

NOTE: The governor signed this measure on 4/8/2013.

An Act

HOUSE BILL 13-1068

BY REPRESENTATIVE(S) Young, Fields, Ginal, Labuda, Rosenthal, Schafer, Stephens, Ferrandino;
also SENATOR(S) Roberts, Aguilar, Jahn, Kefalas, King, Newell, Todd.

CONCERNING ON-SITE INSPECTIONS OF MEDICAID PROVIDERS.

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

SECTION 1. In Colorado Revised Statutes, 25.5-4-301, **add** (14) as follows:

25.5-4-301. Recoveries - overpayments - penalties - interest - adjustments - liens - review or audit procedures.
(14) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY:

(a) (I) THE STATE DEPARTMENT, OR THE STATE DEPARTMENT'S DESIGNATED AGENT, SHALL CONDUCT PRE-ENROLLMENT AND POST-ENROLLMENT SITE VISITS OF PROVIDERS WHO ARE DESIGNATED AS MODERATE OR HIGH CATEGORICAL RISKS TO THE MEDICAID PROGRAM. THE PURPOSE OF THE SITE VISIT IS TO VERIFY THAT THE INFORMATION SUBMITTED TO THE STATE DEPARTMENT IS ACCURATE AND TO DETERMINE COMPLIANCE WITH FEDERAL AND STATE ENROLLMENT REQUIREMENTS.

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

(II) AS ESTABLISHED IN RULES PROMULGATED BY THE STATE BOARD, THE STATE DEPARTMENT MAY WAIVE PRE-ENROLLMENT AND POST-ENROLLMENT SITE VISITS OF PROVIDERS IF THE SITE VISITS ARE CONDUCTED BY MEDICARE OR OTHER FEDERALLY DESIGNATED ENTITIES.

(III) A PROVIDER IS DESIGNATED AS A LIMITED, MODERATE, OR HIGH CATEGORICAL RISK PURSUANT TO THE MEDICARE PROGRAM AND FEDERAL REGULATIONS. IF A PROVIDER IS NOT DESIGNATED IN A RISK CATEGORY PURSUANT TO THE MEDICARE PROGRAM AND FEDERAL REGULATIONS, THE PROVIDER'S RISK CATEGORY SHALL BE ESTABLISHED PURSUANT TO RULES PROMULGATED BY THE STATE BOARD.

(b) A PROVIDER ENROLLED IN THE MEDICAID PROGRAM SHALL PERMIT THE CENTERS FOR MEDICARE AND MEDICAID SERVICES OR ITS AGENT OR DESIGNATED CONTRACTORS AND THE STATE DEPARTMENT OR ITS AGENT TO CONDUCT UNANNOUNCED, ON-SITE INSPECTIONS OF ANY AND ALL PROVIDER LOCATIONS. PAYMENT FOR ANY AGENT DESIGNATED BY THE STATE DEPARTMENT TO PERFORM ON-SITE INSPECTIONS SHALL NOT BE BASED ON ANY RECOVERIES PAID TO THE STATE DEPARTMENT BY A PROVIDER FOR VIOLATIONS DISCOVERED AS A RESULT OF THE ON-SITE INSPECTION.

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.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

John P. Morse
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO