



**COLORADO**

**Department of Health Care  
Policy & Financing**

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

November 1, 2017

Members of the Colorado General Assembly  
c/o the Staff of the Legislative Council  
State Capitol Building  
200 East Colfax  
Denver, Colorado 80203

Dear Members of the General Assembly:

I am pleased to submit the Department of Health Care Policy and Financing (HCPF)'s 2017 Regulatory Agenda Report and 2018 Regulatory Agenda, in compliance with Colo. Rev. Stat. §2-7-203, as amended by House Bill 12-1008. The Department's 2018 Regulatory Agenda has also been submitted to the Colorado Secretary of State for publication in the Colorado Register, and will be posted to our website.

The Department's 2017 Regulatory Agenda Report provides a brief summary of all permanent, temporary and emergency rules reviewed, revised and adopted since the Department's 2017 Departmental Regulatory Agenda was filed on November 1, 2016, as well as the status, comments, and information relative to stakeholder input. Pursuant to Colo. Rev. Stat. § 24-4-103.3(4), the 2017 Regulatory Agenda Report also reflects the results of the Department's mandatory rule review activity over the past year. Effective July 1, 2016, all permanent rules adopted by the Department, as reflected in the 2017 Regulatory Agenda Report, involved early stakeholder engagement, as described by the Department's procedures for public participation in rulemaking (available online at <https://www.colorado.gov/hcpf/regulatory-resource-center>).

Information pertaining to a specific rule can be obtained by contacting Chris Sykes, whose contact information is available on the Department's web-site at <https://www.colorado.gov/pacific/hcpf/medical-services-board>.

Pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(II), we will be prepared to discuss our 2017 Regulatory Agenda Report and 2018 Regulatory Agenda with the Department's Joint Committee of Reference during our upcoming SMART Act hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan E. Birch', written in a cursive style.

Susan E. Birch, Executive Director  
Department of Health Care Policy and Financing

Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.  
[www.colorado.gov/hcpf](http://www.colorado.gov/hcpf)



Cc: Legislative Council Library  
State Library  
John Bartholomew, Finance Office Director, HCPF  
Gretchen Hammer, Health Programs Office Director & Community Living Office Director, HCPF  
Tom Massey, Policy, Communications, and Administration Office Director, HCPF  
Chris Underwood, Health Information Office Director, HCPF  
Dr. Judy Zerzan, Client and Clinical Care Office Director, HCPF  
Rachel Reiter, External Relations Division Director, HCPF  
Zach Lynkiewicz, Legislative Liaison, HCPF  
Chris Sykes, Medical Services Board Coordinator, HCPF

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# 2018

## Regulatory Agenda

January 1, 2018-December 31, 2018



## Overview

The Colorado Department of Health Care Policy and Financing submits the following 2017 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

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 2017 (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 Regulatory Agenda for 2017-2018 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

Schedule	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders <i>Consider including high-level outreach bullets</i>
Anticipated Hearing or Adoption Date			If a only a part of a CCR is repealed , it should be	Statutory authority		Categories of stakeholders, not individual stakeholders

			classified as "revised "			
August 2018	10 CCR 2505-10, Section 8.013	Out-of-State Medical Care	revision	42 CFR 431.52	Revise rule language for clarity.	Health First Colorado clients, in- and out-of- state providers.
February 2018	10 CCR 2505-10, Section 8.550	Hospice Benefit	revision	CRS 25.5-5- 202(1)(p)	Define amount, duration and scope of benefit.	Health First Colorado clients, hospice providers.
July 2018	10 CCR 2505-10, Section 8.560	Clinic Services Certified Health Agency	revision	CRS 25.5-5- 202(1)(b)	Repeal section of rule that is no longer applicable.	Health First Colorado clients, providers.
October 2018	10 CCR 2505-10, Section 8.570	Ambulatory Surgery Centers	revision	CRS 25.5-5- 301(2)(d)	Define amount, duration and scope of benefit.	Health First Colorado clients, ambulatory surgery centers.
May 2018	10 CCR 2505-10, Section 8.585	DME Oxygen	revision	CRS 25.5-5- 102(1)(f)	Revise rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, medical and DME providers.
May 2018	10 CCR 2505-10, Section 8.726	Teen Pregnancy Prevention Pilot Program	revision	CRS 25.5-5-601 - 605	Revise rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, providers.
March 2018	10 CCR 2505-10, Section 8.730	Family Planning Services	revision	SSA 1905(a)(4)(C) SSA 1902(a)(10)(C) CRS 25-1.5-101 CRS 25-6-101 - 103	Revise rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, providers.

				CRS 25-6-201 - 207 CRS 25-6-301 - 302 CRS 25.5-5-102		
August 2018	10 CCR 2505-10, Section 8.747	Federally Qualified Health Centers (FQHCs)	revision	CRS 25.5-5-102(1)(m)	Revise rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, FQHCs
June 2018	10 CCR 2505-10, Section 8.740	Rural Health Clinics (RHCs)	revision	CRS 25.5-5-102(1)(i)	Revise rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, RHCs
January 2018	10 CCR 2505-10, Section 8.754	Client Co-Payment	revision	SSA 1902(a)(14) SSA 1916 and 1916A 42 CFR 447.50-447.57 CRS 25.5-4-209(1)(b)	Update rule to comply with federal requirements, state statutory requirements, and revise language for clarity.	Health First Colorado clients, providers.
March 2018	10 CCR 2505-10, Section 8.765	Services for Clients in Psychiatric Residential Treatment Facilities (PRTFs) or Residing in Residential Child Care Facilities (RCCFs) as Defined Below	revision	CRS 25.5-5-306	Update rule provisions concerning PRTF client eligibility; PRTF provider responsibilities; and, mental health benefits for clients in an RCCF.	Health First Colorado clients, PRTFs, RCCFs.
March 2018	10 CCR 2505-10, Section 8.075	Client Over-Utilization Program	revision	42 CFR 456.3 42 CFR 431.54(e)-(f)	Revise rule to comply with new statutory requirements for	Health First Colorado clients, providers, pharmacies, Regional Care Collaborative Organizations.

				CRS 25.5-5-102 CRS 25.5-5-202(3) CRS 25.5-5-316	Medicaid client appeals process; and update rule to align with changes to program enrollment criteria and processes.	
April 2018	(New Rule)	Pediatric Orthodontic Services	New rule	CRS 25.5-5-102(1)(g)	Define the amount, scope, and duration of the benefit.	Health First Colorado clients, orthodontists.
June 2018	(New Rule)	Physical and Occupational Therapy	New rule	CRS 25.5-5-202(1)	Defined the amount, scope, and duration of the benefit.	Health First Colorado clients, physical and occupational therapy providers.
June 2018	10 CCR 2505-10, Section 8.660	Laboratory, Pathology, and Radiology	revision	CRS 25.5-5-102(1)(c)	Reorganize the laboratory, pathology, and radiology benefits; and, define the amount, scope, and duration of the benefits.	Health First Colorado clients, providers.
March 2018	10 CCR 2505-10, Section 8.011	General Exclusions from Coverage	revision	CRS 25.5-4-105 CRS 25.5-4-205.5 CRS 25.5-4-300.4 CRS 25.5-5-102 CRS 25.5-5-202	Revise rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, providers.
July 2018	10 CCR 2505-10, Section 8.058	Request for Prior Authorization	revision	SSA 1902(a)(30)(A) CRS 25.5-4-401	Revise rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, providers.
January 2018	10 CCR 2505-10, Section 8.012	Providers Prohibited From Collecting Payment From Recipients	revision	CRS 25.5-4-301(1)(a)	Revise rule in accordance with state statute.	Health First Colorado clients, providers.

December 2018	10 CCR 2505-10, Section 8.201	Adult Dental Services	revision	CRS 25.5-5-202(1)(w)	Revise rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, providers.
December 2018	10 CCR 2505-10, Section 8.202	Dental Services for Children	revision	CRS 25.5-5-102(1)(g), 25.5-8-107(1)(a)(II)	Revise rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, providers.
December 2018	10 CCR 2505-10, Section 8.200	Physician Services	revision	CRS 25.5-5-102(1)(d)	Revise rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, providers.
December 2018	10 CCR 2505-10, Section 8.220	Competitive Procurement and Selective Contracting, Including Global Fee	revision	CRS 25.5-4-401	Repeal rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, providers.
December 2018	10 CCR 2505-10, Section 8.221	General Provisions	revision	CRS 25.5-5-102(1)	Revise rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, providers.
December 2018	10 CCR 2505-10, Section 8.280	Early and Periodic Screening, Diagnosis and Treatment	revision	CRS 25.5-5-102(1)(g)	Revise rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, providers.
December 2018	10 CCR 2505-10, Section 8.295	School-Based Health Centers	revision	CRS 25.5-5-301(5), 25.5-5-318	Revise rule in accordance with Regulatory Efficiency Review findings.	Health First Colorado clients, providers.
December 2018	10 CCR 2505-10, Section 8.660	Laboratory and X-Ray	revision	CRS 25.5-5-102(1)(c)	Revise rule in accordance with Regulatory	Health First Colorado clients, providers.



					Efficiency Review findings.	
Mar. 30 <sup>th</sup> effective	10 CCR 2505-10, Section 8.443	Skilled Nursing Facility Change of Ownership	revision	42 CFR §442.14	Ensure HCPF notification is given when facilities change ownership. Defining when and how payments will be handled for a facility changing ownership.	Nursing Facility owners
March 8 <sup>th</sup> initial approval target	10 CCR 2505-10, Section 8.482	Skilled Nursing Facility PETI	revision	42 CFR §435.832(c) (4)	Updating HCPF rules to reflect current Nursing Facility PETI procedures. Reflects changes the state plan Dental benefit's effect on PETI claims.	Nursing Facility staff and residents
Mid 2018	10 CCR 2505-10, Section 8.050	Provider Appeals	revision	CRS 25.5-4-207	Defining Due Process for Provider Appeals. Including deadlines on submission of evidence.	Medicaid Providers
1 <sup>st</sup> quarter 2018.	10 CCR 2505-10, Section 8.400	Universal Care Worker cost allocation in Nursing Facilities	revision	C.R.S. 25.5-6-201 and 25.5-6-202	Defines reimbursement requirements for Skilled Healthcare workers who also perform administrative functions.	Nursing facility staff
July 1 <sup>st</sup> 2018 implementation	10 CCR 2505-10,	Adjustment to the Home	revision	42 CFR §435.832(d)	A new methodology for the Nursing	Short Term Nursing Facility Residents

	Section 8.482	Maintenance Allowance			Facility Home Maintenance Allowance. The new allowance will provide a rate more reflective of Colorado shelter costs.	
November 2017	10 CCR 2505-10 Section 8.100.7.B.1	Medical Assistance Eligibility for Working Adults with Disabilities with additional Supported Living Waiver Services	revision	25.5-6-1405, C.R.S.(2016)	Amend rule to allow Supported Living Waivered Services for Health First Working Adults with Disabilities participants when found functionally eligible	Working Adults with Disabilities program participants; individuals currently on Supported Living Waiver Services wanting to earn more income; individuals that would qualify for SLS but earn too much income or have too many resources
November 2017	10 CCR 2505-10 Section 8.100.5.B.1.e	Revision to the Medical Assistance Rules concerning adding the Asset Verification Program as a valid verification source for certain liquid assets	revision	42 U.S.C. 1396w	The purpose is to add electronic data sources, such as the Asset Verification Program, as a valid way to verify resources	Eligibility workers and CBMS end users, members who have an asset test for in their eligibility determination and providers, such as nursing facilities, that serve individuals who have an eligibility asset test
June 2018	10CCR 2505-10 Section 8.100.3.H.2	Revision to the Medical Assistance Rule Concerning Citizenship and Identity Documentation Requirements	revision	42 C.F.R. §435.407	Updated the Medical Assistance rules for citizenship and identity documentation to allow acceptable verification sources to include	Medical assistance applicants

					copies, faxes, and/or scanned documents	
March 2018	10 CCR 2505-10, Section 8.012	Providers Prohibited from Collecting Payment from Recipients	revision	Section 25.5-4-301(1), C.R.S.	To implement HB 17-1139	Medical assistance providers and recipients.
April 2018	10 CCR 2505-10, Section 8.076	Program Integrity	revision	Section 25.5-4-301, C.R.S., 42 CFR Part 455 and 42 CFR Part 1002	To update the state's rules to align with federal regulation	Medical assistance providers.