



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

JUNE 2023 EMERGENCY JUSTIFICATION FOR MEDICAL ASSISTANCE RULES ADOPTED AT THE JUNE 9, 2023 EMERGENCY MEDICAL SERVICES BOARD MEETING

MSB 23-06-01-A, Revision to the Medical Assistance Rule Concerning the Rural Provider Access and Affordability Stimulus Grant Program, Section 8.8000

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The enabling legislation, Senate Bill 22-200, requires that the Medical Services Board promulgate rules for the administration of the Rural Provider Access and Affordability Stimulus Grant Program. The legislation also created the Rural Provider Access and Affordability Advisory Committee to begin meeting in September 2022 and charged the committee with making formal recommendations to the Department on the administration of the grant program including the proposed rule. The timeline for the advisory committee's work must meet the requirements set in legislation at Section 25.5-1-207 (5), C.R.S. and is imperatively necessary for the preservation of public health safety, and welfare.

MSB 23-04-26-A, Revision to the Medical Assistance Act Rule concerning Cost Sharing, Section 8.754.1

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The proposed rule is imperatively necessary to align Department rule with the statutory removal of certain member copayments in the 2023 Colorado Long Bill (Senate Bill 23-214), effective July 1, 2023 and is imperatively necessary for the preservation of public health safety, and welfare.

MSB 23-04-11-A, Revision to the Medical Assistance Rule regarding the Base Wage for Direct Care Workers, Sections 8.511 & 8.535

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The Department's Budget Request R07 was approved on May 1, 2023, when Senate Bill 23-214 was signed into law. Within SB 23-214 the General Assembly approved "an increase for home and community-based waiver services to reflect a \$15.75 per hour base wage for workers statewide and \$17.29 per hour in



Denver.” An emergency rule to amend the existing Base Wage regulations is required to implement the increase effective July 1, 2023 and is imperatively necessary for the preservation of public health safety, and welfare.

MSB 23-06-01-B, Revision to the Medical Assistance Act Rule concerning Novel Corona Virus Disease (COVID-19) Rules, Section 8.6000

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The temporary changes to regulatory requirements in order to provide enhanced flexibility, reduction to programmatic limitations, and alignment with existing federal guidance related to processes under the COVID-19 pandemic is imperatively necessary for the preservation of public health safety, and welfare.

MSB 23-06-01-C, Revision to the Medical Assistance Act Rule concerning Nursing Facility Immunization Administration, Sections 8.443 and 8.815

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. This rule revision will allow the Department to reimburse pharmacies for administration of the COVID-19 vaccine in Long-term Care Facilities through the Centers for Disease Control and Prevention's (CDC's) Pharmacy Partnership for Long-term Care Program or other partnership between an LTC and a pharmacy. These revisions are required to facilitate administration of the forthcoming COVID-19 vaccine to nursing home facility residents and is imperatively necessary for the preservation of public health safety, and welfare.

MSB 23-05-18-A, Revision to the Medical Assistance Act Rule concerning Dental Health Care Program for Low-Income Seniors Procedure Increase, Section 8.960

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. Current rule states the max program fees of the Dental Health Program for Low-Income Seniors must not fall below Medicaid dental rates. Medicaid received a 3% increase for the dental rates for FY2023-24. This made some of the program rates in Schedule A fall below the Medicaid rate. This change is necessary to stay in compliance with rule and is imperatively necessary for the preservation of public health safety, and welfare.



MSB 23-03-02-A, Revisions to the Medical Assistance Act Rule Concerning Nursing Home Reimbursement, Sections 8.440 & 8.443

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. H.B. 23-1228 increases SFY 2023-24 (July 1, 2023 through June 30, 2024) nursing home reimbursement. Emergency rule-making is necessary to comply with state law allowing for the change to nursing home reimbursement to be effective July 1, 2023. The proposed rule was not presented at a previous MSB meeting as H.B. 23-1228 was sent to the Governor for signature May 17, 2023 and is imperatively necessary for the preservation of public health safety, and welfare.

