

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 19, 2009
Date

Committee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

HB09-1028 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Strike the Health and Human Services Committee Report, dated February
2 5, 2009, and substitute the following:

3 "Amend printed bill, strike everything below the enacting clause and
4 substitute the following:

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

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

20 **25.5-3-107. Report concerning the program.** The executive

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

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

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

27 (b) THE PROCEDURES ESTABLISHED BY THE STATE DEPARTMENT
28 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (17) SHALL IMPLEMENT
29 THE GRIEVANCE PROCESS AND SHALL:

30 (I) INFORM A PROVIDER WHO IS CONTRACTED TO PROVIDE
31 SERVICES UNDER THE PROGRAM OF THE STATE DEPARTMENT'S
32 EXPECTATIONS AND PROCEDURES CONCERNING PROVIDER ACTIONS IN
33 RESOLVING GRIEVANCES; AND

34 (II) INFORM MEDICALLY INDIGENT PERSONS RECEIVING SERVICES
35 UNDER THE PROGRAM CONCERNING THE AVAILABILITY OF THE GRIEVANCE
36 PROCESS AND THE METHOD FOR SUBMITTING GRIEVANCES.

1 (c) IF THE GENERAL ASSEMBLY IS NOT SATISFIED THAT THE
2 GRIEVANCE PROCESS IMPLEMENTED BY THE STATE DEPARTMENT
3 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (17) IS MEETING THE
4 NEEDS OF MEDICALLY INDIGENT PERSONS WHO ARE ELIGIBLE TO RECEIVE
5 MEDICAL SERVICES UNDER THE PROGRAM, THE GENERAL ASSEMBLY MAY
6 REQUIRE THE STATE DEPARTMENT THROUGH SUBSEQUENT LEGISLATION TO
7 IMPLEMENT AN ALTERNATIVE PROCESS FOR RESOLVING GRIEVANCES,
8 WHICH PROCESS MAY INCLUDE THE CREATION OF A COLORADO INDIGENT
9 CARE PROGRAM ADVISORY BOARD.

10 **SECTION 4. Act subject to petition - effective date.** This act
11 shall take effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly that is
13 allowed for submitting a referendum petition pursuant to article V,
14 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
15 sine die is on May 6, 2009); except that, if a referendum petition is filed
16 against this act or an item, section, or part of this act within such period,
17 then the act, item, section, or part, if approved by the people, shall take
18 effect on the date of the official declaration of the vote thereon by
19 proclamation of the governor."."

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