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## Colorado Access Policies

### **DIVERSITY AND CULTURAL COMPETENCY TRAINING PROGRAM**

We are committed to maintaining an environment that respects the perspectives, beliefs, and differences of our Providers, members, and staff members. To this end, we promote cultural diversity and competency to increase access to care and quality of service.

Cultural competency goes beyond racial bounds to include color, national origin, sex, gender, religion, creed, sexual orientation, mental or physical disability, socioeconomic level, age, and more. It celebrates the numerous strengths that people with different backgrounds bring to an organization.

We live in a world filled with people who come from different places and cultural backgrounds. We believe these differences should be recognized in order for organizations to be more effective. Understanding your patients and coworkers will enhance the services you provide and improve the effectiveness of your workplace.

We assist network Providers in providing culturally sensitive care and services by offering free cultural competency training. Cultural competency training is designed to provide a basic understanding of cultural competence in the context of delivering health care services. It serves as a means of strengthening the member-Provider relationship through an increased awareness of cultural and linguistic barriers that exist in accessing needed health care services. Ultimately, the training is intended to equip network Providers with a set of skills, attitudes, and guidelines to draw from while providing care and services to members with cultural differences.

Our cultural competency training program goals are high. Achieving such high standards is not only worth the effort, we believe it is a necessity. For more information, please call us at 800-511-5010.

### **EFFECTIVE COMMUNICATION AND LANGUAGE ASSISTANCE**

#### **Communication with Limited English Proficient & Sensory-Impaired/Speech-Impaired Persons**

Colorado Access and our Providers shall take necessary steps to communicate with members, potential members, family members, and their legal and designated representatives in a language or format that they understand, about services, benefits, consent forms, waivers of rights, financial obligations, consent to treatments, and other issues. Language interpreters and auxiliary aids are provided without cost to the individuals being assisted.

Language assistance must be available in the Provider office or the Provider shall contact our customer service department for assistance at 800-511-5010.

Please call our customer service department at 800-511-5010 if you have questions or need assistance in providing aids or services for members. Aids and services include, but are not limited to, the following:

- Multilingual staff members

- TTY/TDD
- Interpreter services (over the phone and in person)
- Information and materials translated into the member's primary language
- Notices prepared in large print
- Reading the contents of notices aloud for members who are unable to read large print or who have low literacy levels
- Audio tape
- Braille
- Relay Colorado

To obtain written member materials in languages other than English, or an alternative format such as audiotape or large print, please contact our customer service department at 800-511-5010.

### **NON-DISCRIMINATION**

We do not exclude from our network, or deny benefits to, or otherwise discriminate against any person on the grounds of race, color, national origin, gender, sex, religion, creed, sexual orientation, disability, marital status, or age. This includes all of our programs and activities or those provided through a contractor or any other entity with whom we arrange to carry out our programs and activities.

You shall not discriminate against any member on the basis of race, color, national origin, gender, religion, sex, creed, sexual orientation, age, health status, participation in any government program (including Medicaid and Medicare), source of payment, participation in a health plan, marital status, or physical or mental disability. Nor shall you knowingly contract with any person or entity which discriminates against a member on such basis.

### **CONFIDENTIALITY OF PROPRIETARY INFORMATION**

You shall hold all confidential or proprietary information or trade secrets received under your Provider agreement in trust and confidence and shall use such information only for the purposes necessary to fulfill the terms of the Provider agreement, and not for any other purpose. Specifically, you shall keep strictly confidential all terms of the Provider agreement, including but not limited to, compensation rates, except for the method of compensation (e.g., fee-for-service, capitation, shared risk pool, DRG, per diem, etc.), unless otherwise required by state or federal laws.

### **CONFIDENTIALITY OF MEMBER INFORMATION**

We expect you to abide by applicable state and federal rules to protect members' personal information, including name, address, Social Security number, Medicaid/plan number, and any other information considered to be protected health information by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Federal law requires health care

organizations to keep certain sensitive information confidential, such as AIDS or substance use disorder-related information. The laws are not intended to prevent our Providers from accurately and appropriately submitting claims to Colorado Access. Disclosure of clinical record information must be made in accordance with all state and federal laws. You can find more information at [coaccess.com/privacy-security-of-member-information](https://coaccess.com/privacy-security-of-member-information).

### **Substance Use Information Protected by 42 CFR Part 2**

We are required to submit claims data to the Colorado Department of Health Care Policy and Financing regarding payment of substance use disorder services. If you submit claims to Colorado Access that are protected by 42 CFR Part 2, we expect you to obtain the necessary consent authorizing this disclosure and to keep the original signed copy in the member's records. If you have questions about our privacy policies, please contact our privacy official at 855-879-8286, or by email at [compliance@coaccess.com](mailto:compliance@coaccess.com).

### **FRAUD, WASTE, AND ABUSE**

We support the efforts of federal and state authorities in identifying incidents of fraud and abuse and have mechanisms in place to prevent, detect, investigate, report, and correct incidents of fraud and abuse.

- **Fraud:** An intentional (willful or purposeful) deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to him/herself or some other person. This includes any act that constitutes fraud under Medicare and Medicaid, or other applicable federal or state laws.
- **Abuse:** Practices that are inconsistent with sound fiscal, business, or medical practices, and that result in an unnecessary cost to Colorado Access or federal health care programs, or in seeking reimbursement for goods or services that are not medically necessary, or that fail to meet professionally recognized standards for health care.
- **Waste:** Incurring unnecessary costs as a result of deficient management, practices, systems, or controls; the overutilization of services not caused by criminally negligent actions; and the misuse of resources.

Please report any possible incidents of fraud, waste, or abuse to our compliance team. We strongly encourage Providers to self-report any known problems with inadequate documentation, Provider license issues, or other issues that could be interpreted as waste or abuse if discovered independently by Colorado Access. Our fraud and abuse policy is located online at [coaccess.com/compliance](https://coaccess.com/compliance).

- Call the anonymous and confidential compliance hotline at 877-363-3065; or
- Email [compliance@coaccess.com](mailto:compliance@coaccess.com).

We initiate and perform independent reviews and audits of Provider billing practices based on a number of factors including, but not limited to, compliance or quality reports, claims monitoring, billing practices and trends, and requests of the State. Poor audit findings, including indications of possible fraud, waste, or abuse, can lead to required Provider education; corrective action plans; ongoing monitoring; termination of Provider contract; reporting to



state and federal agencies and authorities; and/or repayment of claims. We are required by law to recoup any money that was paid for a claim found to be invalid or not fully supported by the Provider medical records.

The False Claims Act establishes legal liability for offenses related to certain acts, including knowingly presenting false or fraudulent claims to the government for payment, and making a false record or statement that is material to the false or fraudulent claims. Knowingly includes not only actual knowledge but also deliberate ignorance or reckless disregard for the truth or falsity of the information. Examples of potential False Claims Act violations include upcoding, billing for unnecessary services, billing for services or items that were not rendered, and billing for services performed by an excluded individual.

Similarly, Providers are obligated to perform independent reviews and audits of their own billing practices to evaluate and assure that their billing practices are in compliance with applicable federal and state rules and regulations to prevent fraud, abuse, and wasteful practices. In the event of a positive finding of a prohibited practice, the Provider has an affirmative obligation to report the same to Colorado Access and further, to take immediate corrective action.

**Overpayments**

You are required by federal law to report and return any Medicaid overpayment to Colorado Access within 60 days of identification of the overpayment. Failure to return overpayments creates the possibility of legal liability and penalties for committing fraud, waste, and abuse. Overpayments can be returned by filing a corrected or voided claim, or by submitting a written request to our claims department. Please review the Claims section of this manual for further instruction on how to return an overpayment.

**Comparison of the False Claims Act, the Anti-Kickback Statute, and the Stark Law**

The following table provides a brief overview of the primary federal fraud statutes. This chart is for illustrative purposes only, and is not a substitute for consulting statutes and the applicable regulations.

OVERVIEW	FALSE CLAIMS ACT	ANTI-KICKBACK STATUTE	STARK LAW
Citation	18 USC § 287	42 USC § 1320a-7b(b)	42 USC § 1395nn
Prohibition	Prohibits false or fictitious claims or demands for medical goods or services	Prohibits offering, paying, soliciting, or receiving anything of value to induce or reward referrals or generate federal health care program business	Prohibits a physician from referring Medicare or Medicaid patients for designated health services to an entity with which the physician (or immediate family member) has a financial relationship, unless an exception applies



OVERVIEW	FALSE CLAIMS ACT	ANTI-KICKBACK STATUTE	STARK LAW
			Prohibits the Designated Health Services entity from submitting claims to Medicare or Medicaid for those services resulting from a prohibited referral
Referrals	Referrals from anyone	Referrals from anyone	Referrals from a physician
Items/Services	Any items or services	Any items or services	Designated Health Services that are defined at 42 C.F.R. § 411.351
Intent	Intent must be proven, but upon a relaxed standard	Intent must be proven (knowing and willful)	No intent standard for overpayment (strict liability)  Intent required for civil monetary penalties for knowing violations
Penalties	<p><b>Criminal:</b></p> <ul style="list-style-type: none"> <li>• Up to five years imprisonment</li> <li>• Fines up to \$250,000 for an individual/\$500,000 for a corporation, and is per occurrence</li> </ul> <p><b>Civil:</b></p> <ul style="list-style-type: none"> <li>• Civil penalty of not less than \$5,000, not more than \$10,000, plus three times the amount of damages the government sustains because of the action</li> <li>• Liability is per occurrence</li> </ul>	<p><b>Criminal:</b></p> <ul style="list-style-type: none"> <li>• Fines up to \$25,000 per violation</li> <li>• Up to a five-year prison term per violation</li> </ul> <p><b>Civil/Administrative:</b></p> <ul style="list-style-type: none"> <li>• False Claims Act liability</li> <li>• Civil monetary penalties and program exclusion</li> <li>• Potential \$50,000 CMP per violation</li> <li>• Civil assessment of up to three times the</li> </ul>	<p><b>Civil:</b></p> <ul style="list-style-type: none"> <li>• Overpayment/refund obligation</li> <li>• False Claims Act liability</li> <li>• Civil monetary penalties and program exclusion for knowing violations</li> <li>• Potential \$15,000 CMP for each service</li> <li>• Civil assessment of up to three times the amount claimed</li> </ul>



OVERVIEW	FALSE CLAIMS ACT	ANTI-KICKBACK STATUTE	STARK LAW
		amount of the kickback	

**MEMBER RIGHTS AND RESPONSIBILITIES**

Detailed information on member rights and responsibilities is found in the applicable program’s member handbooks and located on our website at [coaccess.com/members/services/rights/](http://coaccess.com/members/services/rights/).

We encourage you to direct members to our website or to call our customer service department at 800-511-5010 if they have questions or want to request a copy of their member benefits information.

**MEMBER GRIEVANCES**

Members and their families have the right to express dissatisfaction about any matter other than an adverse benefit determination. We notify members regarding their rights and how to file a grievance. Providers should also inform members of their right to file a grievance. The term “member” refers to the member, the member’s parent or legal guardian, authorized representative, or any individual designated to assist in the grievance process. A member’s grievance will be addressed without adverse consequences or retaliation. There is no time limit to filing grievances.

Our website contains detailed information for members on grievances at [coaccess.com/members/services/grievances/](http://coaccess.com/members/services/grievances/).

Colorado Access is available to assist members in filing grievances. We can take the information over the phone, assist in completing forms, and offer auxiliary aids and interpreter services. We encourage you to direct members to our website or to call our customer service department at 800-511-5010 if they have questions or want assistance with grievances.

**MEMBER APPEALS**

Colorado Access has an appeal process available to members to appeal denials of care and/or payment for care. The term “member” refers to the member, the member’s parent or legal guardian, authorized representative, or any individual designated to assist in the appeal process. We notify members regarding their rights and how to file an appeal. Colorado Access provides a written Notice of Adverse Benefit Determination (“Notice”) to members as described in our utilization review policies and procedures. The Notice includes information on the member’s right to request an Appeal or State Fair Hearing and how to do so.

Appeals may be filed orally or in writing within 60 calendar days from the date of the Notice. Medicaid members may also request continuation of benefits during the appeal process. Continuation of benefits is not available to CHP+ members.

Additional details about the process and how members may proceed to State Fair Hearing are included in the Notice provided to members. Providers may find information about the process

from start to finish in UM106 Member Appeals Process located on our website at [coaccess.com/providers/resources/um/](https://coaccess.com/providers/resources/um/).

Colorado Access is available to assist members in filing appeals, including taking the request over the phone, assisting in completing forms, and offering auxiliary aids and interpreter services. Colorado Access will provide the member, free of charge, with the case file, including any medical records or documents and any new or additional documents considered, relied upon, or generated by Colorado Access in connection with the appeal.

We encourage you to direct members to our website or to call our customer service department at 800-511-5010 if they have questions or want assistance with appeals.

### **ALTERNATIVE TREATMENT OPTIONS**

We do not prohibit, or otherwise restrict health care professionals, acting within the lawful scope of practice, from advising or advocating on behalf of the member who is the Provider's patient for the following:

- The member's health status, medical care, or treatment options, including any alternative treatments that may be self-administered
- Any information the member needs in order to decide among all relevant treatment options
- The risks, benefits, and consequences of treatment or non-treatment
- The member's right to participate in decisions regarding his or her health care, including the right to refuse treatment, and to express preferences about future treatment decisions

### **MORAL OR RELIGIOUS OBJECTIONS**

If you object to providing a service on moral or religious grounds, you must notify Colorado Access about the services you do not provide.

### **ADVANCE DIRECTIVES**

An advance directive is a written instruction of care such as a living will or medical durable power of attorney relating to the provision of health care when, or if, the individual is incapacitated. Medical Providers have the responsibility to provide information about advance medical directives and to assist members with completing advance medical directive forms, as appropriate. If the member has an advance medical directive, it is the responsibility of the member to provide medical providers of the facility with a copy.

Hospitals, skilled nursing facilities, and home health agencies must maintain written policies and procedures concerning advance medical directives. These policies must specify how and when a directive can be changed, as well as procedures for providers to give information to the client regarding implementation of the advance medical directive.

You shall document prominently in the member's medical record if the individual has executed an advance medical directive. The presence or absence of an advance medical directive is not a



provision of care and Providers cannot discriminate against an individual based on advance medical directive status. If possible discrimination or coercion is suspected, a member or provider (on behalf of a member) can file a grievance. If you cannot execute or implement an advance medical directive on the basis of conscience, you are to issue a written or other appropriate form of statement of limitation to the member (or the member's representative). To learn more about advance medical directives, please visit our website at [coaccess.com/advance-directives](https://coaccess.com/advance-directives).

## **CREDENTIALING AND CREDENTIALING SCOPE**

We credential our contracted Providers and follow National Committee for Quality Assurance (NCQA) standards and guidelines for credentialing and recredentialing. We also credential and recredential hospital-based Providers who provide care in an outpatient setting (such as an anesthesiologist offering pain management or university faculty who have private practices that are, or will be, contracted with us to provide health care services). We perform credentialing of hospitals, home health agencies, skilled nursing facilities, nursing homes and freestanding surgical centers prior to contracting and re-credentialing occurs at least every three years thereafter. Providers that are exempt from the credentialing process are listed below:

- Covering providers and locum tenens;
- Providers who practice exclusively within the inpatient setting or are hospital-based and who provide care to our members only as a result of the member being directed to the hospital or another inpatient setting (i.e., anesthesiologists, pathologists, radiologists, emergency medicine, neonatologists, telemedicine consultants, and hospitalists);
- Providers who practice exclusively within freestanding facilities and who provide care to members only as a result of members being directed to the facility (mammography centers, urgent care, surgery centers, and ambulatory behavioral health facilities);
- Dentists who provide primary dental care only under a dental plan or rider;
- Pharmacists who are contracted with a pharmacy benefit management organization (PBM) who is contracted with Colorado Access; and
- Unlicensed doctoral or master level Providers only when necessary to meet member linguistic/cultural needs, or for service provision in a rural or underserved area.

Provider shall participate with the Colorado Access credentialing standards and requirements as set forth in the Colorado Access policies and procedures and shall submit to Colorado Access, or its designee, the Colorado Health Care Professional Credentials Application or the Colorado Access Organizational Provider Application and other required attachments, as modified from time to time in accordance with NCQA and Colorado Access standards. Provider agrees to voluntarily provide and disclose, as part of the credentialing process, all such documents or materials requested by Colorado Access and recognizes a continuing duty to disclose such information that is relevant to the credentialing process. Provider and its Provider Representatives shall not begin to perform contract services until such application has been approved by Colorado Access. Provider further warrants and represents that it shall timely

supplement the Provider's application for credentials and provide any further information requested by Colorado Access and shall further notify Colorado Access of any and all actions or events that materially affect the application and/or approval for credentials.

### **Credentialing Applications**

We participate in the CAQH ProView. CAQH is a web-based tool that enables Providers to enter credentialing information online and avoid the hassles of completing the same paperwork for multiple health care organizations. If you would like more information about registering for this service or completing the CAQH application, please visit [proview.caqh.org](http://proview.caqh.org). If you already participate with CAQH, please designate Colorado Access as an authorized health plan.

For additional information, please contact our credentialing department at 720-744-5100 or 800-511-5010, or by email at [credentialing@coaccess.com](mailto:credentialing@coaccess.com).

### **MEMBER'S DISCHARGE FROM CARE**

#### **Discharge Generally**

The Provider may request a member's discharge from the practice for reasons including, but not limited to:

- Documented history of abusive behavior by the member or member's family, or other behavior that demonstrates a serious threat of harm to the Provider, staff members, or other patients from continued care
- Non-compliance
- Failure to keep or cancel scheduled appointments
- Inability of Provider to provide the necessary level of care
- Removal from the area by the Provider

If a Provider is considering discharging a member from the panel, the Provider must notify the member both verbally and in writing by U.S. mail. In the written notification, the Provider must:

- Document the inappropriate behavior.
- Explain the impact on the Provider's ability to provide adequate care to the member.
- Warn the member of possible discharge from service, if the behavior is not corrected.

The Provider should send a copy of the written notification to [grievance@coaccess.com](mailto:grievance@coaccess.com) or PO Box 17950, Denver, CO 80217-0950.

After receipt of the written notification, Colorado Access will contact the member. We maintain a copy of the documentation.

#### **Discharge of Medicaid Members**

If a Provider and/or the grievance and appeals team decides to terminate the Provider-patient relationship with a Medicaid member, the Provider must provide a written notice of



termination at least 45 days before the termination becomes effective. Such written notice must also be mailed to:

Colorado Department of Health Care Policy and Financing  
Attn: Provider Relations Division  
1570 Grant St.  
Denver, CO 80203

The provider should send written notification to the Colorado Access grievance team at [grievance@coaccess.com](mailto:grievance@coaccess.com) or:

Colorado Access  
Attn: Grievance  
PO Box 17950  
Denver, CO 80217-0950

The written notice of termination must include the following:

- Assurance that the Provider will continue provisional coverage of the Medicaid member's health care needs for up to 45 days, while the member obtains a new Provider.
- If possible, referral information to the member regarding possible new Providers.
- Notification that the member's medical records will be sent to the new provider upon receipt of written authorization from the member.

Generally, an authorization for the release of medical records should be included in the notice of termination, enabling the member to designate the new provider and sign. Members should be assured that the former Provider will promptly send the first copy of the member's records at no charge.