



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 9, 2022, beginning at 9:00 a.m., in the first floor conference room at 1570 Grant Street, 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.

CHP 22-07-27-B, Revision to the Child Health Plan Plus Rule Concerning Waiving of Enrollment Fees, Sections 50.4, 310 & 440.4

Medical Assistance. The proposed rule change will amend 10 CCR 25.5-8 107(b) and 2505-3 section 310, 50.4 & 440.4 based on the passage of HB-1289. This bill removed section 107(b) in its entirety, which has the effect of removing the Department's authority to charge and/or collect an enrollment fee for CHP+ eligible members.

As a result of this statutory change, prior amendments made due to the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Families First Coronavirus Response Act (FFCRA) and the Affordable Care Act (ACA), which includes the Maintenance of Effort (MOE) provision must be amended. Policy revisions will ensure continued alignment with federal regulations for the state and compliance during this Coronavirus (COVID-19) Public Health Emergency. These changes will impact Child Health Plan Plus (CHP+). These policy changes will stay in place as directed by HB 1289.

The policy changes are specific to the CHP+ program. Enrollment fees will be waived for all CHP+ eligible clients at the times of initial determination and renewal. Required through the Federal CARES Act for the Maintenance of Effort (MOE), the Department will continue eligibility for all the CHP+ categories according to its prior rule submission guidelines and categories to allow continued eligibility through the end of the Public Health Emergency as authorized in our State Plan Amendments and Waivers.

The authority for this rule is contained in Families First Coronavirus Response Act (FFCRA), Public Law No. 116-127 and Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law No. 116-136. The Affordable Care Act (ACA), which includes the Maintenance of Effort (MOE) provision; House Bill 22-1289 and Sections 25.5-1-301 through 25.5-1-303 (2022).