

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 09-0145.01 Brita Darling

**HOUSE BILL 09-1028**

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**HOUSE SPONSORSHIP**

**Frangas,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Health and Human Services  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE CREATION OF AN ACCOUNTABILITY BOARD TO**  
102             **REVIEW GRIEVANCES RELATED TO THE COLORADO INDIGENT**  
103             **CARE PROGRAM.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Health Care Task Force.** Creates an accountability board (board) in the department of health care policy and financing (state department) to review grievances concerning the administration of the Colorado indigent care program (program) and the medical services provided under the program.

Requires the medical services board to adopt rules for the

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.*

administration of the board and the process by which the board will review selected grievances. Requires the rules to include possible remedies that the board may recommend to the state department for resolution of a grievance.

Requires the board to refer any report of malfeasance or of the misuse or abuse of funds to the executive director of the state department, who shall notify the appropriate supervisory or regulatory authority.

Requires the executive director of the state department to appoint members to the board. Provides that members of the board shall serve without compensation.

Allows the board to review grievances relating to the need for, type, or quality of medical services provided to medically indigent persons under the program.

Requires the board to report quarterly, in writing, concerning the nature of grievances reviewed and the recommendation of the board.

Repeals the statute creating the board.

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

2           **SECTION 1. Legislative declaration.** THE GENERAL ASSEMBLY  
3           HEREBY FINDS AND DECLARES THAT COLORADO HAS LIMITED ECONOMIC  
4           RESOURCES AVAILABLE TO MEET THE SIGNIFICANT NEED FOR MEDICAL  
5           SERVICES THAT EXISTS WITHIN THE STATE. ACCORDINGLY, THE STATE  
6           SHOULD BE ACCOUNTABLE FOR THE USE OF THESE LIMITED RESOURCES  
7           AND MEDICAL SERVICES FUNDED BY THE STATE SHOULD BE EFFECTIVE IN  
8           MEETING THE NEEDS OF THE CLIENTS RECEIVING MEDICAL SERVICES. BY  
9           CREATING A PROCESS BY WHICH MEDICALLY INDIGENT PERSONS RECEIVING  
10          CARE UNDER THE COLORADO INDIGENT CARE PROGRAM MAY RECEIVE  
11          ADDITIONAL ASSISTANCE IN RESOLVING GRIEVANCES RELATING TO THE  
12          NEED FOR, TYPE, OR QUALITY OF CARE PROVIDED, THOSE CLIENT  
13          GRIEVANCES MAY BE RESOLVED IN A MORE TIMELY MANNER AND WITH  
14          BETTER OUTCOMES TO THE CLIENT.

15           **SECTION 2.** 25.5-3-107, Colorado Revised Statutes, is amended  
16          to read:

1           **25.5-3-107. Report concerning the program.** The executive  
2 director shall prepare an annual report concerning the status of the  
3 medically indigent program to be submitted to the health and human  
4 services committees of the senate and the house of representatives, or any  
5 successor committees, no later than February 1 of each year. The report  
6 shall be prepared following consultation with providers in the program,  
7 state department personnel, and other agencies, organizations, or  
8 individuals as the executive director deems appropriate in order to obtain  
9 comprehensive and objective information about the program. THE  
10 REPORT SHALL ALSO INCLUDE INFORMATION CONCERNING THE  
11 IMPLEMENTATION AND EFFECTIVENESS OF THE GRIEVANCE PROCESS  
12 ESTABLISHED BY THE STATE DEPARTMENT PURSUANT TO SECTION  
13 25.5-3-108 (17) TO RESOLVE GRIEVANCES FROM MEDICALLY INDIGENT  
14 PERSONS CONCERNING THE NEED FOR, TYPE, AND QUALITY OF MEDICAL  
15 CARE PROVIDED UNDER THE PROGRAM.

16           **SECTION 3.** 25.5-3-108, Colorado Revised Statutes, is amended  
17 BY THE ADDITION OF A NEW SUBSECTION to read:

18           **25.5-3-108. Responsibility of the department of health care**  
19 **policy and financing - provider reimbursement.** (17) (a) THE STATE  
20 DEPARTMENT SHALL ESTABLISH PROCEDURES TO RESOLVE GRIEVANCES  
21 FROM MEDICALLY INDIGENT PERSONS WHO ARE ELIGIBLE TO RECEIVE  
22 MEDICAL SERVICES UNDER THE PROGRAM CONCERNING THE NEED FOR,  
23 TYPE, OR QUALITY OF THE MEDICAL CARE PROVIDED UNDER THE PROGRAM.  
24 THE STATE DEPARTMENT IS ENCOURAGED TO COLLABORATE WITH  
25 PROGRAM CLIENTS AND ADVOCATES, AS WELL AS OTHER STAKEHOLDERS  
26 INTERESTED IN THE PROGRAM, IN THE DEVELOPMENT AND  
27 IMPLEMENTATION OF THE GRIEVANCE PROCESS.

1 (b) THE PROCEDURES ESTABLISHED BY THE STATE DEPARTMENT  
2 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (17) SHALL IMPLEMENT  
3 THE GRIEVANCE PROCESS AND SHALL:

4 (I) INFORM A PROVIDER WHO IS CONTRACTED TO PROVIDE  
5 SERVICES UNDER THE PROGRAM OF THE STATE DEPARTMENT'S  
6 EXPECTATIONS AND PROCEDURES CONCERNING PROVIDER ACTIONS IN  
7 RESOLVING GRIEVANCES; AND

8 (II) INFORM MEDICALLY INDIGENT PERSONS RECEIVING SERVICES  
9 UNDER THE PROGRAM CONCERNING THE AVAILABILITY OF THE GRIEVANCE  
10 PROCESS AND THE METHOD FOR SUBMITTING GRIEVANCES.

11 (c) IF THE GENERAL ASSEMBLY IS NOT SATISFIED THAT THE  
12 GRIEVANCE PROCESS IMPLEMENTED BY THE STATE DEPARTMENT  
13 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (17) IS MEETING THE  
14 NEEDS OF MEDICALLY INDIGENT PERSONS WHO ARE ELIGIBLE TO RECEIVE  
15 MEDICAL SERVICES UNDER THE PROGRAM, THE GENERAL ASSEMBLY MAY  
16 REQUIRE THE STATE DEPARTMENT THROUGH SUBSEQUENT LEGISLATION TO  
17 IMPLEMENT AN ALTERNATIVE PROCESS FOR RESOLVING GRIEVANCES,  
18 WHICH PROCESS MAY INCLUDE THE CREATION OF A COLORADO INDIGENT  
19 CARE PROGRAM ADVISORY BOARD.

20 **SECTION 4. Act subject to petition - effective date.** This act  
21 shall take effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly that is  
23 allowed for submitting a referendum petition pursuant to article V,  
24 section 1 (3) of the state constitution, (August 4, 2009, if adjournment  
25 sine die is on May 6, 2009); except that, if a referendum petition is filed  
26 against this act or an item, section, or part of this act within such period,  
27 then the act, item, section, or part, if approved by the people, shall take

- 1 effect on the date of the official declaration of the vote thereon by
- 2 proclamation of the governor.