

2022 Regulatory Agenda and 2021 Regulatory Report

November 1, 2021

Submitted to: The Colorado General Assembly



COLORADO
Department of Health Care
Policy & Financing

2022

Regulatory Agenda



COLORADO
Department of Health Care
Policy & Financing

Department of Health Care Policy & Financing
1570 Grant Street
Denver, CO 80203

Overview

The Colorado Department of Health Care Policy and Financing submits the following 2022 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department’s “Regulatory Efficiencies Reviews” during 2021 (which are denoted as such in the “purpose” column). The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department’s web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its “SMART Act” hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(III)(A).

The following constitutes Department of Health Care Policy and Financing’s DRA for 2021-2022 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders <i>Consider including high-level outreach bullets</i>	Anticipated Hearing Date
January 2022	10 CCR 2505-10 Section 8.800.13 Pharmacy Rate Methodology	Pharmacy Office	Revision	Sections 25.5-5-501		update the pharmacy rate methodology for clotting factor drugs	Health First Colorado clients, providers	January 2022
December 2021	10 CCR 2505-10 Section 8.440 Nursing Facility Benefits	Office of Community Living	Revision	Sections 25.5-6-202 & 25.5-6-203, C.R.S.		Develop consistent methodology for new Nursing Facility Medicaid certification or added bed approval	Health First Colorado clients, providers	December 2021

						and technical changes in accordance with HB 21-1227		
December 2021	10 CCR 2505-10 Section 8.510 Consumer Directed Attendant Support Services	Office of Community Living	Revision	C.R.S. 25.5-6-1101		The rule revision is to enact program rules for member-level compliance with Electronic Visit Verification	Health First Colorado clients, providers	December 2021
February 2022	10 CCR 2505-10 Section 8.511 BASE WAGE FOR DIRECT CARE WORKERS	Office of Community Living	New	Sections 25.5-1-301 through 25.5-1-303, C.R.S.		Define amount, duration and scope of benefit.	Health First Colorado clients, providers	February 2022
February 2022	10 CCR 2505-10 Section 8.594 Long-Term Services and Supports HCBS Benefit Rule Concerning Non-Medical Transportation	Office of Community Living	Revision	Sections 25.5-6 and Sections 25.5-10 C.R.S. and 25.5.-1-802 C.R.S.		The purpose of these revisions is to remove the requirement that providers obtain an MCT permit and outline new requirements for NMT providers in order to render services.	Health First Colorado clients, providers	February 2022
January 2022	10 CCR 2505-10 Section 8.765 Qualified Residential Treatment Program Requirements	Health Programs Office	Revision	C.R.S. § 25.5-5-202(1)(i)		Clarify the qualified residential treatment program requirements.	Health First Colorado clients, ambulatory surgery centers	January 2022
December 2021	10 CCR 2505-10 Section 8.800 HB21-1275 Pharmacy Implementation	Pharmacy Office	Revision	HB21-1275		This rule change will implement HB21-1275 to allow pharmacies to bill for extended-release injectable medications used for the treatment of mental health or	Health First Colorado clients, providers	December 2021

						substance use disorders if they are administered in a physician's office or clinic.		
March 2022	10 CCR 2505-10 Section 8.401 PRE-ADMISSION SCREENING AND RESIDENT REVIEW (PASRR)	Office of Community Living	Revision	25.5-6-106(1) and 25.5-6-313(1), C.R.S		The PASRR process assesses the needs of individuals with mental illness or intellectual disability applying to or residing in Medicaid-certified nursing facilities.	Health First Colorado clients, providers	March 2022
April 2022	10 CCR 2505-10 Section 8.200.2 Pharmacy Reimbursement	Health Programs Office	Revision	HB21-1275		A pharmacist will eligible for reimbursement under the medical assistance program for certain medically necessary pharmacist services under Colorado House Bill 21-1275 that are not duplicative of other pharmacist services or programs reimbursed under the medical assistance program.	Health First Colorado clients, providers	April 2022
February 2022	10 CCR 2505-10 Section 8.100 Level of Care Certification - ULTC 100.2	Medicaid Operations Office	Revision	25.5-4-205(3)(b)(I), C.R.S.		Revisions are needed to Medical Assistance Eligibility Rules in Definitions at Section 8.100.1, General Eligibility Transferring Requirements at Section 8.100.3.C, and Long-Term Care Medical Assistance Requirements at	Health First Colorado clients, providers	February 2022

						Sections 8.100.7.A&B.		
--	--	--	--	--	--	--------------------------	--	--

2021

Regulatory Agenda REPORT

January 1, 2021-December 31, 2021



COLORADO

**Department of Health Care
Policy & Financing**

Department of Health Care Policy & Financing
1570 Grant Street
Denver, CO 80203

Overview

The Colorado Department of Health Care Policy and Financing submits the following 2021 Regulatory Agenda Report in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4), detailing the results of the past year’s rules review activity.

Hearing or Adoption Date	Rule Number	Rule Title	New Rule, Revision, or Repeal?	Statutory or Other Basis for Adoption of Rule	Purpose of Proposed Rule	High-Level Stakeholders <i>Consider including high-level outreach bullets</i>	Status <i>Adopted/Not Adopted/Withdrawn/Ongoing</i>	Included on FY19 Agenda?
<i>Department may choose to include the originally anticipated hearing or adoption date, in addition to the actual date.</i>			<i>If a only a part of a CCR is repealed, it should be classified as “Revise”</i>	<i>Statutory authority.</i>	<i>What is the rule intended to accomplish?</i>	<i>List categories of stakeholders that may be positively or negatively affected not individual stakeholders.</i>	<i>Select one of the following options: (a) adopted (include date of adoption), (b) not adopted, (c) withdrawn or (d) ongoing.</i>	<i>Select one of the following options: (a) Yes, if the rule was published in the FY19 Agenda, and (b) No, if the rule was unplanned or an emergency rule.</i>
January 2021	MSB 20-12-30-A	Revision to the Medical Assistance Act Rule concerning Nursing Facility Immunization Administration, Sections 8.443 and 8.815	Revise	Section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136	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	Health First Colorado clients, providers.	A January 2021	No

					Long-term Care (LTC) Program or other partnership between LTC and a pharmacy.			
January 2021	MSB 20-09-21-A	Revisions to the Medical Assistance Rule concerning changes to income and reasonable opportunity period for sections 8.100.3.H,8.100.3.Q, 8.100.5.B, 8.100.5.F and 8.100.4.C	Revise	42 CFR 435.603,42 CFR 435.952,1902 (e)(14)(K)(v) of the Act, section 11031 of the TCJA amended section 108(f), Section 36B(d)(2) of the Internal Revenue Code, 26 U.S.C. 62	adding two new allowable deductions, net operating loss and capital losses which will help reduce an applicant's modified adjusted gross income.	Health First Colorado clients, providers.	A January 2021	No
January 2021	MSB 20-11-30-A	Revision to the Medical Assistance Act Rule concerning Home Health Providers, Section 8.520.1.N	Revise	C.R.S. § 25.5-5-202(l)	This rule revision aligns the home health services rule with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, and federal regulation, by adding nurse practitioners, clinical nurse specialists, and physician	Health First Colorado providers.	A January 2021	No

					assistants to the definition of "ordering physician".			
February 2021	MSB 21-02-03-A	Revision to the FQHC Rule Concerning COVID-19 Vaccine and Treatment Reimbursement, Section 8.700.6.B	Revise	1902(bb) of the Social Security Act	change Federally Qualified Health Center (FQHC) reimbursement for the administration of the COVID-19 vaccine and monoclonal antibody therapy treatments.	Health First Colorado clients, providers.	A February 2021	No
February 2021	MSB 20-01-02-A	Revision to the Medical Assistance Rule concerning Family Support Services Program Rule, Section 8.613	Revise	25.5-10-303, C.R.S.	make it easier for CCBs to implement the Family Support and Services Program (FSSP) by removing the regulatory requirement of only one Family Support Plan (FSP) per family.	Health First Colorado clients, providers.	A February 2021	Yes
February 2021	MSB 20-08-27-A	Revision to the Medical Assistance Rule concerning Adult Dental Annual Limit Decrease, Section 8.201	Revise	C.R.S. § 25.5-5-202(1)(w)	This rule decreases the adult dental annual limit from \$1,500 to \$1,000 to comply with HB20-1360 and HB20-1361.	Health First Colorado clients, providers.	A February 2021	No

February 2021	MSB 20-12-18-A	Revision to the Medical Assistance Act Rule concerning Federally Qualified Health Centers, Section 8.700	Revise	1902(bb) of the Social Security Act	adjust the FQHC rate setting process to consider the changes to utilization and cost due to COVID-19.	Health First Colorado clients, providers.	A February 2021	No
March 2021	MSB 21-02-24-A	Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960	Revise	Sections 25.5-3-404(4), C.R.S.	allow Colorado's low income seniors to access necessary dental care not covered by Medicare Advantage or after Medicare Advantage benefits have been exhausted.	Health First Colorado clients, providers.	A March 2021	No
March 2021	MSB 21-03-09-A	Revision to the RHC Rule Concerning Adding Provider Types to RHC Visit, Section 8.740	Revise	1902(bb) of the Social Security Act	change the definition of a payable encounter at Rural Health Clinics.	Health First Colorado clients, providers.	A March 2021	No
March 2021	MSB 20-09-30-A	Revision to Medical Assistance Act Rule Concerning the Pharmacy Regulatory Efficiency Review, Section 8.800	Revise	Sections 25.5-5-501, 25.5-5-502, 25.5-5-505, C.R.S.	Several revisions requiring technical clean-up were identified are therefore, are being revised.	Health First Colorado clients, providers.	A March 2021	Yes
March 2021	MSB 21-01-28-A	Revision to Medical	Revise	Sections 25.5-3-	the	Health First Colorado clients, providers.	A March 2021	Yes

		Assistance Special Financing rule concerning the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960		404(4), C.R.S.	addition of procedure code D1354, Interim Caries Arresting Medicament Application, to Appendix A.			
April 2021	MSB 21-03-23-A	Revision to the Medical Assistance Act Rule concerning Novel Corona Virus Disease (COVID-19) Rules, Section 8.6000	New	25.5 Article 6, C.R.S.	temporarily change regulatory requirements for Department of Health Care Policy and Financing rules to provide enhanced flexibility, reduction to programmatic limitations, and alignment with existing federal guidance related to processes under the COVID-19 pandemic	Health First Colorado clients, providers.	A April 2021	No
April 2021	MSB 21-03-24-A	Revision to the Medical Assistance Rule concerning Provider Enrollment, Sections 8.125.11, 8.125.12, 8.125.13	Revise	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	temporarily remove current requirements for providers to comply with: Fingerprint Criminal Background Checks (10 CCR 2505-10	Health First Colorado providers.	A April 2021	No

					8.125.12), Site-Visits (10 CCR 2505-10 8.125.11) and payment of Application Fee's (10 CCR 2505-10 8.125.13), during the provider enrollment process.			
April 2021	MSB 21-03-24-B	Revision to the Medical Assistance Act Rule concerning Emergency Medical Transportation, Sections 8.018.1.F. and 8.018.4.D.1	Revise	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	expands the definition of Facility in the existing EMT rule.	Health First Colorado clients, providers.	A April 2021	No
April 2021	MSB 21-03-24-C	Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation, Sections 8.014.1.N, 8.014.3.C.2, 8.014.3.D.1, 8.014.4.A, 8.014.6.A.3	Revise	25.5-5-324, C.R.S.	purpose of this rule is to expand the list of allowable NEMT destinations to include alternative care sites (e.g., the Colorado Convention Center) that are not covered places of service.	Health First Colorado clients, providers.	A April 2021	No
April 2021	MSB 21-03-26-A	Revision to the Medical Assistance Act Rule concerning	Revise	Section 6008(b)(4) of the Coronavirus	required for the Department to comply with section	Health First Colorado clients, providers.	A April 2021	No

		Immunization Services, Section 8.815		Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136	6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136. Specifically, the Department must reimburse providers for COVID-19 testing services and treatments, including vaccines and the administration of such vaccines, provided to Medicaid enrollees.			
April 2021	MSB 21-03-26-B	Revision to the Medical Assistance Act Rule concerning Nursing Facility Immunization Administration, Sections 8.443 and 8.815	Revise	Section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136	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	Health First Colorado clients, providers.	A April 2021	No

					Long-term Care Program or other partnership between an LTC and a pharmacy.			
April 2021	MSB 21-03-26-C	Revision to the Medical Assistance Act Rule concerning Subacute Care, Sections 8.300.3 & 8.300.5	Revise	C.R.S. 25.5-5-102(1)(a)	Patients may be admitted to subacute care after an inpatient admission, or directly from an emergency department, observation status, or primary care referral to the administering hospital.	Health First Colorado clients, providers.	A April 2021	No
April 2021	MSB 21-03-30-A	Revision to the Medical Assistance Rule concerning Medical Assistance program rule updates, Sections 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6	Revise	25.5-4-205(3)(II)(b)(A), 25.5-5-105, 25.5-5-206(1)(II)(B), 25.5-6-1404(1)(b) and(3)(a)(b), 25.5-6-1405(1), 25.5-6-1405(2)	change will amend 10 CCR 2505-10 sections 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6 based on the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Families First Coronavirus Response Act (FFCRA) and the Affordable Care Act(ACA),	Health First Colorado clients, providers.	A April 2021	No

					which includes the Maintenance of Effort (MOE) provision.			
April 2021	CHP 21-03-30-B	Revision to the Medical Assistance Rule concerning Child Health Plan Plus program rule updates, Sections 110,140, 310 and 320	Revise	25.5-1-301 through 25.5-1-303, C.R.S. (2021); 25.5-8-107.(b)	amend 10 CCR 2505-3 sections 110,140,310 and 320 based on the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Families First Coronavirus Response Act (FFCRA) and the Affordable Care Act(ACA), which includes the Maintenance of Effort (MOE) provision.	Health First Colorado clients, providers.	A April 2021	No
April 2021	MSB 21-04-07-A	Revision to the Medical Assistance Act Rule concerning Private Duty Nursing and Long-Term Home Health Prior Authorization Requirements, Sections 8.520 and 8.540	Revise	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	remove the prior authorization requirement for Private Duty Nursing and Long-Term Home Health Services	Health First Colorado clients, providers.	A April 2021	No
April 2021	MSB 20-12-10-B	Revision to the Special Financing Division Old Age	Revise	25.5-2-101, C.R.S.	The rule has been reorganized to	Health First Colorado clients, providers.	A April 2021	Yes

		Pension(OAP) Health Care Program Concerning OAP Regulatory Review Updates, Section 8.940			ensure that like information is grouped together, and definitions have been added and updated to match current information. Additionally, information that is no longer relevant or correct has been removed.			
April 2021	MSB 20-10-27-A	Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Adult Day Services, Section 8.491 and 8.515.70	Revise	25.5-6-303 C.R.S.	The changes to the regulations will provide definitions and regulatory parameters for providers and stakeholders of this service.	Health First Colorado clients, providers.	A April 2021	No
May 2021	MSB 21-05-02-A	Revision to the FQHC Rule Concerning COVID-19 Vaccine and Treatment Reimbursement, Section 8.700.6.B	Revise	1902(bb) of the Social Security Act	change Federally Qualified Health Center (FQHC) reimbursement for the administration of the COVID-19 vaccine and monoclonal antibody therapy treatments.	Health First Colorado client, providers.	A May 2021	No
May 2021	MSB 21-04-06-A	Revision to the Medical Assistance Act	Revise	Section 25.5-5-102(1)(a), C.R.S.	The change will allow the Department to	Health First Colorado clients, providers.	A May 2021	No

		Rule concerning Inpatient Hospital High Acuity Rate Negotiation, Section 8.300.5			reimburse inpatient hospitals at a rate which more closely aligns with the hospital cost experiences			
May 2021	MSB 19-08-21-A	Revisions to the Medical Assistance Rule Concerning changes to the Income Data Source and Lottery/Gambling winnings hardship exemption for sections 8.100.3.N, 8.100.4.B, 8.100.4.C, 8.100.5.B, and 8.100.5.F	Revise	25.5-4-205(3)(b)(I), C.R.S.	two new data sources added to verify earned income for both MAGI and Non-MAGI Programs.	Health First Colorado clients, providers.	A May 2021	Yes
May 2021	MSB 20-08-04-C	Revision to the Medical Assistance Rule concerning Prospective Payments to Primary Care Medical Providers, Section 8.200	Revise	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	The rule implements prospective payments to primary care medical providers who voluntarily elect to earn a portion of their revenue as prospective per member per month payments and the other portion as fee for service.	Health First Colorado clients, providers.	A May 2021	Yes

May 2021	MSB 20-08-10-B	Revision to the Medical Assistance Act Rule concerning Non-Invasive Prenatal Testing Prior Authorization, Section 8.732	Revise	Section 25.5-5-102(1)(c), C.R.S.	The proposed revision updates Department rule to reflect prior authorization may be required for non-invasive prenatal testing	Health First Colorado clients, providers.	A May 2021	Yes
May 2021	MSB 21-01-21-B	Revision to the rule authorizing the annual adjustment schedule for Inpatient Hospital Base Rates, Section 8.300.5.A.3.e	Revise	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	allow the rates to be updated using the State Budget Action as defined by the Legislature for State Fiscal Year 2021-22.	Health First Colorado clients, providers.	A May 2021	No
May 2021	MSB 21-03-25-A	Revision to the FQHC Rule Concerning COVID-19 Vaccine and Treatment Reimbursement, Section 8.700.6.B	Revise	1902(bb) of the Social Security Act	The purpose of this rule is to change Federally Qualified Health Center (FQHC) reimbursement for the administration of the COVID-19 vaccine and monoclonal antibody therapy treatments.	Health First Colorado clients.	A May 2021	No
May 2021	MSB 21-03-25-B	Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care	Revise	Sections 25.5-3-404(4), C.R.S.	Clarifies an Eligible Senior may have Medicare or Medicare Advantage Plan that has dental coverage.	Health First Colorado clients, providers.	A May 2021	No

		Program for Low-Income Seniors, Section 8.960						
June 2021	MSB 21-01-21-A	Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Transitional Living, Section 8.516.30	Revise	Section 25.5-6-704, C.R.S.	Revisions to these regulations will align the TLP room and board amount to the established process utilized for all the residential settings.	Health First Colorado clients, providers.	A June 2021	Yes
June 2021	MSB 21-01-28-A	Revision to the Medical Assistance Rule concerning FFY 20-21 Healthcare Affordability & Sustainability (HAS) Fees & Payments Amendment, Creation of Hospital Transformation Program (HTP) & Rural Support Program (RSP), Section 8.3000	Revise	25.5-4-402.4(4)(b), (g), C.R.S.	The rule change makes necessary revisions for the federal fiscal year (FFY) 2020-21 Healthcare Affordability & Sustainability (HAS) fees and supplemental payments.	Health First Colorado clients, providers.	A June 2021	Yes
June 2021	MSB 20-08-10-A	Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Telehealth in	Revise	Sections 25.5-6-101 et seq. and Sections 25.5-10-101 et seq.	revise regulations to include the addition of Telehealth service delivery to	Health First Colorado clients, providers.	A June 2021	Yes

		Home and Community-Based Services, to add Section 8.615			select Home and Community-Based Services (HCBS).			
July 2021	MSB 21-07-20-A	Revision to the Medical Assistance Eligibility Rules Concerning General and Citizenship Eligibility Requirements, Section 8.100.3.G	Revise	Section 25.5-4-205, C.R.S. & Section 24.4-4-103(6)(a), C.R.S.	The proposed rule change will amend 10 CCR 2505-10 §8.100.3.G to update General Medical Assistance Eligibility and Citizenship Requirements to include Compact of Free Associate (COFA) migrants as eligible non-citizens not subject to a 5-year waiting period.	Health First Colorado clients, providers.	A July 2021	No
July 2021	MSB 21-07-21-A	Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960	Revise	Sections 25.5-3-404(4), C.R.S.	This rule change will increase the 43 procedures in Appendix A to match the current rate being paid by Health First Colorado.	Health First Colorado clients, providers.	A July 2021	No
August 2021	MSB 21-08-10-A	Revision to the Medical Assistance Rule Concerning Federally	Revise	Sections 25.5-5-408(1)(d), C.R.S.	The purpose of this rule revision is to adjust the FQHC rate setting	Health First Colorado clients, providers.	A August 2021	No

		Qualified Health Center Reimbursement, Section 8.700.6			process to consider the changes in utilization and cost due to Covid-19.			
August 2021	MSB 21-08-10-B	Revision to the RHC Rule Concerning Adding Provider Types to RHC Visit, Section 8.740	Revise	1902(bb) of the Social Security Act	The purpose of this rule is to change the definition of a payable encounter at Rural Health Clinics.	Health First Colorado clients, providers.	A August 2021	No
August 2021	MSB 21-05-10-A	Revision to the Medical Assistance Rule Concerning Federally Qualified Health Center Reimbursement, Section 8.700.6	Revise	Sections 25.5-5-408(1)(d), C.R.S.	The purpose of this rule revision is to adjust the FQHC rate setting process to consider the changes in utilization and cost due to Covid-19.	Health First Colorado clients, providers.	A August 2021	No
August 2021	MSB 21-05-24-A	Revision to the RHC Rule Concerning Adding Provider Types to RHC Visit, Section 8.740	Revise	1902(bb) of the Social Security Act	The purpose of this rule is to change the definition of a payable encounter at Rural Health Clinics.	Health First Colorado clients, providers.	A August 2021	No
August 2021	MSB 20-12-10-A	Revision to the Special Financing Division Colorado Indigent Care Program Concerning CICP Regulatory	Revise	25.5-3-101 through 25.5-3-111, C.R.S.	Updates were made to use more inclusive language, add a few missing definitions, and clarify a few points that	Health First Colorado clients, providers.	A August 2021	Yes

		Review Updates, Section 8.900			stakeholders and the Advisory Council found to be unclear. The Department also removed gender reassignment surgeries from the excluded procedures list, which will allow CICP providers the option to provide those types of surgeries to CICP clients if they so choose and in line with the Medicaid benefit.			
August 2021	MSB 21-05-26-A	Revision to the Medical Assistance Act Rule concerning Inpatient Hospital High Acuity Rate Negotiation, Section 8.300.5	Revise	Section 25.5-5-102(1)(a), C.R.S.	The proposed rule adds inpatient hospital reimbursement rate negotiation for in-state services where the payment methodology insufficiently accounts for the level of acuity, all other placement options have been exhausted, and	Health First Colorado clients, providers.	A August 2021	No

					the service has been reviewed and authorized by the Department's Medical Director.			
September 2021	MSB 21-08-18-A	Revision to the Medical Assistance Act Rule concerning Hospice Room and Board, Section 8.550.9.C	Revise	C.R.S. § 25.5-4-424	The proposed rule implements Colorado Senate Bill 21-214, which establishes a state-only room and board payment to qualified hospice providers that render hospice care in a licensed hospice facility to an eligible Medicaid-enrolled member who has a hospice diagnosis, is eligible for nursing facility care and, despite attempts to secure a bed, is unable to secure a Medicaid bed in a nursing facility due to COVID-19	Health First Colorado clients, providers.	A September 2021	No

					impacts, complexity of medical care, behavioral health issues, or other issues as determined by the Department.			
September 2021	MSB 21-08-30-A	Revision to the Medical Assistance Act Rule concerning Subacute Care, Section 8.300	Revise	C.R.S. 25.5-5-102(1)(a)	Subacute care in a hospital setting shall be equivalent to the level of care administered by a skilled nursing facility for skilled nursing and intermediate care services	Health First Colorado clients, providers.	A September 2021	No
September 2021	MSB 21-07-26-A	Revision to the Medical Assistance Act Rule concerning Qualified Residential Treatment Programs, Section 8.765	Revise	C.R.S. § 25.5-5-202(1)(i)	Revises the rules for child-serving residential facilities to include the new Qualified Residential Treatment Program (QRTP) license type.	Health First Colorado clients, providers.	A September 2021	No
September 2021	MSB 21-03-03-A	Revision to the Medical Assistance Rule concerning Free Standing Emergency Departments,	Revise	Sections 25.5-5-102(1)(b), 25.5-5-202(1)(b), C.R.S.	This revision aligns Department rule with new Colorado Department of	Health First Colorado clients, providers.	A September 2021	No

		Sections 8.126 & 8.320			Public Health and Environment (CDPHE) licensure for free standing emergency departments (FSED).			
October 2021	MSB 21-08-10-D	Revision to the Medical Assistance Rule concerning Qualifications of Case Managers, Sections 8.393.1.J.; 8.519.5. and 8.603.9	Revise	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	The rules at 8.393.1.J.; 8.519.5.; 8.603.9 outline the education and experience qualifications for case managers in the SEP, HCBS and CCB systems.	Health First Colorado clients, providers.	A October 2021	No
October 2021	MSB 21-09-15-A	Revision to the Medical Assistance Act Rule concerning Long-Term Home Health and Private Duty Nursing Prior Authorization Requirements, Sections 8.520.8, 8.540.2 and 8.540.7	Revise	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Update the long-term home health and private duty nursing rules to resume prior authorization on a tiered schedule over the course of ten months.	Health First Colorado clients, providers.	A October 2021	No
October 2021	MSB 21-08-26-A	Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care	Revise	25.5-5-102(d), C.R.S.	This rule change will increase the 43 procedures in Appendix A to match the current rate being paid by	Health First Colorado clients, providers.	A October 2021	No

		Program for Low-Income Seniors, Section 8.960			Health First Colorado.			
October 2021	MSB 21-08-27-A	Revision to the Medical Assistance Eligibility Rules Concerning General and Citizenship Requirements, Section 8.100.3.G	Revise	Section 25.5-4-205, C.R.S. & Section 24.4-4-103(6)(a), C.R.S.	The proposed rule change will amend 10 CCR 2505-10 §8.100.3.G to update General Medical Assistance Eligibility and Citizenship Requirements to include Compact of Free Associate (COFA) migrants as eligible non-citizens not subject to a 5-year waiting period.	Health First Colorado clients, providers.	A October 2021	No
October 2021	MSB 21-08-28-A	Revision to the Medical Assistance Act Rule concerning Immunization Services, Section 8.815	Revise	Section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136	the Department must reimburse providers for COVID-19 testing services and treatments, including vaccines and the administration of such vaccines, provided to Medicaid enrollees.	Health First Colorado clients, providers.	A October 2021	No
September 2021	10 CCR 2505-10 8.001	ELECTRONIC VISIT	Remain	H.R. 34 – 114th Congress:	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule remains the same as there have

		VERIFICATION (EVV)		21st Century Cures Act. Sec. 12006.				been no changes to statutory basis, stakeholder needs, nor Department priorities.
September 2021	10 CCR 2505-10 8.013	OUT-OF-STATE MEDICAL CARE	Revise	C.R.S. 25.5-4-102	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September 2021	10 CCR 2505-10 8.014	Non-Emergent Medical Transportation	Revise	42 CFR § 431.53	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
August 2021	10 CCR 2505-10 section 8.015	ELECTRONIC HEALTH RECORD INCENTIVE PAYMENT PROGRAM	Remain	Sections 1903(a)(3)(F) and 1903(t) of the SSA; Title 42 of the Code of Federal Regulations, Part 495 (2010)	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	The incentive program is still active including payments, audits, and appeals. Accordingly, the regulations are still required.
September 2021	10 CCR 2505-10 8.018	Emergency Medical Transportation	Remain	42 CFR § 431.53	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	We do not need to make any changes to the rule at this time; it is clear as it is.
September 2021	10 CCR 2505-10, 8.040	Recoveries from Providers	Remain	25.5-4-301, C.R.S.	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	No change or update required.
August 2021	10 CCR 2505-10, 8.057.1	Recipient Appeals Definitions	Remain	42 U.S.C. § 1396a(a)(3); C.R.S. § 25.5-1-107; 42 C.F.R. § 431.201; 45	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair

				C.F.R. § 160; 45 C.F.R. § 164; 42 C.F.R. 431.210; 42 C.F.R. § 431.206; C.R.S. § 25.5-4-207; 42 CFR § 483.15				Hearing requirements.
August 2021	10 CCR 2505-10, 8.057.2	Advance Notice	Revise	42 U.S.C. § 1396a(a)(3); C.R.S. § 25.5-1-107; 42 C.F.R. 431.211, 42 C.F.R. § 431.213, 42 C.F.R. § 431.214, 42 CFR § 483.15	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
August 2021	10 CCR 2505-10, 8.057.3	Opportunity for Hearing	Remain	42 U.S.C. § 1396a(a)(3); C.R.S. § 25.5-1-107; C.R.S. § 25.5-4-107 42 C.F.R. § 431.220; 42 C.F.R. § 431.201; 42 C.F.R. § 483.204; 42 C.F.R. § 431.201.	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair Hearing requirements.

August 2021	10 CCR 2505-10, 8.057.4	Request for Hearing – Need to revise for expedited hearings.	Remain	42 U.S.C. § 1396a(a)(3); C.R.S. § 25.5-1-107; C.R.S. § 25.5-4-207; 42 C.F.R. § 431.242, 42 C.F.R. § 431.221,	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair Hearing requirements.
August 2021	10 CCR 2505-10, 8.057.5	Maintaining Services	Remain	42 U.S.C. § 1396a(a)(3); C.R.S. § 25.5-1-107; 42 C.F.R. § 431.230; 20 C.F.R. § 416.996, 20 C.F.R. § 416.264	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair Hearing requirements
August 2021	10 CCR 2505-10, 8.057.6	Denial or Dismissal or Request for Hearing	Remain	42 U.S.C. § 1396a(a)(3); C.R.S. § 25.5-1-107; 42 C.F.R. § 431.223; C.R.S 24-4-105(2)(b)	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair Hearing requirements.
August 2021	10 CCR 2505-10, 8.057.7	Fair Hearings	Remain	42 U.S.C. § 1396a(a)(3); 20 U.S.C. § 1983c; C.R.S. § 25.5-1-107; C.R.S. § 25.5-4-207; C.R.S. § 25.5-4-205; 42 C.F.R. §	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair Hearing requirements.

				431.241; C.R.S. § 24-4-105(4); 42 C.F.R. § 431.240; 42 C.F.R. § 431.301; 42 C.F.R. § 431.220, 42 C.F.R. 435.541.				
August 2021	10 CCR 2505-10, 8.057.8	Initial Decisions	Remain	42 U.S.C. § 1396a(a)(3); 20 U.S.C. § 1983c; 42 C.F.R. 435.541; C.R.S. § 25.5- 1-107; C.R.S. § 25.5-4-205; 42 C.F.R. § 431.244; C.R.S. § 24-4- 105; Flavell v. Dept. of Welfare, 144 Colo. 203, 355 P.2d 941, 943 (1960); Adams v. Colorado Dept. of Social Services, 824 P.2d 83, 86	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair Hearing requirements.

				(Colo. App. 1991).				
August 2021	10 CCR 2505-10, 8.057.9	Review by the Office of Appeals	Remain	42 U.S.C. § 1396a(a)(3); C.R.S. § 25.5-1-107; C.R.S. § 24-4-105(14)(a)(I), (b)(I), (15)(a); Rigmaiden v. Colorado Department of Health Care Policy & Financing, 155 P.3d 498 (Colo. App. 2006).	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair Hearing requirements.
August 2021	10 CCR 2505-10, 8.057.10	Final Agency Decisions	Remain	42 U.S.C. § 1396a(a)(3); C.R.S. § 25.5-1-107; C.R.S. § 24-4-105(15)(b); 42 C.F.R. § 431.244(b), (c), (f), C.R.S. § 25.5-4-207(e).	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair Hearing requirements.
August 2021	10 CCR 2505-10, 8.057.11	Notification of Decision	Remain	42 U.S.C. § 1396a(a)(3); C.R.S. § 25.5-1-107; 42 C.F.R. § 431.245;	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair

				C.R.S. § 24-4-105(16).				Hearing requirements.
August 2021	10 CCR 2505-10, 8.057.12	Corrective Action	Remain	42 U.S.C. § 1396a(a)(3); C.R.S. § 25.5-1-107;	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair Hearing requirements.
August 2021	10 CCR 2505-10, 8.057.13	Reconsideration of Final Agency Decision	Remain	42 C.F.R. § 431.246	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair Hearing requirements.
August 2021	10 CCR 2505-10, 8.057.14	Informal Client Conference in Disability Determinations	Remain	42 U.S.C. § 1396a(a)(3); C.R.S. § 25.5-1-107; C.R.S. § 24-4-105(14)(a)(I), (14)(b)	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair Hearing requirements.
August 2021	10 CCR 2505-10, 8.057.15	Alternatives to Institutional Care	Remain	42 U.S.C. § 1396a(a)(3); 20 U.S.C. 1983c; 42 C.F.R. § 431.220; C.R.S. § 25.5-1-107; C.R.S. § 25.5-5-101(1)(f);	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule is consistent with Federal and State laws concerning State Fair Hearing requirements.

				C.R.S. § 25.5-4-207; C.R.S. § 25.5-4-205; 42 C.F.R. 435.541.				
September 2021	10 CCR 2505-10, 8.065	Recovery of Medical Assistance Overpayments	Revise	25.5-1-115, C.R.S.	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September 2021	10 CCR 2505-10, 8.070	Mis-Utilization, Fraud, or Abuse	Revise	25.5-1-118, C.R.S.	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September 2021	10 CCR 2505-10, 8.076	Program Integrity	Revise	25.5-4-301, C.R.S.	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September 2021	10 CCR 2505-10, 8.079	Quality Improvement	Revise	CRS 25.5-4-401.2	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
December 2020	10 CCR 2505-10, Section 8.080	Medicaid Eligibility Quality Control	Repeal	NA	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September 2021	10 CCR 2505-10, 8.570	Ambulatory Surgery Centers	Revise	CRS 25.5-5-202 (1)(b)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September 2021	10 CCR 2505-10, 8.730	FAMILY PLANNING SERVICES	Revise	25.5-5-411, C.R.S.	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September 2021	10 CCR 2505-10, 8.731	WOMEN'S HEALTH SERVICES	Revise	CRS 25.5-5-102(1)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September 2021	10 CCR 2505-10, 8.732	MATERNITY SERVICES	Revise	CRS 25.5-5-102(1)(g)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	

September 2021	10 CCR 2505-10 8.735	Transgender Services	Revise	CRS 25.5-5-102 (1)(d)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September 2021	10 CCR 2505-10 8.770	8.770 ABORTION SERVICES	Revise	CRS 25.5-5-318	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September 2021	10 CCR 2505 - 10 8.501	State Funded Supported Living Services Program	Remain	25.5-1-301 through 25.5-1-303, C.R.S. (2018); 25.5-10-206(1), C.R.S. (2018)ain	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule represents statute and rule as written. No revisions or repeal needed at this time.
September 2021	10 CCR 2505 - 10 8.503	CHILDREN'S EXTENSIVE SUPPORT WAIVER PROGRAM (HCBS-CES)	Revise	§§ 25.5-6-401 – 25.5-6-413)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September 2021	10 CCR 2505 - 10 8.504	Home and Community - Based Services for Children with Life Limiting Illness	Revise	C.R.S. 25.5-5-305	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September 2021	10 CCR 2505-10 8.516.40	Behavioral Training	Remain	C.R.S. 25.5-6-703	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule represents statute and rule as written. No revisions or repeal needed at this time.
September 2021	10 CCR 2505-10 8.516.50	Counseling	Revise	C.R.S. 25.5-6-703	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	

September 2021	10 CCR 2505-10 8.516.60	Substance Abuse Counseling	Remain	C.R.S. 25.5-6-703	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule represents statute and rule as written. No revisions or repeal needed at this time.
September 2021	10 CCR 2505-10 8.516.70	Respite Care	Remain	C.R.S. 25.5-6-704	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	Rule represents statute and rule as written. No revisions or repeal needed at this time.
September 2021	10 CCR 2505 - 10 8.517	Home and Community - Based Services for Persons with Spinal Cord Injury	Revise	§§ 25.5-6-1301 – 25.5-6-1304	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
October 2021	10 CCR 2505-10 8.520	Home Health Services	Remain	25.5-5-102 (1)(f)	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	No changes necessary
October 2021	10 CCR 2505-10 8.525	Services Requirements	Remain	25.5-5-102 (1)(f)	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	No changes necessary
October 2021	10 CCR 2505-10 8.526	Provider Agency Requirements	Remain	25.5-5-102 (1)(f)	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	No changes necessary
October 2021	10 CCR 2505-10 8.527	Prior Authorization	Remain	25.5-5-102 (1)(f)	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	No changes necessary
October 2021	10 CCR 2505-10 8.528	Reimbursement	Remain	25.5-5-102 (1)(f)	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	No changes necessary

October 2021	10 CCR 2505-10 8.529	Post-Payment Review	Remain	25.5-5-102 (1)(f)	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	No changes necessary
October 2021	10 CCR 2505-10 8.530	Denial, Termination, Or Reduction In Services	Revise	25.5-5-102 (1)(f)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
October 2021	10 CCR 2505-10 8.540	Private Duty Nursing Services	Remain	CRS 25.5-5-303	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	No changes necessary
October 2021	10 CCR 2505-10 8.550	Hospice Benefit	Remain	CRS 25.5-5-202 (1)(p)	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	No changes necessary
July 2021	10 CCR 2505-10 8.700.1 – 8.700.8	Federally Qualified Health Centers	Remain	C.R.S. § 25.5-5-408(1)(d)	Regulatory Efficiency Review	Health First Colorado clients, providers.	NA	All citations are up to date and all parts of the rule are still required per current policy.