

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

**PREAMENDED**

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

LLS NO. 10-0287.02 Brita Darling

**SENATE BILL 10-167**

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**SENATE SPONSORSHIP**

**Boyd,**

**HOUSE SPONSORSHIP**

**Riesberg,**

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**Senate Committees**

Health and Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING INCREASED EFFICIENCY IN THE ADMINISTRATION OF THE**  
102            **"COLORADO MEDICAL ASSISTANCE ACT", AND, IN CONNECTION**  
103            **THEREWITH, CREATING THE "COLORADO MEDICAID FALSE**  
104            **CLAIMS ACT".**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill requires the executive director of the department of health care policy and financing (state department) to appoint an internal auditor

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.*

for purposes of conducting internal audits of the state department, coordinating external audits of the state department, and conducting and supervising performance audits to ensure effective and efficient operation and administration of state department programs.

The bill requires the executive director of the state department to appoint a chief medical officer, who will receive a salary consistent with moneys available through general fund appropriations or otherwise.

The bill requires the state department to ensure that persons who receive public benefits from this state are not also receiving them from other states.

The bill authorizes the state department to purchase health insurance for medical assistance recipients who are eligible to enroll in private health insurance plans if the purchase is cost effective for the state. The bill limits the number of such purchases to 2,000 clients.

The bill removes the authority of the state department to waive the recovery or adjustment of an overpayment for medical assistance if the recovery or adjustment would be inequitable.

The bill requires the state department to implement and maintain a system for reducing medical services coding errors through the use of automatic, prepayment review of medical assistance claims. The state department shall implement a system using nationally recognized correct coding methods and shall report to the legislature concerning the implementation of the system and any savings in state expenditures realized through the use of the system.

As a condition of doing business in the state, the bill authorizes the state department, or an independent contractor retained by the state department, to bill a third party on behalf of a provider of pharmaceutical services if the third party is determined to be a first payer for such services.

The bill authorizes a civil action by the state or a private person (relator) against a person who submits a false claim to the state in connection with medicaid and specifies penalties for submitting false claims. The bill establishes procedures if an action is commenced by a relator and specifies percentages of recoveries that may be awarded as attorney fees.

The bill establishes a private right of action against an individual who retaliates against a relator because the relator takes lawful action in furtherance of a false claim action. It specifies requirements for a claim of and damages for retaliation against a relator.

The bill establishes a statute of limitations for false claims.

The bill establishes procedures for the attorney general to serve upon a person a civil investigative demand requiring the person to answer written or oral questions and to produce documents in the person's possession or control.

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

2           **SECTION 1.** 25.5-1-104, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4           **25.5-1-104. Department of health care policy and financing**  
5 **created - executive director - powers, duties, and functions.**

6 (5) (a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT SHALL  
7 APPOINT AN INTERNAL AUDITOR WHO SHALL HAVE THE STATUS OF A  
8 DIVISION DIRECTOR AND, AS SUCH, SHALL HAVE THE AUTHORITY TO  
9 APPOINT SUCH PERSONNEL AS MAY BE NECESSARY TO CARRY OUT THE  
10 DUTIES OF THE INTERNAL AUDITOR.

11           (b) THE INTERNAL AUDITOR APPOINTED BY THE EXECUTIVE  
12 DIRECTOR PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL:

13           (I) CONDUCT AND SUPERVISE INTERNAL AUDITS OF THE STATE  
14 DEPARTMENT;

15           (II) COORDINATE AND FACILITATE EXTERNAL AUDITS THAT ARE  
16 PERFORMED ON THE STATE DEPARTMENT BY STATE AND FEDERAL  
17 ENTITIES;

18           (III) CONDUCT AND SUPERVISE PERFORMANCE AUDITS FOR THE  
19 PURPOSE OF DETERMINING THE EFFICIENCY AND EFFECTIVENESS OF THE  
20 STATE DEPARTMENT'S OPERATION AND ADMINISTRATION OF PROGRAMS;  
21 AND

22           (IV) CONDUCT SUCH OTHER AUDITS AND PERFORM SUCH OTHER  
23 DUTIES AS MAY BE SPECIFIED BY THE EXECUTIVE DIRECTOR.

24           **SECTION 2.** 25.5-1-105.5 (1), Colorado Revised Statutes, is  
25 amended, and the said 25.5-1-105.5 is further amended BY THE  
26 ADDITION OF A NEW SUBSECTION, to read:

1           **25.5-1-105.5. Chief medical officer - qualifications.** (1) The  
2 executive director ~~may~~ SHALL appoint a chief medical officer who shall:

3           (a) Have a degree of doctor of medicine or doctor of osteopathy  
4 and be licensed to practice medicine in the state of Colorado;

5           (b) Have at least two years of postgraduate experience in primary  
6 care; and

7           (c) Have at least two years of experience in an administrative  
8 capacity in a health care organization.

9           (3) THE CHIEF MEDICAL OFFICER SHALL RECEIVE A SALARY WITHIN  
10 THE LIMITS OF MONEYS MADE AVAILABLE TO THE STATE DEPARTMENT BY  
11 APPROPRIATION OF THE GENERAL ASSEMBLY OR OTHERWISE.

12           **SECTION 3.** 25.5-4-209, Colorado Revised Statutes, is amended  
13 BY THE ADDITION OF A NEW SUBSECTION to read:

14           **25.5-4-209. Payments by third parties - copayments by**  
15 **recipients - review - appeal.** (4) WITH RESPECT TO PROGRAMS  
16 ADMINISTERED BY THE STATE DEPARTMENT, THE STATE DEPARTMENT  
17 SHALL ACCESS AVAILABLE DATA FROM THE PUBLIC ASSISTANCE  
18 REPORTING INFORMATION SYSTEM FOR THE PURPOSE OF IDENTIFYING  
19 PERSONS WHO ARE RECEIVING CERTAIN PUBLIC BENEFITS FROM OTHER  
20 STATES. THE STATE DEPARTMENT SHALL ENSURE THAT DUPLICATE  
21 BENEFITS ARE NOT BEING PAID IMPROPERLY TO PERSONS IDENTIFIED  
22 PURSUANT TO THE PUBLIC ASSISTANCE REPORTING INFORMATION SYSTEM.

23           **SECTION 4.** 25.5-4-210 (1), Colorado Revised Statutes, is  
24 amended to read:

25           **25.5-4-210. Purchase of health insurance for recipients.**  
26 (1) (a) The state department shall purchase group health insurance for a  
27 medical assistance recipient who is eligible to enroll for such coverage if

1 enrollment of such recipient in the group plan would be cost-effective.  
2 In addition, the state department may purchase individual health  
3 insurance for a medical assistance recipient who is eligible to enroll in a  
4 health insurance plan if enrollment of such recipient would be  
5 cost-effective to this state. A determination of cost-effectiveness shall be  
6 in accordance with federal guidelines established by the secretary of the  
7 United States department of health and human services.

8 (b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS  
9 SUBSECTION (1) TO THE CONTRARY, THE STATE DEPARTMENT, IN  
10 PURCHASING HEALTH INSURANCE FOR MEDICAL ASSISTANCE RECIPIENTS  
11 WHO ARE ELIGIBLE TO ENROLL FOR PRIVATE COVERAGE, SHALL NOT  
12 PURCHASE SUCH HEALTH INSURANCE FOR MORE THAN TWO THOUSAND  
13 INDIVIDUALS.

14 **SECTION 5.** 25.5-4-301 (2) (a) (II), Colorado Revised Statutes,  
15 is amended to read:

16 **25.5-4-301. Recoveries - overpayments - penalties - interest -**  
17 **adjustments - liens - review or audit procedures - repeal.** (2) Any  
18 overpayment to a provider, including those of personal needs funds made  
19 pursuant to section 25.5-6-206, shall be recoverable regardless of whether  
20 the overpayment is the result of an error by the state department, a county  
21 department of social services, an entity acting on behalf of either  
22 department, or by the provider or any agent of the provider as follows:

23 (a) (II) If the state department makes a determination that such  
24 overpayment has been made for some other reason than a false  
25 representation by the provider specified in subparagraph (I) of this  
26 paragraph (a), the state department may collect the amount of  
27 overpayment, plus interest accruing at the statutory rate from the date the

1 provider is notified of such overpayment, by the means specified in this  
2 subsection (2). Pursuant to the criteria established in rules promulgated  
3 by the state board, the state department may waive the recovery or  
4 adjustment of all or part of the overpayment and accrued interest  
5 specified in this subparagraph (II) if it would be inequitable, uncollectible  
6 or administratively impracticable; EXCEPT THAT NO ACTION SHALL BE  
7 TAKEN AGAINST A RECIPIENT OF MEDICAL SERVICES IF THE OVERPAYMENT  
8 OCCURRED THROUGH NO FAULT OF THE RECIPIENT. Amounts remaining  
9 uncollected for more than five years after the last repayment was made  
10 may be considered uncollectible.

11 **SECTION 6.** Part 3 of article 4 of title 25.5, Colorado Revised  
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
13 read:

14 **25.5-4-300.7. Prevention of coding errors - prepayment review**  
15 **of claims.** (1) THE STATE DEPARTMENT SHALL IMPLEMENT AND  
16 MAINTAIN A SYSTEM FOR REDUCING MEDICAL SERVICES CODING ERRORS  
17 IN MEDICAID CLAIMS SUBMITTED TO THE STATE DEPARTMENT FOR  
18 REIMBURSEMENT. THE SYSTEM SHALL INCLUDE AUTOMATIC, PREPAYMENT  
19 REVIEW OF MEDICAID CLAIMS THROUGH THE USE OF NATIONALLY  
20 RECOGNIZED CORRECT CODING METHODS IN THE MEDICAID MANAGEMENT  
21 INFORMATION SYSTEM. THE STATE DEPARTMENT SHALL ACQUIRE AND  
22 MAINTAIN ANY INFORMATION TECHNOLOGY NECESSARY TO IMPLEMENT  
23 THE AUTOMATED, PREPAYMENT REVIEW OF MEDICAID CLAIMS.

24 (2) ON OR BEFORE JANUARY 31, 2011, AND ON OR BEFORE  
25 JANUARY 31 EACH YEAR THEREAFTER, THE STATE DEPARTMENT SHALL  
26 SUBMIT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY  
27 AND TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE

1 OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, A  
2 REPORT CONCERNING THE SYSTEM IMPLEMENTED AND MAINTAINED BY  
3 THE STATE DEPARTMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION.  
4 THE REPORT SHALL INCLUDE, AT A MINIMUM, THE NUMBER AND DOLLAR  
5 VALUE OF MEDICAL SERVICES CODING ERRORS IDENTIFIED DURING THE  
6 PREVIOUS YEAR THROUGH THE USE OF THE SYSTEM.

7 **SECTION 7.** Part 5 of article 5 of title 25.5, Colorado Revised  
8 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
9 read:

10 **25.5-5-500.3. Authorization to bill third party.** AS A  
11 CONDITION OF DOING BUSINESS IN THE STATE, EACH PROVIDER IS DEEMED  
12 TO AUTHORIZE THE STATE DEPARTMENT, OR AN INDEPENDENT  
13 CONTRACTOR RETAINED BY THE STATE DEPARTMENT, TO BILL A THIRD  
14 PARTY, AS DEFINED IN SECTION 25.5-4-209 (2) (g) (II), ON BEHALF OF THE  
15 PROVIDER IF THE THIRD PARTY IS DETERMINED TO BE LIABLE TO PAY FOR  
16 CARE PURSUANT TO SECTIONS 25.5-4-209 AND 25.5-4-300.4.

17 **SECTION 8.** Part 3 of article 4 of title 25.5, Colorado Revised  
18 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
19 read:

20 **25.5-4-303.5. Short title.** THIS SECTION AND SECTIONS  
21 25.5-4-304 TO 25.5-4-310 SHALL BE KNOWN AND MAY BE CITED AS THE  
22 "COLORADO MEDICAID FALSE CLAIMS ACT".

23 **SECTION 9.** 25.5-4-304, Colorado Revised Statutes, is  
24 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

25 **25.5-4-304. Definitions.** AS USED IN SECTIONS 25.5-4-303.5 TO  
26 25.5-4-309, UNLESS THE CONTEXT OTHERWISE REQUIRES:

27 (1) (a) "CLAIM" MEANS A REQUEST OR DEMAND FOR MONEY OR

1 PROPERTY, WHETHER UNDER A CONTRACT OR OTHERWISE, AND  
2 REGARDLESS OF WHETHER THE STATE HAS TITLE TO THE MONEY OR  
3 PROPERTY, UNDER THE "COLORADO MEDICAL ASSISTANCE ACT" THAT IS:

4 (I) PRESENTED TO AN OFFICER, EMPLOYEE, OR AGENT OF THE  
5 STATE; OR

6 (II) MADE TO A CONTRACTOR, GRANTEE, OR OTHER RECIPIENT IF  
7 THE MONEY OR PROPERTY IS TO BE SPENT OR USED ON THE STATE'S BEHALF  
8 OR TO ADVANCE A PROGRAM OR INTEREST OF THE STATE AND IF THE  
9 STATE:

10 (A) PROVIDES OR HAS PROVIDED ANY PORTION OF THE MONEY OR  
11 PROPERTY REQUESTED OR DEMANDED; OR

12 (B) WILL REIMBURSE THE CONTRACTOR, GRANTEE, OR OTHER  
13 RECIPIENT FOR ANY PORTION OF THE MONEY OR PROPERTY THAT IS  
14 REQUESTED OR DEMANDED.

15 (b) "CLAIM" DOES NOT INCLUDE A REQUEST OR DEMAND FOR  
16 MONEY OR PAYMENT THAT THE STATE HAS PAID TO AN INDIVIDUAL AS  
17 COMPENSATION FOR EMPLOYMENT BY THE STATE OR AS AN INCOME  
18 SUBSIDY WITH NO RESTRICTION ON THAT INDIVIDUAL'S USE OF THE MONEY  
19 OR PROPERTY.

20 (2) "COLORADO MEDICAL ASSISTANCE ACT" MEANS THIS ARTICLE  
21 AND ARTICLES 5 AND 6 OF THIS TITLE.

22 (3) (a) "KNOWING" OR "KNOWINGLY" MEANS THAT A PERSON,  
23 WITH RESPECT TO INFORMATION:

24 (I) HAS ACTUAL KNOWLEDGE OF THE INFORMATION;

25 (II) ACTS IN DELIBERATE IGNORANCE OF THE TRUTH OR FALSITY OF  
26 THE INFORMATION; OR

27 (III) ACTS IN RECKLESS DISREGARD OF THE TRUTH OR FALSITY OF

1 THE INFORMATION.

2 (b) "KNOWING" OR "KNOWINGLY" DOES NOT REQUIRE PROOF OF  
3 SPECIFIC INTENT TO DEFRAUD.

4 (4) "MATERIAL" MEANS HAVING A NATURAL TENDENCY TO  
5 INFLUENCE, OR BE CAPABLE OF INFLUENCING, THE PAYMENT OR RECEIPT  
6 OF MONEY OR PROPERTY.

7 (5) "OBLIGATION" MEANS A FIXED OR CONTINGENT DUTY ARISING  
8 FROM AN EXPRESS OR IMPLIED CONTRACTUAL, QUASI-CONTRACTUAL,  
9 GRANTOR-GRANTEE, LICENSOR-LICENSEE, STATUTORY, FEE-BASED, OR  
10 SIMILAR RELATIONSHIP, AND THE RETENTION OF OVERPAYMENT.

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12 **SECTION 10.** 25.5-4-305, Colorado Revised Statutes, is  
13 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

14 **25.5-4-305. False medicaid claims - liability for certain acts.**

15 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (2) AND (5) OF THIS  
16 SECTION, A PERSON IS LIABLE TO THE STATE FOR A CIVIL PENALTY OF NOT  
17 LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND  
18 DOLLARS, PLUS THREE TIMES THE AMOUNT OF DAMAGES THAT THE STATE  
19 SUSTAINS BECAUSE OF THE ACT OF THAT PERSON, IF THE PERSON:

20 (a) KNOWINGLY PRESENTS, OR CAUSES TO BE PRESENTED, TO AN  
21 OFFICER OR EMPLOYEE OF THE STATE A FALSE OR FRAUDULENT CLAIM FOR  
22 PAYMENT OR APPROVAL;

23 (b) KNOWINGLY MAKES, USES, OR CAUSES TO BE MADE OR USED A  
24 FALSE RECORD OR STATEMENT MATERIAL TO A FALSE OR FRAUDULENT  
25 CLAIM;

26 (c) HAS POSSESSION, CUSTODY, OR CONTROL OF PROPERTY OR  
27 MONEY USED, OR TO BE USED, BY THE STATE IN CONNECTION WITH THE

1 "COLORADO MEDICAL ASSISTANCE ACT" AND KNOWINGLY DELIVERS, OR  
2 CAUSES TO BE DELIVERED, LESS THAN ALL OF THE MONEY OR PROPERTY;

3 (d) AUTHORIZES THE MAKING OR DELIVERY OF A DOCUMENT  
4 CERTIFYING RECEIPT OF PROPERTY USED, OR TO BE USED, BY THE STATE IN  
5 CONNECTION WITH THE "COLORADO MEDICAL ASSISTANCE ACT" AND,  
6 INTENDING TO DEFRAUD THE STATE, MAKES OR DELIVERS THE RECEIPT  
7 WITHOUT COMPLETELY KNOWING THAT THE INFORMATION ON THE RECEIPT  
8 IS TRUE;

9 (e) KNOWINGLY BUYS, OR RECEIVES AS A PLEDGE OF AN  
10 OBLIGATION OR DEBT, PUBLIC PROPERTY FROM AN OFFICER OR EMPLOYEE  
11 OF THE STATE IN CONNECTION WITH THE "COLORADO MEDICAL  
12 ASSISTANCE ACT" WHO LAWFULLY MAY NOT SELL OR PLEDGE THE  
13 PROPERTY;

14 (f) KNOWINGLY MAKES, USES, OR CAUSES TO BE MADE OR USED,  
15 A FALSE RECORD OR STATEMENT MATERIAL TO AN OBLIGATION TO PAY OR  
16 TRANSMIT MONEY OR PROPERTY TO THE STATE IN CONNECTION WITH THE  
17 "COLORADO MEDICAL ASSISTANCE ACT", OR KNOWINGLY CONCEALS OR  
18 KNOWINGLY AND IMPROPERLY AVOIDS OR DECREASES AN OBLIGATION TO  
19 PAY OR TRANSMIT MONEY OR PROPERTY TO THE STATE IN CONNECTION  
20 WITH THE "COLORADO MEDICAL ASSISTANCE ACT";

21 ==  
22 (g) CONSPIRES TO COMMIT A VIOLATION OF PARAGRAPHS (a) TO  
23 (f) OF THIS SUBSECTION (1).

24 (2) NOTWITHSTANDING THE AMOUNT OF DAMAGES AUTHORIZED  
25 IN SUBSECTION (1) OF THIS SECTION, FOR A PERSON WHO VIOLATES  
26 SUBSECTION (1) OF THIS SECTION, THE COURT MAY ASSESS NOT LESS THAN  
27 TWICE THE AMOUNT OF DAMAGES THAT THE STATE SUSTAINS BECAUSE OF

1 THE ACT OF THE PERSON IF THE COURT FINDS THAT:

2 (a) THE PERSON WHO COMMITTED THE VIOLATION OF SUBSECTION  
3 (1) OF THIS SECTION FURNISHED TO THE OFFICIALS OF THE STATE  
4 RESPONSIBLE FOR INVESTIGATING FALSE CLAIMS VIOLATIONS ALL  
5 INFORMATION ABOUT THE VIOLATION KNOWN TO THE PERSON AND  
6 FURNISHED SAID INFORMATION WITHIN THIRTY DAYS AFTER THE DATE ON  
7 WHICH THE PERSON FIRST OBTAINED THE INFORMATION;

8 (b) AT THE TIME THE PERSON FURNISHED THE INFORMATION ABOUT  
9 THE VIOLATION TO THE STATE, A CRIMINAL PROSECUTION, CIVIL ACTION,  
10 OR ADMINISTRATIVE ACTION HAD NOT COMMENCED WITH RESPECT TO THE  
11 VIOLATION AND THE PERSON DID NOT HAVE ACTUAL KNOWLEDGE OF THE  
12 EXISTENCE OF AN INVESTIGATION INTO THE VIOLATION; AND

13 (c) THE PERSON FULLY COOPERATED WITH ANY INVESTIGATION OF  
14 THE VIOLATION BY THE STATE.

15 (3) A PERSON VIOLATING THIS SECTION SHALL ALSO BE LIABLE TO  
16 THE STATE FOR THE COSTS OF A CIVIL ACTION BROUGHT TO RECOVER ANY  
17 PENALTY OR DAMAGES.

18 (4) ANY INFORMATION FURNISHED PURSUANT TO SUBSECTION (2)  
19 OF THIS SECTION SHALL BE EXEMPT FROM DISCLOSURE UNDER PART 2 OF  
20 ARTICLE 72 OF THIS TITLE.

21 **SECTION 11.** 25.5-4-306, Colorado Revised Statutes, is  
22 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

23 **25.5-4-306. Civil actions for false medicaid claims.**

24 (1) **Responsibility of attorney general.** THE ATTORNEY GENERAL SHALL  
25 DILIGENTLY INVESTIGATE A VIOLATION UNDER SECTION 25.5-4-305. IF  
26 THE ATTORNEY GENERAL FINDS THAT A PERSON HAS VIOLATED OR IS  
27 VIOLATING SECTION 25.5-4-305, THE ATTORNEY GENERAL MAY BRING A

1 CIVIL ACTION UNDER THIS SECTION AGAINST THE PERSON.

2 (2) **Actions by private persons.** (a) A RELATOR MAY BRING A  
3 CIVIL ACTION FOR A VIOLATION OF SECTION 25.5-4-305 ON BEHALF OF THE  
4 RELATOR AND THE STATE. THE ACTION SHALL BE BROUGHT IN THE NAME  
5 OF THE STATE. THE ACTION MAY BE DISMISSED ONLY IF THE COURT AND  
6 THE ATTORNEY GENERAL GIVE WRITTEN CONSENT TO THE DISMISSAL AND  
7 THEIR REASONS FOR CONSENTING.

8 (b) A COPY OF THE COMPLAINT AND WRITTEN DISCLOSURE OF  
9 SUBSTANTIALLY ALL MATERIAL EVIDENCE AND INFORMATION THE  
10 RELATOR POSSESSES SHALL BE SERVED ON THE STATE PURSUANT TO RULE  
11 4 OF THE COLORADO RULES OF CIVIL PROCEDURE. THE COMPLAINT SHALL  
12 BE FILED IN CAMERA, SHALL REMAIN UNDER SEAL FOR AT LEAST SIXTY  
13 DAYS, AND SHALL NOT BE SERVED ON THE DEFENDANT UNTIL THE COURT  
14 SO ORDERS. THE STATE MAY ELECT TO INTERVENE AND PROCEED WITH  
15 THE ACTION WITHIN SIXTY DAYS AFTER IT RECEIVES BOTH THE COMPLAINT  
16 AND THE MATERIAL EVIDENCE AND INFORMATION.

17 (c) THE STATE MAY, FOR GOOD CAUSE SHOWN, MOVE THE COURT  
18 FOR EXTENSIONS OF THE TIME DURING WHICH THE COMPLAINT REMAINS  
19 UNDER SEAL UNDER PARAGRAPH (b) OF THIS SUBSECTION (2). ANY SUCH  
20 MOTION MAY BE SUPPORTED BY AFFIDAVITS OR OTHER SUBMISSIONS IN  
21 CAMERA. THE DEFENDANT SHALL NOT BE REQUIRED TO RESPOND TO A  
22 COMPLAINT FILED UNDER THIS SECTION UNTIL TWENTY DAYS AFTER THE  
23 COMPLAINT IS UNSEALED AND SERVED UPON THE DEFENDANT PURSUANT  
24 TO RULE 4 OF THE COLORADO RULES OF CIVIL PROCEDURE.

25 (d) BEFORE THE EXPIRATION OF THE SIXTY-DAY PERIOD PURSUANT  
26 TO PARAGRAPH (b) OF THIS SUBSECTION (2) OR ANY EXTENSIONS  
27 OBTAINED UNDER PARAGRAPH (c) OF THIS SUBSECTION (2), THE STATE

1 SHALL:

2 (I) PROCEED WITH THE ACTION, IN WHICH CASE THE STATE SHALL  
3 CONDUCT THE ACTION; OR

4 (II) NOTIFY THE COURT THAT IT DECLINES TO TAKE OVER THE  
5 ACTION, IN WHICH CASE THE RELATOR SHALL HAVE THE RIGHT TO  
6 CONDUCT THE ACTION.

7 (e) WHEN A RELATOR BRINGS AN ACTION UNDER THIS SUBSECTION  
8 (2), THE FEDERAL FALSE CLAIMS ACT, OR ANY SIMILAR PROVISION OF THE  
9 LAWS OF ANY OTHER STATE, NO PERSON OTHER THAN THE STATE MAY  
10 INTERVENE OR BRING A RELATED ACTION BASED ON THE FACTS  
11 UNDERLYING THE PENDING ACTION.

12 (3) **Rights of parties to private actions.** (a) IF THE STATE  
13 PROCEEDS WITH AN ACTION BROUGHT UNDER SUBSECTION (2) OF THIS  
14 SECTION, IT SHALL HAVE THE PRIMARY RESPONSIBILITY FOR PROSECUTING  
15 THE ACTION AND SHALL NOT BE BOUND BY AN ACT OF THE RELATOR. THE  
16 RELATOR SHALL HAVE THE RIGHT TO CONTINUE AS A PARTY TO THE  
17 ACTION, SUBJECT TO THE LIMITATIONS SET FORTH IN PARAGRAPH (b) OF  
18 THIS SUBSECTION (3).

19 (b) (I) THE STATE MAY DISMISS THE ACTION NOTWITHSTANDING  
20 THE OBJECTIONS OF THE RELATOR IF THE RELATOR HAS BEEN NOTIFIED BY  
21 THE STATE OF THE FILING OF THE MOTION AND THE COURT HAS PROVIDED  
22 THE RELATOR WITH AN OPPORTUNITY FOR A HEARING ON THE MOTION.

23 (II) THE STATE MAY SETTLE THE ACTION WITH THE DEFENDANT  
24 NOTWITHSTANDING THE OBJECTIONS OF THE RELATOR IF THE COURT  
25 DETERMINES, AFTER A HEARING, THAT THE PROPOSED SETTLEMENT IS FAIR,  
26 ADEQUATE, AND REASONABLE UNDER ALL THE CIRCUMSTANCES. UPON A  
27 SHOWING OF GOOD CAUSE, THE HEARING MAY BE HELD IN CAMERA.

1 (III) UPON A SHOWING BY THE STATE THAT UNRESTRICTED  
2 PARTICIPATION DURING THE COURSE OF THE LITIGATION BY THE RELATOR  
3 WOULD INTERFERE WITH OR UNDULY DELAY THE STATE'S PROSECUTION OF  
4 THE CASE, OR WOULD BE REPETITIOUS, IRRELEVANT, OR FOR PURPOSES OF  
5 HARASSMENT, THE COURT MAY, IN ITS DISCRETION, IMPOSE LIMITATIONS  
6 ON THE RELATOR'S PARTICIPATION, INCLUDING BUT NOT LIMITED TO:

7 (A) LIMITING THE NUMBER OF WITNESSES THE RELATOR MAY  
8 CALL;

9 (B) LIMITING THE LENGTH OF THE TESTIMONY OF THE WITNESSES;

10 (C) LIMITING THE RELATOR'S CROSS-EXAMINATION OF WITNESSES;

11 OR

12 (D) OTHERWISE LIMITING THE PARTICIPATION BY THE RELATOR IN  
13 THE LITIGATION.

14 (IV) UPON A SHOWING BY THE DEFENDANT THAT UNRESTRICTED  
15 PARTICIPATION DURING THE COURSE OF THE LITIGATION BY THE RELATOR  
16 WOULD BE FOR PURPOSES OF HARASSMENT OR WOULD CAUSE THE  
17 DEFENDANT UNDUE BURDEN OR UNNECESSARY EXPENSE, THE COURT MAY  
18 LIMIT THE PARTICIPATION BY THE RELATOR IN THE LITIGATION.

19 (c) IF THE STATE ELECTS NOT TO PROCEED WITH THE ACTION, THE  
20 RELATOR WHO INITIATED THE ACTION SHALL HAVE THE RIGHT TO  
21 CONDUCT THE ACTION. IF THE STATE SO REQUESTS, IT SHALL BE SERVED  
22 WITH COPIES OF ALL PLEADINGS FILED IN THE ACTION AND, AT THE STATE'S  
23 EXPENSE, SHALL BE SUPPLIED WITH COPIES OF ALL DEPOSITION  
24 TRANSCRIPTS. WHEN A RELATOR PROCEEDS WITH THE ACTION, THE  
25 COURT, WITHOUT LIMITING THE STATUS AND RIGHTS OF THE RELATOR,  
26 MAY NEVERTHELESS PERMIT THE STATE TO INTERVENE AT A LATER DATE  
27 UPON A SHOWING OF GOOD CAUSE.

1           (d) REGARDLESS OF WHETHER THE STATE PROCEEDS WITH THE  
2 ACTION, UPON A SHOWING BY THE STATE THAT CERTAIN ACTIONS OF  
3 DISCOVERY BY THE RELATOR WOULD INTERFERE WITH THE STATE'S  
4 INVESTIGATION OR PROSECUTION OF A CRIMINAL OR CIVIL MATTER ARISING  
5 OUT OF THE SAME FACTS, THE COURT MAY STAY THE DISCOVERY FOR A  
6 PERIOD OF NOT MORE THAN SIXTY DAYS. THE SHOWING SHALL BE  
7 CONDUCTED IN CAMERA. THE COURT MAY EXTEND THE SIXTY-DAY PERIOD  
8 UPON A FURTHER SHOWING IN CAMERA THAT THE STATE HAS PURSUED THE  
9 CRIMINAL OR CIVIL INVESTIGATION OR PROCEEDINGS WITH REASONABLE  
10 DILIGENCE AND THAT ANY PROPOSED DISCOVERY IN THE CIVIL ACTION  
11 WILL INTERFERE WITH THE ONGOING CRIMINAL OR CIVIL INVESTIGATION  
12 OR PROCEEDINGS.

13           (e) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF  
14 THIS SECTION, THE STATE MAY ELECT TO PURSUE ITS CLAIM THROUGH ANY  
15 ALTERNATE REMEDY AVAILABLE TO THE STATE, INCLUDING ANY  
16 ADMINISTRATIVE PROCEEDING TO DETERMINE A CIVIL MONEY PENALTY.  
17 IF AN ALTERNATE REMEDY IS PURSUED IN ANOTHER PROCEEDING, THE  
18 RELATOR SHALL HAVE THE SAME RIGHTS IN THE PROCEEDING AS THE  
19 RELATOR WOULD HAVE HAD IF THE ACTION HAD CONTINUED UNDER THIS  
20 SECTION. ANY FINDING OF FACT OR CONCLUSION OF LAW MADE IN  
21 ANOTHER PROCEEDING THAT HAS BECOME FINAL SHALL BE CONCLUSIVE  
22 ON ALL PARTIES TO AN ACTION UNDER THIS SECTION. FOR PURPOSES OF  
23 THIS PARAGRAPH (e), A FINDING OR CONCLUSION IS FINAL IF IT HAS BEEN  
24 FINALLY DETERMINED ON APPEAL TO THE APPROPRIATE COURT OF THE  
25 STATE, IF ALL TIME FOR FILING SUCH AN APPEAL WITH RESPECT TO THE  
26 FINDING OR CONCLUSION HAS EXPIRED, OR IF THE FINDING OR CONCLUSION  
27 IS NOT SUBJECT TO JUDICIAL REVIEW.

1           (4) **Award to private persons.** (a) (I) IF THE STATE PROCEEDS  
2 WITH AN ACTION BROUGHT BY A RELATOR UNDER SUBSECTION (2) OF THIS  
3 SECTION, THE RELATOR SHALL, SUBJECT TO SUBPARAGRAPH (II) OF THIS  
4 PARAGRAPH (a), RECEIVE AT LEAST FIFTEEN PERCENT BUT NOT MORE THAN  
5 TWENTY-FIVE PERCENT OF THE PROCEEDS OF THE ACTION OR SETTLEMENT  
6 OF THE CLAIM, DEPENDING UPON THE EXTENT TO WHICH THE RELATOR  
7 SUBSTANTIALLY CONTRIBUTED TO THE PROSECUTION OF THE ACTION.

8           (II) IF THE COURT FINDS THE ACTION TO BE BASED PRIMARILY ON  
9 DISCLOSURES OF SPECIFIC INFORMATION, OTHER THAN INFORMATION  
10 PROVIDED BY THE RELATOR, RELATING TO ALLEGATIONS OR  
11 TRANSACTIONS IN A CRIMINAL, CIVIL, OR ADMINISTRATIVE HEARING, IN A  
12 LEGISLATIVE, ADMINISTRATIVE, OR STATE AUDITOR'S REPORT, HEARING,  
13 AUDIT, OR INVESTIGATION, OR FROM THE NEWS MEDIA, THE COURT MAY  
14 AWARD TO THE RELATOR SUCH SUMS AS IT CONSIDERS APPROPRIATE, BUT  
15 IN NO CASE MORE THAN TEN PERCENT OF THE PROCEEDS, TAKING INTO  
16 ACCOUNT THE SIGNIFICANCE OF THE INFORMATION AND THE ROLE OF THE  
17 RELATOR IN ADVANCING THE CASE TO LITIGATION.

18           (III) ANY PAYMENT TO A RELATOR UNDER SUBPARAGRAPH (I) OR  
19 (II) OF THIS PARAGRAPH (a) SHALL BE MADE FROM THE PROCEEDS. THE  
20 RELATOR SHALL ALSO RECEIVE AN AMOUNT FOR REASONABLE EXPENSES  
21 THAT THE COURT FINDS TO HAVE BEEN NECESSARILY INCURRED PLUS  
22 REASONABLE ATTORNEY FEES AND COSTS. ALL SUCH EXPENSES, FEES, AND  
23 COSTS SHALL BE AWARDED AGAINST THE DEFENDANT.

24           (b) IF THE STATE DOES NOT PROCEED WITH AN ACTION BROUGHT  
25 UNDER SUBSECTION (2) OF THIS SECTION, THE RELATOR BRINGING THE  
26 ACTION OR SETTLING THE CLAIM SHALL RECEIVE AN AMOUNT THAT THE  
27 COURT DECIDES IS REASONABLE FOR COLLECTING THE CIVIL PENALTY AND

1 DAMAGES. THE AMOUNT SHALL BE NOT LESS THAN TWENTY-FIVE PERCENT  
2 AND NOT MORE THAN THIRTY PERCENT OF THE PROCEEDS OF THE ACTION  
3 OR SETTLEMENT AND SHALL BE PAID OUT OF THE PROCEEDS. THE RELATOR  
4 SHALL ALSO RECEIVE AN AMOUNT FOR REASONABLE EXPENSES THAT THE  
5 COURT FINDS TO HAVE BEEN NECESSARILY INCURRED, PLUS REASONABLE  
6 ATTORNEY FEES AND COSTS. ALL SUCH EXPENSES, FEES, AND COSTS SHALL  
7 BE AWARDED AGAINST THE DEFENDANT.

8 (c) REGARDLESS OF WHETHER THE STATE PROCEEDS WITH AN  
9 ACTION BROUGHT UNDER SUBSECTION (2) OF THIS SECTION, IF THE COURT  
10 FINDS THAT THE ACTION WAS BROUGHT BY A RELATOR WHO PLANNED AND  
11 INITIATED THE VIOLATION OF SECTION 25.5-4-305 UPON WHICH THE  
12 ACTION WAS BROUGHT, THEN THE COURT MAY, TO THE EXTENT THE COURT  
13 CONSIDERS APPROPRIATE, REDUCE THE SHARE OF THE PROCEEDS OF THE  
14 ACTION THAT THE RELATOR WOULD OTHERWISE RECEIVE UNDER  
15 PARAGRAPH (a) OR (b) OF THIS SUBSECTION (4), TAKING INTO ACCOUNT  
16 THE ROLE OF THE RELATOR IN ADVANCING THE CASE TO LITIGATION AND  
17 ANY RELEVANT CIRCUMSTANCES PERTAINING TO THE VIOLATION. IF THE  
18 RELATOR IS CONVICTED OF CRIMINAL CONDUCT ARISING FROM HIS OR HER  
19 ROLE IN THE VIOLATION OF SECTION 25.5-4-305, THE RELATOR SHALL BE  
20 DISMISSED FROM THE CIVIL ACTION AND SHALL NOT RECEIVE ANY SHARE  
21 OF THE PROCEEDS OF THE ACTION. SUCH DISMISSAL SHALL NOT PREJUDICE  
22 THE RIGHT OF THE STATE TO CONTINUE THE ACTION.

23 (d) IF THE STATE DOES NOT PROCEED WITH AN ACTION BROUGHT  
24 UNDER SUBSECTION (2) OF THIS SECTION AND THE RELATOR BRINGING THE  
25 ACTION CONDUCTS THE ACTION, THE COURT MAY AWARD TO THE  
26 DEFENDANT ITS REASONABLE ATTORNEY FEES AND EXPENSES IF THE  
27 DEFENDANT PREVAILS IN THE ACTION AND THE COURT FINDS THAT THE

1 CLAIM OF THE RELATOR WAS CLEARLY FRIVOLOUS, CLEARLY VEXATIOUS,  
2 OR BROUGHT PRIMARILY FOR PURPOSES OF HARASSMENT.

3 (5) **Certain actions barred.** (a) A COURT SHALL NOT HAVE  
4 JURISDICTION OVER AN ACTION BROUGHT UNDER THIS SECTION AGAINST  
5 A MEMBER OF THE GENERAL ASSEMBLY, A MEMBER OF THE STATE  
6 JUDICIARY, OR AN ELECTED OFFICIAL IN THE EXECUTIVE BRANCH OF THE  
7 STATE OF COLORADO.

8 (b) A RELATOR SHALL NOT BRING AN ACTION UNDER SUBSECTION  
9 (2) OF THIS SECTION THAT IS BASED UPON ALLEGATIONS OR TRANSACTIONS  
10 THAT ARE THE SUBJECT OF A CIVIL SUIT IN A COURT OF THIS STATE OR AN  
11 ADMINISTRATIVE CIVIL MONEY PENALTY PROCEEDING IN WHICH THE STATE  
12 IS ALREADY A PARTY.

13 (c) (I) A COURT SHALL NOT HAVE JURISDICTION OVER AN ACTION  
14 BROUGHT UNDER SUBSECTION (2) OF THIS SECTION IF THE ACTION IS BASED  
15 UPON THE PUBLIC DISCLOSURE OF ALLEGATIONS OR TRANSACTIONS IN A  
16 CRIMINAL, CIVIL, OR ADMINISTRATIVE HEARING, IN A LEGISLATIVE,  
17 ADMINISTRATIVE, OR STATE AUDITOR'S REPORT, HEARING, AUDIT, OR  
18 INVESTIGATION, OR FROM THE NEWS MEDIA, UNLESS THE ACTION IS  
19 BROUGHT BY THE STATE OR THE RELATOR IS AN ORIGINAL SOURCE OF THE  
20 INFORMATION THAT IS THE BASIS FOR THE ACTION.

21 (II) FOR PURPOSES OF THIS PARAGRAPH (c), "ORIGINAL SOURCE"  
22 MEANS AN INDIVIDUAL WHO HAS DIRECT AND INDEPENDENT KNOWLEDGE  
23 OF THE INFORMATION ON WHICH THE ALLEGATIONS ARE BASED AND HAS  
24 VOLUNTARILY PROVIDED THE INFORMATION TO THE STATE BEFORE FILING  
25 AN ACTION UNDER SUBSECTION (2) OF THIS SECTION THAT IS BASED ON THE  
26 INFORMATION.

27 (6) **State not liable for certain expenses.** THE STATE IS NOT

1       LIABLE FOR EXPENSES THAT A RELATOR INCURS IN BRINGING AN ACTION  
2       UNDER THIS SECTION.

3               **(7) Private action for retaliation.** (a) A RELATOR SHALL BE  
4       ENTITLED TO ALL RELIEF NECESSARY TO MAKE THE RELATOR WHOLE, IF  
5       THE RELATOR IS DISCHARGED, DEMOTED, SUSPENDED, THREATENED,  
6       HARASSED,        OR IN ANY OTHER MANNER RETALIATED AGAINST OR  
7       DISCRIMINATED AGAINST IN THE TERMS AND CONDITIONS OF THE  
8       RELATOR'S EMPLOYMENT        BY THE DEFENDANT OR BY ANY OTHER  
9       PERSON BECAUSE OF LAWFUL ACTS DONE BY THE RELATOR IN  
10      FURTHERANCE OF AN ACTION UNDER THIS SECTION OR IN FURTHERANCE OF  
11      AN EFFORT TO STOP ANY VIOLATIONS OF SECTION 25.5-4-305.

12                       
13                     

14               **(b) (I)** A RELATOR WHO SEEKS RELIEF PURSUANT TO THIS  
15      SUBSECTION (7) SHALL BE ENTITLED TO ALL RELIEF NECESSARY TO MAKE  
16      THE RELATOR WHOLE. SUCH RELIEF SHALL INCLUDE, BUT NEED NOT BE  
17      LIMITED TO:

18               (A) IF THE RELATOR IS AN EMPLOYEE, REINSTATEMENT WITH THE  
19      SAME SENIORITY STATUS THE RELATOR WOULD HAVE HAD BUT FOR THE  
20      DISCRIMINATION, TWICE THE AMOUNT OF BACK PAY, AND INTEREST ON THE  
21      BACK PAY; AND

22                            

23               **(B)** COMPENSATION FOR ANY SPECIAL DAMAGES SUSTAINED AS A  
24      RESULT OF THE DISCRIMINATION OR RETALIATION, INCLUDING LITIGATION  
25      COSTS AND REASONABLE ATTORNEY FEES.

26               **(II)** A RELATOR MAY BRING AN ACTION IN THE APPROPRIATE  
27      COURT OF THE STATE FOR THE RELIEF PROVIDED IN THIS SUBSECTION (7).

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**SECTION 12.** Part 3 of article 4 of title 25.5, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**25.5-4-307. False medicaid claims procedures.** (1) A CIVIL ACTION UNDER SECTION 25.5-4-306 (1) OR (2) MAY NOT BE BROUGHT AFTER THE LATER OF:

(a) MORE THAN SIX YEARS AFTER THE DATE ON WHICH THE VIOLATION OF SECTION 25.5-4-305 IS COMMITTED; OR

(b) MORE THAN THREE YEARS AFTER THE DATE WHEN FACTS MATERIAL TO THE RIGHT OF ACTION ARE KNOWN OR REASONABLY SHOULD HAVE BEEN KNOWN BY THE OFFICIAL OF THE STATE CHARGED WITH RESPONSIBILITY TO ACT IN THE CIRCUMSTANCES, BUT IN NO EVENT MORE THAN TEN YEARS AFTER THE DATE ON WHICH THE VIOLATION OF SECTION 25.5-4-305 IS COMMITTED.

(2) IF THE STATE ELECTS TO INTERVENE AND PROCEED WITH AN ACTION BROUGHT UNDER SECTION 25.5-4-306, THE STATE MAY FILE ITS OWN COMPLAINT OR AMEND THE RELATOR'S COMPLAINT TO CLARIFY OR ADD DETAIL TO THE CLAIMS IN WHICH THE STATE IS INTERVENING AND TO ADD ANY ADDITIONAL CLAIMS WITH RESPECT TO WHICH THE STATE CONTENDS IT IS ENTITLED TO RELIEF. FOR STATUTE OF LIMITATIONS PURPOSES, ANY SUCH PLEADINGS BY THE STATE SHALL RELATE BACK TO THE FILING DATE OF THE RELATOR'S COMPLAINT, TO THE EXTENT THAT THE STATE'S CLAIM ARISES OUT OF THE CONDUCT, TRANSACTIONS, OR OCCURRENCES SET FORTH, OR ATTEMPTED TO BE SET FORTH, IN THE PRIOR COMPLAINT OF THE RELATOR.

1           (3) IN AN ACTION BROUGHT UNDER SECTION 25.5-4-306, THE  
2 STATE OR RELATOR MUST PROVE ALL ESSENTIAL ELEMENTS OF THE CAUSE  
3 OF ACTION, INCLUDING DAMAGES, BY A PREPONDERANCE OF THE  
4 EVIDENCE.

5           (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
6 COLORADO RULES OF CRIMINAL PROCEDURE, OR THE COLORADO RULES OF  
7 EVIDENCE, A FINAL JUDGMENT RENDERED IN FAVOR OF THE STATE IN A  
8 CRIMINAL PROCEEDING CHARGING FRAUD OR FALSE STATEMENTS,  
9 WHETHER UPON A VERDICT AFTER TRIAL OR UPON A PLEA OF GUILTY OR  
10 NOLO CONTENDERE, SHALL ESTOP THE DEFENDANT FROM DENYING THE  
11 ESSENTIAL ELEMENTS OF THE OFFENSE IN ANY ACTION THAT INVOLVES THE  
12 SAME TRANSACTION AS IN THE CRIMINAL PROCEEDING AND THAT IS  
13 BROUGHT UNDER SECTION 25.5-4-306.

14           **25.5-4-308. False medicaid claims jurisdiction.** AN ACTION  
15 UNDER SECTION 25.5-4-306 MAY BE BROUGHT IN ANY JUDICIAL DISTRICT  
16 IN WHICH THE DEFENDANT OR, IN THE CASE OF MULTIPLE DEFENDANTS,  
17 ANY ONE DEFENDANT CAN BE FOUND, RESIDES, OR TRANSACTS BUSINESS  
18 OR IN WHICH AN ACT PROSCRIBED BY SECTION 25.5-4-305 OCCURRED. A  
19 SUMMONS AS REQUIRED BY THE COLORADO RULES OF CIVIL PROCEDURE  
20 SHALL BE ISSUED BY THE APPROPRIATE DISTRICT COURT AND SERVED AT  
21 ANY PLACE.

22           **25.5-4-309. False medicaid claims civil investigation demands.**

23           (1) **General.** (a) (I) WHENEVER THE ATTORNEY GENERAL HAS REASON  
24 TO BELIEVE THAT A PERSON MAY BE IN POSSESSION, CUSTODY, OR  
25 CONTROL OF DOCUMENTARY MATERIAL OR INFORMATION RELEVANT TO A  
26 FALSE MEDICAID CLAIMS LAW INVESTIGATION, THE ATTORNEY GENERAL  
27 MAY, BEFORE COMMENCING A CIVIL PROCEEDING UNDER SECTION

1 25.5-4-306 OR OTHER FALSE MEDICAID CLAIMS LAW OR MAKING AN  
2 ELECTION UNDER SECTION 25.5-4-306 (2) (d), ISSUE IN WRITING AND  
3 CAUSE TO BE SERVED UPON THE PERSON A CIVIL INVESTIGATIVE DEMAND  
4 REQUIRING THE PERSON TO:

5 (A) PRODUCE THE DOCUMENTARY MATERIAL FOR INSPECTION AND  
6 COPYING;

7 (B) ANSWER IN WRITING WRITTEN INTERROGATORIES WITH  
8 RESPECT TO THE DOCUMENTARY MATERIAL OR INFORMATION;

9 (C) GIVE ORAL TESTIMONY CONCERNING THE DOCUMENTARY  
10 MATERIAL OR INFORMATION; OR

11 (D) FURNISH ANY COMBINATION OF SUCH MATERIAL, ANSWERS, OR  
12 TESTIMONY.

13 (II) THE ATTORNEY GENERAL MAY NOT DELEGATE THE AUTHORITY  
14 TO ISSUE CIVIL INVESTIGATIVE DEMANDS UNDER THIS SUBSECTION (1).  
15 WHENEVER A CIVIL INVESTIGATIVE DEMAND IS AN EXPRESS DEMAND FOR  
16 ANY PRODUCT OF DISCOVERY, THE ATTORNEY GENERAL, THE DEPUTY  
17 ATTORNEY GENERAL, OR AN ASSISTANT ATTORNEY GENERAL SHALL CAUSE  
18 TO BE SERVED, IN ANY MANNER AUTHORIZED BY THIS SECTION, A COPY OF  
19 THE DEMAND UPON THE PERSON FROM WHOM THE DISCOVERY WAS  
20 OBTAINED AND SHALL NOTIFY THE PERSON TO WHOM THE DEMAND IS  
21 ISSUED OF THE DATE ON WHICH THE COPY WAS SERVED.

22 (b) (I) EACH CIVIL INVESTIGATIVE DEMAND ISSUED UNDER THIS  
23 SUBSECTION (1) SHALL STATE THE NATURE OF THE CONDUCT  
24 CONSTITUTING THE ALLEGED VIOLATION OF A FALSE MEDICAID CLAIMS  
25 LAW THAT IS UNDER INVESTIGATION AND THE APPLICABLE PROVISION OF  
26 LAW ALLEGED TO BE VIOLATED.

27 (II) IF THE DEMAND IS FOR THE PRODUCTION OF DOCUMENTARY

1 MATERIAL, THE DEMAND SHALL:

2 (A) DESCRIBE EACH CLASS OF DOCUMENTARY MATERIAL TO BE  
3 PRODUCED WITH SUCH DEFINITENESS AND CERTAINTY AS TO PERMIT THE  
4 MATERIAL TO BE FAIRLY IDENTIFIED;

5 (B) PRESCRIBE A RETURN DATE FOR EACH SUCH CLASS THAT WILL  
6 PROVIDE A REASONABLE PERIOD OF TIME WITHIN WHICH THE MATERIAL SO  
7 DEMANDED MAY BE ASSEMBLED AND MADE AVAILABLE FOR INSPECTION  
8 AND COPYING; AND

9 (C) IDENTIFY THE FALSE MEDICAID CLAIMS LAW INVESTIGATOR TO  
10 WHOM THE MATERIAL SHALL BE MADE AVAILABLE.

11 (III) IF THE DEMAND IS FOR ANSWERS TO WRITTEN  
12 INTERROGATORIES, THE DEMAND SHALL:

13 (A) SPECIFY THE WRITTEN INTERROGATORIES TO BE ANSWERED;

14 (B) PRESCRIBE DATES ON WHICH ANSWERS TO WRITTEN  
15 INTERROGATORIES SHALL BE SUBMITTED; AND

16 (C) IDENTIFY THE FALSE MEDICAID CLAIMS LAW INVESTIGATOR TO  
17 WHOM THE ANSWERS SHALL BE SUBMITTED.

18 (IV) IF THE DEMAND IS FOR THE GIVING OF ORAL TESTIMONY, THE  
19 DEMAND SHALL:

20 (A) PRESCRIBE A DATE, TIME, AND PLACE AT WHICH ORAL  
21 TESTIMONY SHALL BE COMMENCED AND NOTIFY THE DEPONENT IF THE  
22 ORAL TESTIMONY IS TO BE VIDEO OR AUDIO RECORDED;

23 (B) IDENTIFY A FALSE MEDICAID CLAIMS LAW INVESTIGATOR WHO  
24 SHALL CONDUCT THE EXAMINATION AND THE CUSTODIAN TO WHOM THE  
25 TRANSCRIPT OF THE EXAMINATION SHALL BE SUBMITTED;

26 (C) SPECIFY THAT SUCH ATTENDANCE AND TESTIMONY ARE  
27 NECESSARY TO THE CONDUCT OF THE INVESTIGATION;

1 (D) NOTIFY THE PERSON RECEIVING THE DEMAND OF THE RIGHT TO  
2 BE ACCOMPANIED BY AN ATTORNEY AND ANY OTHER REPRESENTATIVE;  
3 AND

4 (E) DESCRIBE THE GENERAL PURPOSE FOR WHICH THE DEMAND IS  
5 BEING ISSUED AND THE GENERAL NATURE OF THE TESTIMONY, INCLUDING  
6 THE PRIMARY AREAS OF INQUIRY, THAT WILL BE TAKEN PURSUANT TO THE  
7 DEMAND.

8 (V) A CIVIL INVESTIGATIVE DEMAND ISSUED UNDER THIS SECTION  
9 THAT IS AN EXPRESS DEMAND FOR ANY PRODUCT OF DISCOVERY SHALL  
10 NOT BE RETURNED OR RETURNABLE UNTIL TWENTY DAYS AFTER A COPY OF  
11 THE DEMAND HAS BEEN SERVED UPON THE PERSON FROM WHOM THE  
12 DISCOVERY WAS OBTAINED.

13 (VI) THE DATE PRESCRIBED FOR THE COMMENCEMENT OF ORAL  
14 TESTIMONY PURSUANT TO A CIVIL INVESTIGATIVE DEMAND ISSUED UNDER  
15 THIS SECTION SHALL BE A DATE THAT IS NOT LESS THAN SEVEN DAYS  
16 AFTER THE DATE ON WHICH THE DEMAND IS RECEIVED, UNLESS THE  
17 ATTORNEY GENERAL OR AN ASSISTANT ATTORNEY GENERAL DESIGNATED  
18 BY THE ATTORNEY GENERAL DETERMINES THAT EXCEPTIONAL  
19 CIRCUMSTANCES ARE PRESENT THAT WARRANT THE COMMENCEMENT OF  
20 THE TESTIMONY WITHIN A LESSER PERIOD OF TIME.

21 (VII) THE ATTORNEY GENERAL SHALL NOT AUTHORIZE THE  
22 ISSUANCE UNDER THIS SECTION OF MORE THAN ONE CIVIL INVESTIGATIVE  
23 DEMAND FOR ORAL TESTIMONY BY THE SAME PERSON UNLESS THE PERSON  
24 REQUESTS OTHERWISE OR UNLESS THE ATTORNEY GENERAL, AFTER  
25 INVESTIGATION, NOTIFIES THAT PERSON IN WRITING THAT AN ADDITIONAL  
26 DEMAND FOR ORAL TESTIMONY IS NECESSARY. NOTWITHSTANDING  
27 SECTION 24-31-103, C.R.S., THE ATTORNEY GENERAL SHALL NOT

1 AUTHORIZE THE PERFORMANCE, BY ANY OTHER OFFICER, EMPLOYEE, OR  
2 AGENCY, OF ANY FUNCTION VESTED IN THE ATTORNEY GENERAL UNDER  
3 THIS SUBPARAGRAPH (VII).

4 (2) **Protected material or information.** (a) A CIVIL  
5 INVESTIGATIVE DEMAND ISSUED UNDER SUBSECTION (1) OF THIS SECTION  
6 SHALL NOT REQUIRE THE PRODUCTION OF DOCUMENTARY MATERIAL, THE  
7 SUBMISSION OF ANSWERS TO WRITTEN INTERROGATORIES, OR THE GIVING  
8 OF ORAL TESTIMONY IF THE MATERIAL, ANSWERS, OR TESTIMONY WOULD  
9 BE PROTECTED FROM DISCLOSURE UNDER:

10 (I) THE STANDARDS APPLICABLE TO SUBPOENAS OR SUBPOENAS  
11 DUCES TECUM ISSUED BY A COURT OF THIS STATE TO AID IN A GRAND JURY  
12 INVESTIGATION; OR

13 (II) THE STANDARDS APPLICABLE TO DISCOVERY REQUESTS UNDER  
14 THE COLORADO RULES OF CIVIL PROCEDURE, TO THE EXTENT THAT THE  
15 APPLICATION OF THE STANDARDS TO ANY SUCH DEMAND IS APPROPRIATE  
16 AND CONSISTENT WITH THE PROVISIONS AND PURPOSES OF THIS SECTION.

17 (b) A DEMAND THAT IS AN EXPRESS DEMAND FOR A PRODUCT OF  
18 DISCOVERY SUPERCEDES ANY INCONSISTENT ORDER, RULE, OR PROVISION  
19 OF LAW, OTHER THAN THIS SECTION, PREVENTING OR RESTRAINING  
20 DISCLOSURE OF THE PRODUCT OF DISCOVERY TO A PERSON. DISCLOSURE  
21 OF A PRODUCT OF DISCOVERY PURSUANT TO AN EXPRESS DEMAND DOES  
22 NOT CONSTITUTE A WAIVER OF ANY RIGHT OR PRIVILEGE THAT THE PERSON  
23 MAKING THE DISCLOSURE MAY BE ENTITLED TO INVOKE TO RESIST  
24 DISCOVERY OF TRIAL PREPARATION MATERIALS.

25 (3) **Service and jurisdiction.** (a) A CIVIL INVESTIGATIVE  
26 DEMAND ISSUED UNDER SUBSECTION (1) OF THIS SECTION OR A PETITION  
27 BROUGHT PURSUANT TO SUBSECTION (10) OF THIS SECTION MAY BE

1 SERVED BY A FALSE MEDICAID CLAIMS LAW INVESTIGATOR, A SHERIFF, OR  
2 A DEPUTY SHERIFF AT ANY PLACE WITHIN THE STATE.

3 (b) A CIVIL INVESTIGATIVE DEMAND ISSUED UNDER SUBSECTION  
4 (1) OF THIS SECTION OR A PETITION FILED UNDER SUBSECTION (10) OF THIS  
5 SECTION MAY BE SERVED UPON A PERSON WHO IS NOT FOUND WITHIN THE  
6 STATE IN THE MANNER PRESCRIBED BY THE COLORADO RULES OF CIVIL  
7 PROCEDURE FOR SERVICE IN ANOTHER STATE OR A FOREIGN COUNTRY. TO  
8 THE EXTENT THAT THE COURTS OF THIS STATE CAN ASSERT JURISDICTION  
9 OVER ANY SUCH PERSON CONSISTENT WITH DUE PROCESS, THE DISTRICT  
10 COURT FOR THE CITY AND COUNTY OF DENVER SHALL HAVE THE SAME  
11 JURISDICTION TO TAKE AN ACTION RESPECTING COMPLIANCE WITH THIS  
12 SECTION BY ANY SUCH PERSON THAT THE COURT WOULD HAVE IF THE  
13 PERSON WERE PERSONALLY WITHIN THE JURISDICTION OF THE COURT.

14 (4) **Service on legal entities and natural persons.** (a) SERVICE  
15 OF A CIVIL INVESTIGATIVE DEMAND ISSUED UNDER SUBSECTION (1) OF THIS  
16 SECTION OR OF A PETITION FILED UNDER SUBSECTION (10) OF THIS SECTION  
17 MAY BE MADE UPON A PARTNERSHIP, CORPORATION, ASSOCIATION, OR  
18 OTHER LEGAL ENTITY BY:

19 (I) DELIVERING AN EXECUTED COPY OF THE DEMAND OR PETITION  
20 TO A PARTNER, EXECUTIVE OFFICER, MANAGING AGENT, OR GENERAL  
21 AGENT OF THE PARTNERSHIP, CORPORATION, ASSOCIATION, OR ENTITY, OR  
22 TO AN AGENT AUTHORIZED BY APPOINTMENT OR BY LAW TO RECEIVE  
23 SERVICE OF PROCESS ON BEHALF OF THE PARTNERSHIP, CORPORATION,  
24 ASSOCIATION, OR ENTITY;

25 (II) DELIVERING AN EXECUTED COPY OF THE DEMAND OR PETITION  
26 TO THE PRINCIPAL OFFICE OR PLACE OF BUSINESS OF THE PARTNERSHIP,  
27 CORPORATION, ASSOCIATION, OR ENTITY; OR

1 (III) DEPOSITING AN EXECUTED COPY OF THE DEMAND OR PETITION  
2 IN THE UNITED STATES MAIL BY REGISTERED OR CERTIFIED MAIL, WITH A  
3 RETURN RECEIPT REQUESTED, ADDRESSED TO THE PARTNERSHIP,  
4 CORPORATION, ASSOCIATION, OR ENTITY AT ITS PRINCIPAL OFFICE OR  
5 PLACE OF BUSINESS.

6 (b) SERVICE OF A CIVIL INVESTIGATIVE DEMAND ISSUED UNDER  
7 SUBSECTION (1) OF THIS SECTION OR OF A PETITION FILED UNDER  
8 SUBSECTION (10) OF THIS SECTION MAY BE MADE UPON A NATURAL  
9 PERSON BY:

10 (I) DELIVERING AN EXECUTED COPY OF THE DEMAND OR PETITION  
11 TO THE PERSON; OR

12 (II) DEPOSITING AN EXECUTED COPY OF THE DEMAND OR PETITION  
13 IN THE UNITED STATES MAIL BY REGISTERED OR CERTIFIED MAIL, WITH A  
14 RETURN RECEIPT REQUESTED, ADDRESSED TO THE PERSON AT THE  
15 PERSON'S RESIDENCE, PRINCIPAL OFFICE, OR PLACE OF BUSINESS.

16 (5) **Proof of service.** A VERIFIED RETURN BY THE INDIVIDUAL  
17 SERVING A CIVIL INVESTIGATIVE DEMAND ISSUED UNDER SUBSECTION (1)  
18 OF THIS SECTION OR A PETITION FILED UNDER SUBSECTION (10) OF THIS  
19 SECTION SETTING FORTH THE MANNER OF THE SERVICE SHALL BE PROOF OF  
20 THE SERVICE. IN THE CASE OF SERVICE BY REGISTERED OR CERTIFIED  
21 MAIL, THE RETURN SHALL BE ACCOMPANIED BY THE RETURN POST OFFICE  
22 RECEIPT OF DELIVERY OF THE DEMAND.

23 (6) **Documentary material.** (a) (I) THE PRODUCTION OF  
24 DOCUMENTARY MATERIAL IN RESPONSE TO A CIVIL INVESTIGATIVE  
25 DEMAND ISSUED UNDER SUBSECTION (1) OF THIS SECTION SHALL BE MADE  
26 UNDER A SWORN CERTIFICATE, IN THE FORM AS THE DEMAND DESIGNATES,  
27 BY:

1 (A) IN THE CASE OF A NATURAL PERSON, THE PERSON TO WHOM  
2 THE DEMAND IS DIRECTED; OR

3 (B) IN THE CASE OF A PERSON OTHER THAN A NATURAL PERSON, A  
4 PERSON HAVING KNOWLEDGE OF THE FACTS AND CIRCUMSTANCES  
5 RELATING TO THE PRODUCTION AND AUTHORIZED TO ACT ON BEHALF OF  
6 THE PERSON.

7 (II) THE CERTIFICATE SHALL STATE THAT ALL OF THE  
8 DOCUMENTARY MATERIAL REQUIRED BY THE DEMAND AND IN THE  
9 POSSESSION, CUSTODY, OR CONTROL OF THE PERSON TO WHOM THE  
10 DEMAND IS DIRECTED HAS BEEN PRODUCED AND MADE AVAILABLE TO THE  
11 FALSE MEDICAID CLAIMS LAW INVESTIGATOR IDENTIFIED IN THE DEMAND.

12 (b) A PERSON UPON WHOM A CIVIL INVESTIGATIVE DEMAND FOR  
13 THE PRODUCTION OF DOCUMENTARY MATERIAL HAS BEEN SERVED UNDER  
14 THIS SECTION SHALL MAKE THE MATERIAL AVAILABLE FOR INSPECTION  
15 AND COPYING TO THE FALSE MEDICAID CLAIMS LAW INVESTIGATOR  
16 IDENTIFIED IN THE DEMAND AT THE PRINCIPAL PLACE OF BUSINESS OF THE  
17 PERSON, OR AT SUCH OTHER PLACE AS THE FALSE MEDICAID CLAIMS LAW  
18 INVESTIGATOR AND THE PERSON THEREAFTER MAY AGREE AND PRESCRIBE  
19 IN WRITING, OR AS THE COURT MAY DIRECT UNDER SUBSECTION (10) OF  
20 THIS SECTION. THE MATERIAL SHALL BE MADE SO AVAILABLE ON THE  
21 RETURN DATE SPECIFIED IN THE DEMAND, OR ON SUCH LATER DATE AS THE  
22 FALSE MEDICAID CLAIMS LAW INVESTIGATOR MAY PRESCRIBE IN WRITING.  
23 THE PERSON MAY, UPON WRITTEN AGREEMENT BETWEEN THE PERSON AND  
24 THE FALSE MEDICAID CLAIMS LAW INVESTIGATOR, SUBSTITUTE COPIES FOR  
25 ORIGINALS OF ALL OR ANY PART OF THE MATERIAL.

26 (7) **Interrogatories.** (a) EACH INTERROGATORY IN A CIVIL  
27 INVESTIGATIVE DEMAND ISSUED UNDER SUBSECTION (1) OF THIS SECTION

1 SHALL BE ANSWERED SEPARATELY AND FULLY IN WRITING UNDER OATH  
2 AND SHALL BE SUBMITTED UNDER A SWORN CERTIFICATE, IN THE FORM  
3 THE DEMAND DESIGNATES, BY:

4 (I) IN THE CASE OF A NATURAL PERSON, THE PERSON TO WHOM THE  
5 DEMAND IS DIRECTED; OR

6 (II) IN THE CASE OF A PERSON OTHER THAN A NATURAL PERSON,  
7 THE PERSON OR PERSONS RESPONSIBLE FOR ANSWERING EACH  
8 INTERROGATORY.

9 (b) IF AN INTERROGATORY IS OBJECTED TO, THE REASONS FOR THE  
10 OBJECTION SHALL BE STATED IN THE CERTIFICATE INSTEAD OF AN ANSWER.  
11 THE CERTIFICATE SHALL STATE THAT ALL INFORMATION REQUIRED BY THE  
12 DEMAND AND IN THE POSSESSION, CUSTODY, CONTROL, OR KNOWLEDGE OF  
13 THE PERSON TO WHOM THE DEMAND IS DIRECTED HAS BEEN SUBMITTED.  
14 TO THE EXTENT THAT ANY INFORMATION IS NOT FURNISHED, THE  
15 INFORMATION SHALL BE IDENTIFIED AND REASONS SET FORTH WITH  
16 PARTICULARITY REGARDING THE REASONS WHY THE INFORMATION WAS  
17 NOT FURNISHED.

18 (8) **Oral examinations.** (a) THE EXAMINATION OF A PERSON  
19 PURSUANT TO A CIVIL INVESTIGATIVE DEMAND FOR ORAL TESTIMONY  
20 ISSUED UNDER SUBSECTION (1) OF THIS SECTION SHALL BE TAKEN BEFORE  
21 AN OFFICER AUTHORIZED TO ADMINISTER OATHS AND AFFIRMATIONS BY  
22 THE LAWS OF THE UNITED STATES, THE STATE OF COLORADO, OR THE  
23 PLACE WHERE THE EXAMINATION IS HELD. THE OFFICER BEFORE WHOM  
24 THE TESTIMONY IS TO BE TAKEN SHALL PUT THE WITNESS ON OATH OR  
25 AFFIRMATION AND SHALL, PERSONALLY OR WITH THE ASSISTANCE OF  
26 SOMEONE ACTING UNDER THE DIRECTION OF THE OFFICER AND IN THE  
27 OFFICER'S PRESENCE, RECORD THE TESTIMONY OF THE WITNESS. THE

1 TESTIMONY SHALL BE TAKEN STENOGRAPHICALLY AND SHALL BE  
2 TRANSCRIBED. WHEN THE TESTIMONY IS FULLY TRANSCRIBED, THE  
3 OFFICER BEFORE WHOM THE TESTIMONY IS TAKEN SHALL PROMPTLY  
4 TRANSMIT A COPY OF THE TRANSCRIPT OF THE TESTIMONY TO THE  
5 CUSTODIAN. THIS SUBSECTION (8) SHALL NOT PRECLUDE THE TAKING OF  
6 TESTIMONY BY ANY MEANS AUTHORIZED BY, AND IN A MANNER  
7 CONSISTENT WITH, THE COLORADO RULES OF CIVIL PROCEDURE.

8 (b) THE FALSE MEDICAID CLAIMS LAW INVESTIGATOR CONDUCTING  
9 THE EXAMINATION SHALL EXCLUDE FROM THE PLACE WHERE THE  
10 EXAMINATION IS HELD ALL PERSONS EXCEPT THE PERSON GIVING THE  
11 TESTIMONY, THE ATTORNEY FOR AND ANY OTHER REPRESENTATIVE OF THE  
12 PERSON GIVING THE TESTIMONY, THE ATTORNEY FOR THE STATE, ANY  
13 PERSON WHO MAY BE AGREED UPON BY THE ATTORNEY FOR THE STATE  
14 AND THE PERSON GIVING THE TESTIMONY, THE OFFICER BEFORE WHOM THE  
15 TESTIMONY IS TO BE TAKEN, AND THE STENOGRAPHER WHO IS RECORDING  
16 THE TESTIMONY.

17 (c) THE ORAL TESTIMONY OF A PERSON TAKEN PURSUANT TO A  
18 CIVIL INVESTIGATIVE DEMAND SERVED UNDER THIS SECTION SHALL BE  
19 TAKEN IN THE JUDICIAL DISTRICT OF THE STATE WITHIN WHICH THE PERSON  
20 RESIDES, IS FOUND, OR TRANSACTS BUSINESS, OR IN ANOTHER PLACE AS  
21 MAY BE AGREED UPON BY THE FALSE MEDICAID CLAIMS LAW  
22 INVESTIGATOR CONDUCTING THE EXAMINATION AND THE PERSON.

23 (d) WHEN THE TESTIMONY IS FULLY TRANSCRIBED, THE FALSE  
24 MEDICAID CLAIMS LAW INVESTIGATOR OR THE OFFICER BEFORE WHOM THE  
25 TESTIMONY IS TAKEN SHALL AFFORD THE WITNESS, WHO MAY BE  
26 ACCOMPANIED BY COUNSEL, A REASONABLE OPPORTUNITY TO EXAMINE  
27 AND READ THE TRANSCRIPT, UNLESS THE WITNESS WAIVES THE

1 EXAMINATION AND READING. ANY CHANGES IN FORM OR SUBSTANCE  
2 THAT THE WITNESS DESIRES TO MAKE SHALL BE ENTERED AND IDENTIFIED  
3 UPON THE TRANSCRIPT BY THE OFFICER OR THE FALSE MEDICAID CLAIMS  
4 LAW INVESTIGATOR, WITH A STATEMENT OF THE REASONS GIVEN BY THE  
5 WITNESS FOR MAKING THE CHANGES. THE TRANSCRIPT SHALL THEN BE  
6 SIGNED BY THE WITNESS, UNLESS THE WITNESS IN WRITING WAIVES THE  
7 SIGNING, IS ILL, CANNOT BE FOUND, OR REFUSES TO SIGN. IF THE WITNESS  
8 DOES NOT SIGN THE TRANSCRIPT WITHIN THIRTY DAYS AFTER BEING  
9 AFFORDED A REASONABLE OPPORTUNITY TO EXAMINE IT, THE OFFICER OR  
10 THE FALSE MEDICAID CLAIMS LAW INVESTIGATOR SHALL SIGN IT AND  
11 STATE ON THE RECORD THE FACT OF THE WAIVER, ILLNESS, ABSENCE OF  
12 THE WITNESS, OR REFUSAL TO SIGN, TOGETHER WITH THE REASONS, IF ANY,  
13 GIVEN THEREFOR.

14 (e) THE OFFICER BEFORE WHOM THE TESTIMONY IS TAKEN SHALL  
15 CERTIFY ON THE TRANSCRIPT THAT THE WITNESS WAS SWORN BY THE  
16 OFFICER AND THAT THE TRANSCRIPT IS A TRUE RECORD OF THE TESTIMONY  
17 GIVEN BY THE WITNESS, AND THE OFFICER OR FALSE MEDICAID CLAIMS  
18 LAW INVESTIGATOR SHALL PROMPTLY DELIVER THE TRANSCRIPT, OR SEND  
19 THE TRANSCRIPT BY REGISTERED OR CERTIFIED MAIL, TO THE CUSTODIAN.

20 (f) UPON PAYMENT OF REASONABLE CHARGES THEREFOR, THE  
21 FALSE MEDICAID CLAIMS LAW INVESTIGATOR SHALL FURNISH A COPY OF  
22 THE TRANSCRIPT TO THE WITNESS ONLY; EXCEPT THAT THE ATTORNEY  
23 GENERAL, THE DEPUTY ATTORNEY GENERAL, OR AN ASSISTANT ATTORNEY  
24 GENERAL MAY, FOR GOOD CAUSE, LIMIT THE WITNESS TO INSPECTION OF  
25 THE OFFICIAL TRANSCRIPT OF THE TESTIMONY OF THE WITNESS.

26 (g) (I) A PERSON COMPELLED TO APPEAR FOR ORAL TESTIMONY  
27 UNDER A CIVIL INVESTIGATIVE DEMAND ISSUED UNDER SUBSECTION (1) OF

1 THIS SECTION MAY BE ACCOMPANIED, REPRESENTED, AND ADVISED BY  
2 COUNSEL. COUNSEL MAY ADVISE THE PERSON, IN CONFIDENCE, WITH  
3 RESPECT TO ANY QUESTION ASKED OF THE PERSON. THE PERSON OR  
4 COUNSEL MAY OBJECT ON THE RECORD TO ANY QUESTION, IN WHOLE OR IN  
5 PART, AND SHALL BRIEFLY STATE FOR THE RECORD THE REASON FOR THE  
6 OBJECTION. AN OBJECTION MAY BE MADE, RECEIVED, AND ENTERED UPON  
7 THE RECORD WHEN IT IS CLAIMED THAT THE PERSON IS ENTITLED TO  
8 REFUSE TO ANSWER THE QUESTION ON THE GROUNDS OF ANY  
9 CONSTITUTIONAL OR OTHER LEGAL RIGHT OR PRIVILEGE, INCLUDING THE  
10 PRIVILEGE AGAINST SELF-INCRIMINATION. THE PERSON MAY NOT  
11 OTHERWISE OBJECT TO OR REFUSE TO ANSWER ANY QUESTION AND MAY  
12 NOT DIRECTLY OR THROUGH COUNSEL OTHERWISE INTERRUPT THE ORAL  
13 EXAMINATION. IF THE PERSON REFUSES TO ANSWER A QUESTION, THE  
14 FALSE MEDICAID CLAIMS LAW INVESTIGATOR MAY FILE A PETITION IN A  
15 DISTRICT COURT UNDER PARAGRAPH (a) OF SUBSECTION (10) OF THIS  
16 SECTION FOR AN ORDER COMPELLING THE PERSON TO ANSWER THE  
17 QUESTION.

18 (II) IF THE PERSON REFUSES TO ANSWER A QUESTION ON THE  
19 GROUNDS OF THE PRIVILEGE AGAINST SELF-INCRIMINATION, THE FALSE  
20 MEDICAID CLAIMS LAW INVESTIGATOR MAY COMPEL THE TESTIMONY OF  
21 THE PERSON IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
22 13-90-118, C.R.S.

23 (III) A PERSON APPEARING FOR ORAL TESTIMONY UNDER A CIVIL  
24 INVESTIGATIVE DEMAND ISSUED UNDER SUBSECTION (1) OF THIS SECTION  
25 SHALL BE ENTITLED TO THE SAME FEES AND ALLOWANCES THAT ARE PAID  
26 TO WITNESSES IN THE DISTRICT COURTS OF THIS STATE.

27 (9) **Custodian of documents, answers, and transcripts.**

1 (a) THE ATTORNEY GENERAL SHALL DESIGNATE A FALSE MEDICAID  
2 CLAIMS LAW INVESTIGATOR TO SERVE AS CUSTODIAN OF DOCUMENTARY  
3 MATERIAL, ANSWERS TO INTERROGATORIES, AND TRANSCRIPTS OF ORAL  
4 TESTIMONY RECEIVED UNDER THIS SECTION AND SHALL DESIGNATE SUCH  
5 ADDITIONAL FALSE MEDICAID CLAIMS LAW INVESTIGATORS AS THE  
6 ATTORNEY GENERAL DETERMINES FROM TIME TO TIME TO BE NECESSARY  
7 TO SERVE AS DEPUTIES TO THE CUSTODIAN.

8 (b) (I) A FALSE MEDICAID CLAIMS LAW INVESTIGATOR WHO  
9 RECEIVES ANY DOCUMENTARY MATERIAL, ANSWERS TO  
10 INTERROGATORIES, OR TRANSCRIPTS OF ORAL TESTIMONY UNDER THIS  
11 SECTION SHALL TRANSMIT THEM TO THE CUSTODIAN. THE CUSTODIAN  
12 SHALL TAKE PHYSICAL POSSESSION OF THE MATERIAL, ANSWERS, OR  
13 TRANSCRIPTS AND SHALL BE RESPONSIBLE FOR THE USE MADE OF THEM  
14 AND FOR THE RETURN OF DOCUMENTARY MATERIAL UNDER PARAGRAPH  
15 (d) OF THIS SUBSECTION (9).

16 (II) THE CUSTODIAN MAY CAUSE THE PREPARATION OF COPIES OF  
17 THE DOCUMENTARY MATERIAL, ANSWERS TO INTERROGATORIES, OR  
18 TRANSCRIPTS OF ORAL TESTIMONY AS MAY BE REQUIRED FOR OFFICIAL USE  
19 BY A FALSE MEDICAID CLAIMS LAW INVESTIGATOR OR OTHER OFFICER OR  
20 EMPLOYEE OF THE DEPARTMENT OF LAW WHO IS AUTHORIZED FOR SUCH  
21 USE UNDER REGULATIONS THAT THE ATTORNEY GENERAL SHALL ISSUE.  
22 THE MATERIAL, ANSWERS, AND TRANSCRIPTS MAY BE USED BY ANY SUCH  
23 AUTHORIZED FALSE MEDICAID CLAIMS LAW INVESTIGATOR OR OTHER  
24 OFFICER OR EMPLOYEE IN CONNECTION WITH THE TAKING OF ORAL  
25 TESTIMONY UNDER THIS SECTION.

26 (III) (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (9),  
27 DOCUMENTARY MATERIAL, ANSWERS TO INTERROGATORIES, OR

1 TRANSCRIPTS OF ORAL TESTIMONY, OR COPIES THEREOF, WHILE IN THE  
2 POSSESSION OF THE CUSTODIAN, SHALL NOT BE AVAILABLE FOR  
3 EXAMINATION BY AN INDIVIDUAL OTHER THAN A FALSE MEDICAID CLAIMS  
4 LAW INVESTIGATOR OR OTHER OFFICER OR EMPLOYEE OF THE  
5 DEPARTMENT OF LAW AUTHORIZED UNDER SUBPARAGRAPH (II) OF THIS  
6 PARAGRAPH (b).

7 (B) SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) SHALL  
8 NOT APPLY IF CONSENT IS GIVEN BY THE PERSON WHO PRODUCED THE  
9 MATERIAL, ANSWERS, OR TRANSCRIPTS OR, IN THE CASE OF ANY PRODUCT  
10 OF DISCOVERY PRODUCED PURSUANT TO AN EXPRESS DEMAND FOR THE  
11 MATERIAL, IF CONSENT IS GIVEN BY THE PERSON FROM WHOM THE  
12 DISCOVERY WAS OBTAINED.

13 (C) NOTHING IN THIS SUBPARAGRAPH (III) IS INTENDED TO  
14 PREVENT DISCLOSURE TO THE GENERAL ASSEMBLY, INCLUDING ANY  
15 COMMITTEE OF THE GENERAL ASSEMBLY, OR TO ANY OTHER AGENCY OF  
16 THE STATE FOR USE BY THE AGENCY IN FURTHERANCE OF ITS STATUTORY  
17 RESPONSIBILITIES. DISCLOSURE OF INFORMATION TO ANY SUCH OTHER  
18 AGENCY SHALL BE ALLOWED ONLY UPON APPLICATION, MADE BY THE  
19 ATTORNEY GENERAL TO A DISTRICT COURT, SHOWING SUBSTANTIAL NEED  
20 FOR THE USE OF THE INFORMATION BY THE AGENCY IN FURTHERANCE OF  
21 ITS STATUTORY RESPONSIBILITIES.

22 (IV) WHILE IN THE POSSESSION OF THE CUSTODIAN AND UNDER  
23 SUCH REASONABLE TERMS AND CONDITIONS AS THE ATTORNEY GENERAL  
24 SHALL PRESCRIBE:

25 (A) DOCUMENTARY MATERIAL AND ANSWERS TO  
26 INTERROGATORIES SHALL BE AVAILABLE FOR EXAMINATION BY THE  
27 PERSON WHO PRODUCED THE MATERIAL OR ANSWERS, OR BY A

1 REPRESENTATIVE OF THAT PERSON AUTHORIZED BY THAT PERSON TO  
2 EXAMINE THE MATERIAL AND ANSWERS; AND

3 (B) TRANSCRIPTS OF ORAL TESTIMONY SHALL BE AVAILABLE FOR  
4 EXAMINATION BY THE PERSON WHO PRODUCED THE TESTIMONY OR BY A  
5 REPRESENTATIVE OF THAT PERSON AUTHORIZED BY THAT PERSON TO  
6 EXAMINE THE TRANSCRIPTS.

7 (c) WHENEVER AN ATTORNEY OF THE DEPARTMENT OF LAW HAS  
8 BEEN DESIGNATED TO APPEAR BEFORE A COURT, GRAND JURY, OR STATE  
9 AGENCY IN A CASE OR PROCEEDING, THE CUSTODIAN OF ANY  
10 DOCUMENTARY MATERIAL, ANSWERS TO INTERROGATORIES, OR  
11 TRANSCRIPTS OF ORAL TESTIMONY RECEIVED UNDER THIS SECTION MAY  
12 DELIVER TO THE ATTORNEY SUCH MATERIAL, ANSWERS, OR TRANSCRIPTS  
13 FOR OFFICIAL USE IN CONNECTION WITH THE CASE OR PROCEEDING AS THE  
14 ATTORNEY DETERMINES TO BE REQUIRED. UPON THE COMPLETION OF THE  
15 CASE OR PROCEEDING, THE ATTORNEY SHALL RETURN TO THE CUSTODIAN  
16 THE MATERIAL, ANSWERS, OR TRANSCRIPTS SO DELIVERED THAT ARE NOT  
17 IN THE CONTROL OF THE COURT, GRAND JURY, OR AGENCY THROUGH  
18 INTRODUCTION INTO THE RECORD OF THE CASE OR PROCEEDING.

19 (d) THE CUSTODIAN SHALL, UPON WRITTEN REQUEST OF A PERSON  
20 WHO PRODUCED ANY DOCUMENTARY MATERIAL IN THE COURSE OF ANY  
21 FALSE MEDICAID CLAIMS LAW INVESTIGATION PURSUANT TO A CIVIL  
22 INVESTIGATIVE DEMAND UNDER THIS SECTION, RETURN TO THE PERSON  
23 ANY SUCH MATERIAL, OTHER THAN COPIES FURNISHED TO THE FALSE  
24 MEDICAID CLAIMS LAW INVESTIGATOR UNDER PARAGRAPH (b) OF  
25 SUBSECTION (6) OF THIS SECTION OR MADE FOR THE DEPARTMENT OF LAW  
26 UNDER SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (9),  
27 THAT IS NOT IN THE CONTROL OF A COURT, GRAND JURY, OR AGENCY

1 THROUGH INTRODUCTION INTO THE RECORD OF THE CASE OR PROCEEDING,  
2 IF:

3 (I) A CASE OR PROCEEDING BEFORE A COURT OR GRAND JURY  
4 ARISING OUT OF THE INVESTIGATION OR ANY PROCEEDING BEFORE A STATE  
5 AGENCY INVOLVING THE MATERIAL HAS BEEN COMPLETED; OR

6 (II) A CASE OR PROCEEDING IN WHICH THE MATERIAL MAY BE USED  
7 HAS NOT BEEN COMMENCED WITHIN A REASONABLE TIME AFTER  
8 COMPLETION OF THE EXAMINATION AND ANALYSIS OF ALL DOCUMENTARY  
9 MATERIAL AND OTHER INFORMATION ASSEMBLED IN THE COURSE OF THE  
10 INVESTIGATION.

11 (e) (I) IN THE EVENT OF THE DEATH, DISABILITY, OR SEPARATION  
12 FROM SERVICE IN THE DEPARTMENT OF LAW OF THE CUSTODIAN OF ANY  
13 DOCUMENTARY MATERIAL, ANSWERS TO INTERROGATORIES, OR  
14 TRANSCRIPTS OF ORAL TESTIMONY PRODUCED PURSUANT TO A CIVIL  
15 INVESTIGATIVE DEMAND UNDER THIS SECTION, OR IN THE EVENT OF THE  
16 OFFICIAL RELIEF OF THE CUSTODIAN FROM RESPONSIBILITY FOR THE  
17 CUSTODY AND CONTROL OF THE MATERIAL, ANSWERS, OR TRANSCRIPTS,  
18 THE ATTORNEY GENERAL SHALL PROMPTLY:

19 (A) DESIGNATE ANOTHER FALSE MEDICAID CLAIMS LAW  
20 INVESTIGATOR TO SERVE AS CUSTODIAN OF THE MATERIAL, ANSWERS, OR  
21 TRANSCRIPTS; AND

22 (B) TRANSMIT IN WRITING TO THE PERSON WHO PRODUCED THE  
23 MATERIAL, ANSWERS, OR TESTIMONY NOTICE OF THE IDENTITY AND  
24 ADDRESS OF THE SUCCESSOR SO DESIGNATED.

25 (II) A PERSON WHO IS DESIGNATED TO BE A SUCCESSOR UNDER  
26 THIS PARAGRAPH (e) SHALL HAVE, WITH REGARD TO THE MATERIAL,  
27 ANSWERS, OR TRANSCRIPTS, THE SAME DUTIES AND RESPONSIBILITIES AS

1 WERE IMPOSED BY THIS SECTION UPON THAT PERSON'S PREDECESSOR IN  
2 OFFICE; EXCEPT THAT THE SUCCESSOR SHALL NOT BE HELD RESPONSIBLE  
3 FOR ANY DEFAULT OR DERELICTION THAT OCCURRED BEFORE THAT  
4 DESIGNATION.

5 (10) **Judicial proceedings.** (a) WHENEVER A PERSON FAILS TO  
6 COMPLY WITH A CIVIL INVESTIGATIVE DEMAND ISSUED UNDER SUBSECTION  
7 (1) OF THIS SECTION, OR WHENEVER SATISFACTORY COPYING OR  
8 REPRODUCTION OF THE MATERIAL REQUESTED IN A DEMAND CANNOT BE  
9 DONE AND THE PERSON REFUSES TO SURRENDER THE MATERIAL, THE  
10 ATTORNEY GENERAL MAY FILE, IN A DISTRICT COURT FOR THE JUDICIAL  
11 DISTRICT IN WHICH THE PERSON RESIDES, IS FOUND, OR TRANSACTS  
12 BUSINESS, AND SERVE UPON THE PERSON A PETITION FOR AN ORDER OF THE  
13 COURT FOR THE ENFORCEMENT OF THE CIVIL INVESTIGATIVE DEMAND.

14 (b) (I) A PERSON WHO HAS RECEIVED A CIVIL INVESTIGATIVE  
15 DEMAND ISSUED UNDER SUBSECTION (1) OF THIS SECTION MAY FILE A  
16 PETITION FOR AN ORDER OF THE COURT TO MODIFY OR SET ASIDE THE  
17 DEMAND. THE PERSON SHALL FILE THE PETITION IN A DISTRICT COURT FOR  
18 THE JUDICIAL DISTRICT WITHIN WHICH THE PERSON RESIDES, IS FOUND, OR  
19 TRANSACTS BUSINESS AND SHALL SERVE A COPY OF THE PETITION UPON  
20 THE FALSE MEDICAID CLAIMS LAW INVESTIGATOR IDENTIFIED IN THE  
21 DEMAND. IN THE CASE OF A PETITION ADDRESSED TO AN EXPRESS DEMAND  
22 FOR A PRODUCT OF DISCOVERY, THE PERSON MAY FILE A PETITION TO  
23 MODIFY OR SET ASIDE THE DEMAND ONLY IN THE DISTRICT COURT FOR THE  
24 JUDICIAL DISTRICT IN WHICH THE PROCEEDING IN WHICH THE DISCOVERY  
25 WAS OBTAINED IS OR WAS LAST PENDING. THE PERSON SHALL FILE A  
26 PETITION UNDER THIS SUBPARAGRAPH (I):

27 (A) WITHIN TWENTY DAYS AFTER THE DATE OF SERVICE OF THE

1 CIVIL INVESTIGATIVE DEMAND OR AT ANY TIME BEFORE THE RETURN DATE  
2 SPECIFIED IN THE DEMAND, WHICHEVER DATE IS EARLIER; OR

3 (B) WITHIN SUCH LONGER PERIOD AS MAY BE PRESCRIBED IN  
4 WRITING BY A FALSE MEDICAID CLAIMS LAW INVESTIGATOR IDENTIFIED IN  
5 THE DEMAND.

6 (II) THE PETITION SHALL SPECIFY EACH GROUND UPON WHICH THE  
7 PETITIONER RELIES IN SEEKING RELIEF UNDER SUBPARAGRAPH (I) OF THIS  
8 PARAGRAPH (b) AND MAY BE BASED UPON ANY FAILURE OF THE DEMAND  
9 TO COMPLY WITH THE PROVISIONS OF THIS SECTION OR UPON ANY  
10 CONSTITUTIONAL OR OTHER LEGAL RIGHT OR PRIVILEGE OF THE PERSON.  
11 DURING THE PENDENCY OF THE PETITION IN THE COURT, THE COURT MAY  
12 STAY, AS IT DEEMS PROPER, THE RUNNING OF THE TIME ALLOWED FOR  
13 COMPLIANCE WITH THE DEMAND, IN WHOLE OR IN PART; EXCEPT THAT THE  
14 PERSON FILING THE PETITION SHALL COMPLY WITH ANY PORTIONS OF THE  
15 DEMAND NOT SOUGHT TO BE MODIFIED OR SET ASIDE.

16 (c) (I) IN THE CASE OF A CIVIL INVESTIGATIVE DEMAND ISSUED  
17 UNDER SUBSECTION (1) OF THIS SECTION THAT IS AN EXPRESS DEMAND FOR  
18 A PRODUCT OF DISCOVERY, THE PERSON FROM WHOM THE DISCOVERY WAS  
19 OBTAINED MAY FILE A PETITION FOR AN ORDER OF THE COURT TO MODIFY  
20 OR SET ASIDE THOSE PORTIONS OF THE DEMAND REQUIRING PRODUCTION  
21 OF ANY PRODUCT OF DISCOVERY. THE PERSON SHALL FILE THE PETITION  
22 IN THE DISTRICT COURT FOR THE JUDICIAL DISTRICT IN WHICH THE  
23 PROCEEDING IN WHICH THE DISCOVERY WAS OBTAINED IS OR WAS LAST  
24 PENDING AND SHALL SERVE A COPY OF THE PETITION UPON THE FALSE  
25 MEDICAID CLAIMS LAW INVESTIGATOR IDENTIFIED IN THE DEMAND AND  
26 UPON THE RECIPIENT OF THE DEMAND. THE PERSON SHALL FILE A PETITION  
27 UNDER THIS SUBPARAGRAPH (I):

1 (A) WITHIN TWENTY DAYS AFTER THE DATE OF SERVICE OF THE  
2 CIVIL INVESTIGATIVE DEMAND OR AT ANY TIME BEFORE THE RETURN DATE  
3 SPECIFIED IN THE DEMAND, WHICHEVER DATE IS EARLIER; OR

4 (B) WITHIN SUCH LONGER PERIOD AS MAY BE PRESCRIBED IN  
5 WRITING BY THE FALSE MEDICAID CLAIMS LAW INVESTIGATOR IDENTIFIED  
6 IN THE DEMAND.

7 (II) THE PETITION SHALL SPECIFY EACH GROUND UPON WHICH THE  
8 PETITIONER RELIES IN SEEKING RELIEF UNDER SUBPARAGRAPH (I) OF THIS  
9 PARAGRAPH (c), AND MAY BE BASED UPON ANY FAILURE OF THE PORTIONS  
10 OF THE DEMAND FROM WHICH RELIEF IS SOUGHT TO COMPLY WITH THE  
11 PROVISIONS OF THIS SECTION OR UPON ANY CONSTITUTIONAL OR OTHER  
12 LEGAL RIGHT OR PRIVILEGE OF THE PETITIONER. DURING THE PENDENCY  
13 OF THE PETITION, THE COURT MAY STAY, AS IT DEEMS PROPER,  
14 COMPLIANCE WITH THE DEMAND AND THE RUNNING OF THE TIME ALLOWED  
15 FOR COMPLIANCE WITH THE DEMAND.

16 (d) AT ANY TIME DURING WHICH A CUSTODIAN IS IN CUSTODY OR  
17 CONTROL OF ANY DOCUMENTARY MATERIAL OR ANSWERS TO  
18 INTERROGATORIES PRODUCED, OR TRANSCRIPTS OF ORAL TESTIMONY  
19 GIVEN, BY A PERSON IN COMPLIANCE WITH A CIVIL INVESTIGATIVE  
20 DEMAND ISSUED UNDER SUBSECTION (1) OF THIS SECTION, THE PERSON,  
21 AND IN THE CASE OF AN EXPRESS DEMAND FOR ANY PRODUCT OF  
22 DISCOVERY, THE PERSON FROM WHOM THE DISCOVERY WAS OBTAINED,  
23 MAY FILE A PETITION FOR AN ORDER OF THE COURT TO REQUIRE THE  
24 PERFORMANCE BY THE CUSTODIAN OF ANY DUTY IMPOSED UPON THE  
25 CUSTODIAN BY THIS SECTION. THE PERSON SHALL FILE THE PETITION IN  
26 THE DISTRICT COURT FOR THE JUDICIAL DISTRICT WITHIN WHICH THE  
27 OFFICE OF THE CUSTODIAN IS SITUATED AND SHALL SERVE A COPY OF THE

1 PETITION UPON THE CUSTODIAN.

2 (e) WHENEVER A PETITION IS FILED IN A DISTRICT COURT UNDER  
3 THIS SUBSECTION (10), THE COURT SHALL HAVE JURISDICTION TO HEAR  
4 AND DETERMINE THE MATTER SO PRESENTED AND TO ENTER SUCH ORDER  
5 OR ORDERS AS MAY BE REQUIRED TO CARRY OUT THE PROVISIONS OF THIS  
6 SECTION. A FINAL ORDER SO ENTERED SHALL BE SUBJECT TO APPEAL  
7 UNDER SECTION 13-4-102, C.R.S. ANY DISOBEDIENCE OF A FINAL ORDER  
8 ENTERED BY A COURT UNDER THIS SECTION SHALL BE PUNISHED AS A  
9 CONTEMPT OF THE COURT.

10 (f) THE COLORADO RULES OF CIVIL PROCEDURE SHALL APPLY TO  
11 A PETITION UNDER THIS SUBSECTION (10) TO THE EXTENT THAT THE RULES  
12 ARE CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

13 (11) **Disclosure exemption.** ANY DOCUMENTARY MATERIAL,  
14 ANSWERS TO WRITTEN INTERROGATORIES, OR ORAL TESTIMONY PROVIDED  
15 UNDER A CIVIL INVESTIGATIVE DEMAND ISSUED UNDER SUBSECTION (1) OF  
16 THIS SECTION SHALL BE EXEMPT FROM DISCLOSURE UNDER SECTION  
17 24-72-203, C.R.S.

18 (12) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
19 OTHERWISE REQUIRES:

20 (a) "CUSTODIAN" MEANS THE CUSTODIAN, OR ANY DEPUTY  
21 CUSTODIAN, DESIGNATED BY THE ATTORNEY GENERAL UNDER PARAGRAPH  
22 (a) OF SUBSECTION (9) OF THIS SECTION.

23 (b) "DOCUMENTARY MATERIAL" MEANS THE ORIGINAL OR A COPY  
24 OF A BOOK, RECORD, REPORT, MEMORANDUM, PAPER, COMMUNICATION,  
25 TABULATION, CHART, OR OTHER DOCUMENT, OR DATA COMPILATIONS  
26 STORED IN OR ACCESSIBLE THROUGH COMPUTER OR OTHER INFORMATION  
27 RETRIEVAL SYSTEMS, TOGETHER WITH INSTRUCTIONS AND ALL OTHER

1 MATERIALS NECESSARY TO USE OR INTERPRET THE DATA COMPILATIONS,  
2 AND ANY PRODUCT OF DISCOVERY.

3 (c) "FALSE MEDICAID CLAIMS LAW" MEANS:

4 (I) THIS SECTION AND SECTIONS 25.5-4-303.5 TO 25.5-4-308; AND

5 (II) ANY LAW ENACTED BEFORE, ON, OR AFTER THE EFFECTIVE  
6 DATE OF THIS SECTION THAT PROHIBITS OR MAKES AVAILABLE TO THE  
7 STATE IN A COURT OF THE STATE A CIVIL REMEDY WITH RESPECT TO A  
8 FALSE MEDICAID CLAIM AGAINST, BRIBERY OF, OR CORRUPTION OF AN  
9 OFFICER OR EMPLOYEE OF THE STATE.

10 (d) "FALSE MEDICAID CLAIMS LAW INVESTIGATION" MEANS AN  
11 INQUIRY CONDUCTED BY A FALSE MEDICAID CLAIMS LAW INVESTIGATOR  
12 FOR THE PURPOSE OF ASCERTAINING WHETHER A PERSON IS OR HAS BEEN  
13 ENGAGED IN A VIOLATION OF A FALSE MEDICAID CLAIMS LAW.

14 (e) "FALSE MEDICAID CLAIMS LAW INVESTIGATOR" MEANS AN  
15 ATTORNEY OR INVESTIGATOR EMPLOYED BY THE DEPARTMENT OF LAW  
16 WHO IS CHARGED WITH THE DUTY OF ENFORCING OR CARRYING INTO  
17 EFFECT A FALSE MEDICAID CLAIMS LAW OR AN OFFICER OR EMPLOYEE OF  
18 THE STATE ACTING UNDER THE DIRECTION AND SUPERVISION OF THE  
19 ATTORNEY OR INVESTIGATOR IN CONNECTION WITH A FALSE MEDICAID  
20 CLAIMS LAW INVESTIGATION.

21 (f) "PERSON" MEANS A NATURAL PERSON, PARTNERSHIP,  
22 CORPORATION, ASSOCIATION, OR OTHER LEGAL ENTITY.

23 (g) "PRODUCT OF DISCOVERY" MEANS:

24 (I) THE ORIGINAL OR DUPLICATE OF A DEPOSITION,  
25 INTERROGATORY, DOCUMENT, THING, RESULT OF THE INSPECTION OF LAND  
26 OR OTHER PROPERTY, EXAMINATION, OR ADMISSION, ANY ONE OF WHICH  
27 IS OBTAINED BY A METHOD OF DISCOVERY IN A JUDICIAL OR

1 ADMINISTRATIVE PROCEEDING OF AN ADVERSARIAL NATURE;

2 (II) A DIGEST, ANALYSIS, SELECTION, COMPILATION, OR  
3 DERIVATION OF AN ITEM LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH  
4 (g); AND

5 (III) AN INDEX OR OTHER MANNER OF ACCESS TO AN ITEM LISTED  
6 IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g).

7 **25.5-4-310. Medicaid false claims report.** (1) ON OR BEFORE  
8 JANUARY 15, 2012, AND ON OR BEFORE EACH JANUARY 15 THEREAFTER,  
9 THE ATTORNEY GENERAL SHALL SUBMIT A WRITTEN REPORT TO THE  
10 HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE  
11 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND TO  
12 THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY A REPORT  
13 CONCERNING CLAIMS BROUGHT UNDER THE "COLORADO MEDICAID FALSE  
14 CLAIMS ACT" DURING THE PREVIOUS FISCAL YEAR. THE REPORT SHALL  
15 INCLUDE, BUT NOT BE LIMITED TO:

16 (a) THE NUMBER OF ACTIONS FILED BY THE ATTORNEY GENERAL;

17 (b) THE NUMBER OF ACTIONS FILED BY THE ATTORNEY GENERAL  
18 THAT WERE COMPLETED;

19 (c) THE AMOUNT THAT WAS RECOVERED IN ACTIONS FILED BY THE  
20 ATTORNEY GENERAL THROUGH SETTLEMENT OR THROUGH A JUDGMENT  
21 AND, IF KNOWN, THE AMOUNT RECOVERED FOR DAMAGES, PENALTIES, AND  
22 LITIGATION COSTS;

23 (d) THE NUMBER OF ACTIONS FILED BY A PERSON OTHER THAN THE  
24 ATTORNEY GENERAL;

25 (e) THE NUMBER OF ACTIONS FILED BY A PERSON OTHER THAN THE  
26 ATTORNEY GENERAL THAT WERE COMPLETED;

27 (f) THE AMOUNT THAT WAS RECOVERED IN ACTIONS FILED BY A

1 PERSON OTHER THAN THE ATTORNEY GENERAL THROUGH SETTLEMENT OR  
2 THROUGH A JUDGMENT AND, IF KNOWN, THE AMOUNT RECOVERED FOR  
3 DAMAGES, PENALTIES, AND LITIGATION COSTS, AND THE AMOUNT  
4 RECOVERED BY THE STATE AND THE PERSON; AND

5 (g) THE AMOUNT EXPENDED BY THE STATE FOR INVESTIGATION,  
6 LITIGATION, AND ALL OTHER COSTS FOR CLAIMS RELATED TO THE  
7 "COLORADO MEDICAID FALSE CLAIMS ACT".

8 **SECTION 13. Safety clause.** The general assembly hereby finds,  
9 determines, and declares that this act is necessary for the immediate  
10 preservation of the public peace, health, and safety.