



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, September 13, 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 19-07-17-A, Revision to the Medical Assistance Benefits Rule Concerning Pharmaceuticals, Section 8.800.4.C

Medical Assistance. Pharmaceuticals. Stiripentol, a drug used to treat an epileptic condition known as Dravet Syndrome, is now FDA approved. Due to the recent FDA approval of Stiripentol, its reference under 10 C.C.R. 2505-10, Section 8.800.4.C.5.a, as a non-FDA approved drug will be deleted. The Department currently covers Stiripentol and will continue to cover Stiripentol. This rule change is simply a technical clean-up to remove its designation as a non-FDA approved drug.

The authority for this rule is contained in 42 U.S.C. § 1396d(a)(12); 42 CFR § 440.120, 42 CFR § 447.50; 25.5-5-201(1)(a), C.R.S. (2018) and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

MSB 19-03-05-A, Revision to the Medical Assistance Rule concerning Durable Medical Equipment Reimbursement, Section 8.590.7.K

Medical Assistance. This rule making will ensure the State is in compliance with the July 1, 2019 appropriation and implement the across-the-board rate increase for all DMEPOS providers

The authority for this rule is contained 42 CFR 440.70, 440.120; Senate Bill 19-207 and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

MSB 19-05-29-A, Revision to the Medical Assistance Eligibility Rules Concerning Adult Dental Annual Limit Increase, Section 8.201.6

Medical Assistance. 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.

The authority for this rule is contained 42 USC 1396d(a)(10) (2019); 25.5-5-202(1)(w) (2018) and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

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

Medical Assistance. HB 18-1328 authorized changes to the Home and Community Based Services-Children's Residential Habilitation Program (HCBS-CHRP) waiver to improve services for children and youth with intellectual and developmental disabilities and complex behavior support needs: removal of the eligibility requirement that the child or youth is in foster care, transfer of the administration of the waiver from the Colorado Department of Human Services (CDHS) to the Department of Health Care Policy (the Department) and Financing, transfer of case management from the County Departments of Human Services to Case Management Agencies, and the addition of two new services. The Department is proposing this regulation to update the rules to be in alignment with statute and define the changes made to the HCBS-CHRP waiver.

The authority for this rule is contained Section 1902(a)(10)(B) of the Social Security Act, 42 U.S.C. § 1396a (2011). The waiver was granted under Section 1915(c) of the Social Security Act, 42 U.S.C. § 1396n (2011). 42 U.S.C. § § 1396a and 1396n; 25.5-5-306, C.R.S. and 25.5-6-903 C.R.S. (2018) and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).