

**BOARD OF COUNTY COMMISSIONERS
PASS-AROUND REVIEW**

PASS-AROUND TITLE: Department of Human Services Policy, Chapter I, Article VI
State Fair Hearings and Dispute Resolution Policy

DEPARTMENT: Human Services

DATE: May 6, 2025

PERSON REQUESTING: Jamie Ulrich, Director, Human Services

Brief description of the problem/issue: Per Colorado Department of Health Care Policy & Financing (HCPF), county departments are required to maintain policies and procedures regarding internal controls specific to Dispute Resolution Conferences and Fair Hearings. As a result, the following policy (attached) has been drafted by involved Department staff and reviewed and approved by Legal (B. Howell).

CHAPTER 1 – GENERAL ADMINISTRATIVE PROVISIONS
ARTICLE VI – State Fair Hearings and Dispute Resolution

What options exist for the Board?

- Approval of the new Human Services State Fair Hearings and Dispute Resolution policy.
- Deny approval of the new Human Services State Fair Hearings and Dispute Resolution policy.

Consequences: New department policy will not be put in place.






Impacts: Weld County Human Services will not be in compliance with HCPF and the Code of Colorado Regulations.

Costs (Current Fiscal Year / Ongoing or Subsequent Fiscal Years):

- There is no cost associated with this.

Recommendation:

- Approval of the new policy.

	<u>Support Recommendation</u> <u>Place on BOCC Agenda</u>	<u>Schedule</u> <u>Work Session</u>	<u>Other/Comments:</u>
Perry L. Buck		_____	_____
Scott K. James		_____	_____
Jason S. Maxey		_____	_____
Lynette Pepler		_____	_____
Kevin D. Ross		_____	_____

CHAPTER 1 – GENERAL ADMINISTRATIVE PROVISIONS

ARTICLE VI – State Fair Hearings and Dispute Resolution

Policy Title: State Fair Hearings and Dispute Resolution

Reference: [10 CCR 2505-10 8.057.3 - 8.057.14](#), [HCPF OM 23-054](#)

Effective Date: May 7, 2025

REASON FOR POLICY

To meet the requirements of [10 CCR 2505-10 8.057.3 - 8.057.13](#) and [HCPF OM 23-054](#) for a written procedure for State Fair Hearings and dispute resolution conferences.

DEFINITIONS

Corrective action (8.057.12.A): adjustments to the member/applicant eligibility determination to ensure the determination is aligned with the Final Agency Decision. These adjustments are required to be entered into CBMS within 3 business days after the effective date of decision. Also referred to as “corrective changes.” Corrective action must be made retroactive to the date the incorrect action was taken.

Dispute Resolution Conference (DRC): an informal conference between the member/applicant and the county or service delivery agency. Also referred to as a “county conference.” A DRC is available to members/applicants in addition to a State Fair Hearing. All county and service delivery agency duties and responsibilities are found in 8.057.3.F.

Service delivery agency: a Health Care Policy & Financing (HCPF) designated, certified medical assistance site contracted with HCPF to accept and process medical assistance applications approved by the federal Centers for Medicare and Medicaid Services, as authorized by C.R.S. § 25.5-4-205.

Site: county or service delivery agency

State Fair Hearing (referred to as “Hearing” in 8.057.3): a formal hearing with the Office of Administrative Courts. See 8.057.3.A.1-4 for permissible reasons to request a hearing. While the county or service delivery agency is not responsible to conduct the hearing, there are several duties the county or service delivery agency must fulfill, found in [10 CCR 2505-10 8.057.3 - 8.057.13](#).

POLICY STATEMENT

This policy is necessary to be compliant with State rules and regulations pertaining to Medical Assistance (MA) State Fair Hearings and dispute resolution conferences.

Responsible staff include:

1. Organizational Integrity Division Director

2. Program Integrity Supervisor
3. Hearing & Appeals Coordinator

DISPUTE RESOLUTION CONFERENCES PROCEDURE

A member/applicant may request a Dispute Resolution Conference (DRC) verbally or in writing, no later than 60 calendar days after the date of the Notice of Action. If available through the County or service delivery agencies, applicants and members may use email to make the request.

When a request for a DRC is received, it is forwarded to the HS-Appeals inbox. The Hearing & Appeals Coordinator is responsible for reviewing the request for a Dispute Resolution Conference.

The Hearing & Appeals Coordinator is required to review the case for accuracy and completeness and will pull all case documentation and review it. If additional information is needed on an eligibility decision made in the Assistance Payments Division the Hearings & Appeals Coordinator with staff the case with the Assistance Payments Training Supervisor.

Within 10 calendar days after receipt of the request for the DRC, the Hearing & Appeals Coordinator will notify the member/applicant of the date, time, and location of the DRC. The notification will include the member/applicant's right to a State Fair Hearing and the date deadline to request a State Fair Hearing. This notification will be in writing and sent via US Mail to the member/applicant address on file.

The Hearing & Appeals Coordinator will review the case and all pertaining documents and will create facts of the dispute for the conference for the member/applicant.

The DRC will be held no more than 25 calendar days from the date the request was received, unless both parties agree to extend the deadline. This agreement will be in writing. The applicant/member will be provided a choice to have the DRC held in-person, virtually, or by phone.

Language Services:

- Interpretation Services: Weld County Department of Human Services (WCDHS) will provide qualified interpretation services, free of charge, to individuals with limited English proficiency who require language assistance to access services. Interpretation services will be provided in-person, telephonically, or through video conferencing, as appropriate.
- Translation Services: Written materials essential to accessing County programs and services will be translated into the client's language by a WCDHS contracted provider.

ADA Accommodations:

- Request Process: Individuals with disabilities will have the right to request reasonable accommodations to ensure equal access to County programs and

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services. Requests for ADA accommodations may be made verbally or in writing and will be promptly addressed.

- Provision of Accommodations: WCDHS will provide reasonable accommodations, including but not limited to auxiliary aids and services, modifications to policies, procedures, and practices, and accessible facilities, as necessary to facilitate meaningful participation by individuals with disabilities.

After the conference, the Hearing & Appeals Coordinator will present the outcome to the Program Integrity Supervisor for final approval.

The Program Integrity Supervisor will notify the member/applicant of the finding from the DRC within 3 business days of the conference. This notification must be in writing and sent via US Mail to the member/applicant address on file. The Hearing & Appeals Coordinator will enter Corrective Action (if any) into CBMS within 3 business days of the conference.

If the finding is that the dispute has been resolved and the member has already filed an appeal, the Hearing & Appeals Coordinator will inform the applicant or recipient of the process for dismissing the appeal.

Dispute Resolution Tracking:

The Program Integrity Supervisor will track each dispute resolution conference held by completing and submitting the Dispute Resolution Tracking Excel spreadsheet to HCPF monthly. The report is to be completed and sent in via email to 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 the site does not have any dispute resolution conferences for the month, the Program Integrity Supervisor will indicate this on the spreadsheet.

STATE FAIR HEARINGS PROCEDURE

When a request for a State Fair Hearing is received, it is forwarded to the Hearing & Appeals Coordinator who will pull the case and all supporting documents to create the hearing packet. Notification of the Decision is pursuant to 10 CCR 2505-10 8.057.11.

1. Members or applicants may request a State Level Hearing in writing no later than sixty (60) calendar days after the date of the Notice of Action.
 - a. If the member/applicant sends the request for a State Fair Hearing to WCDHS, the request will be forwarded to the Office of Administrative Courts (OAC) within one (1) business day from receipt.
 - b. If the member or applicant makes a verbal request for a hearing, the Hearing & Appeals Coordinator will prepare a written request for the individual's signature or have the individual prepare a written request.
 - i. The request will include:
 1. The member or applicant's name, address and State ID (if applicable).

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2. The action, denial, or failure to act promptly that the request for an appeal is based on.
 3. The reason for the appeal of the action.
2. Members or applicants will have the opportunity to examine the complete case file and documents to be used at the hearing at a reasonable time prior to or during the hearing. Documents and information that are confidential are exempt from this unless they are used as evidence during the hearing.
 - a. The Hearing & Appeals Coordinator will assist the member with access to their full case file based upon the member's request. The full case file can be provided via printed document(s), encrypted data stick, or encrypted email.
3. Members or applicants may request an Expedited Hearing. The process for requesting an Expedited Hearing is the same as above.
4. Upon notice of the scheduled hearing, the Hearing & Appeals Coordinator will secure a private hearing room that will accommodate all persons, including witnesses, expected to attend.
 - a. The Hearing & Appeals Coordinator will arrange for language and/or auxiliary services for members or applicants who require them.
 - b. WCDHS will provide reasonable accommodations, including but not limited to auxiliary aids and services, as necessary to facilitate meaningful participation by individuals with disabilities, in the same manner as described in the DRC section of this procedure.
5. The hearing will be attended by the Hearing & Appeals Coordinator who will present evidence and testify to factual issues of the case when called upon.
6. When the Initial Decision is issued by the OAC, it will be served to all parties by first class mail.
 - a. Upon receipt of the Initial Decision, the Hearing & Appeals Coordinator and Program Integrity Supervisor will review and determine whether exceptions will be filed.
 - i. Exceptions must be filed with the HCPF Office of Appeals within fifteen (15) calendar days, plus three (3) calendar days for mailing, from the date the Initial Decision was mailed.
 - ii. The request for exceptions must be in writing and include the specific grounds for the request for reversal, modification, or remand of the Initial Decision.
 1. Specific grounds for the request must be based on the evidentiary findings in the Initial Decision. New evidence or oral arguments may not be presented.
 2. If asserting that the findings of evidentiary fact in the Initial Decision are not supported by the weight of the evidence, a written transcript of the hearing is required.
 - iii. A copy of the written transcript may be requested from the OAC but should be requested prior to filing an exception.
 1. If the written transcript is not filed with the exceptions, if applicable, the exceptions shall state that a written transcript has been requested.

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- iv. An extension of time to file exceptions, or the transcript, may be requested in writing with the HCPF Office of Appeals prior to the due date for filing exceptions.
 - v. A copy of any exceptions filed will be served on all parties by first class mail.
 - vi. Each party may file a response to an exception within ten (10) calendar days from when the exceptions were mailed.
7. The HCPF Office of Appeals will issue a Final Agency Decision in writing to all parties within ninety (90) calendar days unless there has been an extension granted to the member or applicant.
8. If the Final decision is favorable to the member or applicant, the Hearing & Appeals Coordinator will take corrective action within three (3) business days after the effective date of the Final Agency Decision, retroactive to the date the incorrect action was taken. The effective date of the Final Agency Decision must be the third day after the date the decision is mailed to the parties, even if the third day falls on Saturday, Sunday or a legal holiday.
 - a. A motion for reconsideration for the Final Decision may be filed with the HCPF Office of Appeals within fifteen (15) calendar days of the date the Final Decision was mailed.
 - i. The motion for reconsideration must state the specific grounds for reconsideration.
 - ii. A copy of the motion for reconsideration will be served to all parties by first class mail. Parties have ten (10) calendar days from when the motion was mailed to file a written response.
 - iii. A copy of the decision on the motion will be mailed to all parties by first class mail.

MONITORING

The Program Integrity Supervisor is responsible for monitoring requests for Dispute Resolution Conferences. Whenever WCDHS receives a request for a State Fair Hearing it is forwarded to the HS-Appeals inbox which is monitored by both the Hearing & Appeals Coordinator and Program Integrity Supervisor. Training and coaching identified based on this monitoring is coordinated between the Program Integrity Supervisor and Assistance Payments Training Supervisor.

TRAINING

New WCDHS Eligibility Technicians complete HCPF training with the Training and Quality Assurance Team (TQA) utilizing training from the Staff Development Division (SDD). The training covers DRCs and appeals, emphasizing expectations for all employees to communicate and report any requests for a DRC or appeal.

TQA will train staff annually and/or when new guidance is issued by HCPF. Documentation that the training took place will be filed in CoLearn for all SDD trainings or on the training tracker spreadsheet maintained by TQA.

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Eligibility staff will be trained as needed based on DRC and appeal outcomes. This training could include data entry, case file documentation, customer service, etc. Individual training will be tracked in the employee's file. Employee performance concerns will be addressed as needed.