



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 that reads "Susan E. Birch".

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



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

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



2017

Regulatory Agenda REPORT

January 1, 2017-December 31, 2017



COLORADO
Department of Health Care
Policy & Financing

Overview

The Colorado Department of Health Care Policy and Financing submits the following 2017 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 FY17 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 FY17 Agenda, and (b) No, if the rule was unplanned or an emergency rule.</i>
January 2017	MSB 16-10-24-B	Revision to the Child Health Plan Plus Eligibility Rules Concerning, Section 10 CCR 2505-3	Revise	CRS 24-4-103.3	Incorporate efficiency review revisions	Health First Colorado clients, providers.	A January 2017	
February 2017	MSB 17-01-29-A	Revision to the Medical Assistance Rule Concerning Physician Services, Section 8.200	Revise	42 CFR 440.230(2)(b)	Changes supervision requirements of nurses	Health First Colorado clients, providers.	A February 2017	

February 2017	MSB 16-09-21-A	Revision to the Medical Assistance Rule Concerning Federally Qualified Health Center Reimbursement, Section 8.700.6	Revise	BIPA Sec. 702(b) 42 U.S.C. § 1396a (bb)	Specify a methodology for calculating an updated Prospective Payment system rate following a change in the scope-of-service for a federally qualified health center.	Health First Colorado clients, providers.	A February 2017	
February 2017	MSB 16-08-16-A	Revision to the Medical Assistance Rule Concerning Medical Eligibility for Individuals Residing in Community Correction Facilities and Inmates of Correctional Institutions, Sections 8.100.3.B.1, 8.100.3.G.1 .b and 8.100.5.C.5	Revise	State Health Official directive #16-007, dated April 28, 2016, Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS)	federal financial participation may now be drawn for Medicaid-covered services for individuals who reside in community corrections facilities (halfway houses) that have freedom of movement	Health First Colorado clients, providers.	A February 2017	
February 2017	MSB 16-08-16-A	Revision to the Medical Assistance Program Pharmacy Benefit Rules Concerning Pharmaceut	Revise			Health First Colorado clients, providers.	A February 2017	

		icals, Section 8.800						
February 2017	MSB 16-10- 24-A	Revision to the Medical Assistance Rule Concerning Physician Services, Section 8.200	Revise	42 U.S.C. Section 1396r-8(d) 42 U.S.C. Section 256b 42 U.S.C. Section 1395w- 102(e) 42 C.F.R. Sections 447.512- 447.516 42 C.F.R. Section 456.716(d) 42 C.F.R. Section 423.100	A Regulatory Efficiency Review was performed at 10 CCR 2505-10, Section 8.800, pursuant to Executive Order D2012-002 in 2015. Several revisions requiring technical clean- up of the rules at 8.800 were identified	Health First Colorado clients, providers.	A February 2017	
March 2017	MSB 16-12- 23-A	Revision to the Medical Assistance Rule Concerning the \$20 Unearned Income Disregard, Section 8.100.5.H.4 .a	Revise	42 U.S.C. 1382a(b)((2)(A), 42 CFR 435.601(b)29 , 42 CFR 416.112(c) and 42 CFR 416.1124(c)	Correction to the unearned income disregard methodology	Health First Colorado clients, providers.	A March 2017	
April 2017	MSB 16-11- 08-A	Revision to the Medical Assistance Program Rules Concerning Durable Medical	Revise	42 C.F.R. Part 440, CMS Face-to- Face Final Rule published February 2, 2016	Implementation of the Centers for Medicare and Medicaid Services (CMS) Face-to-Face Final Rule at 42 CFR §440.70,	Health First Colorado clients, providers.	A April 2017	

		Equipment and Disposable Medical Supplies, Section 8.590			published February 2, 2016.			
May 2017	MSB 16-04-12-A	Revision to the Medical Assistance Long Term Care Single Entry Point System Rule Concerning Sections 8.390, 8.391, 8.392, 8.393, and 8.394	Revise	C.R.S. 25.5-6-105	Ensure that it reflects the most current processes and that all language is necessary, clear and non-duplicative. The update of this rule coincides with the Department's regulatory efficiency review process.	Health First Colorado clients, providers.	A May 2017	
May 2017	MSB 16-08-01-A	Revision to the Medical Assistance Rule Concerning Community Mental Health Services Program Capitation Rate Setting, Section 8.215.6.C.3	Revise	42 C.F.R. 438.(c)	New federal guidelines require that these organizations maintain a MLR of 85%.	Health First Colorado clients, providers.	A May 2017	
May 2017	MSB 17-01-17-B	Revision to the Medical Assistance Intellectual	Revise	42 U.S.C 1396n(c); 42 C.F.R. Section	add Consumer Directed Attendant Support Service	Health First Colorado clients, providers.	A May 2017	

		and Developmental Disabilities Rule Concerning the Inclusion of Consumer Directed Attendant Support Services (CDASS) in the Home and Community Based Services Supportive Living Services (HCBS-SLS) Waiver Program, Section 8.500.90		441.300, et seq.	(CDASS) delivery option to the HCBS-SLS waiver			
May 2017	MSB 17-02-23-A	Revision to the Medical Assistance Rule Concerning the definition of a Caretaker Relative at Section 8.100.1	Revise	42 CFR §435.4	incorporate changes to the definition of a Caretaker Relative as defined in the Code of Federal Regulations	Health First Colorado clients, providers.	A May 2017	
May 2017	MSB 17-02-23-B	Revision to the Medical Assistance Rule Concerning	Revise	42 USC § 1396n	implements HB 16-1321	Health First Colorado clients, providers.	A May 2017	

		Persons Requesting Long-Term Care through Home and Community Based Services (HCBS) or the Program of All-Inclusive Care for the Elderly (PACE), Section 8.100.7.B.1						
May 2017	MSB 16-11-22-A	Revision to the Colorado Indigent Care Program Rule Concerning Modernizing the CICP, Section 8.900	Revise	CRS 25.5-3-101 through 25.5-3-111	modernize the CICP	Health First Colorado clients, providers.	A May 2017	
May 2017	MSB 17-01-18-A	Revision to the Medical Assistance Rule Concerning Managed Care Grievance and Appeals, Section 8.209	Revise	Medicaid and Children's Health Insurance Program (CHIP) Programs; Medicaid Managed Care, CHIP Delivered in Managed Care, and	The proposed revisions to Section 8.209 will ensure full compliance with 42 CFR 438 Subpart F- Grievance and Appeal System	Health First Colorado clients, providers.	A May 2017	

				Revisions related to Third Party Liability; Final Rule 81 FR 27498				
June 2017	MSB 17-03-23-B	Revision to the Federally Qualified Health Center Rule, Section 8.700	Revise	Section 1902(bb) of the Social Security Act	clarify the Department's payment methodology for services outside of the Federally Qualified Health Center (FQHC) encounter rate	Health First Colorado clients, providers.	A June 2017	
June 2017	MSB 17-04-21-A	Revision to the Medical Assistance Benefits Rule Concerning Home Health Services, Section 8.520	Revise	42 CFR 440.70	The rule defines the amount, duration, and scope of covered home health services	Health First Colorado clients, providers.	A June 2017	
June 2017	MSB 17-01-26-A	Revision to the Medical Assistance Rule Concerning Recipient Appeals Rule, Section 8.057	Revise	42 C.F.R. 431.232, 42 C.F.R. 431.230 and 231 and 42 431.224	Federal regulations require that expedited hearings be made available. A new state statute required rules for continuation of benefits and county dispute resolution processes.	Health First Colorado clients, providers.	A June 2017	

July 2017	MSB 17-06-29-A	Revision to the Medical Assistance Rule Concerning the Colorado Healthcare Affordability and Sustainability Enterprise, Section 8.3000, and makes corresponding revisions to references under Sections 8.300.8 and 8.905	New rule	42 CFR 433.68	Senate Bill 17-267 signed into law	Health First Colorado clients, providers.	A July 2017	
July 2017	MSB 17-03-21-B	Revision to the Medical Assistance Benefits Rule Concerning Transgender Services, Section 8.735	Revise	92 CFR Part 92	defines and codifies the amount, duration, and scope of covered gender transition-related services available to Colorado Medicaid clients	Health First Colorado clients, providers.	A July 2017	
July 2017	MSB 17-04-21-A	Revision to the Medical Assistance Benefits Rule Concerning Home Health	Revise	42 CFR 440.70	The rule defines the amount, duration, and scope of covered home health services.	Health First Colorado clients, providers.	A July 2017	

		Services, Section 8.520						
July 2017	MSB 16-12-19-A	Revision to the Medical Assistance Rule Concerning Supports Intensity Scale Assessment and Support Levels, Section 8.612.3	Revise	42 C.F.R. 441, Subpart M	The Department is simply updating the name of the instrument and including the new algorithm table in the rules	Health First Colorado clients, providers.	A July 2017	
July 2017	MSB 17-03-23-B	Revision to the Federally Qualified Health Center Rule, Section 8.700	Revise	Section 1902(bb) of the Social Security Act	clarify the Department's payment methodology for services outside of the Federally Qualified Health Center (FQHC) encounter rate	Health First Colorado clients, providers.	A July 2017	
August 2017	MSB 17-05-22-B	Revision to the Medical Assistance Rule Concerning Achieving Better Life Experience (ABLE) Accounts added to Definitions and Resource Requirements as an exempt	Revise	26 U.S.C. § 529A; Stephen Beck Jr. ABLE Act of 2014, Pub. L. 113-295, Div B § 103(a)	adding Achieving Better Life Experience (ABLE) accounts to the definitions and as an exempt asset	Health First Colorado clients, providers.	A August 2017	

		resource, Section 8.100 & 8.500.M.2						
August 2017	MSB 17-05-22-A	Revision to the Medical Assistance Eligibility Rule Concerning the General and Citizenship Eligibility, Section 8.100.3.G	Revise	435.406; 42 U.S.C. § 1396b(v)(A) (Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) Section 214, as amended), and interpretive guidance from the Centers for Medicare and Medicaid Services (CMS), e.g. State Health Official Letter # 10-006 (July 1, 2010); section 431 of the Personal Responsibility and Work Opportunity Act (PRWORA).	amend 10 CCR 2505-10 8.100.3.G to incorporate changes mandated by Section 431 of the PRWORA and Section 214 of CHIPRA, as detailed in the State Plan Amendment, to citizenship and non-citizen eligibility	Health First Colorado clients, providers.	A August 2017	
August 2017	MSB 17-05-30-A	Revision to the Child Health Plan	Revise	435.406; 42 U.S.C. §§ 1397gg(e)(1)(amend 10 CCR 2505-3 110 to incorporate	Health First Colorado clients, providers.	A August 2017	

		Plus Rules Concerning Eligibility, Section 110		M) & 1396b(v)(4)(A) (Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) Section 214, as amended, and interpretive guidance from the Centers for Medicare and Medicaid Services (CMS), e.g. State Health Official Letter # 10-006 (July 1, 2010); section 431 of the Personal Responsibility and Work Opportunity Act (PRWORA).	changes mandated by the State Plan Amendment for citizenship eligibility			
August 2017	MSB 17-03-03-A	Revision to the Medical Assistance Services for Individuals with Intellectual and Development	Revise	C.R.S. 25.5-10-209	This rule adopts the requirements of SB16-038	Health First Colorado clients, providers.	A August 2017	

		tal Disabilities Rule Concerning CCB Transparency, Section 8.603.17						
August 2017	MSB 17-01-26-A	Revision to the Medical Assistance Rule Concerning Expedited Hearing; Continuation of Benefits; County Dispute Resolution; and Rule Review Cleanup, Section 8.057	Revise	42 C.F.R. 431.232, 42 C.F.R. 431.230 and 231 and 42 431.224	Federal regulations require that expedited hearings be made available. A new state statute required rules for continuation of benefits and county dispute resolution processes.	Health First Colorado clients, providers.	A August 2017	
August 2017	MSB 17-01-30-A	Revision to the Medical Assistance Rule Concerning Vision Services, Section 8.203	Revise	C.R.S. 25.5-5-202(1)(d) - (e)	codifies Colorado Medicaid vision services benefit coverage policy into administrative rule	Health First Colorado clients, providers.	A August 2017	
September 2017	MSB 17-08-31-A	Revision to the Medical Assistance Rules Concerning the Considerati	Revise	42 U.S.C 1396p(d)(4)(A)	H.B. 17-1280 which amended section 15-14-412.8, C.R.S. of the Colorado Probate Code to permit disabled	Health First Colorado clients, providers.	A September 2017	

		on of Trusts in Determining Medical Assistance Eligibility, Section 8.100.7.E.6.b			individuals to establish disability trusts on their own behalf			
September 2017	MSB 17-06-22-B	Revision to the Medical Assistance Rules Concerning the Children with Life Limiting Illnesses (CLLI), and Children’s Home and Community Based Services (CHCBS) Waivers, Sections 8.504 and 8.506	Revise	42 U.S.C. §1396n(c)	Correct grammatical and technical errors identified as a part of the 2016 Rule Efficiency Review process. Additionally, the proposed changes align the definitions of the CHCBS and CLLI waivers with the definitions in the Single Entry Point rules at 8.393	Health First Colorado clients, providers.	A September 2017	
September 2017	MSB 17-07-06-A	Revision to the Medical Assistance Program, Pharmaceuticals Rules Concerning Pharmaceutical PAR Letters, Section 8.800	Revise	C.R.S. 25.5-5-202(1)(a)(I) and (3)	allow the Department to address the inefficiency in its operations and reduce the amount of duplicative correspondence sent to providers.	Health First Colorado clients, providers.	A September 2017	

September 2017	MSB 17-06-08-A	Revision to the Child Health Plan Plus Concerning Enrollment Date, Section 430.4	Revise	42 CFR 457.1210	align with current business practice	Health First Colorado clients, providers.	A September 2017	
September 2017	MSB 17-06-29-A	Revision to the Medical Assistance Rule Concerning the Colorado Healthcare Affordability and Sustainability Enterprise, Section 8.3000, and makes corresponding revisions to references under Sections 8.300.8 and 8.905	New rule	42 CFR 433.68	To comply with the new state law and to comply with the State Plan with the Centers for Medicare and Medicaid Services, the CHASE must establish rules on an emergency basis in order to assess fees on hospitals to ensure continuing health care coverage for these Medicaid and CHP+ members and to make required payments to hospitals. Senate Bill 17-267 repealed the Hospital Provider Fee program effective July 1, 2017.	Health First Colorado clients, providers.	A September 2017	

September 2017	MSB 17-06-22-C	Revision to the Medical Assistance Long Term Care Rule Concerning the Guidelines, Section 8.401.1	Revise	42 U.S.C. §1396n(c)	incorporate the Department created Age Appropriate Guidelines document into the rules concerning Long Term Care eligibility	Health First Colorado clients, providers.	A September 2017	
September	10 CCR 2505-10, Section 8.200	Physician Services	Revise	CRS 25.5-5-102(1)(d)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September	10 CCR 2505-10, Section 8.201	Adult Dental Services	Revise	CRS 25.5-5-202(1)(w)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September	10 CCR 2505-10, Section 8.202	Dental Services for Children	Revise	CRS 25.5-5-102(1)(g), 25.5-8-107(1)(a)(II)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
July	10 CCR 2502-10 8.205	Medicaid Managed Care Program	Revise	C.R.S. 25.5-5-401	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
July	10 CCR 2502-10 8.209	Medicaid Managed Care Grievance and Appeal Process	Revise	C.R.S. 25.5-5-406	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
July	10 CCR 2502-10 8.212	Community Behavioral Health Services	Revise	C.R.S. 25.5-5-411	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September	10 CCR 2505-10 8.215	Community Mental Health Services Program	Remain as is	25.5-5-411, C.R.S.	Regulatory Efficiency Review	Health First Colorado clients, providers.		

		Capitation Rate Setting						
September	10 CCR 2505-10, Section 8.220	Competitive Procurement and Selective Contracting, Including Global Fee	Repeal	CRS 25.5-4-401	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September	10 CCR 2505-10, Section 8.221	General Provisions	Revise	CRS 25.5-5-102(1)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September	10 CCR 2505-10, Section 8.280	Early and Periodic Screening, Diagnosis and Treatment	Revise	CRS 25.5-5-102(1)(g)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
June	10 CCR 2505-10, Section 8.290	School Health Services Program Regulations	Remain as is	CRS 25.5-5-318	Regulatory Efficiency Review	Health First Colorado clients, providers.		
September	10 CCR 2505-10, Section 8.295	School-Based Health Centers	Revise	CRS 25.5-5-301(5), 25.5-5-318	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September	10 CCR 2505-10, Section 8.600	Services for Individuals with Intellectual and Developmental Disabilities	Revise	C.R.S. 25.5-6-409	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September	10 CCR 2505-10, Section 8.601	Administrative Services	Revise	C.R.S. 25.5-10-209	Regulatory Efficiency Review	Health First Colorado clients, providers.	A August 2017	

September	10 CCR 2505-10, Section 8.602	Service Agencies	Remain as is	C.R.S. 25.5-6-409 C.R.S. 25.5-10-208	Regulatory Efficiency Review	Health First Colorado clients, providers.		
September	10 CCR 2505-10, Section 8.603	Program Approval by the Department	Revise	C.R.S. 25.5-10-202	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September	10 CCR 2505-10, Section 8.604	Due Process and Confidentiality	Revise	C.R.S. 25.5-10-212 C.R.S. 24-4-105	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September	10 CCR 2505-10, Section 8.605	Dispute Resolution Procedures	Remain as is	C.R.S. 25.5-10-212	Regulatory Efficiency Review	Health First Colorado clients, providers.		
September	10 CCR 2505-10, Section 8.606	Confidentiality	Remain as is	C.R.S. 25.5-10-226	Regulatory Efficiency Review	Health First Colorado clients, providers.		
September	10 CCR 2505-10, Section 8.607	Case Management Services	Remain as is	C.R.S. 25.5-10-209.5	Regulatory Efficiency Review	Health First Colorado clients, providers.		
September	10 CCR 2505-10, Section 8.608	Service and Support Planning Supporting People with Challenging Behavior and Protections	Remain as is	C.R.S. 25.5-10-208	Regulatory Efficiency Review	Health First Colorado clients, providers.		
September	10 CCR 2505-10, Section 8.609	Program Services and Supports	Revise	C.R.S. 25.5-10-208	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September	10 CCR 2505-10, Section 8.610	Facility Based Adult Day Habilitation	Remain as is	C.R.S. 25.5-6-409	Regulatory Efficiency Review	Health First Colorado clients, providers.		

		Services and Supports						
September	10 CCR 2505-10, Section 8.611	Transportation	Remain as is	C.R.S. 25.5-6-409	Regulatory Efficiency Review	Health First Colorado clients, providers.		
September	10 CCR 2505-10, Section 8.612	Supports Intensity Scale Assessment and Support Levels	Revise	C.R.S. 25.5-6-109.3	Regulatory Efficiency Review	Health First Colorado clients, providers.	A July 2017	
September	10 CCR 2505-10, Section 8.613	Family Support Services (FSS) Program	Revise	C.R.S. 25.5-10-306	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
September	10 CCR 2505-10, Section 8.614	Gastronomy Services	Remain as is	C.R.S. 25.5-6-409 C.R.S. 25.5-10-204	Regulatory Efficiency Review	Health First Colorado clients, providers.		
September	10 CCR 2505-10, Section 8.660	Laboratory and X-Ray	Revise	CRS 25.5-5-102(1)(c)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
July 2016	10 CCR 2505-3, Section 50	Definitions	Revise	C.R.S. 25.5-8-103 Social Security Act title XXI section 2110	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
July 2016	10 CCR 2505-3, Section 100	Eligibility	Revise	C.R.S. 25.5-8-109 Social Security Act title XXI section 2102(b)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
July 2016	10 CCR 2505-3,	Benefits Package	Revise	C.R.S. 25.5-8-107	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	

	Section 200			Social Security Act title XXI section 2103(a)(b)				
July 2016	10 CCR 2505-3, Section 300	Enrollment Fees and Copayments	Revise	C.R.S. 25.5-8-107 Social Security Act title XXI section 2103 (e)	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
July 2016	10 CCR 2505-3, Section 400	Enrollment	Revise	C.R.S. 25.5-8-109 Social Security Act title XXI section 1932 (a)4	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
July 2016	10 CCR 2505-3, Section 500	Financial Management	Revise	C.R.S. 25.5-8-108 Social Security Act title XXI section 2104	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
July 2016	10 CCR 2505-3, Section 600	Appeals Process	Revise	C.R.S. 25.5-8-104 42 CFR 457.1120 42 CFR 438.400	Regulatory Efficiency Review	Health First Colorado clients, providers.	Pending	
October	10 CCR 2505-5 §§1.010	Finance and Accounting	Remain as is	C.R.S. 24.4-4103.3	Regulatory Efficiency Review	Health First Colorado clients, providers.		
October	10 CCR 2505-5 §§1.020	County Administration Rules	Remain as is	C.R.S. 25.5-118 and 25.5-1-303	Regulatory Efficiency Review	Health First Colorado clients, providers.		
May	10 CCR 2505-5 §§1.200	All-Payers Claims Database	Revise	Section 25.5-1-108, C.R.S. (2015);	Regulatory Efficiency Review	Health First Colorado clients, providers.	A July 2017	

				Section 25.5-1-204(9), C.R.S. (2015)				
--	--	--	--	---	--	--	--	--

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 th 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 th 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 st 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 st 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.