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STATE OF COLORADO
DEPARTMENT OF LAW

State Services Section

May 24, 2019

The Honorable Jena Griswold
Colorado Secretary of State
1700 Broadway
Denver, Colorado 80290

RE: Correction Request - Tracking Number 2019-00197

Dear Secretary of State Griswold:

On October 12, 2018, the Department of Health Care Policy and Financing submitted MSB 18-02-09-B, *Revision to the Medical Assistance Rule Concerning Community Clinic and Community Clinic and Emergency Center*, Section 8.320, to the Medical Services Board for permanent adoption, TN 2018-00436. The rule submitted for adoption does not align with the rule language adopted by the Medical Services Board.

The incorrect text at 8.320 should be replaced with the correct text as adopted by the Medical Services Board on October 12, 2018. A conformed version of the rule as adopted by the Board is attached.

This correction is technical and non-substantive in nature and is submitted to you for publishing in the CCR pursuant to C.R.S. § 24-4-103 of the State Administrative Procedure Act.

Please contact me at (720) 508-6145 if you require further information.
Thank you for your assistance.

Sincerely,

FOR THE ATTORNEY GENERAL

JENNIFER L. WEAVER
First Assistant Attorney General
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cc: Chris Sykes

8.310.3.C. Non-Covered Services

The following are non-covered services under the Colorado Medicaid Dialysis Center benefit:

1. Personal care items such as slippers or toothbrushes.

8.320 COMMUNITY CLINIC AND COMMUNITY CLINIC AND EMERGENCY CENTER

8.320.1 Definitions

A. Community Clinic (CC) means a health care facility that provides health care services on an ambulatory basis and

is not licensed as an on-campus department or service of a hospital,

is not listed as an off-campus location under a hospital's license,

is not a facility that functions only as an office for the practice of medicine or only for the delivery of primary care services by other licensed or certified practitioners,

is not licensed as an Ambulatory Surgery Center,

is not a federally qualified health center,

is not a rural health clinic,

and is not operated by the Department of Corrections.

B. A Community Clinic and Emergency Center (CCEC) is a Community Clinic that delivers emergency care services.

C. CMS means the Centers for Medicare and Medicaid Services.

D. Department means the Department of Health Care Policy and Financing.

E. Emergency Care Services, for the purposes of this rule, means services for a medical condition, including active labor and delivery, manifested by acute symptoms of sufficient severity, including severe pain, for which the absence of immediate medical attention could reasonably be expected to result in: (1) placing the client's health in serious jeopardy, (2) serious impairment to bodily functions or (3) serious dysfunction of any bodily organ or part.

F. Observation Stay means a stay in the CC or CCEC for no more than 48 hours for the purpose of (a) evaluating a client for possible Inpatient admission; or (b) treating clients expected to be stabilized and released in no more than 24 hours; or (c) extended recovery following a complication of an Outpatient procedure. Only rarely will an Observation Stay exceed 24 hours.

8.320.2 Requirements for Enrollment as a CC or CCEC

8.320.2.A.

1. The facility is licensed as a CC or CCEC by the Colorado Department of Public Health and Environment (CDPHE) in accordance with CDPHE rule at 6 CCR 1011-1, Chapter IX; and
2. The facility location is Medicare-certified by CMS and owned by a Medicare participating hospital.

8.320.3 Services

8.320.3.A The following services provided by a CC or CCEC are eligible for reimbursement:

1. Outpatient services, as defined in the Department's rule at 10 CCR 2505-10, section 8.300.3.B, section 8.300.B.2, 8.300.B.3; and
2. Observation stays, as defined in the Department's rule at 10 CCR 2505-10, section 8.300.3.B.1.

8.320.4 Reimbursement

8.320.4.A CC and CCEC services are reimbursed as:

1. Outpatient services, in accordance with the Department's rule at 10 CCR 2505-10, section 8.300.6, using the hospital base rate for the hospital that is identified in the CMS certification of the CC or CCEC.

8.390 LONG TERM CARE SINGLE ENTRY POINT SYSTEM

The long term care Single Entry Point system consists of Single Entry Point agencies, representing geographic districts throughout the state, for the purpose of enabling persons in need of long term services and supports to access appropriate services and supports.

8.390.1 DEFINITIONS