



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

AUGUST 2021 EMERGENCY JUSTIFICATION FOR MEDICAL ASSISTANCE RULES ADOPTED AT THE AUGUST 13, 2021 EMERGENCY MEDICAL SERVICES BOARD MEETING

MSB 21-08-10-A, Revision to the Medical Assistance Rule Concerning Federally Qualified Health Center Reimbursement, Section 8.700.6

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. This rule needs to be presented as an emergency to preserve the rate effective date of 9/28/2021. If we did not present this rule as an emergency, it would be effective later and therefore some FQHC rates would be set using the cost report. This would either cause FQHC rates to skyrocket or drop, which could either impact the Department's budget or the FQHC's revenue. It is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-08-10-B, Revision to the RHC Rule Concerning Adding Provider Types to RHC Visit, Section 8.740

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The Medical Assistance Program changed coverage on July 1, 2018 to pay for short term behavioral health services as a state plan benefit for all Medicaid clients enrolled in the Behavioral Health Managed Care program. Previously these services were only available through the Managed Care Entities for clients enrolled in the behavioral health program. RHCs have been providing the services as contractors with the Managed Care Entities that cover behavioral health for Colorado Medicaid. When providing services under the managed care plan, visits with licensed professional counselors, licensed marriage and family therapists, and licensed addiction counselors were paid as encounters to the RHC using the prospective payment system. If we did not add these providers to the definition of an RHC visit, we would be out of compliance for paying for these services. If we no longer paid RHCs for these services, it would have a great detrimental effect on behavioral health services provided in rural areas. Therefore, this rule is necessary for the preservation of public health, safety and welfare as well as to comply with state or federal law. It is imperatively necessary for the preservation of public health safety, and welfare.

