



## REPORT ON CBMS SETTLEMENT AND ITS IMPLICATIONS, IF SETTLEMENT IS APPROVED, as of Feb. 8, 2008

Report by  
Ed Kahn, Special Counsel

Plaintiffs and defendants agreed in December, 2007 on a settlement of the CBMS case. However, the Denver District Court has not yet acted to approve or reject the settlement. (CCLP knows of no opposition to the settlement).

For agencies, case managers and clients, the most important features of the settlement are:

1. The Department of Human Services (DHS) and the Department of Health Care Policy and Financing (HCPF) reaffirm their obligation to timely and accurately process Food Stamp, Medicaid, Child Health Plan + and Colorado Works applications and redeterminations.
2. Collections on overpayments attributable to payments prior to June 1, 2006, due to CBMS, will be stopped.
3. Departments shall maintain customer assistance hot lines plus keep a log and if systemic problems are identified, identify what steps have been taken to fix. Counties will provide reasonable telephone access, departments will monitor and make sure it happens.
4. Benefits are to be restored to clients or paid to third parties where wrongfully denied or reduced due to CBMS.

Other features of the settlement include:

5. DHS and HCPF increase reporting to monthly, by county and Medical Assistance site, by program area whether each application or redetermination is timely processed, and if delayed, by how much.
6. DHS and HCPF agree to furnish plaintiffs' counsel contemporaneously reports they make to federal USDA and HHS.

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7. Should systemic problems be found, departments agree to undertake a corrective action plan, share it with plaintiffs' counsel, and there may be additional steps.
8. Interface issues –If system caused no payment or lack of payment, clients will be made whole.
9. Accuracy of county records vis-à-vis CBMS records. There shall be a QA review to reconcile same, copies of management review to be provided plaintiffs' counsel.
10. Plaintiffs' may one time audit by a statistically valid sample determinations of applications and redeterminations.
11. Plaintiffs' counsel may bring technical problems to Departments' attention. They will evaluate and fix problems within 60 days or report why they couldn't fix in that time.
12. Plaintiffs' counsel can go to the Court in the existing case to enforce the settlement agreement.

For more information, or to answer any questions, please feel free to contact CCLP Health Program Director at [earenales@cclponline.org](mailto:earenales@cclponline.org) or 303-573-5669, ext. 302