



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, April 14, 2023, beginning at 9:00 a.m., in the eleventh floor conference room at 303 E 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 22-12-02-A, Revision to the Medical Assistance Act Rule concerning Durable Medical Equipment Prescribing Providers, Section 8.590

Medical Assistance. This rule revision aligns the home health services rule with current Department policy and federal regulation at 42 CFR 440.70, by adding physician assistants, nurse practitioners, and clinical nurse specialists to the list of providers authorized to order durable medical equipment. This allows such practitioners to order durable medical equipment.

The authority for this rule is contained in 42 CFR 440.70(3)(b)(iii); Section 25.5-5-202(1)(f), C.R.S. (2022); Section 25.5-8-107(1)(a)(V), C.R.S. (2022) and Sections 25.5-1-301 through 25.5-1-303 (2022).

MSB 23-01-26-A, Revision to the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960 Schedule A

Medical Assistance. The Dental Advisory Committee recommended that D5225, maxillary partial denture-flexible base and D5226, mandibular partial denture-flexible base be added to Schedule A. The Department is making changes to the CDP Procedure Descriptions to match the American Dental Association and making changes to the Dental Procedure Guidelines. This rule change also adds lettering to the definitions section.

The authority for this rule is contained in Section 25.5-3-404(4), C.R.S. and Sections 25.5-1-301 through 25.5-1-303 (2022).

MSB 22-12-13-B, Creation of the Medical Assistance Rule concerning the Secure Transport Benefit, Section 8.019

Medical Assistance. This rule creates a new Secure Transport benefit. Members will be eligible to utilize this benefit without a PAR so long as they are in behavioral health crisis and meet the criteria for medical necessity. Secure Transport is only available during behavioral health crisis. Therefore, this benefit is not available for a return trip and NEMT may have to be utilized in such cases. The new Secure Transportation benefit fulfills legislative mandates set forth in Section B of HB 21-1085. The statewide service oversight falls under the authority of the Colorado Department of Public Health and Environment (CDPHE). Under CDPHE rule 6 CCR 1011-1, the amount, scope, and duration of the benefit are defined.

The authority for this rule is contained in Title XIX of the Social Security Act Section 1905(a)(30); 42 CFR 440.170 and Sections 25.5-1-301 through 25.5-1-303 (2022) and Section 25.5-5-328, C.R.S. (2022).

MSB 23-02-27-A, Revision to the Medical Assistance Act rule concerning the Hospital Back-Up Program Bed Cap, Section 8.470.7

Medical Assistance. The Hospital Back-Up Program (HBU) provides hospital level of care in a skilled nursing facility for Medicaid members who no longer need acute care in a hospital but require 24-hour monitoring and life sustaining technology for complex medical conditions such as complex wounds, ventilator dependence. Not every skilled nursing facility operates an HBU and there are 5 HBU facilities in Colorado. Currently, the HBU rules limit the number of members a facility can serve in its HBU program at 25. This proposed rule change removes that fixed limit in order to allow the Department to determine on an individual facility basis how many members they are able to safely support. This gives the Department the flexibility to respond to changes in provider capacity to serve these individuals. The Department will make decisions on the number of members a facility may serve in HBU based upon safe staffing levels, recent survey outcomes, and financial stability. The Department will coordinate with the Colorado Department of Public Health and Environment on any decision for HBU bed capacity.

The authority for this rule is contained in 42 C.F.R. § 447.272 and Sections 25.5-1-301 through 25.5-1-303 (2022).

MSB 23-02-27-B, Revision to the Medical Assistance Act rule concerning Inpatient Hospital Co-payment, Section 8.754.1.H

Medical Assistance. Proposed rule aligns the Department's inpatient hospital co-payment amount with federal regulation and the State Plan.

The authority for this rule is contained in 42 CFR 447.52(b)(1) and Sections 25.5-1-301 through 25.5-1-303 (2022).