



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

SEPTEMBER 2021 EMERGENCY JUSTIFICATION FOR MEDICAL ASSISTANCE RULES ADOPTED AT THE SEPTEMBER 10, 2021 EMERGENCY MEDICAL SERVICES BOARD MEETING

MSB 21-08-18-A, Revision to the Medical Assistance Act Rule concerning Hospice Room and Board, Section 8.550.9.C

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. This rule is imperatively necessary to comply with state law at CRS § 25.5-4-424 to implement the hospice state-only room and board payment mandated by statute and is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-08-30-A, Revision to the Medical Assistance Act Rule concerning Subacute Care, Section 8.300

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. Addition of subacute care to the list of the covered services for inpatient hospitals, and associated alternate care facilities, increases access to such care for the duration of the COVID-19 public health emergency and is imperatively necessary for the preservation of public health, safety, and welfare.

MSB 21-07-26-A, Revision to the Medical Assistance Act Rule concerning Qualified Residential Treatment Programs, Section 8.765

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The Qualified Residential Treatment Program provisions of the Family First Prevention Services Act, Pub.L. 115-123, Div. E, Title VII, § 50734, Feb. 9, 2018, 132 Stat. 252, were to go into effect October 1, 2018. However, the U.S. Department of Health and Human Services issued Program Instruction PI-18-07 permitting requests for delayed effective dates up to two years past the statutory deadline. The Colorado Department of Human Services applied for, and received, an extension until December 31, 2020, but no later than September 29, 2021. This rule is imperatively necessary to comply with federal law to implement the delayed effective date for the Family First Prevention Services Act provisions pertaining to Qualified Residential Treatment Programs and to align with the parallel Colorado Department of Human Services license.

