



# 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, July 12, 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](mailto:chris.sykes@state.co.us) or the 504/ADA Coordinator [hcpf504ada@state.co.us](mailto: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](http://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 19-02-12-B, Revision to the Medical Assistance Rule concerning Hospital Back Up Level of Care, Section 8.470**

Medical Assistance. The Department is revising 10 CCR 2505-10, Section 10 C.C.R. 2505-10, Section 8.040 Recovering from Providers, Section 8.050 Provider Appeals, and Section 8.076 Program Integrity. These sections outline the Department's program integrity efforts, including monitoring and ensuring compliance with federal and state statutes, rules and preventing provider fraud, waste, and abuse. The proposed revisions will provide additional guidance and outlines processes for responding to a request for written response from the Department, provider self-disclosures, provider training on the False Claims Act and whistleblower protections, suspension of payments due to a credible allegation of fraud, and provider reinstatement after a for cause termination.

The authority for this rule is contained in 42 U.S.C. Sec. 1320a-7k(d)(2); 42 C.F.R. § 455.23; 42 C.F.R. § 1002.215; HB17-1139 and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

### **MSB 19-01-30-A, Revision to the Medical Assistance Rule concerning Program Integrity, Section 8.000**

Medical Assistance. The purpose of this rule change is to define each existing category with greater clarity and include detailed explanations of the documents necessary for verifying clinical eligibility for the HBU program. The desired outcome of this change would be to reduce delays to Client admission and decrease any financial burdens placed on the State as a result of these delays.

The authority for this rule is contained in Section 1919(e)(5) of the Social Security Act and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

### **MSB 19-04-16-A, Revision to the Medical Assistance Rules concerning Case Management and Quality Performance, Sections 8.393, 8.500, 8.600 & 8.700**

Medical Assistance. HB 17-1343, requires the Department to implement Conflict Free Case Management (CFCM) for individuals with intellectual and developmental disabilities (I/DD). HB 17-1343 requires the Department to create a third party entity to assist with the choice of case

management agencies. The Department has completed 10 stakeholder engagements to gather feedback and recommendations. The Department along with stakeholders and expert recommendations developed qualifications for Case Management Agency and Case Manager qualifications. The Department has worked closely with stakeholders in the development of the qualifications which included 12 stakeholder meetings in various locations across the State of Colorado and in informal public comment period. This rule further defines the case management agency and case manager role, separate and distinct from eligibility and case management. The authority for this rule is contained in Section 25.5-10-211.5 C.R.S (2018) and 25.5-1-301 through 25.5-1-303, C.R.S. (2018).