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Title of Rule: Revision to the Medical Assistance Rule concerning Adult Dental Annual Limit Increase, Section 8.201
Rule Number: MSB 19-05-29-A
Division / Contact / Phone: Benefits and Services Division / Russ Zigler / 303-866-5927

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 19-05-29-A, Revision to the Medical Assistance Rule concerning Adult Dental Annual Limit Increase, Section 8.201
3. This action is an adoption an amendment of:
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.201.6, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 9/13/2019
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.201.6 with the proposed text beginning at 8.201.6 through the end of 8.201.6. This rule is effective September 13, 2019.

*to be completed by MSB Board Coordinator

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STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The 2019 Long Bill (SB19-207) passed by the Colorado General Assembly increases the Colorado Medicaid annual adult dental limit from \$1,000 to \$1,500, effective July 1, 2019. This rule increases the adult dental annual limit from \$1,000 to \$1,500.

2. An emergency rule-making is imperatively necessary

to comply with state or federal law or federal regulation and/or
 for the preservation of public health, safety and welfare.

Explain:

The 2019 Long Bill (SB19-207) passed by the Colorado General Assembly increases the Colorado Medicaid annual adult dental limit from \$1,000 to \$1,500, effective July 1, 2019. Moreover, immediate adoption is imperatively necessary for the preservation of public health, safety and welfare because clients will be able to receive additional necessary dental care.

3. Federal authority for the Rule, if any:

42 USC 1396d(a)(10) (2019)

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2018);
25.5-5-202(1)(w) (2018)

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REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Colorado Medicaid adult clients will be affected by the proposed rule and will benefit from the increase dental annual limit.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Colorado Medicaid adult clients have an additional \$500 of dental services available to them.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The Department will incur additional costs due to the increase in the cap from \$1000 to \$1500. The Department estimates that there will be an increase in expenditure of \$11.1 million total funds, including \$2.9 million cash funds and \$8.2 million federal funds, due to clients being able to receive more services than they are currently able to access. That amount was appropriated to the Department to implement the policy change through SB 19-207 (the Long Bill). The Department does not anticipate costs to any other agency due to the implementation of the rule, nor an effect on state revenues.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The cost of the proposed rule is increased impact on state expenditures resulting from increased Colorado Medicaid adult dental services utilization. The benefit of the proposed rule is additional adult dental services available to Colorado Medicaid clients. The cost of inaction is the rule conflicting with the 2019 Long Bill. There are no benefits to inaction.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

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There are no less costly methods or less intrusive methods for aligning the rule with the 2019 Long Bill.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for aligning the rule with the 2019 Long Bill.

8.201 ADULT DENTAL SERVICES

8.201.6 ANNUAL LIMITS

1. Beginning July 1, 2019, Dental services for Adult Clients age 21 years and older shall be limited to a total of ~~\$1,000~~\$1,500 per Medicaid Adult Client per state fiscal year. An Adult Client may make personal expenditures for any dental services that exceed the ~~\$1,000~~\$1,500 annual limit.
2. The complete and partial dentures benefit shall be subject to prior authorization and shall not be subject to the ~~\$1,000~~\$1,500 annual maximum for dental services for Adult Clients age 21 years and older. Although the complete and partial dentures benefit is not subject to the ~~\$1,000~~\$1,500 annual maximum for the adult dental services, it shall be subject to a set Medicaid allowable rate.