

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 19, 2013
Date

Committee on Public Health Care & Human Services.

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

HB13-1068 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

5 **25.5-4-301. Recoveries - overpayments - penalties - interest -**
6 **adjustments - liens - review or audit**
7 **procedures.** (14) NOTWITHSTANDING ANY PROVISION OF THIS SECTION
8 TO THE CONTRARY:

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

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

20 (III) A PROVIDER IS DESIGNATED AS A LIMITED, MODERATE, OR
21 HIGH CATEGORICAL RISK PURSUANT TO THE MEDICARE PROGRAM AND
22 FEDERAL REGULATIONS. IF A PROVIDER IS NOT DESIGNATED IN A RISK
23 CATEGORY PURSUANT TO THE MEDICARE PROGRAM AND FEDERAL

1 REGULATIONS, THE PROVIDER'S RISK CATEGORY SHALL BE ESTABLISHED
2 PURSUANT TO RULES PROMULGATED BY THE STATE BOARD.

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

12 **SECTION 2. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety."

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