



## OPERATIONAL MEMO

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<b>Title:</b> Eligibility Dispute Resolution Tracking	<b>Topic:</b> Eligibility Process
<b>Audience:</b> County Departments of Human/Social Services and Medical Assistance Sites “Eligibility Sites”	<b>Sub-Topic:</b> N/A
<b>Supersedes Number:</b> Agency Letter 17-008	<b>Division:</b> Eligibility Division
<b>Effective Date:</b> September 1, 2023	<b>Office:</b> Medicaid Operations Office
<b>Expiration Date:</b> September 1, 2025	<b>Program Area:</b> Eligibility Policy
<b>Key Words:</b> Dispute Resolution Conference, Eligibility Appeals, House Bill 16-1277, Tracking	
<b>Legal Authority:</b> 10 CCR 2505-10 8.057.3.F., 10 CCR 2505-5 1.020.3.4.a.ii	
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<b>Issue Date:</b> August 30, 2023	
<b>Approved By:</b> Marivel Klueckman	

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### Purpose and Audience:

The Purpose of this Operational Memo is to reiterate expectations for county departments of human/social services and Medical Assistance Sites, collectively referenced as “eligibility sites,” of the changes that took place with the implementation of House Bill 16-1277 on September 1, 2016. This Operational Memo also sets monthly reporting requirements for dispute resolution conferences held within each Eligibility Site to begin with the month of September 2023 Dispute Resolutions.

Please share this letter with all Eligibility Site staff involved with Health First Colorado Eligibility Appeals.

## Information:

With the passing of House Bill 16-1277 the following changes took place regarding Medicaid appeals:

The applicant or recipient has 60 days after the date of the notice to file an appeal. If the member files an appeal prior to the effective date of the intended action, existing medical assistance benefits must automatically continue unchanged until the appeal process is completed. Unless the member requests in writing that the medical assistance benefits not continue.

Every eligibility site must adopt procedures for the resolution of disputes arising between the eligibility site and any applicant or member. The dispute resolution process must be consistent with rules promulgated by the state board found at 10 CCR 2505-10 8.057.3.F. In addition, the dispute resolution conference procedures must be written in the eligibility sites internal controls, as required in 10 CCR 2505-5 1.020.3.4.a.ii and be available upon request.

If the dispute is resolved through the eligibility site's dispute resolution process and the applicant or member has already filed an appeal, the eligibility site shall inform the applicant or member about the process for dismissing the appeal.

Upon receipt of an appeal, Office of Administrative Courts shall give the appellant at least 10 calendar days notice of the hearing date.

The person or persons involved in the decision denying, suspending, terminating, or modifying Medical Assistance benefits or, if the person or persons are not reasonable available, a person familiar with the facts underlying the basis for the decision, shall be available for cross-examination if requested by the appellant.

As of September 1, 2016, the applicant or member has 60 days after the date of the notice to file an appeal. On 01/01/17, the notices reflected the new change in the appeals section from 30 to 60 days.

## Action To Be Taken:

As of September 1, 2023, every eligibility site must track each dispute resolution conferences held by completing and submitting the attached Excel spreadsheet to the Department of Health Care Policy and Financing monthly. The report is to be completed and sent in via email to [hcpf\\_eligibilityappeals@state.co.us](mailto:hcpf_eligibilityappeals@state.co.us) no later than the 5th calendar day of each month, with the submission reflecting data from the prior month. If your site does not have any dispute resolution conferences for the month,

please indicate this on the spreadsheet. The first required submission date of October 5, 2023 will reflect September 2023 dispute resolution conference data.

**Definition(s):**

None

**Attachment(s):**

Dispute Resolution Conference Tracking Form

**HCPF Contact:**

[HCPF\\_eligibilityappeals@state.co.us](mailto:HCPF_eligibilityappeals@state.co.us)