



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, October 11, 2024, beginning at 9:00 a.m., at 214 Grand Avenue, Paonia, CO 81428. 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, 303 E. 17th 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.

This notice is submitted pursuant to § 24-4-103(3)(a) and (11)(a), C.R.S.

MSB 24-04-18-A, Revision to Case Management Redesign (CMRD) Member Rights, Provider Agency, and Benefits and Services Regulations, Sections 8.400, 8.500 & 8.7000

Medical Assistance. The Office of Community Living is restructuring and revising certain rules to come into alignment with federal requirements for conflict free case management under Colorado's Case Management Redesign. These revised rules are codified at 10 C.C.R. 2505-10, Section 8.7000-7500. Case Management Redesign (CMRD) refers to several initiatives aimed at simplifying access to long-term services and supports, creating stability for the case management system, increasing and standardizing quality requirements, ensuring accountability, and achieving federal compliance. Updates to rule language are necessary to mirror the policies created for CMRD and to be able to hold agencies accountable to the CMRD requirements outside of contracts. The purpose of these updates is to delete old or conflicting rule provisions being made obsolete by the adoption of 8.7000-7500 and provide further updates to member rights, provider agency, and benefits rules. These rule updates, revise and move certain regulations to the new section of rules at 8.7000-7500 and remove references to rules that are now repealed. Additionally, prompted by discussions with the Centers for Medicare & Medicaid Services (CMS) regarding the renewal of the Children's Extensive Supports (CES) Waiver, the Department is requiring that settings where Youth Day Services are provided comply with the HCBS Settings Final Rule, as required by CMS, in order to allow members to continue receiving as much of this service as they need.

The authority for this rule is contained in 42 CFR § 441.301(c)(1)(vi); C.R.S. 25.5-6.701- 706; C.R.S. 25.5-6-601- 607; C.R.S. 25.5-6-13.01- 13.04; C.R.S. 27-10.5-101- 103; C.R.S. 25.5-6-301- 313; C.R.S. 7-10.5-101-103; C.R.S. 27-10.5-401; C.R.S. 25.5-6-401-411; C.R.S. § 25.5-6-901; C.R.S. 25.5-5-306(1); and C.R.S. 27-10.5-102(11); C.R.S. 25.5-5-305; C.R.S.; 25.5-6-17. and Sections 25.5-1-301-303 (2024).

MSB 24-05-30-A, Revision to Case Management Redesign (CMRD) Case Management Agency and Waiver rules, Sections 8.400, 8.500 & 8.7000

Medical Assistance. The Office of Community Living is restructuring and revising certain rules to come into alignment with federal requirements for conflict free case management under Colorado's Case Management Redesign. These revised rules are codified at 10 C.C.R. 2505-10, Section 8.7000-7500. Case Management Redesign (CMRD) refers to several initiatives aimed at simplifying access to long-term services and supports, creating stability for the case management system, increasing and standardizing quality requirements, ensuring accountability, and achieving federal compliance. Updates to rule language are necessary to mirror the policies created for CMRD and to be able to hold agencies accountable to the CMRD requirements outside of contracts. The purpose of these updates is to further update case management and waiver rules and remove references to rules that are now repealed.

The authority for this rule is contained in 42 CFR § 441.301(c)(1)(vi); Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2024); and C.R.S. 25.5-6.701- 706; C.R.S. 25.5-6-601- 607; C.R.S. 25.5-6-13.01- 13.04; C.R.S. 27-10.5-101- 103; C.R.S. 25.5-6-301- 313; C.R.S. 7-10.5-101-103; C.R.S. 27-10.5-401; C.R.S. 25.5-6-401-411; C.R.S. § 25.5-6-901; C.R.S. 25.5-5-306(1); and C.R.S. 27-10.5-102(11); C.R.S. 25.5-5-305; C.R.S. and 25.5-6-17.

MSB 24-07-11-B, Revision to the Medical Assistance Rule Concerning Lactation Support Services, Sections 8.200.2.D & 8.732

Medical Assistance. The proposed rule will add Lactation Support Services as a benefit for pregnant and postpartum members or with a child who is breastfeeding as mandated by HB22-1289. The proposed rule ensures that members will have access to education, counseling, and assistance for common breastfeeding issues and skilled, evidence-based care for more complex lactation issues. Lactation Support Services are provided as preventive services, which prevent disease, disability, and other health conditions or their progression, prolong life, and promote physical and mental health well-being.

The authority for this rule is contained in 42 C.F.R. § 440.130(c); Colorado HB 22-1289 and Section 25.5-3-404(4), C.R.S. and 25.5-1-301-303 (2024).