



# 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 10, 2025, beginning at 9:00 a.m., at 303 E 17<sup>th</sup> Avenue, 11<sup>th</sup> Floor Conference Room, 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, 303 E. 17<sup>th</sup> Ave, Ste 1100, 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.

### **CHP 24-09-05-B, Revision to the CHP Plus Rule Concerning updates to the Continuous Eligibility for Sections 120.1.A, 430.2.A & B and 440.4**

Child Health Plan Plus. The proposed rule change will amend 10 CCR 2505-3 sections 120.1.A, 430.2. A & B and 440.4, to update requirements to expand the 12 months of continuous eligibility (CE) for children under the age of 19 in Medicaid and Child Health Plan Plus (CHP+). These requirements are to expand coverage according to Section 5112 of the Consolidated Appropriations Act, 2023 (CAA, 2023), which amended titles XIX and XXI of the Social Security Act (the Act). The updates to amend the requirements for continuous eligibility for CHP+ children under the age of 19 will allow continuous coverage for children who become incarcerated and who are later released to be still eligible for the remainder of their CE period if they have any of their 12 months of coverage left. These changes will also eliminate the 14-day no-fault period that applied at the initial application and eliminate the termination of children under the age of 19 for not meeting the reasonable compatibility income check after the child's initial eligibility determination has been made. In addition, a child will always move to a higher benefit category during the CE period when changes are reported (such as moving from CHP+ to Medicaid if the income decreases within Medicaid income levels). Changes will also allow a child's eligibility to be terminated during a CE period for the allowable exception of when the Department determines that eligibility was erroneously granted at the most recent determination, redetermination, or renewal of eligibility because of agency error, fraud, or perjury attributed to the child or the child's representative. CHP+ updates will also remove the exception to end CE coverage due to obtaining other health insurance while in a CE period. Lastly, the Department will update the Colorado Benefits Management System (CBMS) to reflect these changes to align with these proposed rule updates.

The authority for this rule is contained in 42 C.F.R. § 457.342; C.R.S. 25.5-5-204.5 and Sections 25.5-1-301-303 (2024).