



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

NOTICE OF PROPOSED RULES

The Medical Services Board of the Colorado Department of Health Care Policy and Financing will hold a public meeting on Friday, May 10, 2019, beginning at 9:00 a.m., in the eleventh floor conference room at 303 East 17th Avenue, Denver, CO 80203. Reasonable accommodations will be provided upon request for persons with disabilities. Please notify the Board Coordinator at 303-866-4416 or chris.sykes@state.co.us or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.

A copy of the full text of these proposed rule changes is available for review from the Medical Services Board Office, 1570 Grant Street, Denver, Colorado 80203, (303) 866-4416, fax (303) 866-4411. Written comments may be submitted to the Medical Services Board Office on or before close of business the Wednesday prior to the meeting. Additionally, the full text of all proposed changes will be available approximately one week prior to the meeting on the Department's website at www.colorado.gov/hcpf/medical-services-board.

This notice is submitted pursuant to § 24-4-103(3)(a) and (11)(a), C.R.S.

MSB 19-02-05-A, Revision to the Medical Assistance Rule concerning Children's Habilitation Residential Program, Section 8.508

Medical Assistance. The statute authorizing the changes to the Home and Community Based, Children' Habilitation Residential Program Waiver, Section 25.5-5-306, C.R.S., pursuant to House Bill 18-1328. Revisions include removal of requirement that the child be in foster care, transfer the administration of the CHRP waiver from the Colorado Department of Human Services to the Colorado Department of Health Care Policy and Financing, transfer the case management from child-welfare agencies to Case Management Agencies (specifically Community Centered Boards-CCBs) and add two services aimed to mitigate the need for an out of home placement and facilitate returns to the home once stabilized.

The authority for this rule is contained in section 25.5-5-306, C.R.S. (2018) and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

MSB 19-01-31-A, Revision to the Colorado Indigent Care Program Rule Concerning CICP SSNs and Clinic Payment Timeline Update, Sections 8.904 and 8.905

Medical Assistance. Rule #MSB 19-01-31-A amends sections 8.904.G Social Security Numbers and 8.905.B.d Payment notification for Colorado Indigent Care Program (CICP) Clinic Providers. Section 8.904.G adds language about individuals who are ineligible to obtain a social security number and Section 8.905.B.d shifts the date the Department must notify CICP Clinic Providers of their payment for the year from the end of July to the end of August.

The authority for this rule is contained in sections 25.5-3-101 through 25.5-3-111, C.R.S. (2018) and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

MSB 18-09-18-A, Revision to the Medical Assistance Long-Term Services and Supports Rule Concerning Consumer Directed Attendant Support Services, Section 8.510

Medical Assistance. The Department is clarifying roles and responsibilities of case management agencies, clients, authorized representatives and Financial Management Service vendors. The rule change identifies additional services which are currently performed as health maintenance activities

in Consumer Directed Attendant Support Services (CDASS). The Department is also identifying services that may be participant directed under the Home and Community Based Supported Living Services (HCBS-SLS) waiver.

The authority for this rule is contained in Section 25.5-6-1101 C.R.S. (2018) and 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

MSB 19-01-08-A, Revision to the Medical Assistance Rule concerning Family Support Services Program (FSSP) Regulations, Section 8.613

Medical Assistance. The proposed regulations will create a standard method for enrollment and prioritization of those receiving services, ensuring funding goes to families who need it most. These regulations will codify roles and processes of the Family Support Council (FSC), Community Centered Boards (CCBs), and case managers.

The authority for this rule is contained in section 25.5-10-303 C.R.S. (2018) and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

MSB 19-01-23-A, Revision to the Medical Assistance Special Financing Rule Concerning Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960

Medical Assistance. The Dental Advisory Committee have approved procedure codes D0277, D4346, and D7471 to be incorporated into Appendix A. The statute authorizing the Colorado Dental Health Care Program for Low-Income Seniors, Section 10 CCR 2505-10 Section 8.960.

The authority for this rule is contained in section 25.5-3-404, C.R.S. (2018), C.R.S and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

MSB 19-01-04-A, Revision to the Medical Assistance Home and Community Based Services for Elderly Blind and Disabled Rule Concerning Non-Medical Transportation Section 8.494

Medical Assistance. The Department is revising this section of the rule, 10 CCR 8.494, to allow for the use of public transportation under the Non-Medical Transportation (NMT) service. This addition will apply to the Elderly, Blind and Disabled (EBD), Community Mental Health Supports (CMHS), Spinal Cord Injury (SCI), and Brain Injury (BI) waivers.

The authority for this rule is contained in section 25.5.6.313(1) C.R.S. (2018), C.R.S and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

MSB 19-01-22-A, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Supportive Living Programs, Section 8.515.85

Medical Assistance. Minor changes to the SLP regulations are being made. The intention of this rule change is to add a second allowed licensure type to ensure the sustainability of all current SLP providers while maintaining appropriate oversight of the health, safety, and welfare of people receiving SLP services.

The authority for this rule is contained in section 25.5-6-704 C.R.S. (2018), C.R.S and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

MSB 18-10-23-A, Revision to the Medical Assistance Benefits Rule Concerning Transgender Services, Section 8.735

Medical Assistance. The rule revision will remove what had been numbered as Sections 8.735.5.E.3.s. and 8.735.5.E.4.c. – “permanent hair removal to treat surgical tissue donor sites” – from the list of surgeries and add a “Permanent Hair Removal” subsection at 8.735.4.E. These changes will clarify that hair removal is not subject to the authorization requirements at what is now Section 8.735.4.F.2. that apply to the listed surgeries. The revision also includes a correction to the numbering within the rule section and clarification of prior authorization requirements.

The authority for this rule is contained in 45 CFR Part 92 and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

MSB 19-02-14-A, Revision to The Medical Assistance Rule concerning Nursing Facility Reimbursement, Section 8.400

Medical Assistance. The rule change revises the methodology to calculate the Medicaid Management Information System (MMIS) per diem reimbursement rate and the methodology to calculate one of the five nursing facility supplemental payments.

The authority for this rule is contained in section 25.5-4-402.4(4)(g), C.R.S and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

MSB 18-11-07-A, Revision to the Medical Assistance Rule concerning State Supported Living Services Program, Section 8.501

Medical Assistance. The rule promulgates services and service categories for the State Supported Living Services (State-SLS) Program. This program uses state only funds, and until now has not had regulations overseeing its implementation. These rules will allow Community Centered Boards to implement this program equally across the state, while allowing the Department of Health Care Policy and Financing (the Department) the ability to track and assess the quality of the services rendered.

The authority for this rule is contained in section 25.5-10-206(1) and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).