

1.010 FINANCE AND ACCOUNTING

The incorporation by reference (as indicated within) throughout section 1.010 excludes later amendments to, or editions of, the referenced materials. Pursuant to C.R.S. § 24-4-103(12.5) the State Department maintains copies of this incorporated text in its entirety available for public inspection during regular business hours, at: Colorado Department of Health Care Policy and Financing, ~~1570 Grant Street, Denver, CO 80203-303 E. 17th Ave Denver, CO 80203.~~ Certified copies of incorporated materials are provided at cost upon request.

Incorporated materials are found in the following sections: ~~1.010.1, 1.010.3(4), 1.010.12(3)(a), 1.010.14(1), 1.010.14(2), 1.010.14(4), 1.010.14(4)(a), 1.010.14(4)(a)(i), 1.010.14(4)(b), 1.010.14(4)(c), 1.010.14(4)(d), 1.010.1, 1.010.3(5), 1.010.5(2)(b), 1.010.7.H(4), 1.010.7.I(4), 1.010.7.K(2), 1.010.7.K(4), 1.010.7.M(3), 1.010.7.O(3), 1.010.8.A(1), 1.010.8.B, 1.010.8.E(1), 1.010.8.F(3), and 1.010.8.H(1)-(5).~~

1.010.1 Definitions

Please be advised that the definitions set forth in 1.010.1 also apply to 1.020.

The following definitions are used in this rule manual, unless the context otherwise requires.

2 C.F.R. Part 200, the Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, also known as Uniform Guidance, is the federal uniform administrative requirements, cost principles, and audit requirements for federal awards such as Medical Assistance and was officially adopted by the US Department of Health and Human Services on September 27, 2024. 2 C.F.R. Part 200 (2025) is hereby incorporated by reference.

Accounts Receivable are recoveries that may be due the County Department of Social/Human Services for, but not limited, to the following: Overpayment of a benefit or benefits, Ineligibility for a benefit or benefits, Fee for service provided, Overpayment to a Vender of goods, Provider of service, or Employee.

Allowable Medical Assistance Expenditures are those which the Colorado Department of Health Care Policy and Financing deems are allowed or required.

Applicable Credits refer to those receipts or reductions of Medical Assistance expenditure-type transactions that offset or reduce expense items as Direct or Indirect Costs. Examples of such transactions are: Purchase discounts, rebates or allowances, recoveries or indemnities on losses, insurance refunds or rebates, aAdjustments of overpayments, or erroneous charges. To the extent that such credits accrue to or are received by the County Department of Social/Human Services and relate to allowable costs, they shall be credited to the Colorado Department of Health Care Policy and Financing and/or the appropriate federal award as a reduction of Medical Assistance expenditures.

Applicant is any individual who has applied for benefits under the Programs of Medical Assistance administered or supervised by the Colorado Department of Health Care Policy and Financing, in accordance with the provisions of Section C.R.S. § 25.5-4-103, C.R.S.

Appointing Authority is the person with the direct authority and responsibility for appointment of employment, disciplinary action, promotion of, and or discharge of employment, over another person.

Appropriation means the authorization by ordinance or resolution of a spending limit for Medical Assistance expenditures and obligations for specific purposes, in accordance with the provisions of Section C.R.S. § 29-1-102, C.R.S.

~~Appropriations Account is a budgetary account that represents the total authorized Medical Assistance expenditures for a current fiscal period.~~

Approving Authority is the person with direct authority and responsibility for reviewing and approving of another's activities or requests for payment of expenses.

Arms-length Bargaining means both parties to a Contract have relatively equal powers of negotiation upon entering into the Contract. Neither party has a disproportionate amount of power to strong-arm the other party.

A-Business Process Standard is a structured guideline that defines minimum requirements for how core activities must be carried out to address/promote consistency in the timely and accurate delivery of benefits and quality customer service to Coloradans seeking or renewing Medical Assistance coverage. Business Process Standards will be developed in collaboration between the State Department and County Departments and must account for the varying sizes of County Departments. Nothing in Business Process Standards precludes best practices being developed above these minimum standards.

Capital Medical Assistance Expenditure shall be the cost of the asset including the cost to put it in place. Capital Medical Assistance ~~E~~xpenditure for equipment means the net invoice price of the equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as ~~taxes~~, duty, freight, and installation may be included in, or excluded from, capital Medical Assistance expenditure cost in accordance with the County Department of Social/Human Services' accounting policies.

Capitalized Equipment is tangible personal property that has an acquisition cost of more than \$5,000.00, which is not a permanent part of a building and does not lose its identity through incorporation into a more complex unit.

Capital Lease transfers to the lessee substantially all of the benefits and risks related to ownership of the property. The lessee records the leased property as an asset and establishes a liability for the lease obligation.

Cash means the cash account(s) of the County Department, all ~~trust accounts~~, all petty cash accounts and any other cash accounts maintained.

Cash Reconciliation means the treasurer/bank balance shall be agreed to the general ledger cash balance using an outstanding warrant list and possibly other identifiable reconciling items.

~~Catalog of Federal Domestic Assistance Number (CFDA) means a five-digit number assigned in the awarding document to most grants and cooperative agreements funded by the Federal government. The CFDA number for Medicaid is 93.778 and the CFDA for the Children's Health Insurance Program is 93.767.~~

Chart of Accounts is a numbered list of accounts that gives order and consistency to a bookkeeping system. Common terminology and classifications shall be used consistently throughout the budget, the accounts, and the financial reports of the fund.

Colorado Benefits Management System (CBMS) is the computer system that determines an Applicant's eligibility for Medical Assistance (Medicaid eligibility determination system).

Colorado Department of Local Affairs means the agency to which the Board of County Commissioners submits the annual County Department of Social/Human Service budget.

Colorado Government Human Services Financial Officer's Association (CGHSFOA) improves the practice of governmental finance and accounting and develops closer relationships and understanding among those concerned with public human service finance in Colorado.

Colorado Human Services Directors Association (CHSDA) is a nonprofit association representing the County Department of Social/Human Services directors from across the state of Colorado.

Commercial Lodging is a hotel, motel, resort or public inn as defined in ~~Section C.R.S. § 44-3-103, C.C.R. § 101-1: Rule 5-1.2.14 C.R.S.~~ or a bed and breakfast as defined in ~~Section C.R.S. § 39-1-102, C.R.S.~~

Commitment Vouchers as defined by State of Colorado Fiscal Rules, 1 C.C.R. § 101-1:Rule 3-1 (2024), which is hereby incorporated by reference, include any approved form of purchase order, ~~C~~contract, travel authorization, advice of employment, ~~g~~Grant ~~c~~Contract, license agreement, parking license agreement and other written authorization for disbursements which satisfy the requirements in a document providing the following:

1. A description of goods or services being purchased or other reasons for the disbursement of funds;
2. The amount to be paid;
3. The obligation is being charged to the appropriate account; and
4. That procurement requirements have been satisfied.

Contract means a mutually binding legal relationship obligating the seller to furnish the supplies or services and the buyer to pay for them. It includes all types of commitments that obligate the government to a ~~Medical Assistance~~ expenditure of appropriated funds and that, except as otherwise authorized, are in writing.

Contractor is an entity that receives a Contract, as defined in (2 C.F.R. § 200.123), which is hereby incorporated by reference. A ~~C~~contractor provides goods and services within normal business operations, ~~O~~perates in a competitive environment, and, ~~P~~provides goods and services that are ancillary to the operation of the federal program.

Corrective Action means action taken by an auditee that corrects identified deficiencies.

~~Cost Allocation Methodology is a system of principles, practices, and procedures that identify the: Types of services provided, Cost of each service, Reasonable basis of allocation for each type of service which will produce an equitable distribution of costs, Cost objective(s), and Appropriate mathematical computation to make a rational allocation of costs.~~

Cost Allocation Plan is a systematic and rational allocation of all administrative costs and a narrative description of the procedures that will be used in identifying, measuring and allocating all administrative costs to the benefiting programs and activities.

Cost Objective is a program, grant, organizational subdivision, function, ~~C~~contract or other activity for which costs are being accumulated.

Cost Pool is an aggregation of costs for subsequent allocation to another cost pool or a cost objective.

Costs are expenses incurred, either directly or indirectly. Costs include such items as ~~l~~Labor, ~~m~~Material, ~~s~~Supplies, ~~r~~Rent or building charges, ~~o~~Operating expenses, and ~~a~~Administrative expenses that might properly be assigned to a project or program. It does not include transfers to a general fund or similar fund.

County Board of Social/Human Services or County Board means the county's Board of County Commissioners, county board of social or human services or district board of social or human services

except in the case of the City and County of Denver or the City and County of Broomfield, this means the city and county board with responsibility for Medical Assistance and related activities.

County Department of Social/Human Services or County Department means the county department of social or human services or district department of social or human services, except in the case of the City and County of Denver or the City and County of Broomfield, this means the department or agency responsible for Medical Assistance and related activities.

County Department Director means the director of the County Department of Social/Human Services or district department of social/human services. ~~The County Department Director can delegate Social/Human Services functions to a designee so long as the County Department Director is ultimately responsible for those delegated functions and the County Department maintains written documentation of the delegation.~~

County means a ~~C~~ounty or a city and ~~C~~ounty.

County Financial Management System (CFMS) means the financial system of record to report all county Medical Assistance expenditures to the State Department.

Data refers to all books, papers, maps, photographs, or other documentary materials regardless of physical form. Data may be in hard copy form, microfiche, electronic, or other form.

Deferred Revenue means a revenue collected but not yet earned.

Direct Costs are those ~~C~~osts that can be specifically and readily identified with a program, grant, function, contract, or other activity.

Disability - According to federal ~~R~~egulations, a person is considered to have a ~~D~~isability if s/he: 1) has a physical, communication, or mental impairment which substantially limits one or more major life activities; 2) has a record of such an impairment, or 3) is regarded as having such an impairment. Such impairments may include, but are not limited to, blindness, deafness, paraplegia, contagious diseases, etc.

Disbursement is any decrease in fund resources.

Double-entry Accounting is a method of accounting that recognizes the duality of a transaction. Any change in one account also causes a change in another account.

Eligibility and Enrollment Collaboration Agreement ("Collaboration Agreement"): A formal agreement between a County Department and an external entity to facilitate eligibility and enrollment utilizing existing processes and resources.

Eligibility and Enrollment Cost Sharing Agreement ("Cost Sharing Agreement"): A formal agreement between a County Department and an external entity to facilitate eligibility and enrollment leveraging cost sharing procedures that allow the external entity to pay the state and county share of ~~C~~osts to facilitate potential onsite placement of County Department personnel.

Equipment shall be an article of non-expendable, tangible personal property having a cost, which equals the lesser of the capitalization level established by the County Department of Social/Human Services for financial statement purposes, or \$~~5~~10,000.00.

~~Estimated Revenues Account is a budgetary account that represents the total anticipated revenues expected to be available during the fiscal year on a budgetary basis.~~

Executive Director means the ~~E~~xecutive ~~D~~irector of the Colorado Department of Health Care Policy and Financing.

Expenditure, which are Medical Assistance expenditures, represented by is a decrease in fund resources other than through inter-fund transfer.

Federal Award means federal financial assistance and federal cost-reimbursement ~~C~~ontracts that non-federal entities receive directly from federal awarding agencies or indirectly from pass-through entities.

Federal Financial Assistance means assistance that non-federal entities receive or administer in the form of grants, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance, but does not include amounts received as reimbursement for services rendered to individuals as:

1. Medicare payments (payments to a non-federal entity for providing patient care services to Medicare eligible individuals), and
2. Medicaid payments (payments to a ~~Subrecipients~~sub-recipient for providing patient care services to Medicaid eligible individuals) unless a state requires the funds to be treated as federal awards expended because reimbursement is on a cost-reimbursement basis.

Fiscal Year for a County Department of Social/Human Services is the period covered by the County Department appropriations for social/human services funds and shall be the calendar year, which coincides with the County Department fiscal year. The fiscal year covered by the Colorado Department of Health Care Policy and Financing appropriations and allocations to the counties shall be July through June. The fiscal year covered by the federal grants in aid shall be October through September. Federal projects may cover fiscal years other than the federal fiscal year and will be specified in the terms of the project.

Fund is an accounting entity which owns assets and incurs liabilities. This means the social/human services fund in each County Department must be accounted for separately from any other funds in the County Department. The assets, including Cash, must be identified as assets of this fund.

General Ledger is a book or computer database that contains a full set of accounts. It should be in balance at all times with aggregate debits equaling aggregate credits.

Generally Accepted Accounting Principles (GAAP) are uniform minimum standards of and guidelines to financial accounting and reporting. Adherence to GAAP assures that financial reports of all state and local governments—regardless of jurisdictional legal provisions and customs—contain the same types of financial statements and disclosures, for the same categories and types of funds and activities, based on the appropriate measurement and classification criteria as amended by the meaning specified by the Financial Accounting Standards Board (FASB). The FASB is a private, non-profit organization standard-setting body whose primary purpose is to establish and improve Generally Accepted Accounting Principles within the United States in the public's interest. They encompass a wide spectrum of accounting guidelines, ranging from basic concepts and standards to detailed methods and procedures. The priority sequence of sources that an entity should look to for accounting and reporting guidance is discussed in the Statement of Federal Financial Accounting Standards (SFFAS) 34, The Hierarchy of Generally Accepted Accounting Principles for Federal Entities, Including the Application of Standards Issued by the Financial Accounting Standards Board (2020), which is hereby incorporated by reference. Governmental Accounting Standards Board (GASB) 34 pronouncements.

~~Governmental Auditing Standards: The Comptroller General of the United States issues Generally Accepted Governmental Auditing Standards. They are the standards for audits of governmental organizations, programs, activities and functions, and of governmental assistance received by contractors, nonprofit organizations and other nongovernmental organizations. They are more commonly~~

Indirect Costs relate to a cost incurred that cannot be specifically and readily identified with a cost objective and therefore must be allocated on some basis of imputed benefit. Indirect Costs are more commonly known as the Costs of administration.

Internal Control is a process affected by an entity's board of directors, management, and other personnel that is designed to provide reasonable assurance regarding the achievement of objectives in the following categories: a) reliability of financial reporting, b) effectiveness and efficiency of operations, and c) compliance with applicable laws and Regulations.

The above definition reflects certain fundamental concepts as stated in the US Government Accountability Office Standards for Internal Controls in the Federal Government (the "Green book") revised September 202214:

1. Internal controls are a process. It is a means to an end, not an end in itself. People affect internal controls. It is not policy manuals and forms, but people at every level of an organization.
2. Internal control can be expected to provide only reasonable, not absolute assurance, to an entity's management and board.
3. Internal Control comprises five interrelated components:
 - a. Control Environment: The people - their individual attributes, including integrity, ethical values and competence - and the environment in which they operate. They are the engine that drives the entity and the foundation on which everything rests.
 - b. Risk Assessment: Mechanisms that identify, analyze, and manage related business and operating risks.
 - c. Control Activities: Control policies and procedures must be established and implemented to help ensure that the actions identified by management as necessary to address risks and obtain the specified goals are effectively carried out. Policies and procedures should be reviewed on a periodic basis by management.
 - d. Information and Communication: Surrounding these activities are information and communication systems. These enable the County Department of Social/Human Services to capture and exchange the information needed to conduct, manage and control their operations.
 - e. Monitoring: The entire process must be monitored and modifications made as necessary. In this way, the system can react dynamically, changing as conditions warrant.

Inventory means a physical identification and count and/or to provide a list of items.

~~Less than arms-length Transactions include, but are not limited to, those where one party is able to control or substantially influence the actions of the other.~~

Management Decision Letter means the evaluation by the federal awarding agency, State Department or pass-through entity of the audit and/or review findings and corrective action plan and the issuance of a written decision as to what Corrective Action is necessary.

~~Maintenance of Effort is a requirement that a County Department of Social/Human Services must maintain a specified level of financial effort in a specific area in order to receive federal grant funds.~~

Medical Assistance is defined in ~~section~~C.R.S. § 25.5-1-103, C.R.S.

Medical Services Board means the state board authorized to act in accordance with the provisions of ~~Section~~C.R.S. § 25.5-1-301, C.R.S.

Member is a generic term for an individual or group of individuals who receives any assistance from the County Department of Social/Human Services whether it is in the form of cash, non-cash or services.

~~Non-capital Medical Assistance Expenditure is one that is less than \$5,000.00 (or a lesser threshold amount set by the County Department) or an operating expense not expected to benefit future periods.~~

Nursing Facility is a state-certified institution that provides 24-hour medical and nursing care, rehabilitation, and other health-related services.

Partisan refers to any election in which any one of the candidates for office is nominated or elected representing a political party whose candidates for presidential election received votes at the last preceding election at which presidential electors were selected.

Pass-through Entity (PTE) is a non-federal entity that provides a ~~subaward~~Subaward to one or more ~~subrecipients~~Subrecipients to carry out part of a federal ~~program~~Program. The State Department is the PTE for the Medical Assistance Program.

Payroll means a list of Medical Assistance expenditures and/or disbursements that are similar in nature or object of expenditure. An employee ~~P~~payroll listing wages, with the amounts due to each employee, is an example of a ~~P~~payroll. A listing of Old Age Pension benefits payable to eligible OAP members is another type of ~~P~~payroll. Such lists become vouchers when certified and approved.

Personal Property is property such as machinery, ~~E~~equipment, or furniture that is not real property.

Post-audit is the examination and verification of Medical Assistance expenditures after reimbursement with ~~s~~State and/or federal funds.

~~Pre-audit is the examination and verification of expenditures before reimbursement with State and/or federal funds.~~

Procurement Card, also known as a p-card or credit card, is a simplified purchasing process which allows employees to quickly and efficiently purchase without involving the accounts payable process.

Program is a generic term for any “social services”, “assistance payments,” “payments under the Colorado Medical Assistance Act,” or a specific function or activity.

~~Program Accessibility is achieved when an entity has all of its services, programs, or activities, when viewed in its entirety, accessible to and usable by persons with disabilities.~~

Provider is any person, public or private institution, agency, or business concern enrolled under the state Medical Assistance program to provide medical care, services, or goods and holding a current valid license or certificate to provide such services or to dispense such goods.

~~Questioned Cost means a cost that is questioned by an auditor because of an audit finding: (1) Which resulted from a violation or possible violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the use of federal funds, including funds used to match federal funds; (2) Where the costs, at the time of the audit, are not supported by~~

~~adequate documentation; or (3) Where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.~~

Random Moment Sampling is the federally approved cost allocation method that documents the efforts expended in support of programs in order to receive reimbursement for the Medical Assistance expenditures.

Real Property is land and generally anything erected on, growing on, or attached to land, for instance, a building.

Reasonable Timeline is as much time as reasonable, and within the sole discretion of the State Department, given the context of the request being made to the County Department being made.

~~Recipient Agency means a non-federal entity that expends federal awards received directly from a federal awarding agency to carry out a federal program.~~

Recipient means any individual or group of individuals who is receiving or has received benefits from Programs of Medical Assistance administered or supervised by the Colorado Department of Health Care Policy and Financing, in accordance with the provisions of Section C.R.S. § 25.5-4-103 (21), C.R.S.

Regulation is a Rule or order issued by an executive authority or regulatory agency of a government and having the force of law.

Reimbursable Medical Assistance Expenditures are supported in whole or in part by state general fund, federal (Pass Through) or a combination of state and federal money.

~~Revenue Medical Assistance Expenditure is one that benefits only the current year and is treated as an expense to be matched against revenue; it is less than \$5,000.00 or a lesser amount established by the County Department and the expenditure is not for land, a building or a permanent part of a building and does not lose its identity through incorporation into a more complex unit.~~

Rule is an agency statement of general applicability and future effect implementing, interpreting, or declaring law or policy or setting forth the procedure or practice requirements of any agency. Rule includes Regulation.

Signature includes both physical signatures and electronic signatures, which means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record, as set forth in: C.R.S. § 24-71-101. In any written communication in which a signature is required or used, any party to the communication may affix a signature by use of an electronic signature that complies with the requirements of C.R.S. § 24-71.3-101.

Social/Human Services Fund is a fiscal and accounting entity with a self-balancing set of accounts recording Cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

~~Social Services are services and payments for services available, directly or indirectly, through the County Department or through State designated agencies, where applicable, for the benefit of eligible persons.~~

State Department means the Colorado Department of Health Care Policy and Financing.

Subaward is an award provided by the pass-through entity to a Ssubrecipient for the purpose of carrying out a portion of the federal award and creates a federal financial assistance relationship with a Ssubrecipient, as set forth in: 2 C.F.R. § 200.331, which is hereby incorporated by reference.

Subrecipient means a non-federal entity that expends federal awards received from a pass-through entity to carry out a federal Program, but does not include an individual that is a beneficiary of such a Program. A Subrecipient may also be a Recipient of other federal awards directly from a federal awarding agency. Guidance on distinguishing between a Subrecipient and a Contractor is provided in ~~the Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards~~ 2 C.F.R. § 200.330-331 and ~~US Department of Health and Human Services 45 CFR Section 75.351—Uniform Administrative Requirements, Cost Principles and Audit Requirements for HHS Awards.~~ County Departments of Social/Human/Social Services are Ssubrecipients for the Medical Assistance Program.

~~Subaward is an award provided by the pass through entity to a subrecipient for the purpose of carrying out part of a federal award received by the pass through entity. A subaward does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. The form of agreement for a subaward is a grant (2 CFR § 200.92-1 and 45 CFR part 75).~~

Training Function is a meeting, conference, or other function which is held to enhance staff knowledge or to educate customers of the county that are affected by the county department operations or regulations.

Transportation is travel by commercial airline, railroad, bus, taxicab, cCounty-owned, or personally-owned automobile or any other means of conveyance.

~~Trial Balance is a list of all open accounts in a ledger and their balances. The debits and credits should be in balance at all times. It provides a summary that can be used in making later adjusting and closing entries before financial statements are prepared.~~

~~Trust Accounts may result from activity of a foster care, child support enforcement, adult protective or any other activity when a County Department employee is given the responsibility as representative payee for a member's financial affairs. Trust account funds typically come from a member's income from SSA, SSI, Railroad Retirement, Veterans Affairs, court ordered lump sum settlements, or child support enforcement activities. Trust accounts maintained by the County Department imply a high degree of fiduciary responsibility.~~

~~Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, Commonly referred to as the "Uniform Guidance" issued in 2014. It supersedes requirements from all previous OMB Circulars and applies to all Federal awards except those under the federal department of Health and Human Services.~~

Vendor generically means a dealer, distributor, merchant, or other seller providing goods or services that are required for the conduct of a federal Program. These goods or services may be for an organization's own use or for the use of beneficiaries of the federal Program. Additional guidance on distinguishing between a Subrecipient and a Vendor is provided in in 2 C.F.R. § 200.331 ~~Office of Management and Budget (OMB) Circular A133, Audits of States, Local Governments and Non-Profit Organizations.~~

1.010.2 Purpose and Scope

These Rules are the fiscal Rules for County Departments concerning Medical Assistance and the administration of that assistance including but not limited to fiscal internal controls, financial reporting, accounting and auditing.

The Colorado Department of Health Care Policy and Financing's Finance and Accounting Manual consists entirely of Executive Director Rules as allowed by Section C.R.S. § 25.5-1-108, C.R.S.

1.010.3 Board of County Commissioners

1. Board of County Commissioners Responsible for Appropriating up to Twenty Percent Share

As per ~~Section C.R.S. § 25.5-4-206 and C.R.S. § 26-1-122(1)(a)–C.R.S.~~, the ~~B~~board of ~~C~~county ~~C~~ommissioners for each county shall annually appropriate as provided by law the funds necessary to defray up to the county twenty percent share of the overall cost of Medical Assistance administration and related activities delivered in the county, including the ~~C~~costs allocated to the administration of each, and shall include in the tax levy the funds appropriated for that purpose. Such appropriation shall be based upon the County Department budget prepared by the County Department Director.

2. Board of County Commissioners Responsible for Availability of up to Twenty Percent Share

Additional funds shall be made available by the ~~B~~board of ~~C~~county ~~C~~ommissioners if the county funds so appropriated prove insufficient to defray up to the county twenty percent share of actual costs for Medical Assistance administration.

3. Approval of the County Department Budget

The ~~B~~board of ~~C~~county ~~C~~ommissioners approves the final County Department budget ~~and makes a county levy to provide the necessary money to defray the local share of amounts appropriated~~ for administration of Medical Assistance payments eligibility determination and the administration of the County Department.

4. Distribution of the Budget

No later than thirty days following the beginning of the calendar year, the Bboard of Ccounty Ccommissioners shall file the budget adopted pursuant to C.R.S. § 29-1-108, including the budget message, with the Colorado Department of Local Affairs, as set forth in C.R.S. § 29-1-113.

~~4. Send a Copy of the Approved Budget to the Colorado Department of Health Care Policy and Financing~~

~~A copy of the Approved final budget shall be submitted to the Colorado Department of Health Care Policy and Financing electronically to HCPF_Audit@state.co.us as soon as the budget is approved or by January 1 of each year, whichever date is earlier.~~

~~5. Approval of the County Merit System Plan~~

~~On or before January 1 of each year, the board of county commissioners shall submit to the State Department a certification that the county merit system is in conformity with 9 CCR 2502-1, Volume 2 (2021), which is hereby incorporated by reference.~~

65. Liability Insurance

The ~~B~~board of ~~C~~county ~~C~~ommissioners shall purchase insurance for its officers, employees and agents that protects them against any liability for injuries or damages resulting from their negligence or other ~~tortious~~ conduct during the course of their service or employment. The ~~B~~board of ~~C~~county ~~C~~ommissioners can, in writing, assume the risk and the financial responsibility of a reasonable deductible.

76. Surety Bond or Insurance

A surety bond shall be purchased for the County Department Director and other County Department employees, who receive, disburse, handle or have access to currency, checks, money orders, and warrants. The bond shall be in favor of the County Department and be the greater of \$10,000 or 15% of the maximum value of ~~C~~ash and or cash-like items the County

Department Director and employees have access to during a year. In lieu of a surety bond, crime insurance coverage may be purchased. This can also be satisfied with liability insurance purchased through the Colorado Counties Casualty and Property Pool. The ~~B~~board of ~~C~~ounty ~~C~~ommissioners can, in writing, assume the risk and the financial responsibility of a reasonable deductible. This bonding requirement applies to any contractual employees having the same responsibilities.

7. Sign All Warrants

One member of the County Board shall have their ~~faesimile~~-Signature on all social/human services warrants. In the case of a ~~faesimile~~-Signature there shall be detailed written procedures that set forth accounting and fiscal internal controls surrounding the application of the ~~faesimile~~ Ssignature.

8. Approve All Medical Assistance Expenditures

Pursuant to C.R.S. § 30-11-107(b), the County Board shall review and approve all Medical Assistance expenses of the County.

9. Federal Compliance on Pass Through Funds and Establishment of Contract/Agreement Policies and Procedures

The County Board is responsible for establishing policies and procedures regarding entering into Contracts, grants, block grants, and other agreements binding on the county, and complying with applicable federal and state Pprogram laws and Rregulations even though the funds were passed through the State Department. Per C.R.S. § 30-11-107(1)(aa), the County Board may delegate its power to enter into such Ccontracts and agreements where amounts specified comply with limits and requirements set forth in such policies and procedures.

910. Financial Statements and Reporting

The County Board is ultimately responsible for appointing a designee for the preparation, content, completion and/or distribution of materially correct financial statements of the social/human services fund. Pursuant to C.R.S. § 30-11-121, such person shall serve at the pleasure of the County Board.

a. Financial Reports Follow Generally Accepted Governmental Accounting Principles

Each monthly reporting period shall be regarded as an integral part of the fiscal year. Revenues shall be allocated to monthly reporting periods in accordance with generally accepted governmental accounting principles. Medical Assistance expenditures, such as salaries and operating expenditures, shall be allocated to interim periods in which they were incurred. Arbitrary assignment to a monthly period shall not be allowed.

b. Financial Reports Come from the General Ledger

The county general ledger and supporting systems to the general ledger shall be the system used to record the county financial information and the system from which standard reports shall be prepared and forwarded to the County Board of Social/Human Services.

11. Responsibility for Fiscal Medical Assistance Record Retention

The County Board shall retain all necessary and complete fiscal Medical Assistance records retained for audit purposes and ensure that adequate prior years' Medical Assistance expenditure

documents are maintained for use in the budgeting process. Fiscal Medical Assistance Records include but are not limited to general ledger, accounting source documents, personnel and Payroll records, time sheets, and canceled checks.

a. Three years of financial records from the date of the submission of the final financial report will be retained for other federally-fundedfederally funded Pprograms. Exceptions to the records retention requirement:

i. If litigation or audit began prior to when the three-year period expires, records are retained until resolution or final action is taken.

ii. State Department notifies the County Board in writing to extend the retention period.

iii. Records are transferred to the federal agency.

102. Responsibilities for County-wide Functions/Reporting

The County Board shall ensure that countywide functions and/or reporting responsibilities normally administered by a department other than social/human department services are fulfilled. Authority can be delegated; however, the County Department Director retains ultimate responsibility for these activities.

11. Responsible for Overseeing the Maintenance and Utilization of the County Department Accounting System

The County Board shall be responsible for overseeing the maintenance and utilization of the County Department accounting system.

a. Financial Reports Follow Generally Accepted Governmental Accounting Principles

Each monthly reporting period shall be regarded as an integral part of the fiscal year. Revenues shall be allocated to monthly reporting periods in accordance with generally accepted governmental accounting principles. Expenditures, such as salaries and operating expenditures, shall be allocated to interim periods in which they were incurred. Arbitrary assignment to a monthly period shall not be allowed. The County Department Director shall submit these monthly reports to the County Board within 60 calendar days of the end of each month.

b. Financial Reports Come from the General Ledger

The county general ledger and supporting systems to the general ledger shall be the system used to record the county financial information and the system from which standard reports shall be prepared and forwarded to the County Board of Social/Human Services.

c. Quarterly Financial Reports

Pursuant to section 1.010.5(3)(e)4(7)(e) of these rules, the County staff shall be responsible for submitting at a minimum quarterly financial reports to the Board of County Commissioners. These financial reports shall be available for use by county executive management and their respective staffs for planning purposes and decision-making.

1.010.4 Financial and Budgetary Responsibilities of the County Department Director

1. Responsibility for ~~Administrative Internal Control and~~ Accounting and Fiscal Internal Control:

The County Department Director is responsible for organizing staff functions to assure adequate control and safeguards for all Cash, fixed assets and negotiable items (~~cash, bonds, securities, etc. checks and money orders~~.) handled by, stored in or used in the County Department and establish appropriate fiscal internal controls and separation of duties.

a. Fiscal Internal Control Activities

Fiscal internalInternal control activities include, but are not limited to, reviews by the County Department ~~d~~Director or high level financial staff member of actual performance, controls over information processing, physical controls over vulnerable assets, ~~establishment and review of performance measures and indicators~~, segregation of duties, proper execution of transactions, accurate and timely recording of transactions, and access restrictions to and accountability for resources and records.

2. Budgetary Responsibility

a. Budget Preparation

As part of the county budget, the County Department Director shall prepare a County Department budget and submit this to the County Board for approval.

b. Annual Budgets

The County Department Director shall be responsible for estimating future needs of the County Department as accurately as possible, utilizing all available data, ~~including economic and census forecasts. The estimates are to be supported by documentation and a narrative supporting the budget. The budget shall estimate revenues from all sources based on the most current information. County Department revenue shall be sufficient to maintain an appropriate surplus from year to year. The County Department Director is responsible for initiating requests to County Board for changes in the County Department.~~

~~c. Distribution of the Budget~~

~~The County Department Director shall submit the original budget request to the County Board and as many copies as it may need. A copy of the approved final budget shall be submitted to the State Department, Audits Section, Denver CO 80203-1818 or HCPF_Audit@state.co.us no later than February 15 of each year. The budget shall be submitted to the board of county commissioners no later than October 15 of each year.~~

~~dc.~~ Spending Within Budgeted Appropriations

The County Department Director shall be responsible for assuring that Medical Assistance expenditures do not exceed appropriations and for controlling the county fund balance at all times. If the County Department Director anticipates overspending, this should be communicated to the State Department prior to the over expenditure for Medical Assistance occurs.

~~ed.~~ Quarterly Budget Reports to Commissioners

~~The County Department Director, or designee shall be responsible for timely submitting quarterly reports to the Board of County CommissionersCommissioners concerning:~~

- i)~~2~~ ~~A budget report containing a comparison of calendar year-to-date expenditures to calendar year-to-date county appropriations,~~
- ii)~~2~~ ~~A budget report containing a comparison of calendar year-to-date earned revenues to calendar year-to-date county estimated revenues,~~
- iii)~~2~~ ~~A budget report containing a comparison of State fiscal year-to-date expenditures to State fiscal year-to-date allocations from the State Department, and~~
- iv)~~2~~ ~~Interim Balance Sheet and Statement of Net Assets.~~

~~fd.~~ Budget Revisions

The County Department Director shall be responsible for initiating requests to the County Board for changes in the County Department budget.

~~e.~~ Delegation of County Department Director Fiscal Responsibilities

The County Department Director can delegate fiscal responsibilities to a County designee so long as the County Department Director is ultimately responsible for those delegated functions and the County Department maintains written documentation of the delegation.

1.010.5 County Treasurer

1. County Treasurer Shall Act As Custodian

Pursuant to C.R.S. § 26-1-123, ~~t~~The County Treasurer shall be the treasurer and custodian of the social/human services fund and shall disburse money from the fund only upon distinct County Department warrants drawn by the person duly appointed by the County Board.

~~2.~~ Bank Accounts External to County Treasurer's Office Bank Accounts

To prevent unauthorized closures and access, bank accounts external to the County Treasurer's Office, which consist of contain County match dollars intended for federal and state reimbursement, are not permitted.

~~3.2~~ County Treasurer's Reports

The County Treasurer, or county entity acting as the County Treasurer, shall prepare a monthly report to the County Department Director and the County Board, which indicates a beginning balance of Ccash, the amount of monies deposited into the social/human services fund each month, the warrants redeemed by the treasurer or designated redemption entity each month, and an ending Ccash balance. Alternate forms of tracking the monthly amounts of Ccash through a redemption entity are also accepted. One example of this is the use of a zero balance account(s) where the balance of this account(s) at any point in time is the amount of unredeemed warrants.

~~34.~~ No County Treasurer's Fee for Social/Human Services Fund

The County Treasurer, or county entity acting as the County Treasurer, shall not collect any fee for the collection or deposit of any monies into the county social/human services fund.

1.010.6 Chart of Accounts

A chart of account ~~numbering~~ system shall reflect the order of the Statement of Net Assets/Balance Sheet and Statement of Activity/Statement of Revenues and Expenditures accounts. The ~~numbering~~structure

shall start with the accounts that go into current assets, the first section of the balance sheet, and end with the last category of expenses in the income statement.

1.010.7. General Ledger

1. Double-Entry General Ledger

Each county social/human services fund shall maintain a double-entry general ledger system that is the basis for the accounting system and for financial reporting. The general ledger shall be the location in which all of the active accounts are collected.

2. General Ledger in Balance

The general ledger shall be in balance at all times, with aggregate debits equaling aggregate credits.

3. ~~Qualified~~~~Experienced~~ Staff to Maintain ~~and Utilize the County Department~~the Accounting System

Only county staff experienced in bookkeeping and accounting shall maintain ~~and utilize the County Department~~the accounting system for the county social/human services fund.

4. Subsidiary Journals

Subsidiary journals shall be maintained to support the general ledger.

5. Postings Are to Be Current

The accounting system shall be kept current. Each month's ~~Medical Assistance~~ transactions shall be recorded to the general ledger as soon as possible after all information is received concerning receipts, expenditures, disbursements, ~~electronic benefit authorizations~~, actual revenue, ~~and deferred revenue~~~~and estimated revenue~~, for a month.

6. Budgetary Accounts

The budget amounts for each calendar year shall be entered in the county general ledger or budget system used by the county. The amounts noted shall reflect the final budget as approved by the ~~B~~oard of ~~C~~ounty ~~C~~ommissioners or other governing body with authority to approve the budget. If the budget is subsequently revised, the amounts by program shall be posted to the appropriation and estimated revenue accounts.

1.010.8. Financial Statement Reporting

1. Prepare in Accordance with Generally Accepted Accounting Principles ~~(GAAP) issued by the Governmental Accounting Standard Board (GASB)~~

Financial statements shall be prepared in accordance with generally accepted ~~governmental~~ accounting principles ~~for government entities~~.

2. Reflect All Financial Activities

Financial statements shall reflect all of the financial activities of the County Department.

3. Additional Financial Reports

Additional reports to fully disclose the operations of the County Department shall be tailored to meet the County Department's needs and enhance the ability to make timely and accurate decisions. Reports shall include but are not limited to such items as: comparison of budget to actual for programs or organizational units; efficiencies and economies in operations; and the results of specific programs and activities, as reflected in accomplishments, benefits, and effectiveness; and compliance with grant requirements and administrative policies.

1.010.9. Accounting and Fiscal Internal Controls

1. Personnel Responsible for ~~Internal~~ Accounting and ~~Fiscal~~Administrative Internal Controls

The County Board, the County Department Director, County Department managers and supervisors, and employees are all responsible for the ~~fiscal internal~~ accounting and ~~administrative-fiscal internal~~ control processes within and surrounding the County Department.

a. Signature Authority

The County Department shall identify those persons authorized to sign or approve specific documents for another person. The County Department Director shall approve of such listings that shall contain the name(s) and of those persons delegated ~~S~~signature authority.

b. ~~—Adequate and Appropriate~~ Personnel

There shall be personnel of quality, integrity, and experience commensurate with their assigned responsibilities.

c. Access to Assets

There shall be restrictions permitting access to assets only by authorized persons in the performance of their assigned duties.

2. Written Plan of Accounting and Fiscal Internal Controls

The county is responsible for establishing and maintaining Aa documented written plan of accounting ~~controls~~ and ~~administrative~~fiscal internal controls plan that shall be on file at the County Department. This plan shall reflect the current operations of the County Department and shall provide for but not be limited to the following:

a. Accounting and ~~Administrative-Fiscal Internal Controls~~ Procedures

There shall be adequate authorization and procedures to provide effective accounting control over assets, liabilities, revenues, and expenditures.

b. Continuous Review of the ~~Plan of Internal~~ Accounting and ~~Administrative~~Fiscal Internal Controls Plan.~~Controls~~

There shall be an effective process of internal review and adjustment for changes in operating conditions.

c. Purchasing or Procurement Cards (P-Cards)

If the County Department utilizes a p-card program, Tththe County Department Director is responsible for establishing and maintaining written department-specific ~~Pp-Card-card~~ program policies and procedures that include, but are not limited to, purchasing

approvals, accounting controls, cardholder compliance and training for employees participating in the ~~Pp-Card-card~~ program.

3. Separation of Duties

There shall be fiscal internal control procedures that include the appropriate separation of duties such as, but not limited to the following:

a. Separation of Duties for the Receipt and Recording of Cash

The same employee shall not receive Cash, record the receipt, deposit the funds, and make journal and/or ledger entries for Cash.

b. Separation of Duties for the Receipt of Negotiable Items and the Control of Negotiable Items

The same employee shall not receive negotiable items, dispense these items and control the repository and the inventory of them.

c. Separation of Duties, Ordering and Paying for Goods and Services

The same employee shall not order, receive, and process payment for goods and/or services. Orders for goods and/or services are to be approved in writing by the County Department Director ~~or the director's designee~~ prior to placing such orders. There shall be written approval from the County Department Director ~~or the director's designee~~ prior to payment being made for goods and services received.

4. Effectiveness and Efficiency of Operations

There shall be an appropriate balance between accounting ~~controls~~ and ~~administrative~~ fiscal internal controls, and the effectiveness and efficiency of operations.

5. Reliable Financial Reporting

There shall be systems in place for the accurate and timely compilation of financial reports.

6. Compliance with Applicable Laws and Regulations

There shall be a review process to ensure compliance with the many and varied laws, Rules and Regulations that are included with the administration of federal grants.

7. Official Receipts

a. Consecutively Numbered Receipt Book

County Departments shall maintain manual or automated receipt books with receipts numbered consecutively. Manual receipt books shall be pre-numbered.

b. Mail Listing of All Negotiable Items

There shall be a listing at the point the mail is opened for all negotiable ~~receipts~~ items. This mail listing shall be prepared by the person opening the mail and by someone other than the bookkeeper/accountant.

c. Restrictively Endorsed Negotiable Items

Each County Department shall have a restrictive endorsement stamp and each negotiable item shall be immediately stamped with a restrictive endorsement at the point the mail is opened.

d. Separation of Duties for Mail List Preparation and Receipt Writing

The preparation of the mail and the writing of receipts, whether automated or manual, shall be performed by different people. If possible, the monies shall be sent to another person for preparation of the deposit.

98. Deposit of All Cash

All ~~C~~cash or negotiable items made payable to the County Department shall be deposited directly into the social/human services fund.

a. Daily Deposit of All Cash Totaling \$500 or More

Monies shall be deposited daily unless the total amount received is less than \$500.00. Once the cumulative amount of monies received equals \$500 or more, it shall be deposited no later than the next business day. Sufficient security shall be provided to secure ~~C~~cash and negotiable items against theft or loss.

b. Cash Receipts Shall Equal Cash Deposits

The ~~C~~cash receipt total shall be the same as the amount deposited.

c. Reconcile the Mail List to the Receipts to the Deposits

At least at the end of each month, the mail listing and the listing of receipts shall be reconciled with the amount deposited and any differences shall be noted and reconciled.

d. Identification of Cash Receipts

At a minimum, ~~C~~cash receipts shall include information to distinguish Colorado Department of Health Care Policy and Financing remittances, county revenues, plus receipts from individuals, ~~V~~vendors, and other sources.

e. Maintain a Cash Receipts Journal

The county shall record the monies received for deposit into the social/human services fund on a ~~C~~cash receipts journal. The ~~C~~cash receipts journal shall record the receipt transactions for a calendar month.

f. Receipt of Negotiable Items Not Made Payable to the County Department

If the county must accept negotiable items made payable to others, the county shall initiate a procedure to record the county receipt of the negotiable item, the amount of the negotiable item, the sender, the payee, the reason the transaction must be handled in this way, and the date the negotiable item was forwarded to the payee. All available methods to eliminate or minimize these transactions shall be undertaken by the county.

9. Reconciliation of County Information with Statewide Financial Automated Systems

a. The county reimbursement or billing will be based on the information that is transmitted by the ~~se_county~~ statewide automated tracking systems to the ~~CFMSolorado Department~~

~~of Human Services financial reporting system.~~ The County Departments shall reconcile their own information with the Medical Assistance expenditures, reimbursements, and billing information documented in the statewide automated tracking systems and the State financial reporting system.

3b. Correct Coding of Information

The county shall correctly code all information reported to CFMS ~~the Colorado Department of Human Services and the Department of Health Care Policy and Financing.~~ These codes determine whether the Medical Assistance expenditure falls within budgetary allocations, disregards budgetary maximums or is a special project.

aj. Reimbursable and Non-Reimbursable Costs

Some Costs have a reimbursable portion and a non-reimbursable portion. The county shall split and appropriately code these Costs for reporting in the County Financial Management System CFMS.

c. Reporting of Refunds

All refunds collected for previously reimbursed Medical Assistance expenditures shall be reported in the CFMS County Financial Management System. This reporting shall follow the procedures of the statewide automated tracking systems and/or the financial reporting systems.

d. Over-collections

If the County Department collects more money from a payer than the amount established as due, a County Department warrant shall be issued to the payer to repay this over-collection within 340 business days of determining the over-collection.

1.010.4410. Balance Sheet Accounts

1. Social/Human Services Fund

A fund to be known as the social/human services fund shall be established and maintained in each of the counties of the State of Colorado.

a. Separate from Other Funds

The social/human services fund in each county shall be accounted for separately from any other funds in the county so that the cash balance in the social/human services fund can be determined at all times.

b. Special Revenue Fund

The social/human services fund shall be maintained as a special revenue fund and used to account for the proceeds of specific revenue sources that are legally restricted to Medical Assistance expenditures for specified purposes.

c. Includes All Medical Assistance

The social/human services fund shall include all money appropriated by the Board of County Commissioners for the County Department's administration of Medical

Assistance ~~eligibility and enrollment the County Department's administration~~ and related purposes.

- d. Includes All Colorado Department of Health Care Policy and Financing and Federal Funds

The social/human services fund shall include all money allotted, allocated, or apportioned to the county by the State Department. These funds are granted by the State of Colorado and by the federal government for Medical Assistance ~~administration and related purposes~~ eligibility and enrollment and related purposes and paid to the county by the State Department.

- e. Composition of the Social/Human Services Fund

The fund consists of:

- i.) Assets,
- ii.) Liabilities,
- iii.) Approved budget, and
- iv.) Fund balance (surplus or deficit of local revenues, both current and prior year).

2. Cash ~~and~~, Warrants ~~and Electronic Benefits Authorized~~

- a. Cash Reconciliation(s)

- i.) Performed within 30 ~~b~~Business ~~days~~ Days

All ~~C~~eash accounts are to be reconciled ~~each monthly~~ within 30 business days following the current month-end.

- ii. Warrants Redeemed List

A redeemed warrant listing(s) shall be retained or alternative procedures should be in place to reconcile the ~~C~~eash balance of the social/human services fund. The reconciliation of the fund shall be based on warrants written and warrants outstanding along with other reconciling items to agree the book balance of the ~~C~~eash in the account with the actual ~~C~~eash balance of the social/human services fund.

- iii.) Retain Redeemed Warrants

The redeemed warrants shall be retained, filed in numerical sequence or by date redeemed, and available for audit. A facsimile listing of redeemed warrants provided by the financial institution shall be acceptable.

- b. Date of Warrant Issue

The date of issue on a warrant must be on or before the date of mailing.

- i.) Delivery

On the established pay date, all member and ~~V~~vendor warrants shall be mailed to the last known address of the payee. Member and ~~V~~vendor warrants shall ~~only be not be~~ hand delivered to payees if the County Department has the appropriate internal Ceontrols in place. Employee compensation or employee travel reimbursement may be hand delivered with appropriate ~~l~~internal ~~C~~eontrol surrounding the delivery.

c. Warrant Redemption Period of 180 calendar Days

Each warrant drawn on and issued from the social/human services fund shall bear a notation clearly printed in a prominent position upon its face, stating that the warrant is void after a predetermined number of days, for example: "Void after 180 calendar -days from issue date."

i.) Exception to Rule

County Departments shall not have the option of using a time period longer than 180 calendar days for canceling warrants but may use a shorter period of time for cancellation of the warrants.

ii.) Canceling Warrants

Any warrants outstanding after the specified time period shall be canceled in accordance with the county internal control procedures or by resolution of the County Board at their next County Board meeting with the stipulation that should such warrant be presented for payment, a new warrant shall be issued.

iii.) Stale Dated Warrants

A stop-payment order will be issued to the County Treasurer or county redemption entity at the time the warrant cancellation resolution is passed.

d. Forged Warrants

i.) County Procedure

Disposition of the forged warrant shall follow whatever steps are available at the county level to recover the amount of the forged warrant.

ii.) Non-Reimbursable

The Medical Assistance expenditure as a result of a forged warrant is non-reimbursable. If the amount is collected (from the forger or through return through the banking system) the refund is not reported through the ~~County Financial Management System CFMS~~.

1.010.1311. Accounts Receivable

~~1. Conflict with Accounts Receivable Program Rules~~

~~If the accounts receivable rules of a program are in conflict with these financial rules, the program rules on accounts receivable shall be followed instead of this section 1.010.7.G.~~

21. Establish Accounts Receivable

The County Department shall establish recoveries due from ~~M~~members, ~~providers, vendors, and employees~~ for all ~~fiscal~~program and administrative areas in a manner consistent with ~~program rules~~10 C.C.R. § 2505-5 1.020.

32. Interest Payment on Delinquent Accounts Receivables

a. Statutory Interest

If permitted by ~~P~~program ~~R~~rules, a delinquent receivable not already assigned an interest rate may be assessed interest at the statutory rate as set by C.R.S. § 5-12-102, C.R.S.

b. Interest ~~Begins begins on 46Forty-Sixth Day after Notice~~after payment becomes due or from the date of mutual settlement

~~If no time for payment has been provided for in writing and interest is assessed, i~~nterest of eight percent per annum compounded annually can be collected for all monies after they become due, or money due on mutual settlement of accounts from the date of such settlement and on money due on account from the date when the same became due.

c. Interest Stated Separately

Interest liability incurred shall be presented on each billing statement as a separate amount from the original amount due.

43. Monthly Billing for Accounts Receivable

The billing shall be supported by the details of the amount owed, prepared by the County Department referencing the delinquent receivable, the number of days of interest to be paid if applicable, and the interest rate if applicable.

54. Aging Accounts Receivable

Each month every account receivable shall be aged in increments of 1-30 calendar days past due, 31-60 calendar days past due, 61-90 calendar days past due, and 91 or more calendar days past due.

a. Referral of Accounts Receivable to a Collection Agency

When a county has exhausted its collection resources on a claim, the claim shall be referred to a collection agency and written off.

57. Accounts Receivable Recorded in the General Ledger

The total amount of recoveries due shall be recorded in the county's general ledger accounting system. The account will be adjusted at a minimum each quarter, reflecting additional amounts due and collections received.

86. Accounts Receivable, Subsidiary Journal

The county shall maintain detailed subsidiary journals and the total of the subsidiary journals must equal the amount(s) recorded in the general ledger accounting system for accounts receivable.

1.010.142. Fixed Assets 2 C.F.R. Part 200 Subpart D Property Standards outlines insurance coverage and property standards for real property and Equipment acquired or improved with federal funds.

1. ~~County Responsibility~~

~~Each County Department shall be responsible for ensuring that all capitalized equipment is properly accounted for when acquired, annually inventoried, safeguarded throughout its useful life, and properly accounted for at the time of disposal.~~

1. 2. Inventory

The County Department shall be responsible for ~~an annual physical~~ inventory, at least every two years, of property, both real and personal, belonging to the County Department. An inventory shall be required only with respect to items of property having an original cost that equals or exceeds \$510,000.00. For control purposes a County Department may establish an amount less than \$510,000.00.

a. To maintain the federal identity of a capital asset, the County must properly track and account for the asset, ensuring it is clearly identified as a federal asset, and adhering to federal Regulations for its use and disposal. For example, the County may have a central property management database whereby county staff conduct a physical inventory, at least every two years; however, the County Department Director is responsible for accounting for assets funded by the Medical Assistance Program.

32. Property Records

Each County Department shall maintain detailed property records disclosing the:

- a. Serial number or another identification number
- b. Date acquired,
- ~~b.c.~~ Cost of the fixed asset or value at the time of donation,
- ~~c.d.~~ Specific ~~P~~program fund or ~~C~~cost ~~P~~pool used to acquire the fixed asset,
- ~~e.d.~~ Any alterations made to the fixed asset, and
- ~~f.e.~~ The physical location of the fixed asset.

3. Useful Life, Use and Disposal

a. Useful Life

The fixed asset acquired must be used by, and in, the County Department for the useful life of the asset. Useful life will be the same as defined by the Internal Revenue Service for straight-line depreciation for that class of asset as discussed in the Internal Revenue Manual 1.35.6, Property and Equipment Accounting (20192024), which is hereby incorporated by reference.

b. Use for the County Department

If the fixed asset is removed from tThe County Department must use the fixed asset for the program for which it was acquired and for as long as needed. The County

~~Department must not encumber the fixed asset without prior approval of the State Department. the County Department, sold or traded before the useful life is exhausted, the prorated cost of the remaining useful life is to be refunded to the original funding source for the asset.~~

c. Discontinuance of Asset or Program

~~If fixed assets were purchased for a Pprogram that has been discontinued or the asset is no longer needed, the assets may continue to be used for the benefit of the other federally-funded programs that are administered by the County Department must follow disposition instructions from the State Department and which will consist of retaining, selling, or transferring the title after compensating the State Department for the amount owed to the U.S. Department of Health and Human Services. This federal agency is entitled to an amount calculated by multiplying the percentage of the federal portion towards the original purchase by the current market value or proceeds from the sale/transfer. Tthe State Department will advise the County on where the credit should be posted. If the State Department fails to provide requested disposition instructions within 120 days, fixed assets with a current fair value in excess of \$10,000 per unit may be retained or sold by the County Department.~~

d. ~~Credit to the Original Funding Source~~

~~Upon fixed asset disposal, the trade-in value or scrap value is to be reported as a credit to the original funding source of the asset.~~

54. Recorded in the General Ledger

The total dollar amount of fixed assets shall be recorded in the general ledger and shall be supported by and agree to the detailed property records that disclose the funding source of the assets.

65. Donated Fixed Assets

Fixed assets donated to a County Department shall be recorded at the fair market value on the date of the gift and treated as purchased Equipment for inventory and accounting purposes.

76. Leased Fixed Assets With No Intent to Purchase

The fixed asset so acquired must be used by, and in, the County Department for the term of the lease.

a. Interest

Interest is allowable per the restrictions found in this rule manual, section 1.010.113.3.

b. Allowable Cost in a Sale and Leaseback

Costs under sale and leaseback arrangements are allowable only up to the amount that would be allowed had the County Department continued to own the fixed asset.

c. Limit on Amount of Reimbursement

Fixed assets rented by the county with no intent to purchase are reimbursable only up to the amount of the annual depreciation had the county purchased the asset.

87. Capital Lease of Fixed Assets

Costs under leases, ~~which are required to be treated as capital leases under generally accepted governmental accounting principles,~~ are allowable only up to the amount that would be allowed had the county purchased the fixed asset on the date the lease agreement was executed. This amount would include expenses such as depreciation or use allowance, maintenance, and insurance.

- a. No County shall enter into any financed purchase of an asset whose duration, including all optional renewal terms, exceeds the weighted average useful life of assets being financed, as set forth in C.R.S. 29-1-103(3)(e)(I).

1.010.1513. Revenue and Expenditures

1. County Tax Revenue

The county government, through the budget process, determines the amount of county tax revenue that will be deposited into the social/human services fund during a calendar year.

a. Apportioned Taxes

County tax revenue apportioned to the social/human services fund includes but is not limited to:

- i.) Levy on assessed valuation of property, and
- ii.) Specific ownership taxes.

b. Deposits are Revenues

The county shall record the actual deposits made each month to the social/human services fund from information furnished by the County Treasurer. No calculation of earned revenue from county sources is necessary month by month.

2. Miscellaneous Revenue

a. Revenue from Social/Human Services Costs

All revenue received by a county or County Department, as a result of part or all of the costs being borne by a social/human services ~~P~~program, shall be deposited into the social/human services fund.

b. Donations and Gifts

Unrestricted bequests, gifts or donations to the County Department are used as local revenue. If a restricted donation to the county is invested and the income from the investment is not restricted, such income is a source of local revenues.

3. State and/or Federal Revenue and Payables

a. Monthly Posting to the General Ledger

Accounting entries to record the County Department calculation of the monthly earned revenues and electronic benefit authorization payables shall be posted monthly to the county general ledger.

4. **1.010.14 Medical Assistance Expenditures And Allowable Versus Unallowable Costs**

a1. An Medical Assistance expenditure must benefit the Program for which it is incurred, meaning that any cost charged to Medical Assistance must be directly related to those that are necessary for achieving the specific goals and objectives of the federal Program, essentially ensuring that funds are used only for activities that are in accordance with Program guidelines and the 2 C.F.R. Part 200 Cost Principles.

1a. According to 2 CFR §200.403, eCosts are allowable if they are reasonable, necessary, and allocable to Medical Assistance, as set forth in 2 C.F.R. § 200.403, which is hereby incorporated by reference, and if they comply with funding statute and State Department requirements. 2 CFR § 200.403 is hereby incorporated by reference.

b. Medical Assistance Expenditures Shall Be Necessary and Reasonable

Medical Assistance Expenditures shall be necessary and reasonable for proper and efficient performance and administration. A cost is reasonable if, in its nature and amount, it meets all the following criteria

c Medical Assistance Expenditures Shall Be Compared to Market Prices for Reasonableness

i. Medical Assistance Expenditures shall be compared to the market prices for comparable goods or services as a test for reasonableness.

ii. Medical Assistance Expenditures Shall Be Ordinary and Necessary

Medical Assistance Expenditures shall be of a type generally recognized as ordinary and necessary for the operation of the governmental unit or the performance of the federal award.

iii. Medical Assistance Expenditures Shall Meet Standards Such as Sound Business Practices and Arms-Length Bargaining

Medical Assistance Expenditures shall have restraints or requirements imposed by such factors as: sound business practices; arms-length bargaining; federal, State and other laws and Regulations; and, terms and conditions of the State and/or federal award.

iv. Medical Assistance Expenditures Shall Be the Same as Would Be Incurred by a Prudent Person

Medical Assistance expenditures shall not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. A prudent person is one who considers their responsibilities to the governmental unit, its employees, the public at large, and the federal government.

d. Medical Assistance Expenditures Shall Be Allocable

Medical Assistance Expenditures that are allocable must benefit the federal Program to which they are being charged.

i. Relative Benefits Received

A Cost is allocable to a particular cost objective if the goods or services involved shall be chargeable or assignable to such cost objective in accordance with the relative benefits received.

ii. Cost Shifting to Fund Deficiencies

Any cost allocable to a particular federal award or cost objective shall not be charged to other federal awards to overcome fund deficiencies or to avoid restrictions imposed by law or terms of the federal awards, or for other reasons. However, this prohibition shall not preclude shifting costs that are allowable under federal and State laws for two or more awards in accordance with existing Program agreements.

2. Examples of Allowable versus Unallowable Costs

Per 2 C.F.R. Part 200 which is hereby incorporated by reference and includes each of the subsections of 2 C.F.R. Part 200 listed below, all of which are hereby incorporated by reference, the following list represents examples of allowable and unallowable costs; however, it is not meant to be comprehensive. These are intended to cover the most common types of costs incurred. Omission of a particular item does not indicate that it is allowable or unallowable.

a. Allowable costs are direct. The cost results in a direct benefit to Medical Assistance. The cost can be easily and accurately traced to Medical Assistance. Some indirect Costs are also allowed.

i. Advertising, as described in 2 C.F.R. § 200.421, which includes the recruitment of personnel, e.g. help wanted ads.

ii. Compensation for- personal services, as described in 2 C.F.R. § 200.430, which includes remuneration for enrollment and eligibility duties justified in a job description. The County Department must update job descriptions and use daily logs (100% time reporting) to specifically justify enrollment and eligibility work. Routine fiscal and budget activities do not fall under the compensation for personal services for enrollment and eligibility services.

iii. Compensation for fringe benefits, as described in 2 C.F.R. § 200.431, which includes fringe benefits for enrollment and eligibility workers that are reasonable and are required by law, an entity-employee agreement, or an established policy of the County Department.

iv. Conferences, as described in 2 C.F.R. § 200.432, which means an event to disseminate technical information to the County Department. Allowable Costs include rental of facilities, speakers' fees, attendance fees, cost of meals and refreshments, and local transportation.

v. Defense and prosecution of criminal and civil proceedings, claims, and appeals, as described in 2 C.F.R. § 200.435, which includes the service costs that bear a direct relationship to a judicial or administrative proceeding, provided by counsel, accountants, counsel, accountants, consultants, or others engaged to assist the

County Department before, during, or after the commencement of that proceeding.

- vi. Employee health and welfare costs, as described in 2 C.F.R. § 200.437, which includes Costs incurred in accordance with the County Department's written policies for improving employee health.
- vii. Depreciation, as described in 2 C.F.R. § 200.436, which can be claimed as an indirect cost on items with a unit cost of \$10,000 or more. Assets may be depreciated or claimed as cost sharing but not both. Depreciation may be calculated on the non-federal share of the asset. Depreciation is not allowed on assets that have outlived their depreciable lives.
- viii. Maintenance and repair, as described in 2 C.F.R. § 200.452, which includes utilities, insurance, security, necessary maintenance, janitorial services, repair, or upkeep of buildings and Equipment which neither add to the permanent value of property nor appreciably prolong its intended life but keep it in an efficient operating condition.
- ix. Materials and supplies, including costs of computing devices, as described in 2 C.F.R. § 200.453, that are necessary for the performance of the Medical Assistance Pprogram. Withdrawals from general stores or stockrooms must be charged to the federal Pprogram based on their actual net cost, using a consistent inventory valuation method in accordance with GAAP.
- x. Memberships, as described in 2 C.F.R. § 200.454, which includes memberships in business, technical, or professional organizations such as CGHSFOA and CHSDA.
- xi. Member participation, as described in 2 C.F.R. § 200.456, means support for Member participation in or attendance at Medical Assistance activities, such as Member engagements, conferences, or surveys facilitated by the County Department, and includes stipends, travel allowances, registration fees, temporary dependent care, and per diem paid directly to or on behalf of Members whose perspectives or input are sought as part of the federal Pprogram. These costs must be documented in the County Department's written policies and procedures and treated consistently across all federal awards.
- xii. Security, as described in 2 C.F.R. § 200.457, which includes the protection and security of facilities, personnel, and work products.
- xiii. Publication and printing, as described in 2 C.F.R. § 200.461, which includes electronic and print media.
- xiv. Telecommunication and video surveillance, as described in 2 C.F.R. § 200.471, which includes phones, internet, video surveillance and cloud servers, except for the prohibitions outlined under the procurement section at 1.010.15.

b. Unallowable Costs

An unallowable cost is an expense that cannot be charged to or reimbursed by the federal grant, regardless of whether they are reasonable or necessary. Costs must be directly related to the Medical Assistance Program activities and not be mixed with other, unrelated expenses.

- i. Direct funding provided by the County Department to the Applicant or Member; this includes any Costs that are billable as claims through the State Department claims payment system. Examples include gift cards or payments provided for Member needs such as diapers, gasoline, car repairs, meals/snacks, entertainment activities such as books/toys, rent, cell phone, medical equipment, etc.
- ii. Alcoholic beverages, as described in 2 C.F.R. § 200.423.
- iii. Single Audits, as described in 2 C.F.R. § 200.425, that fall under the \$1,000,000 threshold of federal expenditures.
- iv. Bad debts, as described in 2 C.F.R. § 200.426, which are debts determined to be uncollectible.
- v. Contributions and donations, as described in 2 C.F.R. § 200.434, which includes cash, property, and services from the County Department to other entities.
- vi. Entertainment and prizes, as described in 2 C.F.R. § 200.438, which includes amusement, social activities, gifts, or challenges.
- vii. Equipment and other capital expenditures as indirect Costs, as described in 2 C.F.R. § 200.439(b)(7).
- viii. Fines, penalties, damages and other settlements, as described in 2 C.F.R. § 200.441, which includes legal judgments and settlements against the County Department.
- ix. Fundraising and investment management, as described in 2 C.F.R. § 200.442, which includes solicitation of gifts and bequests and similar expenses to raise capital or obtain contributions.
- x. Goods or services for personal use of County Department employees, as described in 2 C.F.R. § 200.445, regardless of whether the cost is reported as taxable income to the employees.
- xi. Recruiting costs, as described in 2 C.F.R. § 200.463, which includes special emoluments, fringe benefits, and salary allowances incurred to attract professional personnel that do not meet the test of reasonableness.
- xii. Scholarships, student aid costs, and tuition, as described in 2 C.F.R. § 200.466, where the purpose of the federal award is not to provide training to participants and the federal agency has not approved the cost.
- xiii. Selling and marketing costs, as described in 2 C.F.R. § 200.467, which includes the selling and marketing of any Medical Assistance products or services.
- xiii. Travel insurance paid by the traveler is not allowable for reimbursement.

3. Proper Classification of Federal Match Enhanced and Non-Enhanced Activities

The Patient Protection and Affordable Care Act made additional funds available for specific activities related to Medical Assistance eligibility processing and determination activities. Those specific identified administrative activities relate to eligibility, enrollment, and supporting functions including customer service and other required functions that support eligibility and enrollment.

These activities are referred to as “enhanced” which means a higher federal reimbursement is provided. The table below describes the percentage of federal, state, and local share of expenses that qualify for the enhanced reimbursement.

a. Enhanced Activities

The following non-exhaustive list of Medical Assistance activities that can be categorized as enhanced and are reimbursable at the enhanced rate are listed below.

<u>Expense</u>	<u>Total Percentage</u>	<u>Federal Percentage</u>	<u>State Percentage</u>	<u>Local Percentage</u>
<u>Enhanced</u>	<u>100%</u>	<u>75%</u>	<u>15%</u>	<u>10%</u>

- i. Enrollment and eligibility work performed in CBMS and supported by job descriptions that accurately reflect the work being done.
- ii. Call center staff providing activities related to eligibility determination or on-going case maintenance and supported by job descriptions that accurately reflect the work being done.
- iii. IT staff setting up or maintaining workstations for enrollment and eligibility workers. Managing access and management of CBMS is a State Department function.
- iv. Interpreters who perform enrollment and eligibility support activities such as interpreting for Members in the enrollment and eligibility process for applications, recertifications, and case maintenance. This is supported by job descriptions or contractual agreements that accurately reflect the work being done.
- v. Supervisory or leadership responsibilities directly related to enrollment and eligibility processes such as intake, acceptance, eligibility determinations, on-going Cash maintenance, and customer services activities related to enrollment and eligibility activities.
- vi. Operating expenses such as cleaning, repairs and maintenance, telephone, travel, ADP equipment (printers, copiers, scanners), office space, and office supplies consumed by enrollment and eligibility workers, and those individuals that support or supervise this work. Office space must be calculated on actual space occupied by enrollment and eligibility staff and not be allocated based on an FTE percentage.

b. Non-enhanced Activities

All other Medical Assistance eligibility and enrollment activities that cannot be categorized as enhanced as outlined above are reimbursable at the non-enhanced rate. The following non-enhanced activities that cannot be categorized as enhanced are outlined below and are reimbursable at the non-enhanced rate. See the following table for the percentage of federal, state, and local share of expenses that qualify at the non-enhanced reimbursable rate.

<u>Expense</u>	<u>Total Percentage</u>	<u>Federal Percentage</u>	<u>State Percentage</u>	<u>Local Percentage</u>
<u>Non-Enhanced</u>	<u>100%</u>	<u>50%</u>	<u>30%</u>	<u>20%</u>

- i. Call center staff functions related to benefits, general beneficiary education, and plan choice, which are not functions delegated to the County Department.
- ii. Program integrity; once a case is determined eligible, the enrollment and eligibility portion are complete; therefore, this covers quality review, audit, and fraud activities.
- iii. Staff development and training.
- iv. Human resources and routine fiscal activities of accounting, finance, and budget staff activity or other staff, unless these employees complete enrollment and eligibility case activities or inquiries.
- v. Attorneys or legal staff involved in the enrollment and eligibility discussion or decision but not involved with CBMS.
- vi. Transportation is a post-eligibility activity which covers travel. For additional guidance, see section 1.010.17 on travel.
- viii. Security and shredding services are not directly related to enrollment and eligibility.
- ix. Repairs and maintenance on the County computer network and other equipment such as firewall monitoring, electronic fax system, text messaging service, telephone system, etc.
- x. Equipment and other capital Medical Assistance expenditures are unallowable as Indirect Costs as set forth in: 2 C.F.R. § 200.439, which is hereby incorporated by reference.
- xi. Outreach activities that relate to eligibility and enrollment, including personnel costs.

4. Prior Written Approval

Prior written approval for the Medical Assistance Pprogram means obtaining explicit, documented permission from the State Department before undertaking certain actions or incurring specific costs. This ensures that expenditures align with the federal Pprogram Rregulations, preventing potential disallowances or disputes.

To avoid disallowance, a County Department must seek prior written approval from the State Department for the following non-exhaustive list of activities in accordance with: 2 C.F.R. § 200.407, which is hereby incorporated by reference. Additional costs may also require prior written approval.

a. Cost Sharing

Acceptable contributions are verifiable in the County Departments records, are not included in any other federal Pprogram, are necessary and reasonable to achieve objectives, are allowable under the 2 C.F.R. Part 200 cost principles, and are not paid

directly or indirectly under another federal Program, as set forth in: 2 C.F.R. § 200.306, which is hereby incorporated by reference.

i. Depreciation on assets is permitted so long as the property is not counted toward meeting cost share requirements, as set forth in: 2 C.F.R. § 200.436, which is hereby incorporated by reference.

b. Program Income

Per 2 C.F.R. § 200.307, which is hereby incorporated by reference, Gross income earned by the County Department is directly generated as a result of the federal award. Program income must be expended prior to applying federal funds. 2 CFR § 200.307 is hereby incorporated by reference.

c. Equipment and other capital Medical Assistance expenditures

Assets consisting of general-purpose Equipment with a unit cost of \$10,000 or more, and capital improvements that materially increase their value or useful life, as set forth in: 2 C.F.R. § 200.439, which is hereby incorporated by reference.

d. Fundraising costs

Fundraising for the purpose of meeting the Medical Assistance Program objectives, as set forth in: 2 C.F.R. § 200.442, which is hereby incorporated by reference.

Expenditures, Basis of Claims for Reimbursement, and Factors Affecting Allowability of Costs

F

5. Factors Affecting Allowability of Costs

To be allowable for reimbursement under federal awards, 2 C.F.R. § 200.403 which is hereby incorporated by reference, Medical Assistance expenditures reported in the County Financial Management System CFMS shall meet the following general criteria:

a. Medical Assistance Expenditures Shall Have Consistent Treatment

A cost shall not be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the federal award as an indirect cost.

b. Medical Assistance Expenditures Shall Comply With GAAP

Medical Assistance expenditures must, except as otherwise required by 2 C.F.R. Part 200, which is hereby incorporated by reference, be determined in accordance with GAAP.

c. No Provision for Profit

Reimbursable Medical Assistance expenditures shall be based on actual cost with no provision for profit or increment above cost.

d. Medical Assistance Expenditures shall be based on Actual Costs

Reimbursable Medical Assistance expenditures shall be an actual cost and not a cost based on an average, allocated, anticipated or budgeted cost.

e. Medical Assistance Expenditures Shall Not Be Prohibited

Reimbursable Medical Assistance expenditures shall not be those prohibited under federal, State, or local, laws, Rules, and Regulations.

f. Medical Assistance Expenditure Policies, Regulations, and Procedures Shall Be Applied Uniformly

Reimbursable Medical Assistance expenditures shall be consistent with policies, regulations, and procedures that apply uniformly to State and federal awards and other activities of the county.

g. Medical Assistance Expenditures Shall Only Be Used Once as a Match

Medical Assistance expenditures shall not be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior period, except as specifically provided by federal law or Regulation.

h. Medical Assistance Expenditures Shall Be Net of Applicable Credits

i. Net of All Credits

Medical Assistance expenditures shall be claimed net of all credits, including but not limited to, volume and cash discounts, refunds, rental income, trade-ins, scrap sales, rebates or allowances, recoveries or indemnities on losses, insurance refunds, adjustments of overpayments, and erroneous charges.

6. Documentation of Medical Assistance Expenditures

To be allowable for reimbursement under federal awards, Medical Assistance expenditures reported in ~~the County Financial Management System~~ CFMSm shall meet the following criteria:

a. Documentation to Support Medical Assistance Expenditures

The authorization to purchase, documentation of the receipt of the goods or services, the Vendor's invoice, and a signed commitment voucher or signed approval to pay for each disbursement are documents supporting Medical Assistance expenditures and must be retained and available for audit purposes.

i.) Prior Authorization

Medical Assistance Expenditures shall have County Department be prior authorized evidenced by a signed requisition, purchase order, or similar form of prior authorization, as set forth in: 2 C.F.R. § 200.318, which is hereby incorporated by reference. ~~If the purchase is for a monthly recurring expense, a copy of the initial authorization shall be attached to the billing.~~

~~ii) — Different People Are Required for Ordering, for Receiving and for Processing Payment~~

~~The person ordering goods and/or services shall not be the same person receiving or the person processing the payment for them. Likewise, the person~~

~~receiving the goods/services shall not be the same person processing the payment for them.~~

iii. Receiving Reports

1.) ~~Proper Receiving Report~~

~~Medical Assistance~~ Expenditures shall be documented by evidence of the receipt of goods or services such as a receiving report or other supporting documentation signed by an employee authorized to receive the goods or services. A receiving report or other supporting documentation shall include; actual quantities received, any unsatisfactory condition, and compliance with specifications, prior to a voucher being processed for payment and shall be attached to the voucher packet.

iii. Verification of Vendor's Invoice

The Vendor's invoice must be verified by checking for proper purchase authorization, notation of receipt of goods/services, correct addition, and extensions. The invoice should be signed-approved either in hard copy or electronically by the person verifying its accuracy. Any discounts for prompt payment or volume purchase shall be reported as a credit or reduction of Medical Assistance expenditures.

iv.) Commitment Vouchers

No disbursement of funds shall be made unless the county approval process has been followed.

7. Employee Salary and Benefits

To be allowable for reimbursement under ~~f~~Federal awards, employee salary and benefits reported in the ~~County Financial Management System CFMS~~ shall meet the following criteria:

a. Documentation of Employee Salary and Benefits

The County Department Director and/or County Board will document employee salary, benefits, and withholdings on Ppayroll records. County Department ~~expenditures~~Medical Assistance expenditures payroll allowances shall be listed-supported on timesheets Ppayrolls separate from other county personnel costs. These Ppayrolls must be available for audit and retained as per Colorado Office of State Archives requirements set forth in C.R.S. § 24-80-102

i.) Documentation of Employee Salary and Benefits

County Departments shall have records documenting all personnel actions including, but not limited to, appointments and separations, employee salary level, transfers, demotions, funding changes, pay increases, promotions, terminations, title changes, attendance and leave records, longevity or other circumstances affecting employee compensation.

ii.) Controls Over Employee Salary and Benefits

Adequate controls shall be maintained to initiate changes in salary due to promotion, longevity or other circumstances affecting employee compensation.

b. Employee Wage Assignments

County Department employee wages are subject to execution, levy, attachment, garnishment, or other legal processes.

c. Leave Records

All County Departments shall maintain records of all leave both accrued and taken.

~~d. Standards for documentation of personnel expenses~~

~~Personnel expenses shall:~~

- ~~i.) Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable and properly allocated.~~
- ~~ii.) Reasonably reflect the total activity for which the employee is compensated not to exceed 100% of compensated activities~~
- ~~iii.) Have supporting documentation for the distribution of the employee salary or wages among specific activities or cost objectives. This includes personnel activity reports such as 100% time reporting, prescribed certifications or equivalent documentation that support the records as required by HHS Financial Guidance 45 CFR part 75, §20075.460 Compensation—personal services.~~

8. Reimbursements for Employee Training

~~ia.)~~ Training Purpose

~~Training not provided or required by the State Department as specified in section 1.020.43.3.c must include the following to be eligible for reimbursement:~~ Training ~~F~~unctions shall be held to achieve program objectives, develop employees, enhance employee's job performance, and shall be limited to reasonable and actual ~~C~~osts.

~~ii)b.~~ Training Attendance

The attendance of employees at ~~T~~training ~~F~~unctions shall include only those individuals related to the purpose of the function.

~~c.iii)~~ Training Functions Shall Be Documented

Training ~~F~~unctions shall have a written agenda, study materials, and be led by an identified presenter. ~~Training materials created or modified by the County Department that are related to the required trainings as listed in section 1.020.43.3.c must be approved by the State Department prior to the training being offered to County Department staff.~~

1.010.4615. Contracts Procurement

1. The A-County or the County Department must develop, maintain and use documented procedures for procurement transactions using Medical Assistance dollars or other federal funds.

2. Bid System

A County Department that purchases in excess of \$100,000 shall use a formal advertising and bidding process to provide, to the maximum extent practicable, open and free competition. Per C.F.R. § 200.319(a), which is hereby incorporated by reference, all County Department procurement transactions under the federal award must be conducted in a manner that provides full and open competition. If a County Department is unable to use this process, written justification shall be available from the County Department giving the facts related to the purchase and the inability to advertise and seek bids.

3. Federal Funding Accountability and Transparency Act of 2006 (FFATA) Requirements

Regardless of procurement method, a County Department that receives funds directly from a federal entity and purchases from the same vendor goods and/or services in excess of \$30,000.00 is subject to the FFATA requirements.

a. First-Tier Recipient of Federal Funds

A County Department that receives Medical Assistance funds only is not subject to the FFATA requirements because in this instance, the State Department is the prime Recipient (first-tier) of the Medical Assistance funds and as such bears the FFATA responsibility. When the County Department receives federal dollars in excess of the Medical Assistance funds, the County Department bears the FFATA responsibility.

4. Suspension and Debarment

Federal funds cannot be awarded to a Contractor that has been suspended or debarred.

a. Exclusions Extract on SAM.gov

The County Department must verify procurement eligibility of a Contractor by reviewing the Exclusions Extract at <https://sam.gov/content/exclusions>.

5. Prohibition of Telecommunications and Video Surveillance Services or Equipment

Due to national security, a County Department is prohibited from procuring equipment, services, or systems produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company or Dahua Technology Company or their subsidiaries or affiliates.

1.010.16. Contracts

The County Departments shall adhere to all county guidelines for Contract processes and procedures. In the absence of county procedures, the County Department shall follow State Contract process and procedures pursuant to 1 C.C.R. § 101 through 1 C.C.R. § 109 (2025), which are hereby incorporated by reference.

To be allowable for reimbursement under federal awards, Medical Assistance expenditures for Contracts reported in the County Financial Management System CFMS shall meet the following criteria:

1. Contract Intent

Each County Department shall be responsible for assuring that the Contracts they initiate are within the intent of the funding source and that the Contract is necessary and is the most economical and efficient means for accomplishing the identified tasks.

2. Subrecipient versus Contractor Determination

Each County Department shall be responsible for determining the substance of the agreement as required by ~~HHS Financial Guidance §75.351-2 C.F.R. § 200.331, which is hereby incorporated by reference,~~ between the county and its Vendors. County Departments must have a documented process for ~~this the determination of a Ssubrecipient versus Cecontractor.-~~ County Departments must maintain documentation of the determination as part of the agreement. When the result of the determination is a Ssubrecipient:

- a.) The County Department must have a written monitoring process for oversight of its Ssubrecipients. This process must include a risk assessment of each Ssubrecipient.
- b.) The risk assessment is not part of the selection process but must be done at the outset of the Ssubaward and at least annually thereafter.
- c.) Counties must follow information and documentation requirements required by 2 C.F.R. § 200.332, which is hereby incorporated by reference.~~HHS Financial Guidance §75.352.~~

3. Interagency Contracts

Formal agreements between two agencies, sometimes referred to as “Interagency Agreements,” “Memoranda of Understanding,” or “Memoranda of Agreement” are to be treated as if they are Cecontracts.

4. Contracts Legality

The County Department shall be responsible for assuring that all constitutional, statutory, regulatory, and grant requirements have been met prior to signing a Cecontract.

5. Protection of Interests

A County Department shall negotiate and process a Cecontract when protecting the interest of the county can only be accomplished by using a Cecontract. When questions arise in this area, the county legal representative should be contacted for assistance.

6. Advance Payments/Retainers

Contracts and other commitment vouchers shall not provide for advance payment for goods and/or services unless it is an established industry standard or unless the party to the Cecontract provides a benefit to the county at least equal to the cost and risk of the advance payment. Any advance payment made on a Cecontract shall require the written approval of the chairman of the County Board, or an authorized delegate.

7. No Personal Benefit

The county signatories of a Cecontract shall have no personal or beneficial interest whatsoever in the goods or services described in the contract.

8. Contracts at a Minimum Shall:

- a. Be in Writing
All Cecontracts at a minimum shall be prepared in writing.
- b. Specifically Identify the Parties to the Contract

All Cecontracts at a minimum shall specifically identify the parties to the Cecontract.

c. Contain a County Fiscal Year Restriction

All Contracts shall contain a fiscal year restriction such as:

"This contract is subject to and contingent upon the continuing availability of budgeted county funds for the purposes hereof."

d. Contain a Restriction Regarding the Availability of State and/or Federal Funds

Contracts shall contain a restrictive clause involving State and or federal funds such as:

"This contract is subject to and contingent upon the continuing availability of State and or federal funds for the purposes hereof."

e. All Contracts Shall Contain Provisions for:

i.) Statement of Work;

ii.) Payment terms, including maximum dollar amount;

iii.) Performance period (Cecontract beginning and end dates); and

iv.) General terms and conditions.

f. Request Payment at Least Monthly

Contractors shall bill for goods or services at least monthly. Goods or services performed must be identified in detail. Contracts shall specify that all parties to the Cecontract shall maintain, for audit purposes, documentation to support Medical Assistance expenditures claimed under the Cecontract. Payments made should be coded to account categories that identify the type of expense being paid.

g. Define Breach of Contract

The county shall define breach of Cecontract and include available remedies in the Cecontract.

~~h. State a Preference for Colorado Labor~~

~~Pursuant to Sections 8-17-101 and 8-17-102, C.R.S., a preference for Colorado labor is applicable if the contract is for public works and is financed in part or in whole with State funds.~~

9. Contract Review

a. Contract Monitoring

The County shall have a monitoring system to assure that Medical Assistance expenditures claimed are within the terms of the Cecontract.

b. Review for Availability of Funds

Before the execution of a Contract, the County Department Director or a delegate shall review the Contract for completeness and to ensure that funds are available to cover the Contract liability; written evidence of the director's or delegate's review shall be maintained with the Contract.

c. Review for Compliance

Before execution of a Contract, the County Department Director or delegate shall categorize the Contract according to risk using the State Controller's "Review and Approval of State Contracts" criteria or criteria established by written policy of the County Department Director. The County Department legal representative shall review all high risk Contracts to include compliance with:

- i.) The federal and the State constitution,
- ii.) Federal and State laws,
- iii.) Federal and State Rules and Regulations,
- iv.) Executive orders, and
- v.) The authority of the County Department of Social/Human Services to enter into the Contract.

The County Department shall maintain written documentation of the risk analysis of the Contract as well as a copy of the results of the written legal review in the Contract file.

d. Delegation of the Contracting Authority

Under certain circumstances the County Department Director may delegate, in writing, authority to execute Contracts. Delegation of the County Department Director's Signature authority does not eliminate the requirement that all Contracts have a risk analysis and, if required, legal review, or exempt any County Department from securing the required approval from the chairman of the County Board.

10. Contract Signature Approval

a. Signature Authority

The chairman of the County Board or a designee shall sign all Contracts on behalf of the County Department. Delegated authority shall be in writing and maintained for audit purposes.

b. ~~Original~~ Signatures

It shall be the responsibility of the contracting county to obtain ~~original facsimile or legally accepted~~ Signatures of all parties to the Contract and to retain at least one Contract that contains the ~~original or legally accepted facsimile~~ S-signatures of all of the contracting parties.

11. Required for Personal Services

Contracts shall be required when a County Department purchases personal services that are provided in a relationship other than that of employee-employer. Personal service Contracts include maintenance and service agreements, including but not limited to, legal services,

management services, extensions of County Department staff, other public or private agencies, automated data processing services, and training by other than the Colorado Department of Health Care Policy and Financing, Colorado Department of Human Services, or another County Department staff.

a. Contract Provision for Personal Services in excess of \$100,000

To be included as a reimbursable expense from the State Department, personal services ~~C~~ontracts over \$100,000 shall include all of the following ~~C~~ontract requirements:

- i.) Performance measures and standards developed specifically for the ~~C~~ontract by the administering County;
- ii.) Accountability standards requiring regular ~~V~~endor reports on achievement of the specified performance measures and standards;
- iii.) Payment provisions allowing the County to withhold payment until successful completion of all or specified parts of the ~~C~~ontract and requiring prompt payment upon successful completion;
- iv.) Monitoring requirements specifying how the County and the ~~V~~endor will evaluate each other's performance, including progress reports, site visits, inspections, and reviews of performance data; and
- v.) Processes for resolving disputes between the County and the ~~V~~endor.

12. Required for Lease/Rent

A County Department shall negotiate and process a ~~C~~ontract when leasing ~~land~~, buildings, or other office or meeting space ~~when the rental is for more than thirty days or for an amount more than \$5,000.00.~~

13. Compliance with Laws

Existing laws, ~~R~~ules and ~~R~~egulations cannot be overridden by terms in a ~~C~~ontract or a memorandum of understanding.

1.010.17. Travel

The County Department shall adhere to all county guidelines for travel policies and reimbursement procedures. In the absence of county policies and procedures, County Departments shall follow 2 C.F.R. § 200.475(d), which is hereby incorporated by reference ~~State travel policies and procedures pursuant to 1 CCR 101-1, Chapter 5, Rule 5-1.~~

1. To be allowable for reimbursement under ~~f~~Federal awards, Medical Assistance travel expenditures reported in the ~~(CFMS) County Financial Management System~~ shall meet the following criteria:

a. General

All costs for travel ~~not directly~~ related to Medical Assistance eligibility and enrollment ~~member~~ activity shall be pre-approved by the ~~employee's supervisor and the~~ County Department Director. Appropriate supporting documentation shall be maintained ~~by the supervisor~~ prior to travel.

b. Travel Policies Shall Be Consistent Throughout the County

The travel policies for County Department employee reimbursement for lodging, meals, and ~~T~~ransportation shall be consistent with those policies in the county's other departments, offices, and divisions.

c. Travel Expense as Part of Another Fee

If travel expenses (meals, lodging, ~~T~~ransportation, etc.) are included in conference fees, registration fees, or are otherwise furnished at no additional cost to the traveler, no reimbursement shall be made for these items. If, however, a meal included in a commercial transportation ticket is not adequate, and the traveler incurs an additional meal expense, reimbursement may be claimed at the authorized rate for that meal.

d. Travel Reimbursement for Only County Business

Lodging, meals, and other reimbursable travel expenses shall only be reimbursed for the period of time necessary for the traveler to accomplish the County Department business. When a traveler uses an ~~alternate~~alternative method of transportation, which is authorized by the ~~A~~pproving ~~A~~uthority, any additional time required to complete the County Department business shall be charged to approved leave.

e. Limited Time for Reimbursement

Reimbursement for travel and related expenses is available for the current month (month being paid) and two preceding months.

2. Transportation

Transportation costs charged to the State ~~Department shall be for the benefit of the State Department and shall conform to the State of Colorado Fiscal Rules, 1 CCR 101-1, Chapter 5, Rule 5-1 (Travel) (2021), which is hereby incorporated by reference.~~ are costs incurred by employees who are in travel status on official business.

a. Reimbursement for the Most Economical and Efficient Means Available

Transportation shall be completed using the most economical and efficient means available that will satisfactorily accomplish the County Department business.

b. Documentation of Trip

Sufficient documentation of the purpose and the cost of the trip shall be included with the travel expense form. If the purpose of the travel is not solely for business purposes, the individual involved shall make a reasonable allocation of the expenses and the travel reimbursement request shall contain sufficient documentation to indicate the allocation made and the basis for the allocation.

c. Mileage Rate

Reimbursement of vehicle transportation shall not be greater than the standard mileage rate for business established by the US Internal Revenue Service. This mileage rate is to cover all ownership and operating costs of the vehicle. The County Department shall adhere to all county guidelines for mileage reimbursement. ~~If a County Department does not have an established policy they must follow the State Travel policy at Section 24-9-104, C.R.S.~~

d. Transportation Does Not Include Employee's Spouse or Other Non-County Employee

Reimbursable costs shall not include the cost of an employee's spouse or other non-County Department employee(s) accompanying the employee on a business trip.

e. Only One Reimbursement per Vehicle

When two or more people travel together in the same personally owned and operated automobile, only the employee responsible for the automobile shall be allowed mileage reimbursement.

3. Lodging

a. Lodging Receipt

Receipts for lodging shall be obtained and submitted with the travel expense form. The actual lodging receipt is required. Charge slips are not sufficient.

b. Travel Reimbursement at Reasonable Accommodations

Employees pre-authorized to travel shall be reimbursed the actual cost of reasonable accommodations. Employees may be required to use approved or designated lodging facilities in certain areas to assist in controlling travel cost. Reimbursement shall be limited to the cost of commercial lodging.

4. Meals

a. Meal Per Diem

Employees pre-authorized to travel shall be reimbursed for the cost of meals, including tax, tip and other incidental expenses at a rate not higher than the per diem rates set under 5 U.S.C. § 5701-11 (2025) (Travel and Subsistence Expenses; Mileage Allowances), by State of Colorado Fiscal Rules, 1 CCR 101-1, Chapter 5, Rule 5-1 (2021), which is hereby incorporated by reference. 2 CFR § 200.475(d) is hereby incorporated by reference.

5. Reimbursable Items

In addition to lodging, meals, and ~~T~~transportation, the following actual expenses incurred as a necessary part of approved travel may be reimbursed.

a. Travel Tips

Reasonable tips paid by the traveler for bellhops, porters, maids, and ground transportation are reimbursable up to the daily incidental per diem. Tips paid in conjunction with meals are included in the meal per diem and cannot be claimed separately.

b. Commercial Vehicle

Commercial ~~T~~transportation expenses paid by the traveler are reimbursable. A receipt shall be required for each individual ride in a commercial vehicle, if over \$25.00.

c. Travel Campsite Fees

Campsite fees paid by the traveler for a commercial campground or a State or national park are reimbursable. A receipt shall be required if over \$25.00.

d. Parking Fees

Parking fees paid by the traveler are reimbursable. A receipt shall be required for any single fee over \$25.00.

e. Travel Registration Fees

Registration fees paid by the traveler are reimbursable. A receipt is required for all registration fees paid.

f. Rental Car Cost

Rental car costs paid by the traveler are reimbursable. A receipt is required for all Medical Assistance rental car expenditures.

g. Communications Charges

Telephone, fax, and other similar charges paid by the traveler for official County Department business are reimbursable. A receipt shall be required for any single charge over \$25.00. Personal phone calls are included in the incidental per diem rate; they cannot be claimed separately.

h. Toll Road Charges

Toll road charges paid by the traveler are reimbursable when the travel is for official County Department business and when the travel is pre-approved.

6. Travel Approval and Expense Form ~~and Approval~~

~~a. Travel Expense Form~~

~~The State Department prescribed travel expense form or alternate form containing the same information shall be used for claiming all travel expenses for which an employee, volunteer, or County Board member requests reimbursement. A properly completed and approved travel expense form shall support all payments for travel expenses.~~

~~a.b.~~ Approval

The County Department Director ~~or designee~~ shall approve through sign according to the travel expense process form. This Ssignature shall certify a review and approval of all travel expense items. Receipts for lodging, parking and other miscellaneous claims shall be attached to the County Department copy of the travel expense form. This travel expense form and all receipts shall be retained. Approval of this travel expense form shall be shown by the employee's supervisor's Ssignature. The employee requesting reimbursement shall sign the travel expense form to certify that all expenses listed are for approved County Department purposes.

b. Travel Expense Form

The County Department prescribed travel expense form shall be used for claiming all travel expenses for which an employee, volunteer, or County Board member requests

reimbursement. A properly completed and approved travel expense form shall support all payments for travel expenses.

c. Travel Advances

At the discretion of and in compliance with County Department policies and procedures, employees may request a ~~C~~ash advance to conduct business for the County Department. The amount of the travel advance shall be no larger than the total per diem allowance for the planned trip. The ~~State~~County Department-prescribed ~~r~~Request for Travel Advance form or alternate form containing the same information shall be used for requesting an advance. The form should require the signed approval of the employee's supervisor and the County Department Director ~~or designee~~.

~~87.~~ Travel Coding and Reimbursement

~~a.~~ Travel Coding

Travel shall be reported under the same program and function coding as the employee's salary and benefits. If the travel expense is reported under a coding other than the coding for the employee's salary and benefits, sufficient explanation and/or documentation to support this alternate coding shall be attached to the travel expense form.

~~b.~~ Travel Appropriations and Reimbursement

~~Travel by County Department employees and members of County Boards will be reimbursed within the limit of each County Department allocation(s) if travel was pursuant to section 1.010.7.K of these rules.~~

1.010.18. Office Space

1. To be allowable for reimbursement under federal awards, ~~Medical Assistance~~ expenditures for office space reported in the ~~County Financial Management System~~CFMS shall meet the following criteria:

~~a.~~ Purchase of Office Space

~~A county social/human services fund shall not use federal funds to construct or purchase buildings or facilities or to purchase real estate unless prior approval has been obtained from the Controller of the State Department, 1570 Grant St., Denver, CO 80203.~~

~~ba.~~ Allocation of Office Space Costs

The reimbursement for office space is a part of each program's administrative allocation and allowable only to the extent of each program's administrative allocation. The allocation of the total office space costs to each program is to be based on square foot used or other reasonable and documented method.

~~eb.~~ Sharing Office Space

If a building is shared with another agency, the County Department cost shall not exceed the prorated share of the total building costs based on square feet used.

~~dc.~~ Substantiating Space Costs

Prior to building or contracting for another building, or changing the current ~~C~~contract, the County ~~Department~~ shall obtain and retain documentation that office space costs incurred are equal to or less than the cost of comparable commercial leases in the area.

2. Allowable Costs for County Owned Office Space

a. Allowable Capital Costs for Owned Office Space

The allowable cost for county-owned office space is based on a usage allowance of two percent per year of the capitalized cost of the building or an amount based on a reasonable depreciation schedule that is approved by the ~~State Department Approving Authority/Controller of the State Department, 1570 Grant St., Denver, CO 80203.~~

b. ~~Medical Assistance~~ Expenditure of the Social/Human Service Fund

The full amount of the usage allowance or depreciation for office space shall be an actual ~~Medical Assistance~~ expenditure from the social/human services fund. This ~~Medical Assistance~~ expenditure shall be paid to the ~~C~~ounty ~~Department~~ social/human services fund or other ~~C~~ounty entity that owns the building(s).

c. Allowable Office Space Costs in Addition to Capital Costs

Office space costs that are allowable for reimbursement are as follows, but are not limited to, utilities such as heating, lighting or cooling the building, normal repairs and maintenance that are not capitalized, ordinary and normal rearrangement and alterations that are not capitalized, security, janitorial, building insurance, elevator service, and upkeep of grounds, as required by 2 C.F.R. § 200.452, which is hereby incorporated by reference.

d. Allowable Interest on Office Space Costs

Costs incurred for interest on borrowed capital or the use of a governmental unit's own funds, however represented, are unallowable except as specifically provided below: in accordance with 2 C.F.R. § 200.449, which is hereby incorporated by reference.

~~i.)~~ Office Space Interest Expense Limitations

Financing costs (including interest) ~~paid or incurred on or after August 29, 1997,~~ associated with the otherwise allowable costs of building acquisition, construction, or fabrication, reconstruction or remodeling completed on or after October 1, 1980, is allowable, subject to the following three conditions:

~~1A.)~~ Bona Fide Third Party Funding

The financing is provided (from other than tax or user fee sources) by a bona fide third party external to the governmental unit,

~~2B.)~~ Support Federal Awards

The assets are used in support of federal awards, and

~~3C.)~~ Interest Earnings

Earnings on debt service reserve funds or interest earned on borrowed funds pending payment of the construction or acquisition costs are used to offset the current period's cost or the capitalized interest, as appropriate. Earnings subject to being reported to the ~~f~~Federal Internal Revenue Service under arbitrage requirements are excludable.

3. Allowable Costs for Leased Office Space

a. Allowable Office Space Costs for Leased Office Space

The allowable cost for non-county owned office space is the lower of the actual lease cost or a rate that is reasonable in light of such factors as rental costs of comparable property, if any; market conditions in the area; alternatives available; and, the type, life expectancy, condition, and value of the property leased.

b. Allowable Office Space Costs in Addition to Lease Costs

Office space costs that are allowable for reimbursement if not already provided for in the lease agreement are as follows but are not limited to utilities such as heating, lighting or cooling the building, normal repairs and maintenance that are not capitalized, ordinary and normal rearrangement and alterations that are not capitalized, security, janitorial, building insurance, elevator service, upkeep of grounds, and appraisal fees required by the County Department for cost comparisons.

c. Allowable Office Space Costs in a Sale and Leaseback

Costs under sale and leaseback arrangements are allowable only up to the amount that would be allowed had the ~~C~~ounty continued to own the property, as set forth in: 2 C.F.R. § 200.465, which is hereby incorporated by reference.

d. Office Space Costs in a Less-Than-Arms-Length Lease

Office space costs under a less-than-arms-length lease are allowable at ~~the lower of the actual lease cost or~~ an amount that is reasonable in light of such factors as rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased, as set forth in: 2 C.F.R. § 200.465, which is hereby incorporated by reference.

e. Authority Created to Acquire and Lease Office Space

Prior approval from the State Department ~~Controller, 1570 Grant St. 303 E. 17th Avenue,, Denver, CO 80203,~~ is required for reimbursement of office space costs when the ~~C~~ounty creates an authority or similar entity to acquire and lease the office space to the County Department.

f. Capital Lease of Office Space

Costs under leases, which are required to be treated as ~~finance~~capital leases ~~under generally accepted governmental accounting principles,~~ are allowable only up to the amount that would be allowed had the governmental unit purchased the property on the date the lease agreement was executed. This amount would include expenses such as depreciation or use allowance, maintenance, and insurance. Interest costs related to capital leases are allowable to the extent they meet the criteria for allowability of interest in section 1.010.113.3 of these ~~R~~ules.

4. Office Space Costs to be Excluded from Reimbursement

a. Office Space Funded by Others

Office space cost to be excluded is space that is funded by another State or private agency.

b. Sublet Office Space

Office space cost to be excluded is space sublet to a local, state, or federal agency or other user.

c. Used by Others

Office space cost to be excluded is space used solely by staff not authorized by the State Department.

d. Not Authorized for Use

Office space cost to be excluded is space used solely for functions not authorized by the State Department.

e. Not Incurred

Office space cost to be excluded is cost that has not been incurred by or paid from the County Department. Costs excluded are the value of donated materials, labor, or buildings. Other costs excluded are those paid from a grant, or a cost used as matching funds for a grant.

f. Idle or Empty Office Space

Office space cost to be excluded is idle facilities or idle capacity unless necessary to meet fluctuations in workload, as set forth in 2 C.F.R. § 200.446, which is hereby incorporated by reference.

1.010.19. Cost Accounting

1. Application of Costs Requires a Plan

Where an accumulation of ~~l~~indirect ~~C~~costs will ultimately result in charges to a federal award, a cost allocation plan Appendix V to 2 CFR Part 200 and 2 CFR § 200.416 which are hereby incorporated by reference, indirect rate proposal, or application of random moment sampling shall be required in accordance with Appendix V to 2 C.F.R. Part 200 and 2 C.F.R. § 200.416, which are hereby incorporated by reference.

2. Direct or Indirect Cost

a. Consistent Treatment

Each item of cost shall be treated consistently in like circumstances either as a direct or an indirect cost.

b. No Universal Rule

There is no universal rule for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the federal award or other final cost objective.

3. Reasonable and Based on Generally Accepted ~~Governmental~~ Accounting Principles

All costs incurred shall be allocated to the ~~P~~program/activity/~~C~~cost ~~P~~pool based on generally accepted governmental accounting principles, ~~and OMB Uniform Guidance and the HHS Financial Guidance incorporated by reference.~~ Direct ~~C~~costs shall be allocated to the project on a reasonable basis relating directly to the benefit or value added to the program. Indirect ~~C~~costs shall be allocated from indirect cost pools on a reasonable basis consistent with that of other similar or related projects/grants/activities.

4. All Inclusive Cost Accounting Plan

All activities that benefit from an indirect cost, including unallowable activities and services, shall receive an appropriate allocation of ~~I~~indirect ~~C~~costs.

a. Submission Requirements

i.) The large County is required to submit a plan to its cognizant agency for Indirect Costs annually pursuant to Appendix V to Part 200 D(2).

ii.) Where the small and medium County only receives federal funds as a Subrecipient, they must develop a plan and maintain the plan and related supporting documentation for audit pursuant to Appendix V to Part 200 D(3).

~~5. Duplicate Claims for Reimbursement~~

~~a. Same Cost Not Allowed~~

~~Costs shall not be claimed for reimbursement by a county or County Department more than once.~~

~~b. Direct and Also Indirect~~

~~The same cost shall not be charged directly to a program and then charged again through a cost allocation plan or an indirect rate proposal.~~

~~c. Same Cost Reported to More Than One Program~~

~~The same cost shall not be charged to more than one program. For example, a staff person being reported and reimbursed from the county administration full-time may have some costs reimbursed through a special program, project, or grant. Any reimbursement received from the specified grant must be reported as a reduction of expenditures, not as a source of revenue. Crediting the refund to the funding source from which the original reimbursement was made reduces expenditures.~~

~~6. Net of All Credits~~

~~Medical Assistance Expenditures shall be claimed net of all credits, for example, volume and cash discounts, refunds, rental income, trade-ins, scrap sales, rebates or allowances, recoveries or indemnities on losses, insurance refunds, adjustments of overpayments, erroneous charges, etc.~~

~~7. Relative Benefits Received~~

~~A cost is allocable to a particular cost objective if the goods or services involved shall be chargeable or assignable to such cost objective in accordance with relative benefits received.~~

~~8. Cost Shifting to Fund Deficiencies~~

~~Any cost allocable to a particular federal award or cost objective shall not be charged to other federal awards to overcome fund deficiencies or to avoid restrictions imposed by law or terms of the federal awards, or for other reasons. However, this prohibition shall not preclude from shifting costs that are allowable under federal and State laws for two or more awards in accordance with existing program agreements.~~

1.010.20. Random Moment Sampling

1. Participation in Random Moment Sampling

Participation in random moment sample reporting shall be required by all County Department employees as determined by the Colorado Department of Human Services and the Department of Health Care Policy and Financing.

2. Purpose of Reporting Under Random Moment Sampling

The purpose of this reporting is to measure time expended by employees on certain programs in order to substantiate Medical Assistance expenditures eligible for federal reimbursement. Reporting on random moment sampling measures the direct services provided by the County Departments. The results of the statistical analysis workload study are is used to distribute the indirect Ceosts of the County Departments to direct service areas.

1.010.21. Countywide Cost Allocation Plan

1. Availability of Funds

Based on the availability of State and federal funds, a Ceounty's allowable indirect countywide costs shall be reimbursed.

2. Purpose of the Countywide Cost Allocation Plan

Counties shall prepare a countywide cost allocation plan that allocates indirect Ceosts across the Ceounty operations relative to the benefit derived. Countywide cost allocation plans shall be used in determining rates, fees, or the cost of services provided, and by management in determining the cost effectiveness of a program or activity.

3. Countywide Cost Allocation Plan, Cost Principles Availability

Certified countywide cost allocation plans must be prepared in accordance with the cost principles found in the 2 C.F.R. Part 200 Office of Management and Budget Uniform Guidance and the HHS Financial Guidance (2014), which is hereby incorporated by reference, or other cost principles as required by a specific grant.

4. Responsibility for the Countywide Cost Allocation Plan

Responsibility for preparation and submission of an indirect countywide cost allocation plan is with the County.

5. ~~Submittal of the~~ Countywide Cost Allocation Plan Submission

Upon request, the County Department must submit an An electronic copy of the countywide cost allocation plan ~~that is provided to the Colorado Department of Human Services annually and due on June 30 of each year shall be provided~~ to the State Department., ~~Audits County Relations Section via electronic mail to HCPF_CountyRelations@state.co.us HCPF_Audit@state.co.us.~~

1.010.22. Single Audit by an Independent Certified Public Accountant

Each County shall annually have a financial and, if required by the Uniform Guidance ~~and HHS Financial Guidance~~, a single audit made by a certified public accountant. An electronic copy of these audits shall be submitted to the State Department via electronic mail to HCPF_CountyRelations@state.co.us ~~HCPF_Audit@state.co.us~~. The report must be submitted no later than seven months following the end of the fiscal year. The County may request a 3-month extension to September 30th by filing the request with the State of Colorado, Office of the State Auditor. The State Department may suspend reimbursements of Medical Assistance expenditures until such time as the audit report is received.

1.010.23. Audits by the Colorado Department of Health Care Policy and Financing

Information requested by the State Department personnel resulting from desk audits, site reviews or any other audit of County Department records, shall be provided by the County Department within the time frame specified in the request. If responses are not received by the due date (including State Department-approved extensions), the State Department may suspend reimbursements of Medical Assistance expenditures until such time as the responses are received. See audits as listed in 10 C.C.R. 2505-5 § 1.020.13 for more guidance.

~~1. —~~ Desk Audits

~~The State Department is responsible for supervising the maintenance of fiscal and administrative controls to insure proper accountability for all expenditures of State and Federal funds. Desk audits made at the State Department may result in reducing a County Department claim for reimbursement by the amount of any incorrect claims for reimbursement.~~

~~2. —~~ Post Audits

~~Post-audits are made by the State Department to verify the correctness of payments and benefit authorizations and may result in additional adjustments in County Department claims for reimbursement.~~

~~3.1. —~~ Recovery of Money Owed by a County

Pursuant to C.R.S. § 25.5-1-114, ~~C.R.S.~~, the State Department has the power to recover any monies owed by a County Department to the State Department by reducing the amount of any payments due from the State Department in connection with any program or activity. Unallowable costs which are identified during either desk audits or field audits will be disallowed despite similar costs which may have been reimbursed in the past.

2. Interest on Wrongful Claims

a. Statutory Interest

When money or property has been wrongfully claimed, withheld, or reimbursed, and when there is no agreement as to the interest rate, interest charged by the State may be at the rate of eight percent per annum compounded annually commencing on the date of the wrongful claim, withholding, or reimbursement to the date of settlement for all moneys or the value of property wrongfully claimed withheld, withheld, or reimbursed. Interest paid to the State may not be claimed for reimbursement.

73. Federal Department of Health and Human Services, and Other Federal Department or Agencies

The federal Department of Health and Human Services and other federal departments or agencies with which the County Department expends funds and is reimbursed with federal funds may make periodic audits in the selected County Department to verify the correctness of payments, ~~case recording, and pertinent administrative practices and fiscal compliance~~. The County Departments shall comply with requests from these federal auditors. These audits may result in adjustments in County Department claims for reimbursement.

~~1.010.24. Conflict of Interest~~

~~1. Conflicts of Interest~~

~~No County Department employee shall accept fees, compensation, gifts, payment of expenses, or any other item of monetary value under circumstances in which the acceptance could result in:~~

~~a. Preferential Treatment~~

~~An undertaking to give preferential treatment to any person or business, or,~~

~~b. Impeding Efficiency or Economy~~

~~Impeding governmental efficiency or economy, or,~~

~~c. Loss of Independence or Impartiality~~

~~Any loss of complete independence or impartiality, or,~~

~~d. Decisions Made Outside Official Channels~~

~~The making of governmental decisions outside official channels, or,~~

~~e. Activity Detrimental to Duties and Responsibilities~~

~~County Department employees engaging in any activity that may be perceived as detrimental to the discharge of assigned duties and responsibilities, or,~~

~~f. Reasonable Inference of Conflict of Interest~~

~~The reasonable inference that any of the provisions in this subsection have happened or might happen, or,~~

~~g. Adverse Effect on Public Confidence~~

~~Any adverse effect on the confidence of the public in the integrity of the government of the State of Colorado or its County Department.~~

~~2. Personal Business Interests~~

~~County commissioners, County Department Directors, or any other County Department employees shall not perform an official act directly and substantially affecting an economic benefit for a business or other undertaking in which they either have a substantial financial interest or are engaged as counsel, consultant, representative, or agent.~~

~~3. Outside Employment~~

~~All outside employment of County Department employees shall have the prior written approval of their appointing authority. The outside employment shall not conflict with the interests of the County Department involved, the State of Colorado, or the federal government.~~

~~4. Private Business with People Inspected or Supervised by County Employees~~

~~County commissioners, County Boards, County Department Directors, or any other County Department employee shall not engage in a substantial financial transaction for their private business purpose with a person whom they inspect or supervise in the course of their official duties.~~

~~5. Employment within Six Months of Termination~~

~~County commissioners, County Boards, County Department Directors, or any other County Department employee shall not, within six months following the termination of their office or employment, take advantage, unavailable to others, of matters with which they were directly involved during their employment.~~

~~6. Voting or Attempting to Influence~~

~~Pursuant to Section 24-18-109, C.R.S., County commissioners, County Boards, County Department Directors, or any other County Department employee shall not vote and shall refrain from attempting to influence the decision of other members of the governing body in voting on matters in which they have a personal or private interest.~~

~~1.010.25. Political Activity~~

~~1. Partisan Politics~~

~~Pursuant to the Hatch Act, 5 United State Code (USC) Chapter 15, Section 1502 (2020), which is hereby incorporated by reference, County Department employees whose salary is reimbursed partially or fully with federal funds shall not be candidates for partisan elective office.~~

~~2. Non-Partisan Politics~~

~~Activity with respect to the proposed adoption of constitutional amendments, the approval of matters specified in referendums, the proposed adoption of charter amendments, the approval of municipal ordinances, or with respect to other matters of a similar non-partisan character, shall not be deemed to be political activity.~~

1.010.246 Confidentiality

1. Confidentiality of Financial Data

Pursuant to C.R.S. § 25.5-1-116, C.R.S., financial systems contain both public and confidential information; therefore access to financial data shall not be granted to anyone for general perusal of financial records. However, fiscal data, budgets, financial statements, and reports that do not

identify social/human services ~~recipients~~ Recipients by name, number, or other identifying information are open records.

1.010.27. ~~_____~~ Misappropriations

1. ~~_____~~ Employee Misappropriation No County Department employee shall use County ~~_____~~ Department time, property, equipment, or supplies for private or any other use not in the ~~_____~~ pursuit of County Department business.

a. ~~_____~~ Reporting of Employee Theft or Embezzlement Any suspected theft or embezzlement of federal, State, or local funds shall be immediately reported to at least one level of management above the party(s) suspected or to the County Board. In addition, suspected thefts or embezzlements shall be reported to the Audits Section of the State Department at 1570 Grant Street, Denver, CO 802031818 or submitted electronically to HCPF_Audit@state.co.us. A theft or embezzlement of State and/or federal funds or assets totaling \$5,000.00 or more shall be reported in writing to the County Board and to the Audits Section of the State Department HCPF_Audit@state.co.us. Suspected or to the County Board. In addition, suspected thefts or embezzlements shall be reported to the Audits Section of the State Department at 1570 Grant Street, Denver, CO 80203-1818 or submitted electronically to HCPF_Audit@state.co.us. A theft or embezzlement of State and/or federal funds or assets totaling \$5,000.00 or more shall be reported in writing to the County Board and to the Audits Section of the State Department submitted electronically to HCPF_Audit@state.co.us.

1.010.28. ~~_____~~ U.S. Department of Health and Human Services 45 CFR Part 75 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards (HHS Financial Guidance)

1. ~~_____~~ Compliance with HHS Financial Guidance

The US Department of Health and Human Services has issued guidance pertaining to grant management. Counties shall comply with the applicable guidance and shall hold their subrecipients and vendors accountable for compliance.

2. ~~_____~~ Applicable Cost Principles Flow Through on Federal Funds

The County Department shall comply with U.S Department of Health and Human Services, 45 CFR Part 75, Uniform Administrative Requirements, Cost Principles, and Audit Requirements, Appendix V—State/Local Governmentwide Central Service Cost Allocation Plans for HHS Awards. If the County Department passes through federal funds to a non-profit organization, that non-profit organization shall also comply with the federal guidance.

3. ~~_____~~ Compliance with Individual Federal Awards

Individual federal awards may identify circumstances or dictate policy that is unique to the federal participation. In these instances, the federal award policy shall be followed in the administration and financing of that particular federal award.

1.020. COUNTY ADMINISTRATIVE RULES

The incorporation by reference (as indicated within) throughout section 1.020 excludes later amendments to, or editions of, the referenced materials. Pursuant to C.R.S. § 24-4-103(12.5) the Department maintains copies of this incorporated text in its entirety available for public inspection during regular business hours, at: Colorado Department of Health Care Policy and Financing, 303 E 17th Ave~~1570 Grant Street~~, Denver, CO 80203. Certified copies of incorporated materials are provided at cost upon request.

Incorporated materials are found in the following sections: 1.020.1, 1.020.2, 1.020.4, 1.020.6, 1.020.8, 1.020.11 and 1.020.13 ~~1.020.3.2.b and 1.020.6.7.~~

The definitions set forth at section 1.010.1 of these Rules are also applicable to this section 1.020.

1.020.1. Purpose and Scope

1. Administrative Rules

These Rules are the administrative Rules for County Departments concerning the operations and the administration of Medical Assistance by County Departments, including but not limited to administrative internal Controls, County Department Director responsibilities and oversight of compliance by the County Department with State Department and federal requirements. The State Department's authority for County Administrative Rules is as allowed by C.R.S. §§ 25.5-1-114 and 117-122.

2. State Department ~~County~~ Responsibilities

As the federally designated single state agency, per 42 C.F.R. Part § 431.10(b), for the Medical Assistance Program in Colorado, the Colorado Department of Health Care Policy and Financing (State Department) is charged with administering and supervising the Medicaid State Plan. As the single state agency, the State Department issues Rules and Regulations that are binding on the County Department. Additionally, the State Department must exercise appropriate oversight over eligibility determinations, appeals and overall County Department operations. The State Department is federally prohibited from delegating to anyone other than its own officials, the authority to supervise the Medicaid State Plan and its delegation of eligibility and enrollment activities, or the authority to develop or issue policies, Rules, and Regulations on Program matters. The State Department has the sole authority to set statewide policies, Rules and Regulations, and manage State Information Technology Systems.

3. County Department Responsibilities

The County Department is charged with the responsibility for administering all Medical Assistance Program eligibility and enrollment functions that were delegated by the State Department, in accordance with Regulations and Rules established by the State Department, per 42 C.F.R. § 431.10(c)(2)7(b)(ii). ~~activities in accordance with rules established by the State Department.~~ The County Department will only be reimbursed for payments under the Colorado Medical Assistance Act and the administration of these Programs if said Programs are administered in accordance with the State Department Rules as well as all other applicable federal, State, and local laws, Rules and Regulations.

34. Knowledge of Laws and Regulations

There are many federal, State, and local laws, Rules and Regulations that govern the administration of grants, the employment of personnel, and the health and safety of our lands and the general population. When in doubt as to the existence, applicability, or intent of any law, Rule or Regulation, County Department personnel shall make inquiries with the State Department and/or the applicable federal department or agency.

1.020.2. County Board of Social/Human/~~Social~~ Services Administrative Responsibilities

1. ~~Membership Consists of County Board of Commissioners~~

~~The County Board of Social/Human Services shall consist of the board of the county commissioners in each county.~~

~~2. The County Board of Social/Human Services Is Separate from the Board of County Commissioners~~

~~The County Board shall perform its Medical Assistance duties, responsibilities, and activities separate and apart from the duties and responsibilities of the board of county commissioners and in accordance with rules and regulations adopted by the State Department for the administration of Medical Assistance activities in the counties.~~

~~3.1. Formal Agreements between the County Board and the State Department~~

- ~~a. To ensure the State Department's compliance with 42 C.F.R. § 431.10(d), the County Board shall enter into a formal Inter Governmental Agreement (IGA) with the State Department that authorizes the delegation of eligibility and enrollment activities for Medical Assistance Programs to the County Department. This agreement shall be in place for the duration of the State Department's delegation of eligibility and enrollment activities to the County Department.~~
- ~~b. The formal IGA between the County Board and the State Department shall include:~~
 - ~~i. The relationships and respective responsibilities of the County Department and State Department, including but not limited to the respective responsibilities to effectuate the fair hearing Rules as dictated by the federal government and State Department~~
 - ~~ii. Quality control and oversight by the State Department, including any reporting requirements needed to facilitate such control and oversight~~
 - ~~iii. Assurances that the County Department, to which the State Department has delegated authority to determine eligibility or conduct fair hearings, will comply with the State Department oversight and compliance requirements and monitoring~~
 - ~~iv. For appeals, procedures to ensure that individuals have notice and a full opportunity to have their fair hearing conducted by either the County Department or State-level appeals.~~
 - ~~v. Effective July 1, 2027 the agreement shall include Business Process Standards; these Business Process Standards shall ensure equitable administration by all County Departments as required per 42 C.F.R. § 431.50(b).~~
 - ~~A. Business Process Standards may be updated annually and as needed. Business Process Standards shall be issued through sub-regulatory guidance as part of the State Department's federally required formal agreement with the County Department.~~
 - ~~B. Business Process Standards shall account for the various sizes of County Departments.~~
 - ~~C. There shall be a defined process for determining Business Process Standards in collaboration with County Departments and other stakeholders, that includes the following considerations~~
 - ~~D. In determining the need for Business Process Standards, the State Department shall review available data with the County Department prior~~

to determining whether to implement a proposed Business Process Standard.

i. The process to identify and develop Business Process Standards shall allow County Departments and other interested parties an opportunity to provide input and make recommendations to the State Department.

ii. Business Process Standards shall focus on processes that have impact on the Member experience and/or outcome or may drive improved efficiency or effectiveness within the County Department.

iii. The process must allow for expedited adoption of Business Process Standards when required for compliance with federal and state laws and Regulations.

H. To implement Business Process Standards, the State Department shall make available any necessary data to the County Department, and shall consider the fiscal implications for both the State Department and County Department prior to implementation.

I. If the State Department determines funding is necessary and available, the State Department shall allocate funding for implementation of the Bbusiness Pprocess Sstandard to the County Department. If the State Department and County Department determine that the fiscal implications of implementing a Business Process Standard require additional funding, the State Department shall have the authority to delay implementation of such standards until funding becomes available.

J. If the State Department and County Department implement a Bbusiness Pprocess Sstandard, the State Department shall provide proper noticing and reasonable timeline for the County Department to align with the Bbusiness Pprocess Sstandard.

vi Performance metrics, targets and deliverables for any local share reimbursements, if any, as provided by the State Department

A. Performance metrics, targets and deliverables shall be updated annually and issued through sub-regulatory guidance

23. Cooperation and Reporting

The County Board shall cooperate with the State and federal government in any reasonable manner, in conformity with the laws of the State, which may be necessary to qualify for federal aid, including the preparation of plans, making reports in such form and containing such information as any federal agency may require from time to time, and compliance with such provisions as the federal government may from time to time find necessary to assure correctness and verification of the reports.

34. County Board Responsibilities

a. Appoint a County Department Director

- i. ~~The County Board shall appoint a County Department Director or shall appoint someone acting in the capacity of a director. At no time will the County Department be without the services of a County Department Director or an Acting Director.~~
- ii. ~~Upon appointment of a County Department Director, or someone acting in the capacity of the director, the County Board shall formally notify the State Department, within five (5) business days of the effective date of the appointment, of the individual appointed and contact information, including phone and email addresses. Notification should be emailed to hcpf_countyrelations@state.co.us~~
- iii. ~~The State Department will contact the appointed individual within five (5) business days of receiving the notification to provide support around the County Department Director's responsibilities for Medical Assistance administration.~~
- iv. ~~The County Board shall ensure the County Department Director completes an onboarding training for Medical Assistance administration, to be provided by the State Department, within six (6) months of the effective date of appointment.~~

~~b. Sign All Warrants~~

~~One member of the County Board shall sign all warrants or one member of the County Board shall have their facsimile signature on all social/human services warrants. In the case of a facsimile signature there shall be detailed written procedures that set forth internal administrative controls and internal accounting controls surrounding the application of the facsimile signature.~~

~~c. Approve All Expenditures~~

~~One member of the County Board, who shall be designated by resolution for that purpose, shall review and approve in writing the expenditure of salaries and expenses prior to the disbursement of funds. Such written approvals shall indicate the approval of the board of county commissioners and the County Board.~~

~~d. Financial Statements~~

~~The County Board is ultimately responsible for the preparation, content, completion and/or distribution of materially correct financial statements of the social/human services fund prepared by the County Department staff, or outside entities.~~

1.020.3. County Department Director Administrative Responsibilities

~~1. Secretary to the County Board~~

~~The County Department Director shall serve as secretary to the County Board unless the County Board otherwise appoints a secretary.~~

21. Director Responsibilities

- a. The County Department Director shall be charged with the executive and administrative duties and responsibilities of the County Department, subject to the policies, ~~R~~rules, and ~~R~~regulations of the State Department.

b. Delegation of County Department Director Administrative Responsibilities

The County Department Director can delegate administrative responsibilities to a County designee so long as the County Department Director is ultimately responsible for those delegated functions and the County Department maintains written documentation of the delegation.

2. Continuity of Operations

a. To ensure the Continuity of Operations for Medical Assistance eligibility and enrollment, the County Department or Department Director shall be charged with drafting and implementing a Continuity of Operations Plan (COOP). The COOP shall address how the County Department continues to provide eligibility and enrollment services in the event of a disaster, public health emergency, or other emergency situation, including situations where continuing services may not be possible such as system, phone or internet outages.

i. Plans may be submitted to the State DepartmentHCPF at any time for pre-approval

ii. Existing COOP plans may also be submitted for approval

iii. Plans may be drafted by the County or County Department

iv. The County Department COOP shall meet the minimum requirements dictated in both the Colorado Information Security Policies, and the Division of Homeland Security and Emergency Management's Continuity of State Government Operations as outlined in 8 C.C.R. § 1507-40 which is hereby incorporated by reference.

v. The County Department COOP Plans must also include the following data security controls. Additional guidance on each of the following requirements can be found in the Colorado Information Security Policies (CISPs) listed below, which are available through the Governor's Office of Information Technology (<https://oit.colorado.gov/standards-policies-guides/technical-standards-policies>).

A. Access Control & Authentication (CISP 001)

i. Multi-factor Authentication (MFA): Ensure that systems involved in eligibility and enrollment processes require multiple layers of authentication, especially when remote work or system access is needed during an emergency.

ii. Role-Based Access Control (RBAC): Ensure that only authorized personnel have access to sensitive information based on their job roles.

iii. Emergency Access Procedures: Establish secure emergency access protocols to systems or data in case of disruption. This could include backup admin credentials or access granted to specific individuals to ensure continuity.

B. Data Protection & Encryption (CISP 010)

i. Data Encryption: All sensitive data related to medical assistance eligibility and enrollment should be encrypted in transit and at

rest to protect against unauthorized access or leaks, particularly when systems are functioning in crisis mode.

- ii. Third-Party Access Control: If third-party Vendors are involved in providing services or technology for eligibility and enrollment, ensure that their systems also comply with the COOP's security measures, including access controls, data protection, and incident reporting.

C. Contingency Plan (CISP 006)

- i. Disaster Recovery Plan: Establish a robust disaster recovery strategy to restore services after an emergency. This includes system restoration, data recovery, and operational continuity.

D. Incident Response & Reporting (CISP 008)

- i. Incident Management Protocols: Develop clear procedures for identifying, reporting, and addressing security incidents or breaches during a disaster or emergency. This should include escalation procedures and contact information for relevant stakeholders.

E. Training & Awareness (CISP 002)

- i. Employee Training: Ensure that all staff are trained on the COOP, particularly on how to handle emergencies and maintain security controls under crisis conditions.

- vi. The COOP is not required to be submitted to the State Department but is subject to review during any compliance review as found in section 1.020.13 of these Rules.

3. County Department Contacts

By January 5 and July 5 of each calendar year, the County Department shall provide the most recent, updated contact information, including names, phone numbers and email addresses, for certain County Department employee types to the State Department. The employee types include contact information for the County Department Director, Deputy Director(s) and/or Eligibility Director(s) and other critical personnel determined by the State Department.

4. Reporting from the County Department to the State Department

The County Department is required to report any information to the State Department, at such times and in which manner and form the State Department may from time to time direct, in accordance with C.R.S. § 25.5-1-118. This includes any and all information that is pertinent to the County Department's role in Medical Assistance eligibility and enrollment. In these situations, the State Department shall provide proper noticing to the County Departments and allow a reasonable timeline for responses.

3. Responsibility for Staff Completion of Training

- a. The County Department Director or designee shall ensure staff appointed to fulfill duties relating to the administration of Medical Assistance complete adequate initial hire training. The director shall also ensure staff appointed to fulfill duties relating to the

~~administration of Medical Assistance complete ongoing training specific to Medical Assistance on an annual basis.~~

~~b. Staff appointed to fulfill duties relating to the administration of Medical Assistance and who have direct contact with applicants and enrollees or supervise those staff who have direct contact shall complete, on an annual basis, trainings relating to civil rights/non-discrimination and disability competency.~~

~~c. The County Department Director or designee shall ensure that required training is obtained through the Staff Development Center (SDC) or an SDC-certified county trainer and that all County Department-created training has been submitted and approved by the State Department and the SDC.~~

~~i) Required Trainings~~

~~Required Trainings include those specified in section 1.020.3.3.b. and include trainings related to eligibility determination, the eligibility determination system and other trainings as communicated by the State Department.~~

5. Administrative Internal Controls and Responsibilities for Medical Assistance Administration

a. Establish Adequate Internal Controls

The County Department Director shall be responsible for organizing operations and staff functions to assure the effectiveness and efficiencies of operations of the County Department and compliance with applicable State and federal requirements, laws, and Regulations. The County Department Director shall establish adequate Internal Controls that include, but are not limited to:

b. Operations of the overall County Department, such as Accounting or Administrative Support

c. Eligibility determinations

d. Quality, accuracy and compliance with audits and reviews

e. Performance management. As part of establishing adequate Internal Controls regarding performance management, the County Department Director shall:

i. Designate County Department staff as Medical Assistance performance owners

ii. Document processes and procedures for performance management, which shall include how staff will be trained.

iii. Train County Department staff on the importance of performance management and meeting performance targets, and how they impact Members.

f. Internal communications

g. Knowledge and information sharing, such that the County Department Director can assure knowledge of and compliance with applicable State and federal requirements, laws, and Regulations

h. Program integrity activities

- i. Customer service that is provided in a timely, respectful and culturally appropriate manner

1.020.4. County Personnel/Staffing Standards and Requirements

1. Responsibility for Merit-Based, Governmental Staff

- a. The County Department Director, with the approval of the County Board, shall appoint such staff as may be necessary to administer Medical Assistance within the County Department. Such staff shall be appointed and shall serve in accordance with a merit system for the selection, retention, and promotion of the County Department employees as described in the County merit system.
 - b. The salaries of the County Department staff shall be fixed in accordance with the County's merit system prescribed by the Board of County Commissioners and must conform to the Code of Colorado Regulations, 9 C.C.R. § 2502-1, Volume 2, and 5 C.F.R. § 900.601. 9 C.C.R. § 2502-1, Volume 2 (2021) and 5 C.F.R. § 900.601 (2021) are hereby incorporated by reference into this rule.
 - c. The County Department, or Department Director may directly hire another County staff member, enter into an IGA with another County, or subcontract with other County Departments for the term-limited assignment of staff from those County Departments, so long as in the last two options there is a signed agreement in place between those County Departments; and those staff under Contract are merit-based, governmental employees
 - i. If a County Department directly hires staff currently employed by another County Department, the hiring County is responsible for the quality and Internal Controls related to the hires
 - ii. If a County Department enters into an IGA with another County, the County whose employees are formally being used by another County, would be responsible for the quality and Internal Controls related to the employees
 - iii. If a County Department subcontracts with a staff member from another County it must be through a formalized agreement in place, and they must be merit based. The responsibility for the quality and Internal Controls related to the employees involved, will rest with the County of hire
 - d. Any signed agreement shall address performance standards and expectations, record retention requirements, cost-sharing, and quality assurance expectations. _____
 - e. Every two years beginning January 1, 2027 each County shall submit to the State Department a certification that the above criteria are being maintained by the County Department. This certification must be received as prescribed by the State Department on or before January 1 of every other year beginning January 20257. The certification must be validated by the County board of commissioners or designee.
- ##### **2. Staffing Safeguards for State-Owned Data**
- a. Personnel screenings are required for all employees of the County Department; personnel screenings must include criminal background checks on all staff with access to any State-owned Information Technology System in which either the State or the County Department grant access to County Department personnel.

b. Effective July 1, 2026, When hiring an employee of the County Department, the County Department Director shall ensure that employees being hired from other County Departments have not had their access to any State-owned Information Technology System terminated by those County Departments.

i. If a County Department has terminated access to any State-owned Information Technology System for any current or previous employee for reasons including, but not limited to, fraud or conflicts of interest, the County Department is prohibited by the State Department from granting the current or previous employee access to those State-owned systems.

3. Responsibility for Staff Completion of Training

a. The County Department Director shall ensure staff hired to fulfill duties relating to the administration of Medical Assistance complete adequate initial hire and ongoing training. Adequate initial hire training shall be completed prior to the County Department allowing the initial hire to conduct eligibility determinations or other related duties independently of any staff who previously completed initial hire training. Ongoing training shall be completed in keeping with provided guidance from the State Department.

b. Adequacy of initial and ongoing training is determined by the State Department and the Staff Development Division and is reflected by new hire training plans and ongoing, mandatory trainings as communicated by the State Department.

i. The State Department shall provide proper notice to County Departments related to any mandatory training, and a reasonable timeline for completion.

c. The County Department Director shall ensure that required training is obtained through the Staff Development Division (SDD) or an SDD-certified County trainer and that all County Department-created training has been submitted and approved by the State Department and the SDD. This includes the formalized trainer certification process by the SDD, which consists of initial certification for new County Department trainers and ongoing recertification of those trainers.

d. Required Trainings provided by the State Department, SDD or SDD-Certified Trainers

i. Staff appointed to fulfill duties relating to the administration of Medical Assistance and who have direct contact with Applicants and enrollees or supervise those staff who have direct contact shall complete, on an annual basis, State Department-provided trainings relating to civil rights/non-discrimination and disability/cultural competency.

ii. Trainings related to eligibility determination, the eligibility determination system and other trainings as communicated by the State Department shall be considered mandatory trainings and shall be completed within the timeframe designated by the State Department.

4. Conflicts of Interest

No County Department employee shall accept fees, compensation, gifts, payment of expenses, or any other item of monetary value under circumstances in which the acceptance could result in:

a. An undertaking to give preferential treatment to any person or business, or,

b. Impeding governmental efficiency or economy, or,

- c. Any loss of complete independence or impartiality, or,
- d. The making of governmental decisions outside official channels, or,
- e. County Department employees engaging in any activity that may be perceived as detrimental to the discharge of assigned duties and responsibilities, or,
- f. The reasonable inference that any of the provisions in this subsection have happened or might happen, or,
- g. Any adverse effect on the confidence of the public in the integrity of the government of the State of Colorado or its County Department.

5. Personal Business Interests

County commissioners, County Department Directors, or any other County Department employees shall not perform an official act directly and substantially affecting an economic benefit for a business or other undertaking in which they either have a substantial financial interest or are engaged as counsel, consultant, representative, or agent.

6. Outside Employment

All outside employment of County Department employees shall have the prior written approval of their Appointing Authority. The outside employment shall not conflict with the interests of the County Department involved, the State of Colorado, or the federal government.

7. Private Business with People Inspected or Supervised by County Employees

County commissioners, County Boards, County Department Directors, or any other County Department employee shall not engage in a substantial financial transaction for their private business purpose with a person whom they supervise in the course of their official duties.

8. Employment within Six Months of Termination

County commissioners, County Boards, County Department Directors, or any other County Department employee shall not, within six months following the termination of their office or employment, take advantage, unavailable to others, of matters with which they were directly involved during their employment.

9. Voting or Attempting to Influence

Pursuant to C.R.S. § 24-18-109, County commissioners, County Boards, County Department Directors, or any other County Department employee shall not vote and shall refrain from attempting to influence the decision of other members of the governing body in voting on matters in which they have a personal or private interest.

10. Partisan Politics

Pursuant to the Hatch Act, 5 United State Code (USC) Chapter 15, Section 1502 (2020), County Department employees whose salary is reimbursed partially or fully with federal funds shall not be candidates for partisan elective office.

11. Non-Partisan Politics

Activity with respect to the proposed adoption of constitutional amendments, the approval of matters specified in referendums, the proposed adoption of charter amendments, the approval of municipal ordinances, or with respect to other matters of a similar non-partisan character, shall not be deemed to be political activity.

12. Employee Defalcation

No County Department employee shall use County Department time, property, Equipment, or supplies for private or any other use not in the pursuit of County Department business.

13. Reporting of Employee Theft or Embezzlement

Any suspected or substantiated theft or embezzlement of federal, State, or local funds shall be immediately reported to at least one level of management above the party(s) suspected or to the County Board. In addition, suspected thefts or embezzlements shall be submitted electronically to HCPF CountyRelations@state.co.us. A theft or embezzlement of State and/or federal funds or assets totaling \$5,000.00 or more shall be reported in writing to the County Board and submitted electronically to the State Department at HCPF CountyRelations@state.co.us.

1.020.5. 1.020.4. Colorado Department of Health Care Policy and Financing Statewide Automated Systems

1. Required Use of Statewide Automated Systems

a. The County Departments shall use the State of Colorado automated statewide financial, member and/or provider information systems. These systems are designed to collect and store financial records and program data; assist with eligibility and payment determinations; generate forms and reports; create electronic benefit authorizations; and add to, delete, or make changes to the information on file.

b. The County Department shall seek prior approval from the State Department to grant access to any individual and/or entity outside of the County Department; this includes other entities within the County that act independently of the County Department.

2. Granting Access to Statewide Computer or Electronic Systems

The County Departments shall only grant access to the use of State of Colorado statewide member information systems to County Department employees whose duties are directly related to the administration of Medical Assistance or unless approval is otherwise granted by the State Department.

3. Ownership and Usage of Data in Statewide Automated Systems

Medical Assistance data within statewide member and/or provider information automated systems is considered owned by the State of Colorado. All usage of Medical Assistance data from the statewide automated systems is subject to approval by the State Department. If usage of Medical Assistance data is determined to be non-compliant with State Department requirements, the State Department may require Corrective Actions as specified in section 1.020.14-14 (Non-Compliance Findings and Action Plan Processes) of these rules.

4. Protection of Data While Using Statewide Automated Systems

Medical Assistance data used by County Departments for the purpose of administering the Medical Assistance Program on behalf of the State Department shall be protected at a minimum according to the Colorado Information Security Policies as determined by the Chief Information

Security Officer in the Governor's Office of Information Technology or a higher federal standard, if applicable.

5. Sharing of Data originating from Statewide Automated Systems

Medical Assistance data originating from statewide member and/or provider information automated systems shall be used only by those County Department employees whose job duties pertain to the administration of Medical Assistance. Medical Assistance data will not be shared except under those conditions as specified by the State Department. If sharing of Medical Assistance data is determined to be non-compliant with State Department requirements, the State Department may require ~~C~~corrective ~~A~~actions as specified in section 1.020.1244 (Non-Compliance Findings and Action Plan Processes) of these rules.

6. County Automated Systems Security

~~a.~~ For all automated systems originating from or purchased by the County Departments, the County Department shall:

~~i.a.~~ ~~obtain~~ Obtain the approval of the State Department before such systems interface with or download information from statewide automated systems; and

~~ii.b.~~ ~~E~~ensure the compliance of such systems with the Colorado Information Security Policies as determined by the Chief Information Security Officer in the Governor's Office of Information Technology or a higher federal standard, if applicable; and

~~iii.c.~~ ~~I~~include these requirements in any contractual agreements entered into by the County Department for these automated systems.

1.020.65. Confidentiality

1. Confidentiality of Applicant/Member Financial Data

Pursuant to federal and State law, Medical Assistance ~~P~~program ~~R~~regulations, and State of Colorado privacy guidance, information collected and maintained in the Colorado Benefits Management System (CBMS) is private and confidential. Information, which is collected or created by the County Departments, acting as the statutory agent for the State Department for the administration of the Medical Assistance ~~P~~program, is confidential information and shall be protected from disclosure by the County Departments. The County Departments, as agents of the State Department, shall comply with 42 C.F.R. § 431.300, et seq, which regulates the use and disclosure of information used to determine eligibility for the Medical Assistance ~~P~~program and is hereby incorporated by reference. Access to financial data shall be role-based and only permitted for the administration of the Medical Assistance ~~P~~program. The County Departments may, to the extent that they are able to de-identify information in compliance with HIPAA, release fiscal data, budgets, financial statements and reports that do not identify a beneficiary. The counties may only disclose de-identified information pursuant to the Colorado Open Records Act (CORA), if the ~~C~~county's legal advisor has declared the records subject to release under CORA.

2. Non-Confidential Information

a. The following information not identified with any individual is not confidential and may be released for any purpose related to the administration of the Medical Assistance ~~P~~program:

i. Total expenditures;

- ii. Number of Recipients;
- iii. Statistical data obtained from studies;
- iv. Social data obtained from studies, reports, or surveys.

3. Confidential Information

Information secured and stored by the County Department for the purpose of conducting the administration of Medicaid or other Medical Assistance Programs, such as for determining eligibility, is deemed confidential.

4. Restricted Use for Purpose of Administration of Medical Assistance

Unless disclosure is specifically permitted by the State Department, the following types of information are the exclusive property of and are restricted to use by the State Department and the County Departments for the purpose of administration of the Medical Assistance Program:

- a. Information contained in applications;
- b. reports of medical examinations;
- c. income and wage information;
- d. citizenship information;
- e. correspondence;
- f. other information concerning any person from whom, or about whom, information is obtained by the County Department;
- g. records of the State Department or County Department and/or evaluations of the above information.

5. Disclosure of Confidential Information

a. Access to County Department Records

i.) No Access Outside County Department

No one outside the County Department shall have access to records of the County Department, including records collected for or held in CBMS.

ii.) County Access When Necessary for Administering Medical Assistance

County Department employees who are acting as the agent of the State Department shall have access to confidential records when they are performing work pursuant to 42 C.F.R. § 431.302. These individuals shall have access only for purposes necessary for the administration of Medical Assistance Programs.

iii.) Allowable Disclosures

Federal and State auditors and private auditors for the County Department, and the Applicant/Recipient of public assistance and their legal representative may also have access when they comply with HIPAA, 42 C.F.R. Part 2 and all other

federal and state statutes and ~~R~~regulations which regulate the privacy of Medical Assistance information.

6. Responsibility for Record Retention

The County Department Director shall assure that the County Department has available all necessary and complete records for audit purposes and that adequate prior years' expenditure documents are maintained for use in the budgeting process.

a. Record Retention Requirements

~~Medical Assistance data of any form shall be retained for the current year plus three previous years for cases that are open, and for one year from the date a case is closed plus three previous years for cases that are closed, unless:~~

~~i. There is a written statutory requirement, Rule, or Regulation available from a County Department, State, or federal agency requiring a longer retention period; or~~

~~ii. There has been a claim, audit, negotiation, litigation, or other action started before the expiration of the retention period. Medical Assistance data of any form shall be retained for three years, plus one for the current year, plus three previous years unless:~~

~~i.) There is a written statutory requirement, rule, or regulation available from a County Department, State, or federal agency requiring a longer retention period; or,~~

~~ii.) There has been a claim, audit, negotiation, litigation or other action started before the expiration of the three-year period.~~

1.020.76 Non-Discrimination

1. Responsibility for Non-Discrimination

County Departments shall administer Medical Assistance ~~P~~programs in such a manner that no person will, on the basis of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or ~~D~~disability, be excluded from participation, be denied any aid, care, services, or other benefits of, or be otherwise subjected to discrimination in such program. Aid, care, services or other benefits includes all forms of assistance, including direct and ~~V~~vendor payments, work programs, social services, and information and referral services.

a. Protection Against Discrimination

The County Department shall not, directly or through contractual or other arrangements, on the grounds of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or ~~D~~disability:

~~i.) Provide to an individual any aid, care, services, or other benefits that are not equally accessible to individuals based on their protected class status;~~

~~ii.) subject an individual to segregation barriers or separate treatment in any manner related to access to or receipt of assistance, care services, or other benefits;~~

~~iii.) restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving aid, care, services, or other benefits provided under assistance ~~P~~programs;~~

- iv.) treat an individual differently from others in determining whether he or she satisfies any eligibility or other requirements or conditions which individuals must meet in order to receive aid, care, services, or other benefits provided under Medical Assistance ~~P~~programs;
- v.) deny an individual an opportunity to participate in ~~P~~programs of assistance through the provision of services or otherwise, or afford him or her an opportunity to do so which is different from that afforded others under ~~P~~programs of assistance;
- vi.) deny a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the ~~P~~program.

b. Administrative Protection Against Discrimination

No discrimination on the grounds of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or ~~D~~isability is permitted in relation to:

- i.) the use of physical facilities;
- ii.) intake and application procedures;
- iii.) caseload assignments;
- iv.) determination of eligibility;
- v.) the amount and type of benefits extended by the County Department to Medical Assistance ~~P~~program ~~R~~recipients.

c. Protection Against Discrimination from Other Entities

The County Department shall assure that other agencies, persons, ~~C~~ontractors and other entities with which it does business are in compliance with the above prohibition of discrimination requirements on a continuing basis. The County Department staff are responsible for being alert to any discriminatory activity of other agencies and for notifying the State Department concerning the situation.

d. Notification by the State Department

The State Department, through its various contacts with agencies, persons, and referral sources, will be continuously alert to discriminatory activity and will take appropriate action to assure compliance by the offender. If corrective action is not taken, the State Department will notify the agency of termination of payments and association in regard to ~~R~~ecipients or ~~A~~pplicants. The County Department, on notification by the State Department, will also terminate payments to or association with any agency, person, or resource being used which has been found to continue discriminatory activity in regard to ~~A~~pplicants or ~~R~~ecipients.

e. Responsibility to Investigate Individual Complaints of Discrimination

An individual who believes he or she is being discriminated against may file a complaint with the County Department, the State Department, or directly with the federal government. When a complaint is filed with the County Department, the County Department Director is responsible for an immediate investigation of the matter and

taking necessary corrective action to eliminate any discriminatory activities found. If such activities are not found, the individual shall be given an explanation. If the person is not satisfied, he or she is requested to direct his or her complaint, in writing, to the State Department, which will be responsible for further investigation and other necessary action consistent with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA), and the Age Discrimination Act of 1975.

f. State Receipt of Complaint Alleging Discrimination by County Department

Upon receipt of a complaint alleging discrimination by the County Department due to race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or Disability, the State Department shall explain the Medical Assistance Program's non-discrimination policy to the individual. If there is insufficient information as to the nature or other detail concerning the complaint, the State Department shall contact the County Department in writing to obtain such information. Copies of the letter shall be sent to the complainant. The County Department shall reply in writing.

i.) State Department Determines Action Non-Discriminatory

_____ If the State Department determines the County Department action is not discriminatory and the Applicant/Recipient disagrees, the Applicant/Recipient has the right to appeal the case to the State Department. This appeal shall be filed in accordance with the appeal Rules as described in the "Protections to the Individual," 9 C.C.R. § 2503-6 Section 3.609.7394.

ii.) State Department Determines Action Discriminatory

_____ If it is found that a County Department practice or action is discriminatory, the State Department shall initiate a Corrective Action per section 1.020.11 to assure that any and all discriminatory practices are permanently terminated.

1.020.8 Civil Rights Procedures7 Accessibility (ADA)

1. Procedure and/or Information

a. Civil Rights Contact Person

In an effort to comply with 28 C.F.R. § 42.410, 45 C.F.R. § 84.7 and state statute, County Departments are required to appoint an Individual as the Civil Rights Contact Person ("Contact Person") to assist in administering Medical Assistance Programs and practices in accordance with the above referenced civil rights laws. The Contact Person will perform the following responsibilities: (1) act as the central point of contact for the State Department relative to information sharing regarding Member civil rights; (2) maintain up-to-date knowledge of changes in Member related civil rights laws, their impact on Programs and also disseminate this information to County staff and program areas; (3) act as the first point of contact for Member civil rights complaints; and (4) post federally required civil rights notices in conspicuous locations (e.g., reception areas, intake areas or other key entry points). The County Department will provide civil rights training and consulting as necessary.

b. Notices

County Departments are required to post the State Department's Nondiscrimination Statement (or substantially similar notice) in a conspicuous place and in appropriate languages (at minimum both English and Spanish). Recommended locations are reception areas, intake areas or other key entry points. The State Department will provide copies of the Nondiscrimination Statement to the various County Department **P**rograms. County Departments may also develop and utilize their own nondiscrimination policy statement, as long it subscribes to federal laws and **R**egulations.

c. Compliance

County Departments are required to adhere to the **R**egulations/guidelines established by the various **f**ederal departments providing **f**ederal financial assistance through the State Department. Questions regarding compliance with such **R**egulations/guidelines may be made directly to the following **f**ederal departments:

U.S. Department of Health and Human Services Office for Civil Rights
1961 Stout Street, Room 08-148
Denver, CO 80294-3538
Voice Phone: (800) 368-1019
FAX: (202) 619-3818
TDD: (800) 537-7697
Email: ocrmail@hhs.gov

U.S. Department of Education Office for Civil Rights
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Voice Phone: 303-844-5695
FAX: 303-844-4303
TDD: 303-877-8339
Email: OCR.Denver@ed.gov

U.S. Department of Agriculture Office of Civil Rights
1400 Independence Avenue, SW, Mail Stop 9410
Washington, DC 20250-9410
Voice Phone: 202-260-1026
Toll-free: 866-632-9992
Local or Federal relay: 800-877-8339
Spanish relay: 800-845-6136
Fax: 202-690-7442
Email: program.intake@usda.gov

Fair Housing
U.S. Department of Housing and Urban Development
1670 Broadway
Denver, Colorado 80202-4801
Voice Phone: (303) 672-5437
Toll-free: 1-800-877-7353
TDD: (303) 672-5248

d. Civil Rights Plan

County Departments should develop a **M**ember Civil Rights Plan that outlines how they will ensure **M**embers, potential **M**embers, employees, and others that their programs

and services are provided without regard to race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability. This plan should identify how the availability of auxiliary aids and services to individuals with disabilities and languages services to individuals whose first language is not English will be communicated and their complaint filing process.

e. Investigation of Discrimination:

i. Investigation of Complaints

In recognition of the fact that complaints may vary in kind and complexity, the County Department should conduct an investigation appropriate to each complaint. Investigative procedures will depend on the nature and extent of the discrimination alleged and the context in which the alleged incidents occurred. Appropriate investigative procedures may include informal review or a formal investigation. Investigations should be conducted in a timely manner.

ii. County and Member Participation

County Departments and Recipients of services are expected to cooperate in all phases of an investigation and ensuing actions. Retaliation against the person filing the complaint or persons participating or cooperating in the investigation is prohibited by federal law.

iii. Inform Upon Completion

The complainant and the person against whom the allegation was made ~~shall be informed~~ receive a written notice upon of the completion of the investigation and whether the allegations were substantiated. This notice shall include information about how to file a complaint with the state or federal government if they disagree with the findings.

iv. Action Upon Substantiation

If, after an investigation is concluded, there is reason to believe that the federal laws referenced above have been violated, or that there was inappropriate behavior or action, the State Department will strive to obtain the cooperation necessary to ensure that satisfactory resolutions in accordance with federal and state statutes are utilized.

f. Language Access Services

i. County Departments are required to inform individuals that language services are available and how individuals can access services

ii. County Departments are required to provide language services free of charge to anyone that requests them

iii. County Departments are required to ensure interpreters are qualified in one of the following manners:

A. A university-issued degree or certificate in interpretation or interpretation and translation in the language combination required.

B. Certification by a professional interpretation and translation association or union, the National Board of Certification for Medical Interpreters or other interpretation certification body in the language combination and direction required, when available. When certification is not available in a specific language combination and direction required (e.g., English to an Indigenous language), other minimum requirements can be used to assess qualification, including years of experience, references from individuals who are qualified to attest to the quality of their work, etc.

C. At least 3 years of professional experience in a staff position or for a full- time freelance practice dedicated to interpretation, completing work in the language combination and direction required.

iv. In addition to the above three options, the translator should demonstrate professional subject matter expertise in the topic(s) that will be translated by demonstrating relevant educational background or professional experience in those topics. For example, when translating health care information, translators with subject matter expertise in health and medical terminology should be utilized. Translation of eligibility and insurance issues may require additional expertise.

1.020.9. Customer Service

1. Customer Service Standards

To ensure the effective and efficient operations of the County Department, the State Department shall establish customer service standards in collaboration with the County Department. The customer service standards shall ensure Applicants and Members have access to eligibility and enrollment services provided by the County Department.

2. Public Posting of Operating Hours and Closures

a. The County Department shall post its hours of operations in which eligibility and enrollment services are provided. These operating hours shall be made available to the general public through as many of the following modalities as possible:

i. Public signage that is posted conspicuously, both internally and externally, of the County Department's physical location. Operating hours shall be posted at all of the County Department's physical locations.

ii. Messages on the County Department's phone lines or call center systems

iii. Notices and language on the County Department's public website

3. Availability of Customer Service Modalities

a. The County Department shall provide access to eligibility and enrollment services through those modalities required by the federal government and the State Department, and shall not discourage Applicants or Members from accessing any specific modalities. The modalities required to be provided include:

i. In Person services at the County Department's physical location

- ii. Telephonic services with call answer times that do not discourage Pprogram participation
 - iii. Fax submissions;
 - iv. Email Inbox(es) that are regularly monitored
 - b. The State Department's online platform to apply for and manage benefits
 - c. Mailing of material through the United States Postal Service or other delivery service
4. Implementation of Customer Relations ProcessCoordinator (CRPG)
- a. To ensure eligible Coloradans can access eligibility and enrollment services if they are unable to navigate the system, the County Department shall establish a Customer Relations Process (CRP). The CRP shall act as an escalation process for Applicants and Members if they are unable to get support through the County Department's regular modalities of providing customer service.
 - b. The County Department CRP shall be available to Applicants, Members, families, advocacy groups and providers to assist in removing barriers to gaining or retaining eligibility for Medical Assistance Programs
 - c. The County Department CRP is an internal process that must be able to successfully resolve initial escalations within the timeframes specified by the State Department
 - d. The County Department CRP must make a reasonable attempt to locally resolve the specific issue in each complaint raised by any individual that was not able to access eligibility and enrollment services
 - e. The County Department CRP must support any individual attempting to submit a State Department complaint or escalation if the individual believes the County Department did not make a reasonable attempt to locally resolve the specific complaint
 - f. The County Department must post conspicuously in the County Department's physical location the State Department's Customer Service Poster, which publicly identifies the County Department CRPG and the State Department's complaint and escalation process
 - g. The County Department CRP shall be aAvailable to any individual through all modalities listed in 10 C.C.R. §-2505-5, §1.020.9.3
5. Compliance with State Department Complaints and Escalations Process
- a. The State Department shall establish standards for County Department expectations relating to the State Department's complaints and escalations process. This includes expectations for usage of established processes and systems, compliance with established timeframes for resolution and customer service expectations.

1.020.1098 **Communications**

1. Responsibility for Timely and Accurate Communications

The State Department has a statutory responsibility to ensure timely and accurate communications to Applicants and Recipients of the Medical Assistance Program. The County Department, as an agent of the state, is also bound by this requirement. Medical Assistance-

specific communications issued by the County Department to ~~A~~applicants and enrollees are considered communications issued by the Medical Assistance ~~P~~program, which also must be timely and accurate. Such communications issued by the County Department are subject to review and approval by the State Department to ensure timeliness and accuracy.

2. Communications Subject to Review

Communications subject to review by the State Department include written and electronic notices and forms provided to ~~A~~applicants or ~~R~~ecipients of the Medical Assistance ~~P~~program as part of ongoing operations of the County Department.

a. State Review of County Department Communications

The State Department may, at its discretion, review communications issued by County Departments sent through various communication mediums such as websites, online postings, or social media for timeliness and accuracy.

i. Non-Compliant Communications

County Department communications deemed by the State Department to be untimely and/or inaccurate shall be issued a finding of non-compliance and will be subject to the ~~C~~orrective ~~A~~ction processes as described in section 1.020.141 (Non-Compliance Findings and Action Plan Processes) by the State Department.

~~b. County Department Communication Contact~~

~~The County Department shall designate a point of contact to the State Department for communications and information sharing. This contact is responsible for coordinating with the County Department's public information officer, webmaster, and other communications staff.~~

1.020.11 County Department Collaboration with External Entities to Facilitate Eligibility and Enrollment

1. Purpose and Scope of Collaboration Agreements

a. To discharge its statutory responsibilities in C.R.S. § 25.5-4-205 to provide eligibility and enrollment for Medical Assistance Programs to its residents, the County Department shall enter into formal agreements with Medical Assistance-related external entities, unless the County Department meets exemption criteria listed in 10 C.C.R. § 2505-5, § 1.020.11.6. These agreements shall remain in place for the duration as dictated by the State Department. These agreements are referenced as either Collaboration Agreements or Cost Sharing Agreements.

b. The purpose of these agreements is to facilitate timely enrollment of Medical Assistance Applicants, ensure coordination between entities for ongoing eligibility and case maintenance, provide for dedicated County Department personnel, and to provide opportunities for external entity cost sharing between the State and County Departments, the federal government and the external entities for dedicated eligibility and enrollment personnel.

2. Types of Collaboration Agreements

- a. The State Department shall make available two types of standardized agreements that facilitate eligibility and enrollment between County Departments and Medicaid-related external entities. Either type of agreement may include more than one County Department, if all County Departments party to the agreement agree on its provisions.
- b. Eligibility and Enrollment Collaboration Agreement (“Collaboration Agreement”): this type of agreement is utilized by the County Department to partner with external entities to enroll and re-enroll eligible Applicants and Members using and reinforcing existing processes. This type of agreement does not involve cost sharing, nor does it change the County Department’s existing processes for eligibility and enrollment. The agreement has minimum standards from the State Department and County Department-specific language approved by the State Department.
 - i. The County Department may enter into these types of agreements without the approval of the State Department, but is subject to the reporting requirements listed in 10 C.C.R. § 2505-5, § 1.020.11.8.
 - ii. The Collaboration Agreement is not limited to the external entities mentioned in 10 C.C.R. § 2505-5, § 1.020.11.6 and § 1.020.11.7 but can be signed with any Medical Assistance-related external entity
- c. Eligibility and Enrollment Collaboration Agreement with Cost Sharing (“Cost Sharing Agreement”): this type of agreement is utilized by the County Department to partner with external entities to enroll and re-enroll eligible Applicants and Members by facilitating cost sharing participation and dedicated County Department personnel with the external entity, as allowed per 42 C.F.R. § 433.66 , which is hereby incorporated by reference.
 - i. The County Department shall seek State Department approval to enter into an Eligibility and Enrollment Cost Sharing Agreement with any external entity prior to any agreement execution. The State Department shall review and render a decision on the County Department’s request within 30 calendar days.

3. Minimum Requirements for Collaboration Agreements

- a. Collaboration Agreements shall contain, at minimum, the Medical Assistance requirements listed below, unless the State Department has granted a County Department request to waive a specific requirement
 - i. The term of the agreement, to be no less than one year, but with County option to extend to no more than five years from the date of agreement execution
 - ii. Specific points of contact for the State Department, County Department and external entity that would implement the agreement
 - iii. Defined roles and responsibilities related to the County Department and the external entity for eligibility and enrollment
 - iv. Confidentiality and state-owned data protection requirements that align with 10 C.C.R. §-2505-5, §1.020.5 and 10 C.C.R. §-2505-5, § 1.020.6
 - v. Language that ensures ensuring no conflicts of interest that would hinder access to eligibility and enrollment, including that all Applicants and Members will be served and will not be limited by the external entity participating in the Collaboration Agreement

- vi. Arbitration and dispute resolution procedures, including a procedure for either party to escalate issues to the State Department
- vii. Workload, Performance and timeliness expectations set by the County Department and procedures to update expectations as needed by the County Department or external entity
- viii. Procedures if one County Department provides eligibility and enrollment services for another County Department, if the agreement includes multiple County Departments; this would also apply to Cost Sharing Agreements
- ix. Procedures to ensure at least one annual meeting occurs between the County Department and external entity regarding the status of the agreement
- x. County Department, local or regionally-specific provisions that facilitate eligibility and enrollment, if such provisions are approved by the State Department

4. Minimum Requirements and County Department Protections for Cost Sharing Agreements

- a. Cost Sharing Agreements must include, at minimum, the provisions required for Collaboration Agreements as detailed in 10 C.C.R. § 2505-5, §1.020.11.3; in addition, Cost Sharing Agreements must also include the minimum standards detailed in 10 C.C.R. §-2505-5, § 1.020.11.4
 - i. Mechanisms for cost-sharing reimbursement between County Department and the external entity that facilitate dedicated County Department personnel in the external entity's setting
 - ii. Required reporting for in-kind contributions made by the external entity, such as office space for County Department personnel
 - iii. Procedures to adjust the external entity's cost sharing participation based on the County Department's budgetary actions, including cost of living adjustments or other pay actions that are approved by the County Board
 - iv. Language ensuringthat ensures- no conflicts of interest that would hinder access to eligibility and enrollment, including that all Applicants and Members will be served, regardless of whether the Applicant or Mmember accesses services through the external entity participating in cost sharing
- b. Allowable Costs
 - i. External entities participating in cost sharing shall provide the County Department reimbursement for all Direct Costs of dedicated County Department eligibility workers and supervisors, as well as Ddirect Costs of administrative personnel that support the external entity-dedicated County Department eligibility workers, including customer service, quality assurance and other direct, related costs for Medical Assistance eligibility and enrollment
 - ii. Direct Costs refers to the costs of training, salaries and fringe benefits associated with each dedicated County Department eligibility worker and similar allocated costs of County Department support personnel
- c. Nonallowable Costs and Activities

- i. Nonallowable costs are limited to those that are not direct program costs, including County Department overhead and office space.
 - ii. Activities and costs for work by the County Department related to outreach to Medical Assistance eligible but not enrolled individuals are nonallowable.
 - d. Non-Federal Share of Costs
 - i. External entities participating in cost-sharing agreements with counties shall be responsible for the entire non-federal portion of costs, including the State Department and County Department share of costs, related to the dedicated County Department personnel.
 - ii. External entities cannot use federal funds to cover the non-federal share of costs through the Cost Sharing Agreement.
 - iii. The Cost Sharing Agreement shall include information on the source of funding for the external entity's non-federal share of costs.
 - e. Provision of Services under Cost Sharing Agreement
 - i. The County Department shall only be required to provide eligibility and enrollment services for Applicants and Members for its County residents, unless another County Department is also a party to the Cost Sharing Agreement. If the external entity participating in the Cost Sharing Agreement with one County Department may benefit from another County Department being a party to the Cost Sharing Agreement, the County Department with the original Cost Sharing Agreement shall partner with the County Department that is not a party to the Cost Sharing Agreement, to allow those County residents to be served under the agreement.
 - ii. If a County Department is a party to a Cost Sharing Agreement with an external entity and an Applicant or Member from a County that is not party to the Cost Sharing Agreement, the County Department shall make a referral for eligibility and enrollment services to the County Department that is not a party to the Cost Sharing Agreement. Alternatively, the County Department may make available the State Department's online application platform available to that Applicant or Member not served by the Cost Sharing Agreement.
 - f. County Department Protections for Cost Sharing Agreements
 - i. The County Department shall have the sole responsibility of determining eligibility for Medical Assistance Programs, even if the County Department has entered into a State Department-approved Cost Sharing Agreement. To determine eligibility, County Departments' employees meet the federal requirement of merit-based, governmental employees
 - ii. The provisions of the County Department Protections for Cost Sharing Agreements do not impact the external entity's ability to determine their own personnel needs or staffing, such as financial navigators the external entity may already employ, or State Department-approved participation in eligibility and enrollment, such as being a Presumptive Eligibility (PE) Site or Certified Application Assistance Site (CAAS)

- iii. The County Department retains the sole right to set salaries based on the salary schedules of the county's merit system, employment schedules, work locations, engage in performance management and take other employer-employee actions even if a Cost Sharing Agreement is in place.
 - A. Cost Sharing Agreements must cover at minimum one Full Time Equivalent (FTE) position; if external entity funding is insufficient to cover at least one FTE, then the County Department and external entity shall pursue a Collaboration Agreement instead
 - B. Cost Sharing Agreements must also include provisions for the County Department and external entity to adjust the total amount of cost sharing participation, including if the County Department provides cost of living adjustments to salaries and if new needs are identified that would require adjusting the total amount of cost sharing
- iv. County Department employees dedicated to external entity Cost Sharing Agreements are limited to providing services for the Medical Assistance Program only; any individual seeking services for other public assistance Pprograms, adult or children protective services shall be referred by the County Department's dedicated eligibility personnel back to the County Department for resolution.
- v. Disputes and appeals for eligibility determinations and redeterminations shall follow the existing processes outlined in eligibility determination and appeals rules found in 10 C.C.R. § 2505-10 8.057

5. External Entities Requiring Collaboration Agreements or Cost Sharing Agreements

a. Hospital(s)

- i. The County Department shall enter into formal agreement(s), as described in this section, with at least one Hospital(s) within the county's boundaries by July 1, 2026.
- ii. This agreement may be between the individual Hospital and the County Department or a single agreement across multiple Hospitals and the County Department, if the county's boundaries contain more than Hospital. This agreement may also include more than one County Department, as allowed per 10 C.C.R. § 2505-5, §1.020.11.2.
- iii. County Departments classified through sub regulatory guidance by the State Department as large counties shall enter into Cost Sharing Agreements with their hospital(s)
- iv. County Departments classified through sub regulatory guidance by the State Department as medium and small counties shall enter into Collaboration Agreements with their hospital(s)

b. Case Management Agency

- ii. The County Department shall enter into a Collaboration Agreement, as described in this section, with the Case Management Agency that serves the County Department in providing functional eligibility determinations by January 1, 2027.

iii. All County Departments included within the Case Management Agency's Defined Service Area shall be a party to one Collaboration Agreement with the Case Management Agency

iv. If the County Department also serves as a Case Management Agency, the County Department shall be exempt from the required Collaboration Agreement and must implement Internal Controls in place of the agreement. The Internal Controls must address the same collaboration requirements listed in 10 C.C.R. § 2505-5, §1.020.11.3.

c. Nursing Facilities

i. The County Department shall enter into a Collaboration Agreement, as described in this section, with the Nursing Facilities within the county's boundaries that serve Medical Assistance Members by January 1, 2027.

ii. The County Department shall only enter into one Collaboration Agreement with the Nursing Facilities within the county's boundaries; a Nursing Facility may opt-out of participating in the Collaboration Agreement or may instead choose to pursue a Cost Sharing Agreement with the County Department.

A. The County Department may seek State Department approval to enter into more than one Collaboration Agreement with Nursing Facilities

6.- Exemption from Required Agreements

The County Department may be exempt from Cost Sharing Agreements or Collaboration Agreements if any of the following conditions are met:

a. If the County Department does not contain the required external entity within the county's boundaries

i. If the County Department does not have the required external entity within its county boundaries, but the County is served by an external entity within another county's boundaries, then the County Department shall coordinate on eligibility and enrollment for its residents with the other County Department in which the external entity resides, through that County Department's Cost Sharing Agreement

b. If the County Department is unable to obtain approval from the County Board for the Collaboration Agreement or the addition of new positions that would be paid for by the Cost Sharing Agreement

i. If the County Department is unable to obtain approval from the County Board for the Cost Sharing Agreement, the County Department shall instead pursue a Collaboration Agreement, unless the County Board declines to approve both the Collaboration Agreement or Cost Sharing Agreement

c. If the County Department has made good faith effort in attempting to sign the Cost Sharing Agreement or the Collaboration Agreement with the required external entity, but the external entity does not take action on the County Department's request to collaborate

i. Good faith effort includes the County Department requesting State Department technical assistance in attempting to work with the required external entity

7. Other External Entities eligible for Eligibility and Enrollment Collaboration Agreements with Cost Sharing
 - a. The County Department may enter into Cost Sharing Agreements with the following entities, with prior approval from the State Department, so long as all the conditions of 10 C.C.R. §-2505-5, §1.020.11 are met.
 - i. Federally Qualified Health Centers
 - ii. State-licensed Nursing Facilities
 - iii. Clinics
 - iv. Program for All Inclusive Care for the Elderly (PACE) facilities
 - v. Other external entities not listed may be eligible for a Cost Sharing Agreement if the County Department seeks prior approval from the State Department
8. County Department reporting on Collaboration and Cost Sharing Agreements
 - a. The County Department shall provide a copy of each executed Agreement, for both types of agreements outlined in 10 C.C.R. §-2505-5, §1.020.11.2, within 15 calendar days of execution of the agreement. The copy shall be sent to hcpf_countyrelations@state.co.us.
 - b. For Cost Sharing Agreements, the County Department shall provide an annual report, by July 5 of each year, to the State Department on the total amount of costs shared or reimbursed by the external entity and the total number and type of County Department personnel included in the Cost Sharing Agreement.
9. State Department Technical Assistance and Authority to Require Termination of Collaboration Agreements or Cost Sharing Agreements
 - a. If, in the ongoing operations of the Collaboration Agreement or Cost Sharing Agreement, the County Department and external entity face challenges or require technical assistance to meet the requirements of the agreement, the County Department or the external entity may request assistance from the State Department.
 - b. The State Department retains the authority to require the termination of any active Collaboration Agreement or Cost Sharing Agreements.
 - i. Prior to any termination of a Collaboration Agreement or Cost Sharing Agreement, the State Department shall provide technical assistance to resolve any outstanding issues.
 - ii. If the State Department determines that a Collaboration Agreement or Cost Sharing Agreement must be terminated, the State Department shall provide at least a 60 calendar day notice to the County Department, including the reason for termination.
 - iii. The County Department shall provide at least a 30 calendar day notice to the external entity for which the Collaboration Agreement or Cost Sharing Agreement was terminated by the State Department.
 - iv. If a Cost Sharing Agreement is terminated by the State Department, the State Department may collaborate with other County Departments to revise their Cost

Sharing Agreement to include Applicants and Members from the County where the Cost Sharing Agreement was terminated.

1.020.1021.020.9 State Department Oversight of County Department Compliance with Medical Assistance Program Requirements

1. Purpose and Scope

This section and sections 1.020.10, 1.020.11, and 1.020.12 authorize the Colorado Department of Health Care Policy and Financing to enter into informal and formal corrective action plans for non-financial findings of non-compliance identified by the State Department through audits, quality assurance and compliance checks.

1.020.11310. Audits, Quality Assurance, and Reviews by the State Department

1. Federal and State Audits

County Departments shall promptly respond to and comply with State Department requests related to federal and State audit requirements, such as Medicaid Eligibility Quality Control (MEQC), Payment Error Rate Measurement (PERM), Office of the State Auditor (OSA), Office of the Inspector General (OIG) audits and any other required federal or State audit.

2. Quality Assurance Program

All County Department eligibility determinations and actions performed to administer Medical Assistance ~~P~~programs are subject to review by the State Department Quality Assurance Program. The County Departments shall comply with all State Department Quality Assurance Program requirements and any other federal or state audits.

County Departments shall implement appropriate quality assurance measures for activities and expenditures utilizing state and federal funding for the purposes of the administration of Medical Assistance. These measures shall be documented in the County Department Quality Assurance/Quality Control Plan, which is subject to review during any of the State Department's review processes.

3. Desk Reviews ~~and Site Audits~~

To ensure compliance with State and federal ~~R~~rules, the State Department may conduct desk reviews ~~and site audits~~ of County Departments. Desk reviews ~~and site audits~~ may review any aspect, including fiscal requirements, of a County Department's administration of the Medical Assistance ~~P~~program at any given time.

4. Site Audits

To ensure compliance with 42 C.F.R. Part 431.50, the State Department shall conduct site audits, known as Management Evaluation Reviews, of the County Department at least once every three (3) years. The site audit is a review of all aspects, including fiscal, administrative, and eligibility determination requirements, of the County Department's Medical Assistance operations.

5. Performance Review

The State Department shall conduct monthly reviews of Medical Assistance performance measures to ensure the County Department's compliance with federal and state performance requirements.

6. Training Review

The State Department may conduct reviews of the County Department's progress of State Department-mandated training; these reviews ensure the applicable staff have completed the mandated trainings within the required timeframes.

7. Escalation and Complaint Escalation, Complaint and Appeal Review

The State Department may conduct reviews of any Applicant or Member case escalation, or complaint, or appeal that pertains to, or was conducted by, the County Department. The review shall consist of a root cause analysis and determine County Department compliance with the applicable federal and state requirements.

48. Self-Report Audits and Post-Audits

At the request of the State Department, the County Department shall submit a self-report audit or self-review data. This County Department self-report audit or self-review data is subject to Post-Audits by the State Department to verify the accuracy of the data.

59. Failure to Comply with Audit and Review Requirements

Failure by the County Department to comply with any aspect of this section 1.020.1420.10123. (Audits, Quality Assurance and Reviews) shall result in action plan processes as described in section 1.020.14-14 (Non-Compliance Findings and Action Plan Processes).

1.020.14214. Non-Compliance Findings and Action Plan Processes

1. Non-Compliance Findings

After conducting an audit or review as specified in section 1.020.130. (Audits, Quality Assurance, and Reviews), the State Department shall issue any unresolved findings of non-compliance through Notices of Compliance Concerns and Management Decision Letters. Findings of non-compliance will be grouped into the following categories:

a. Administrative

Non-compliance with administrative requirements reflected in 10 C.C.R. §-2505-5, §1.020, including missing or incomplete policies, procedures, or processes; legal non-compliance; or other types of non-compliance not defined below.

b. Fair Hearings and Appeals

Non-compliance with fair hearings and appeals requirements set forth in 10 CCR § 2505-3 and 10 CCR § 2505-10; this also includes non-compliance with any federal fair hearings and appeals regulation or sub regulatory guidance

cb. Eligibility Determination

Non-compliance with eligibility determination requirements set forth in 10 CCR § 2505-3 and 10 CCR § 2505-10 Volume 8 of the Colorado Code of Regulations and fair hearings requirements set forth in Volume 10; this also includes non-compliance with any federal eligibility Regulation or sub regulatory guidance.

de. Fiscal

Non-compliance with fiscal requirements reflected in 10 C.C.R. § 2505-5, §1.010.

bed. Quality

Non-compliance with quality assurance, audit, or review requirements set forth in 10 C.C.R. § 2505-5, § 1.020.1349.

efe. Performance

Non-compliance with performance measures as determined by State Department performance reviews set forth in 10 C.C.R. § 2505-5, §1.020.134 the Colorado the Colorado Department of Health Care Policy and Financing.

2. Types of Non-Compliance Notices

The State Department will provide one of the following a-notices of non-compliance when the County Department has been determined to be non-compliant. There are two types of non-compliance notices.

a. Notice of Compliance Concerns ("Compliance Notice")

A Notice of Compliance Concerns may be issued by the State Department to the County Department as a first, informal step in resolving non-compliance issues; this type of notice may be tied to a Level 1 Improvement Action Plan. The notice communicates non-compliance findings informally and what actions are necessary to address or resolve those findings.

b. Management Decision Letter ("MDL")

A Management Decision Letter may be issued by the State Department to the County Department as a formal step in resolving non-compliance issues; this type of notice may be tied to a Level 2 Corrective Action Plan. The notice communicates non-compliance findings and the corrective actions necessary to address those findings. County Department non-compliance with a Management Decision Letter may be subject to Sanctions as set forth in 10 C.C.R. § 2505-5, §1.020.153.

3. Notifications of Non-Compliance Findings to County Department Director

The State Department will provide a copy of any Notice of Compliance Concerns or Management Decision Letter regarding findings of non-compliance that may lead to improvement or corrective actions or fiscal sanctions as described in this section 1.020.141 (Non-Compliance Findings and Action Plan Processes) to the County Department Director.

34. Improvement Action Plans and Corrective Action Plans ("Action Plans")

When addressing non-compliance by the County Department that may lead to or has resulted in the issuance of a Notice of Compliance Concerns or Management Decision Letter, the State Department mayshall require the County Department to submit an action plan to address the non-compliance identified. If an action plan is required, Tthe State Department shall specify to the County Department the type of action plan that mustis required to be implemented.

a. Tier 1Level 1 Improvement Action Plan

An informal plan implemented with technical assistance to address non-compliance and/or performance that may lead to non-compliance. This type of plan is not subject to

fiscal sanctions as defined in section 1.020.12-15 (Sanctions). The State Department may convert a ~~Tier 1~~ Level 1 Improvement Action Plan to a ~~Tier 2~~ Level 2 Corrective Action Plan for any ~~Tier 1~~ Level 1 plans that have failed to be adequately or timely implemented.

b. ~~Tier 2~~ Level 2 Corrective Action Plan

A formal plan implemented with technical assistance to address non-compliance and/or performance that may lead to non-compliance. This type of plan is subject to fiscal sanctions as defined in section 1.020.12 (Sanctions). The State Department may communicate with the County Board regarding any ~~Tier~~ Level 2 Corrective Action Plans.

45. Completion of ~~tier~~ Level 1 and ~~tier~~ Level 2 Action Plans:

Upon request of the State Department, the County Department shall complete a ~~tier 1~~ Level 1 Improvement Action Plan or ~~Tier~~ Level 2 Corrective Action Plan. The ~~Tier~~ Level 1 or ~~Tier 2~~ Level 2 Action Plan submitted by the County Department shall include:

a. Non-compliance previously addressed

Description, in writing, of how both the individual and systemic root cause of each non-compliance issue has been previously corrected; the date in which the correction took place; the staff involved in the correction; and documentation, if applicable, supporting the correction that took place.

b. Non-compliance to be addressed

Plan, in writing, explaining how each root cause, both individual and systemic, of the non-compliance issue will be corrected. Such a plan must contain the following information for each non-compliance issue:

- i. Identify the non-compliance issue,
- ii. List the specific action(s) to be taken to correct the non-compliance,
- iii. List the specific time frames for completion of each specific action not to exceed six months without the written consent of the State Department, and
- iv. Provide the name of the contact person responsible for each corrective action. The corrective action plan should proceed as rapidly as possible to correct all non-compliance.
- v. Provide documentation demonstrating that the actions to address non-compliance will be completed, if necessary or applicable.

c. Technical Assistance

The County Department may request technical assistance from the State Department in developing either a Level 1 or Level 2 Plan. This request must occur within 15 calendar days of notification to the County Department of the requirement to complete a Level 1 or Level 2 Plan.

d. Timeframe to Complete Plan and Extension of Time

- i. Timeframe to Complete Plan

_____ If notified of the requirement to complete a Level 1 or Level 2 Action Plan, the County Department shall complete such Plan within 30 calendar days of receiving notification from the State Department.

ii. Extension of Time

_____ If the County Department needs additional time to develop a Level 1 or Level 2 Action Plan, the County Department Director must submit a request electronically to the State Department at HCPF_CountyRelations@state.co.us specifying the new timeframe requested and providing an explanation for the extension request.

iii. Review of Extension Request

The State Department will review the request for time extension within five business days of receipt and respond to the County Department Director.

56. Acceptance or Rejection of a ~~Tier Level~~ 1 or ~~Tier Level~~ 2 Action Plan

Within 30 calendar days of receipt of the proposed ~~Tier Level~~ 1 or ~~Tier Level~~ 2 action plan from the County Department, the State Department will review and either accept or reject the proposed ~~Tier Level~~ 1 or ~~Level~~ Tier 2 Action Plan.

a. Accepted ~~Level~~ Tier 1 or ~~Tier Level~~ 2 Action Plan

If the submitted ~~Tier Level~~ 1 or ~~Tier Level~~ 2 action plan is accepted by the State Department, the County Department Director will be notified electronically of the approval within ten calendar days and implementation of the plan may begin immediately.

b. Rejected ~~Tier Level~~ 1 or ~~Tier Level~~ 2 Action Plan

If the submitted ~~Tier Level~~ 1 or ~~Level~~ 2 action plan is rejected by the State Department, the County Department Director will be notified electronically of the decision and will be required to resubmit a ~~Tier Level~~ 1 or ~~Tier Level~~ 2 Plan after participating in technical assistance provided by the State Department to address the individual and systemic root cause of non-compliance.

i. Initial Technical Assistance Meeting

The County Department is required to successfully complete an initial technical assistance meeting within 15 calendar days of receipt of the ~~Tier Level~~ 1 or ~~Tier Level~~ 2 Plan rejection.

ii. Request for Time Extension

If the County Department cannot complete the initial technical assistance meeting within 15 calendar days, the County Department may request additional time to complete the initial technical assistance meeting. ~~†~~The State Department will review the request for time extension within five business days of receipt and respond to the County Department Director electronically.

67. Ongoing Monitoring of any ~~Level~~ Tier 1 or ~~Tier Level~~ 2 Plan ~~Accepted New Plan~~

Upon acceptance of the ~~Level~~ Tier 1 or ~~Tier Level~~ 2 Plan, the State Department begins monitoring the implementation of the plan. Monitoring may include but is not limited to routine reviews of reports, field observations, periodic check-ins, plan amendments, and technical assistance.

a. Follow-Up

The State Department will verify that the County Department has complied with the approved Tier Level 1 or Tier Level 2 Plan. The County Department may shall be required to submit any documentation needed to verify compliance with the accepted Plan.

b. Non-Compliance with Accepted Plan

If the State Department has verified that the County Department has not complied with the accepted Level Tier 1 or Level Tier 2 Plan, then:

- i. The State Department shall convert a Tier 1 Level 1 Improvement Action Plan to a Tier Level 2 Corrective Action Plan
- ii. The State Department shall implement fiscal sanctions for non-compliance on a Tier Level 2 Corrective Action Plan as defined in section 1.020.12-15 (Sanctions).

c. First Notification of Fiscal Sanctions

~~The first notification of fiscal sanctions due to non-compliance on a Level 2 Corrective Action Plan shall be sent to the County Department Director sixty calendar days prior to the implementation of fiscal sanctions. The first notification shall include the dollar amount of fiscal sanctions, or any other sanction implemented per section 1.020.12 (Sanctions) and the date the sanction will be implemented. The County Department shall have thirty calendar days after notification of fiscal sanctions to cure non-compliance with the Level 2 Plan to avoid implementation of fiscal sanctions.~~

d. ~~Second Notification of Fiscal Sanctions~~

~~The second notification of fiscal sanctions due to non-compliance on a Level 2 Corrective Action Plan shall be sent to the County Department Director thirty calendar days prior to the implementation of fiscal sanctions. The second notification shall include the dollar amount of fiscal sanctions, or any other sanction implemented per section 1.020.12 (Sanctions) and the date the sanction will be implemented. The County Department shall have 15 calendar days to cure non-compliance with the Level 2 Plan to avoid fiscal sanctions.~~

e. ~~Third Notification of Fiscal Sanctions~~

~~The third notification of fiscal sanctions due to non-compliance on a Level 2 Corrective Action Plan shall be sent to the County Department Director five (5) calendar days prior to the implementation of fiscal sanctions. The third notification shall include the dollar amount of fiscal sanctions, or any other sanction implemented per section 1.020.12 (Sanctions) and the date the sanction will be implemented. After receiving a third notification, the County Department will no longer be able to cure non-compliance with the Level 2 Plan and fiscal sanctions will be implemented.~~

f. ~~Non-Reversal of Fiscal Sanctions after Third Notification~~

~~Compliance with the Level 2 Plan after fiscal sanctions have been implemented shall cure the non-compliance with the Level 2 Plan but will not reverse fiscal sanctions implemented from non-compliance.~~

g. Closure of an Accepted Plan

Upon County Department completion of a Level 1 Improvement Action Plan or Level 2 Corrective Action Plan and verification of completion by the State Department, a closure letter will be sent to the County Department Director electronically.

h. Appeals of Non-Compliance

~~The County Department shall appeal any first or second notification of non-compliance within the timeframe specified in section 1.20.11.6.b (Non-Compliance with Accepted Plan) by sending an electronic communication to the State Department at HCPF-CountyRelations@State.co.us. The basis for the appeal shall be limited to a factual error in the report or an incorrect interpretation of law, rule, or regulations. The County Department may submit documents or evidence with its appeal. The third notification of non-compliance is not subject to appeal by the County Department. Within 10 calendar days of receiving the appeal, the State Department shall issue a final decision in writing, which will be sent electronically to the County Department Director. The effective date of the final decision is the date it is signed.~~

i. ~~State Department Delay of Fiscal Sanctions~~

~~The State Department may, at its own discretion, provide a one-time delay on the imposition of any fiscal sanction as described in 10 C.C.R. 2505-5-1.020.14, if the County Department has demonstrated progress towards resolution of any Level 2 Corrective Action Plan. The State Department will determine an appropriate amount of time to delay imposing any sanctions to allow for the County Department to successfully complete its Level 2 Corrective Action Plan.~~

~~The County Department may be required to provide documentation demonstrating reasons outside of the County Department's control that have prevented the County Department from successfully resolving its Level 2 Corrective Action Plan.~~

1.020.13512 Sanctions

If the County Department does not meet the requirements of 10 C.C.R. ~~§ 2505-10, §§ sections~~ 8.000, 8.100, 8.400, 8.500, 8.940 through 8.943, and 8.1000; 10 C.C.R. ~~§ 2505-5, section §§~~ 1.010 and 1.020; or 10 C.C.R. ~~§ 2505-3, §§ sections~~ 100, 300, 400, and 600; or fails to comply with an approved Level 2 Corrective Action Plan as described in section 1.020.11.314.4 (Improvement Action Plans and Corrective Action Plans), the State Department may impose the following sanctions:

1. ~~Level 1 Sanction: Disallowance of sState and federal funds for reimbursement of the salary of the County Department Director; if no portion of the County Department Director's salary is charged to state and federal funds, then the State Department will go to a Level 2 SanctionLevel Type 1 Sanction: Disallowance of State and federal funds not to exceed 2.5% of the County Department's current state fiscal year allocation provided by the State Department. This amount shall be divided by the number of months in the state fiscal year and disallowed monthly until the County Department attains compliance. Level 1 Sanctions that cross state fiscal years shall utilize the County Department allocation from the state fiscal year in which the Level 1 Sanction originated.~~

~~The State Department may elect to disallow less than 2.5% of the County Department's State and federal funds allocation at its discretion~~

2. TypeLevel 2 Sanction: –The State Department’s undertaking of the administration of the Medical Assistance Program for which the County Department has not met State and federal requirements or the requirements of a Level 2 Corrective Action Plan; and

3. Any other action which may be necessary or desirable for carrying out the provisions of Title 25.5 of the Colorado Revised Statutes and its implementing regulations.

a. If the State Department has made a determination to impose fiscal sanctions as allowed in 10 C.C.R. § 2505-5, §1.020.15, the County Department Director will receive the following sanctions notifications

i. The first notification of fiscal sanctions due to non-compliance on a Level 2 Corrective Action Plan shall be sent to the County Department Director sixty calendar days prior to the implementation of fiscal sanctions. The first notification shall include the dollar amount of fiscal sanctions, or any other sanction implemented per section 1.020.15 (Sanctions) and the date the sanction will be implemented. The County Department shall have thirty calendar days after notification of fiscal sanctions to cure non-compliance with the Level 2 Plan to avoid implementation of fiscal sanctions.

ii. The second notification of fiscal sanctions due to non-compliance on a Level 2 Corrective Action Plan shall be sent to the County Department Director thirty calendar days prior to the implementation of fiscal sanctions. The second notification shall include the dollar amount of fiscal sanctions, or any other sanction implemented per section 1.020.15 (Sanctions) and the date the sanction will be implemented. The County Department shall have 15 calendar days to cure non-compliance with the Level 2 Plan to avoid fiscal sanctions.

iii. The third notification of fiscal sanctions due to non-compliance on a Level 2 Corrective Action Plan shall be sent to the County Department Director five (5) calendar days prior to the implementation of fiscal sanctions. The third notification shall include the dollar amount of fiscal sanctions, or any other sanction implemented per section 1.020.15 (Sanctions) and the date the sanction will be implemented. After receiving a third notification, the County Department will no longer be able to cure non-compliance with the Level 2 Plan and fiscal sanctions will be implemented.

A. Compliance with the Level 2 Plan after fiscal sanctions have been implemented shall cure the non-compliance with the Level 2 Plan but will not reverse fiscal sanctions implemented from non-compliance for the timeframe the County Department was non-compliant.

b. Appeals of Sanctions Notifications

The County Department may appeal any first or second notification of fiscal sanctions. These appeals shall be submitted within the timeframe 10 calendar days by sending an electronic communication to the State Department at HCPF_CountyRelations@sState.co.us. The basis for the appeal shall be limited to a factual error in the report or an incorrect interpretation of law, Rule, or Regulations. The County Department may submit documents or evidence with its appeal. Within five calendar days of receiving the appeal, the State Department shall issue a final decision in writing, which will be sent electronically to the County Department Director. The effective date of the final decision is the date it is signed by the State Department. The State Department’s determination on the County Department appeal is final and not subject to further appeal. The third notification of fiscal sanctions is also not subject to appeal by the County Department.

i. State Department Delay of Fiscal Sanctions

The State Department may, at its own discretion, provide a one-time delay on the imposition of any fiscal sanction as described in 10 C.C.R. 2505-5, § 1.020.14, if the County Department has demonstrated progress towards resolution of any Level 2 Corrective Action Plan. The State Department will determine an appropriate amount of time to delay imposing any sanctions to allow for the County Department to successfully complete its Level 2 Corrective Action Plan. The County Department may be required to provide documentation demonstrating reasons outside of the County Department's control that have prevented the County Department from successfully resolving its Level 2 Corrective Action Plan.

c. Timeframe for Fiscal Sanctions

Fiscal sanctions enacted by the State Department shall go into effect the month in which the third notification of fiscal sanctions was issued and shall remain in place until the month following the State Department's determination that the County Department is compliant with the Level 2 Corrective Action Plan that was associated with the fiscal sanctions notifications.