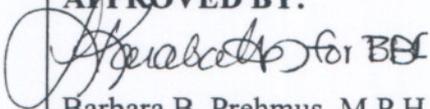


<b>Colorado Department of Health Care Policy and Financing</b> <b>1570 Grant St., Denver, CO 80203-1818</b>	<b>NUMBER:</b> HCPF 07-012
	<b>CROSS REFERENCE:</b>
<b>DIVISION OR OFFICE:</b> Medical Assistance Office	<b>DATE:</b> 3/30/2007
<b>SUBJECT AREA:</b> Benefits Coordination	
<b>SUBJECT:</b> CBMS Accident Liability Screen	<b>APPROVED BY:</b>  Barbara B. Prehmus, M.P.H.
<b>TYPE:</b> I - Information    P - Procedure	

*HCPF Agency Letters can be accessed online at:  
[www.chcpf.state.co.us](http://www.chcpf.state.co.us) >>Reference Material >>Agency Letters*

**Purpose:**

The purpose of this agency letter is to notify County Departments of Social/Human Services and Medical Assistance sites that a new accident liability screen will be available in CBMS beginning April 16, 2007 and to provide rules and procedures regarding this accident liability screen.

**Background:**

42 U.S.C. Section 1396a(25) provides that a State or local agency administering a Medicaid plan will take all reasonable measures to ascertain the legal liability of third parties to pay for care and services available under the plan, including the collection of sufficient information to enable the State to pursue claims against such third parties, with such information being collected at the time of any determination or redetermination of eligibility for medical assistance, and that in any case where such a legal liability is found to exist after medical assistance has been made available on behalf of the individual and where the amount of reimbursement the State can reasonably expect to recover exceeds the costs of such recovery, the State will seek reimbursement for such assistance to the extent of such legal liability.

Section 25.5-4-301 (5)(a), C.R.S. (2006) gives the Department an automatic statutory lien when a third party is liable for the medical assistance furnished to or on behalf of a Medicaid recipient.

10 C.C.R. 2505-10, Section 8.061.32 states that County department staff shall report any and all possible cases of this type involving a Medicaid client to the State Department. Specific information regarding the case should be provided whenever known. This includes date and nature of the accident, injuries sustained, name and address of potentially liable third party, name and address of client's attorney.

In light of the U.S. Supreme Court decision *Arkansas Department of Health and Human Services et al. v. Ahlborn*, 126 S. Ct. 1752 (2006), the state must now actively participate in settlement discussions, mediations and arbitrations.

**Procedure or Information:**

Attachment A

**Effective Date:**

April 16, 2007

**Contact Persons:**

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Attachment: Screen prints of accident liability screen.