



# 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, August 12, 2022, 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](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 22-05-03-B, Revision to the Medical Assistance Act Rule concerning Federally Qualified Health Center Clinical Social Worker, Section 8.700.1.B.1**

Medical Assistance. The Mental Health Practice Act (MHPA), at Section 12-245-404(4)(a), C.R.S. (2020), includes the Clinical Social Worker Candidate (SWC) as a candidate for social work licensure. A SWC is a candidate for Licensed Clinical Social Worker (LCSW) that has received either a Master of Social Work or a Doctorate of Social Work from an accredited program, but is not required to take a jurisprudence exam prior to receiving candidate status from the Department of Regulatory Agencies' Divisions of Professions and Occupations. Because this is a newer category of candidate for licensure, the Federally Qualified Health Center (FQHC) rules only identify Licensed Social Workers (LSW) as a billable candidate for licensure when supervised. The proposed rule revision adds SWC to the list of supervised candidates allowed to bill, aligning with the MHPA.

The authority for this rule is contained in Section 12-245-404(4)(a) (2020) and Sections 25.5-1-301 through 25.5-1-303 (2022).

### **MSB 22-06-27-A, Revision to Medical Assistance Act Rule concerning Base Wage regarding certain Home and Community Based Services, Section 8.511**

Medical Assistance. This revision adds additional services to the Department's base wage rules pertaining to certain Home and Community Based Services (HCBS). The rule is being revised to include Foster Care Home Group Home Habilitation services in the HCBS-Children's Habilitation Residential Program (CHRP) waiver.

The authority for this rule is contained in Appendix K waiver amendment July 1, 2022; House Bill 22-1329; Sections 25.5-1-903, C.R.S. (2018) and Sections 25.5-1-301 through 25.5-1-303 (2022).

**MSB 22-06-27-B, Revision to the Medical Assistance Act Rule concerning Non-Emergent Emergency Department Services Cost Sharing, Section 8.754.2**

Medical Assistance. The 2022 Colorado General Assembly Long Bill, House Bill 22-1329, increases the co-payment for non-emergent use of emergency department services from \$6 to \$8, effective July 1, 2022. This revision aligns Department rule with the increased co-payment amount.

The authority for this rule is contained in House Bill 22-1329 and Sections 25.5-1-301 through 25.5-1-303 (2022).

**MSB 22-06-27-C, Revision to the Medical Assistance Act Rule concerning Non-Invasive Prenatal Testing, Section 8.732.4.E**

Medical Assistance. The 2022 Colorado General Assembly Long Bill, House Bill 22-1329, covers non-invasive prenatal testing (NIPT) based on national standard guidelines, as developed by the American College of Obstetricians and Gynecologist (ACOG). This revision aligns Department rule concerning NIPT coverage with national standard guidelines.

The authority for this rule is contained in House Bill 22-1329 and Sections 25.5-1-301 through 25.5-1-303 (2022).

**MSB 22-06-27-D, Revision to the Special Financing Division Colorado Dental Health Care Program for Low-Income Seniors and Old Age Pension Concerning SB21-199, Section 8.900**

Medical Assistance. Senate Bill 21-199 passed June 25, 2021 and removes the requirement to prove lawful presence in the US for state or local public benefits. This rule change is removing the lawful presence requirement from the Colorado Dental Health Care Program for Low-Income Seniors and the Old Age Pension Health Care Program.

The authority for this rule is contained in 42 C.F.R. 162-1002(a)(4); 25.5-2-101, C.R.S. (2021) 25.5-3-404(4), C.R.S. (2021) and Sections 25.5-1-301 through 25.5-1-303 (2022).

**MSB 22-06-30-B, Revision to the Medical Assistance Act Rule concerning Long-Term Home Health Prior Authorization, Section 8.520.8.C**

Medical Assistance. The proposed rule removes prior authorization reinstatement requirements for long-term home health (LTHH) originally established by rule number MSB 21-11-17-B, which was adopted at the December 2021 Medical Services Board meeting.

The Department of Health Care Policy & Financing (the Department) recently met with Health First Colorado (Colorado's Medicaid program) members and families, providers, and other stakeholders about concerns related to the pediatric long-term home health (LTHH) benefit prior authorization request (PAR) reinstatement process. Based on these conversations, the Department has made the decision to temporarily pause the PAR process effective November 1, 2021 until at least March 2024.

The pause allows the Department and partners time to robustly engage with stakeholders, train providers on operational changes, evaluate benefit policy, and notify Health First Colorado members before the pause is lifted. This also gives the Department time to ensure full compliance with federal and state policy while keeping Health First Colorado members and their needs front and center.

The authority for this rule is contained in Sections 25.5-1-301 through 25.5-1-303 (2022).