, Aguilar, Fields, Kefalas, Martinez Humenik, Moreno, Zenzinger.

CONCERNING THE REVIEW OF LEGAL SUFFICIENCY OF MEDICAID APPEALS.

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

SECTION 1. In Colorado Revised Statutes, 25.5-4-207, **add** (1)(d.5) as follows:

25.5-4-207. Appeals - rules - applicability. (1) (d.5) (I) AT THE COMMENCEMENT OF A HEARING THAT CONCERNS THE TERMINATION OR REDUCTION OF AN EXISTING BENEFIT, THE STATE DEPARTMENT'S ADMINISTRATIVE LAW JUDGE SHALL REVIEW THE LEGAL SUFFICIENCY OF THE NOTICE OF ACTION FROM WHICH THE RECIPIENT IS APPEALING. IF THE ADMINISTRATIVE LAW JUDGE DETERMINES THAT THE NOTICE IS LEGALLY INSUFFICIENT, THE ADMINISTRATIVE LAW JUDGE SHALL INFORM THE APPELLANT THAT THE TERMINATION OR REDUCTION MAY BE SET ASIDE ON THE BASIS OF INSUFFICIENT NOTICE WITHOUT PROCEEDING TO A HEARING ON THE MERITS. THE APPELLANT MAY AFFIRMATIVELY WAIVE THE DEFENSE OF

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

INSUFFICIENT NOTICE AND AGREE TO PROCEED WITH A HEARING ON THE MERITS OR MAY ASK THE ADMINISTRATIVE LAW JUDGE TO DECIDE THE APPEAL ON THE BASIS OF HIS OR HER FINDING THAT THE NOTICE IS LEGALLY INSUFFICIENT. THE ADMINISTRATIVE LAW JUDGE SHALL ALSO INFORM THE APPELLANT THAT THE STATE DEPARTMENT MAY ISSUE LEGALLY SUFFICIENT NOTICE IN THE FUTURE AND THAT THE STATE DEPARTMENT MAY SEEK RECOUPMENT OF BENEFITS IF A BASIS FOR DENIAL OR REDUCTION OF BENEFITS IS SUBSEQUENTLY DETERMINED.

(II) THIS SUBSECTION (1)(d.5) APPLIES TO HEARINGS CONDUCTED ON AND AFTER JANUARY 1, 2018.

SECTION 2. 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.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO