



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, November 13, 2020, 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 19-05-06-A, Revision to the Medical Assistance Rule concerning Physician Services, Section 8.200

Medical Assistance. Physician Services rule section at 10 C.C.R. 2505-10, Section 8.200, is being updated. The rule revision will authorize non-physician providers to provide health education services under general supervision of a provider authorized to supervise them under Colorado Department of Regulatory Agencies (DORA) rules. Physical therapy assistants, occupational therapy assistants, and speech language pathology clinical fellows will be authorized to provide services within their scope of practice if under the general supervision of an enrolled provider authorized to supervise them under DORA rules. Speech language pathology assistants will be authorized to provide services within their scope of practice under the direct supervision of a licensed speech language pathologist authorized to supervise them under DORA rules. The rule revision also clarifies that physical examinations are limited to one per consecutive 365 calendar days under current policy. Finally, reference to the Colorado Medicaid Immunization Services Benefit Coverage Standard will be replaced with citation to the immunization services rule at Section 8.815.

The authority for this rule is contained in 42 U.S.C. §§ 1396d(a)(6), (a)(13) (2019); 42 CFR §§ 440.60, .130(c) (2019); 25.5-1-301 through 25.5-1-303 and 25.5-5-102(d), C.R.S. (2019).

MSB 20-03-31-A, Revision to the Medical Assistance Rule concerning Nursing Facility Minimum Wage Supplemental Payment, Section 8.443

Medical Assistance. Nursing Facility Minimum Wage Supplemental Payment, 10 C.C.R. 2505-10 Section 8.443 is being changed accordingly for Senate Bill (S.B.) 19-1210 which authorizes local governments to establish a local new minimum wage above the statewide minimum wage and creates the minimum wage supplemental payment to reimburse nursing homes for the increase in wages up to the local minimum wage.

The authority for this rule is contained in 42 CFR 433.68 and 42 U.S.C. § 1396b(w); Section 25.5-6-208, C.R.S. and Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2020).

MSB 20-08-19-A, Revision to the Medical Assistance Act Rule concerning the Durable Medical Equipment Exemption in Electronic Visit Verification, Section 8.001.2.A

Medical Assistance. This rule will remove Durable Medical Equipment from the list of services at section 8.001.2.A. for which EVV is required.

The authority for this rule is contained in 21st Century Cures Act, P.L. No. 114-255, Section 12006(a); CMS Informational Bulletin, "Additional EVV Guidance," dated August 8, 2019 and 25.5-1-301 through 25.5-1-303, C.R.S. (2020).

MSB 20-08-19-C, Revision to the Medical Assistance Rule Concerning Personal Care and Homemaker Services, 8.489 and 8.490

Medical Assistance. The rule requiring Electronic Visit Verification (EVV) 10 CCR 2505-10 8.001 was enacted to comply with "21st Century Cures Act," P.L. No. 114-255. Therefore, the Personal Care and Homemaker Services rules, 10 C.C.R. 2505-10, Sections 8.489 and 8.490, are being amended to align with the above mandate.

The authority for this rule is contained in "21st Century Cures Act," P.L. No. 114-255, 42 C.F.R. 440.167; 10 CCR 2505-10 Section 8.001 and 25.5-1-301 through 25.5-1-303, C.R.S. (2020).

MSB 20-08-25-A, Revision to the Medical Assistance Act Rules concerning Technical Revisions to the Case Management, Sections 8.300, 8.400, 8.500, 8.600 and 8.700A

Medical Assistance. The purpose of this rule is to amend 10 CCR 2505-10 Section 8.300 through 8.700 to reflect corrections to grammar, punctuation, and spelling errors; inclusion of member choice and person-first language; and removal of outdated terminology, regulations and references. The rules are also required to be revised to align with Single Entry Point contracts effective July 1, 2020 and HCBS waiver amendments effective January 1, 2020. Those amendments remove the requirement to obtain a Professional Medical Information Page from the member's licensed physician on an annual basis; allow for phone/virtual monitoring visits with approval from the Department; and allow for digital signatures.

The authority for this rule is contained in Section 24-4-103.3 C.R.S. (2014); 25.5-6-105 CRS (2020) and 25.5-1-301 through 25.5-1-303, C.R.S. (2020).