



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 11, 2020, 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 20-06-05-A, Revision to the Medical Assistance Act Rule concerning Colorado National Provider Identifier (NPI) Rule, Section 8.126.1

Medical Assistance. This rule revision will update the non-physician practitioner group definition to add 'physical therapists'. Physical therapists typically enroll their business as a Non-physician Practitioner Group so it is important to correct this oversight.

The authority for this rule is contained in Section 25.5-4-420, C.R.S. (2020) and Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2020).

MSB 20-06-19-A, Revision to Medical Assistance Rule Concerning Nursing Facility Per Diem Rates, Section 8.443

Medical Assistance. This proposed rule change will update the per diem rates for nursing facilities. House Bill (H.B.) 20-1362 limits the annual increase in the General Fund share of the per diem rates for nursing homes from 3.00% to 2.00% in SFY 2020-21 and SFY 201-22. The rule change makes necessary revisions to be compliant with state statute.

The authority for this rule is contained in 1927 42 CFR 433.68 and 42 U.S.C. § 1396b(w); Section 25.5-6-202 & 25.5-6-203, C.R.S (2020) and Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2020).

MSB 20-06-29-A, Revisions to Healthcare Affordability and Sustainability Fee Collection and Disbursement, Section 8.3000

Medical Assistance. The rule change makes necessary revisions for the federal fiscal year (FFY) 2019-20 Healthcare Affordability and Sustainability (HAS) fee and supplemental payment amounts. Inpatient per-diem fees and Outpatient percentage fees are updated to account for changes to estimated Medicaid expansion costs, estimated administration costs, and HAS supplemental payments. Without the rule change there will not be enough HAS fee to fund Colorado Medicaid and CHP+ expansions and HAS supplemental payments.

The Rule change includes the creation of the Inpatient supplemental payment and Essential Access supplemental payment.

The Inpatient Base Rate supplemental payment is now the Inpatient supplemental payment. The new Inpatient supplemental payment is calculated using a hospital's Medicaid patient days not their Medicaid Base Rate, allowing for greater fluctuation in payments based on changing Medicaid utilization. The Uncompensated Care Cost (UCC) Medicaid payment is now the Essential Access supplemental payment. The new Essential Access supplemental payment was one of two parts creating the UCC supplemental payment in prior years. The Essential Access part continues while the non-Essential access part is removed with its funding being absorbed into the Inpatient supplemental payment.

The Rule also includes revisions to the Disproportionate Share Hospital (DSH) supplemental payment for the FFY 2021 DSH allotment reduction, revisions to the Hospital Quality Incentive Payment (HQIP) supplemental payment for changes recommended by the HQIP sub-committee and approved by the Colorado Healthcare Affordability and Sustainably Enterprise (CHASE) Board, and revisions to language used throughout to increase transparency and understanding.

The authority for this rule is contained in 42 CFR 433.68 and 42 U.S.C. § 1396b(w); Section 25.5-4-402.4(4)(b), (g), C.R.S. (2020) and Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2020).