



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, October 8, 2021, 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 21-08-27-A, Revision to the Medical Assistance Eligibility Rules Concerning General and Citizenship Eligibility Requirements, Section 8.100.3.G

Medical Assistance. The proposed rule change will amend 10 CCR 2505-10 §8.100.3.G to update General Medical Assistance Eligibility and Citizenship Requirements to include Compact of Free Associate (COFA) migrants as eligible non-citizens not subject to a 5-year waiting period. Effective December 27, 2020, section 208 of the Consolidated Appropriations Act of 2021 requires states and the District of Columbia to provide Medicaid coverage for COFA individuals. COFA is an agreement between the United States and the three Pacific Island sovereign states of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau; also known as Freely Associated States. States must cover COFA migrants in Medicaid as qualified non-citizens without a 5-year waiting period they are otherwise eligible under the Medicaid state plan or section 1115 demonstration.

Eligibility rules at §8.100.3.G.1.g.vi.12 already allow for Medicaid eligibility without a 5-year waiting period for COFA individuals (Micronesia, Marshall Islands, Palau) that are pregnant women, and for children under the age of 19 years. The proposed rule will allow all COFA individuals to be considered qualified non-citizens without a 5-year waiting period, regardless of age or pregnancy. The Centers for Medicare and Medicaid Services (CMS) have provided guidance that the expanded eligibility to this population cannot begin prior to the enactment date of the Consolidated Appropriations Act of 2021. Eligibility for these individuals can begin as early as December 27, 2020. The proposed change will only update rule to consider all COFA individuals as eligible non-citizens. These individuals will still need to meet all other categorical requirement to be eligible for and approved for Medicaid (income, assets, disability, level of care, etc.) based on category.

The authority for this rule is contained in Consolidated Appropriations Act 2021, Section 208; 42 C.F.R. §435.406; Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021); Section 25.5-4-205, C.R.S. (2021) and Section 24.4-4-103(6)(a), C.R.S. (2021).

MSB 21-08-26-A, Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960

Medical Assistance. Current rule states that no procedures under the Dental Health Care Program for Low-Income Seniors may be below the Health First Colorado dental payment. Health First Colorado increased the dental rates effective July 1, 2021, and 43 procedures of the Dental Health Care Program for Low-Income Seniors fell below the Health First Colorado dental payment. This rule change will increase the 43 procedures in Appendix A to match the current rate being paid by Health First Colorado.

The authority for this rule is contained in 45 C.F.R. 162-1002(a)(4); Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021) and Sections 25.5-3-404(4), C.R.S. (2021).

MSB 21-08-28-A, Revision to the Medical Assistance Act Rule concerning Immunization Services, Section 8.815

Medical Assistance. This rule revision is required for the Department to comply with section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136. Specifically, the Department must reimburse providers for COVID-19 testing services and treatments, including vaccines and the administration of such vaccines, provided to Medicaid enrollees. The Department will otherwise no longer qualify for the temporary 6.2 percentage point increase to the Federal Medical Assistance Percentage (FMAP) (the federal government's contribution toward Colorado's Medicaid expenditure) and will be subject to clawback. Current Department policy limits reimbursement for vaccine administration to members 18 and under exclusively through the Vaccines for Children (VFC) program. This revision will allow the Department to reimburse providers for pediatric administration of any and all vaccines provided free of cost by the federal government.

The authority for this rule is contained in Section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136; Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021).