

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 4, 2010
Date

Committee on Health and Human Services.

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

SB10-167 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 6, line 5, strike "~~inequitable~~," and substitute
2 "inequitable,".
- 3 Page 6, line 6, strike "impracticable." and substitute "impracticable;
4 EXCEPT THAT NO ACTION SHALL BE TAKEN AGAINST A RECIPIENT OF
5 MEDICAL SERVICES IF THE OVERPAYMENT OCCURRED THROUGH NO FAULT
6 OF THE RECIPIENT.".
- 7 Page 7, line 19, strike "25.5-4-309" and substitute "25.5-4-310".
- 8 Page 9, strike lines 9 through 20.
- 9 Page 11, strike lines 3 through 11.
- 10 Page 11, line 12, strike "(i)" and substitute "(g)" and strike "(h)" and
11 substitute "(f)".
- 12 Page 11, line 18, strike "FINDS, BY CLEAR AND CONVINCING" and
13 substitute "FINDS".
- 14 Page 11, line 19, strike "EVIDENCE,".
- 15 Page 13, line 26, after "(2)," insert "THE FEDERAL FALSE CLAIMS ACT, OR
16 ANY SIMILAR PROVISION OF THE LAWS OF ANY OTHER STATE,".

- 1 Page 15, strike lines 11 through 17 and substitute "CONDUCT THE ACTION.
- 2 IF THE STATE SO REQUESTS, IT".

- 3 Page 20, line 2, strike "INTIMIDATED, SUED, DEFAMED,".

- 4 Page 20, line 4, strike "EMPLOYMENT, CONTRACT, BUSINESS, OR" and
- 5 substitute "EMPLOYMENT".

- 6 Page 20, line 5, strike "PROFESSION".

- 7 Page 20, strike lines 9 through 27.

- 8 Page 21, strike lines 1 through 19.

- 9 Page 21, line 20, strike "(II)" and substitute "(b) (I)".

- 10 Page 21, line 26, after "PAY;" insert "AND".

- 11 Page 21, strike line 27.

- 12 Page 22, strike lines 1 through 6.

- 13 Page 22, line 7, strike "(C)" and substitute "(B)".

- 14 Page 22, line 10, strike "(III)" and substitute "(II)".

- 15 Page 22, strike lines 12 through 27.

- 16 Strike page 23.

- 17 Page 24, strike lines 1 through 20.

- 18 Page 46, after line 24 insert:

- 19 **"25.5-4-310. Medicaid false claims report.** (1) ON OR BEFORE
- 20 JANUARY 15, 2012, AND ON OR BEFORE EACH JANUARY 15 THEREAFTER,
- 21 THE ATTORNEY GENERAL SHALL SUBMIT A WRITTEN REPORT TO THE
- 22 HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE
- 23 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND TO
- 24 THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY A REPORT

1 CONCERNING CLAIMS BROUGHT UNDER THE "COLORADO MEDICAID FALSE
2 CLAIMS ACT" DURING THE PREVIOUS FISCAL YEAR. THE REPORT SHALL
3 INCLUDE, BUT NOT BE LIMITED TO:

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

5 (b) THE NUMBER OF ACTIONS FILED BY THE ATTORNEY GENERAL
6 THAT WERE COMPLETED;

7 (c) THE AMOUNT THAT WAS RECOVERED IN ACTIONS FILED BY THE
8 ATTORNEY GENERAL THROUGH SETTLEMENT OR THROUGH A JUDGMENT
9 AND, IF KNOWN, THE AMOUNT RECOVERED FOR DAMAGES, PENALTIES, AND
10 LITIGATION COSTS;

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

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

15 (f) THE AMOUNT THAT WAS RECOVERED IN ACTIONS FILED BY A
16 PERSON OTHER THAN THE ATTORNEY GENERAL THROUGH SETTLEMENT OR
17 THROUGH A JUDGMENT AND, IF KNOWN, THE AMOUNT RECOVERED FOR
18 DAMAGES, PENALTIES, AND LITIGATION COSTS, AND THE AMOUNT
19 RECOVERED BY THE STATE AND THE PERSON; AND

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

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