



# 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, January 13, 2023, beginning at 9:00 a.m., in the eleventh floor conference room at 303 E 17<sup>th</sup> 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 22-08-31-A, Revision to the Medical Assistance Rule concerning Settings Final Rule Critical Updates, Sections 8.484, 8.500.5.B, 8.500.94.B, 8.609.4 & 8.610**

Medical Assistance. In 2014, the federal Centers for Medicare & Medicaid Services (CMS) published a rule requiring Home- and Community-Based Services (HCBS) to be provided in settings that meet certain criteria. The criteria ensure that HCBS participants have access to the benefits of community living and live and receive services in integrated, non-institutional settings. While the Department codified the federal regulations in January 2022, through 8.484, these critical rule updates remove language from other existing regulations that conflict with the federal requirements for all HCBS Waivers.

The authority for this rule is contained in 42 C.F.R. § 441.301(C)(4)) and Sections 25.5-1-301 through 25.5-1-303 (2022).