

# 2024 Regulatory Agenda Report

Date: November 1, 2024

Submitted to: Members of the Colorado General Assembly and Department of State

## Overview

Pursuant to Colo. Rev. Stat. § 2-7-203(4), the Department of Health Care Policy & Financing submits the following 2025 Regulatory Agenda Report. Pursuant to statutory requirements concerning the Department’s Regulatory Agenda, this Regulatory Agenda Report details the results of the past year’s rules review activity, including the results of mandatory rule reviews conducted under Colo. Rev. Stat. § 24-4-103.3(4) as part of the Department’s “Regulatory Efficiencies Reviews.”

### This report includes the following items:

1. “Rulemaking included in 2024 Regulatory Agenda,” providing an update of rules included in the Department’s 2024 Regulatory Agenda (filed on November 1, 2023)
2. “Results of Mandatory Rules Review,” providing a summary of the activities and outcomes associated with the Department’s mandatory rule reviews conducted under Colo. Rev. Stat. §24-4-103.3(4)
3. “Unplanned Rulemaking,” summarizing rule activity that was neither part of mandatory regulatory efficiency review nor part of the Regulatory Agenda.

### 1. Rulemaking included in 2024 Regulatory Agenda

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status
MSB 23-03-13-A	Office of Community Living	Revision	42 CFR § 441.301(c)(1)(vi) ; C.R.S. 25.5-6.701- 706; C.R.S. 25.5-6-601- 607; C.R.S. 25.5-6-13.01- 13.04; C.R.S. 27-10.5-101- 103; C.R.S. 25.5-6-301- 313; C.R.S. 7-10.5-101-103; C.R.S.	The Office of Community Living is restructuring and revising certain rules to come into alignment with federal requirements for conflict free case management under Colorado’s Case Management Redesign. Case Management Redesign (CMRD) refers to several initiatives aimed at simplifying access to long-term services and supports, creating stability for the case management system, increasing and standardizing quality requirements, ensuring accountability, and achieving federal compliance. Updates to rule language are necessary to mirror the policies created for CMRD and to be able to hold agencies	Medicaid members and providers	Adopted January 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status
			27-10.5-401; C.R.S. 25.5-6-401-411; C.R.S. 25.5-6-901; C.R.S. 25.5-5-306(1) and C.R.S. 27-10.5-102(11); C.R.S. 25.5-5-305; C.R.S. 25.5-6-17.	accountable to the CMRD requirements outside of contracts. The purpose of these new regulations is to meet the goals of CMRD by updating and consolidating the regulations pertaining to case management agencies, Home and Community Based Services (HCBS) waivers and services under each waiver, HCBS provider agencies, and member rights and responsibilities. The secondary goal is to simplify the regulations pertaining to the waivers, services, case management agencies, and provider agencies. The regulations were duplicative, confusing, and included outdated language and requirements. The new rules are streamlined and easier to navigate, regardless of the reader.		
MSB 23-08-23-A	Health Policy Office	Revision	42 C.F.R. § 431.53 (2024); Sections 25.5-1-801, C.R.S. (2024)	The proposed rule will add children and/or siblings of a member, or the children of the member's escort, to the list of additional passengers for non-emergent medical transportation.	Health First Colorado members and providers	Adopted July 2024
MSB 24-03-04-A	Health Policy Office	Revision	CO SB 23-214 (2023 Long Bill)	Adult Medicaid members will benefit from the proposed rule because they will no longer face annual financial limits on the dental services they may receive. The costs of this rule will be borne, as with Medicaid expenses generally, by a combination of state and federal funds.	Health First Colorado members and providers	Adopted August 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status
MSB 23-10-25-C	Office of Community Living	Revision	42 U.S.C. §1396n(c) and The Social Security Act, §1915(c).	<p>The purpose of the proposed these rule revisions is to expand eligibility for the Targeted Case Management Transition Coordination (TCM-TC) benefit and to describe new quality assurance processes to monitor compliance with all required transition coordination service standards and training guidelines. The standard to maintain TCM-TC provider approval in accordance with the quality assurance standards and requirements is established in the rule revision.</p> <p>A change in service eligibility will increase the number of members that transition from institutional settings. Transition coordination quality and performance standards will increase the probability of successful transitions and sustained community-based living.</p>	Health First Colorado members and providers	Adopted February 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status
MSB 23-03-17-A	Office of Community Living	Revision	1915 (b) (4) & Senate Bill 23-214	The Wellness Education Benefit consists of individualized educational materials designed to reduce the need for a higher level of care by offering educational materials that provide members and their families with actionable tools that can be used to prevent the progression of a disability, increase community engagement, combat isolation, and improve awareness of Medicaid services. The Wellness Education Benefit helps members and their unpaid caregivers to obtain, process, and understand information that assists with managing health related issues, promoting community living, and achieving goals identified in their person-centered service plans. Wellness Education Benefit services include varied topics such as engaging in community activities, nutrition, adaptive exercise, balance training and fall prevention, money management, and developing social networks.	Health First Colorado members and providers	Adopted January 2024
MSB 24-02-22-B	Office of Community Living	Revision	42 U.S.C. §1396n(c) and The Social Security Act, §1915(c) & C.R.S. § 25.5-6-1501(6)	This revision to Targeted Case Management (TCM-TC) Transition Coordination rules will expand the eligibility to individuals who are at risk of being placed in an institutional setting.	Health First Colorado members and providers	Adopted July 2024

## 2. Results of Mandatory Rules Review

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 C.C.R. 2505-10 Section 8.100.1, Medical Assistance Eligibility Definitions	Medicaid Operations Office	42 CFR 435.603, Section 36B(d)(2) of the Internal Revenue Code, Section 1902(e)(14) of the Act, Section 131 of the Internal Revenue Code, Title 26 U.S. Code 62 , Tax cuts and Jobs Act( Pub.L. No. 115-123,:BBA of 2018)	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.100.2, Legal Basis	Medicaid Operations Office	Colorado Revised Statute Title 25.5, 42 CFR Part 92	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.100.3.A, Application Requirements	Medicaid Operations Office	42 CFR §435.906, 42 CFR §435.907(d), 42 CFR §435.907(f)	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.100.3.B, Residency Requirements	Medicaid Operations Office	42 CFR §435.403	August	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 C.C.R. 2505-10 Section 8.100.3.C, Transferring Requirements	Medicaid Operations Office	42 CFR 435.603, Section 36B(d)(2) of the Internal Revenue Code, Section 1902(e)(14) of the Act, Section 131 of the Internal Revenue Code, Title 26 U.S. Code 62 , Tax cuts and Jobs Act( Pub.L. No. 115-123,;BBA of 2018)	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.100.3.D, Processing Requirements	Medicaid Operations Office	42 CFR 435.912 and 42 CFR 435.956(b)(2), 42 CFR 435.917	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.100.3.E, Retroactive Medical Assistance Coverage	Medicaid Operations Office	42 CFR §435.915, 1902(a)(34) of the Social Security Act	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.100.3.F, Groups Assisted Under the Program	Medicaid Operations Office	42 CFR §435.930	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.100.3.G, General and Citizenship Eligibility Requirements	Medicaid Operations Office	42 CFR §435 Subpart E; 42 CFR §435.400, 42 CFR §435.403	August	Y	N	N	Pending

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10 C.C.R. 2505-10 Section 8.100.3.H, Citizenship and Identity Documentation Requirements	Medicaid Operations Office	42 CFR §435.406, 42 CFR §435.407; 42 CFR §435.949; 42 CFR §435.956	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.100.3.I, Additional General Eligibility Requirements	Medicaid Operations Office	42 CFR §435.907(e); 42 CFR §435.910, 42 CFR §435.910(a), 42 CFR §435.610(1)(a), 42 CFR §435.610(2)(iii), 42 CFR §431.51(b)(i) and §431.51(b)(ii)	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.100.3.J, Supplemental Security Income (SSI) And Aid to The Needy Disabled (AND) Recipients	Medicaid Operations Office	42 CFR §435.120; §435.909, Sec. 1920(a)(10)(A)(i); Sec. 1619(b)(3)(B), Sec. 1920(a)(10)(A)(i), 42 CFR §435.603(k)(1), 42 CFR §435.831(c)H23: H24	August	Y	N	N	Pending



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10 CCR 2505-10, Section 8.100.3.K, Consideration of Income	Medicaid Operations Office	20 CFR §416.1166(a), §416.1204, §416.1166a(b)(1)(i) ) 20 CFR §416.1102, 20 CFR §416.1110, 20 CFR §416.1110(a)(3), 20 CFR §416.1111, 42 CFR §435.831(b), 42 CFR §435.831(b), 20 CFR §416.975(a), 20 CFR §416.1110(b), §416.975(c), 20 CFR §416.975(a)-(d), 20 CFR §416.975(c), 20 CFR §416.975, 20 CFR §416.975(b)(2), 20 CFR §416.1121(d), 20 CFR §416.1110(b), 20 CFR §416.1120, 20 CFR §416.1120(a), (b), and (c)	August	Y	N	N	Pending

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10 CCR 2505-10, Section 8.100.3.L, Consideration of Resources	Medicaid Operations Office	42 CFR §435.602	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.3.M, Federal Financial Participation (FFP)	Medicaid Operations Office	42 CFR §435.1000, 42 CFR §435.1001, 42 CFR 435 Subpart K	August	Y	N	N	Pending

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10 CCR 2505-10, Section 8.100.3.N, Confidentiality	Medicaid Operations Office	42 CFR §435.904(e)(4), 42 CFR §435.907(f), 42 CFR §431.306(g), 42 CFR §435.923(d)(2), 42 CFR §431.306(b), 42 CFR §431.306(d), 42 CFR §431.306(e), 42 CFR §431.305(a), 42 CFR §431.305(b)(1), 42 CFR §431.305(b)(2), 42 CFR §431.305(b)(3), 42 CFR §431.305(b)(4), 42 CFR §431.305(b)(5), 42 CFR §431.305(b)(7), 42 CFR §431.305(b)(7), 42 CFR §431.305(b)(6), 42 CFR §431.305(b)(8), 42 CFR §431.306(a), 42 CFR §431.306(f), 42 CFR §431.306(e), 42 CFR §431.306(g), 42 CFR §431.306(d), 42 CFR §431.306(a), 42 CFR §431.306(b)	August	Y	N	N	Pending

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10 CCR 2505-10, Section 8.100.3.O, Protection Against Discrimination	Medicaid Operations Office	Title VI of the 1963 Civil Rights Act, 42 CFR 431 Subpart F, 42 CFR §435.901, 45 CFR 80, 84, 91, 42 CFR §495.356(a), §495.356(b)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.3.P, Redetermination of Eligibility	Medicaid Operations Office	42 CFR §435.916(a)(1), 42 CFR §435.916(a)(2), 42 CFR §435.916(a)(3)(B), 42 CFR §435.917(b), 42 CFR §435.907(a)(3), 42 CFR §435.901(5)(iii), 42 CFR §435.608(a), 42 CFR §435.904(d); 42 CFR 435.916(d); 42 CFR 435.952, Sec. 1917(e)(2)(B)	August	Y	N	N	Pending

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10 CCR 2505-10, Section 8.100.3.Q, Continuous Eligibility (CE) for Medical Assistance programs	Medicaid Operations Office	42 CFR 435.916; CRS 25.5-1-303(3)(a); CRS 25.5-4-205 & 209 Section 504 of the Rehabilitation Act of 1973, 42 CFR §435.926(1), §435.926(2)(c), 42 CFR §435.926(d), 42 CFR §435.926(b)(2), 42 CFR §435.926(c)(2), 42 CFR §435.926(c)(2), 42 CFR §435.120, 42 CFR §435.172	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.4.A, MAGI Application Requirements	Medicaid Operations Office	42 CFR 435.907	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.4.B, MAGI Category Verification Requirements	Medicaid Operations Office	42 CFR 435.406, 435.407, 42 CFR 435.945, 435.948, 435.952	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.4.C, MAGI Methodology for Income Calculation	Medicaid Operations Office	42 CFR 435.4, 42 CFR 435.119	August	Y	N	N	Pending

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10 CCR 2505-10, Section 8.100.4.D, Income Disregard	Medicaid Operations Office	42 CFR 435.603(d)4	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.4.E, Determining MAGI Household Composition	Medicaid Operations Office	36B(ii) IRC,42 CFR 435.952.(1)(2)(i), 26 U.S.C. Sec. 6012 (a) (1)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.4.F, MAGI Category Presumptive Eligibility	Medicaid Operations Office	42 CFR Part 431 and 42 part 483.12, 1902(a)(0)(i)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.4.G, MAGI Covered Groups	Medicaid Operations Office	42 CFR 435.100	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.4.H, Needy Persons Under 21	Medicaid Operations Office	42 CFR 441.180 - 441.182,1905(h)(1)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.4.I, Transitional Medical Assistance and 4 Month Extended Medical Assistance	Medicaid Operations Office	42 CFR 435.112 and 435.115,1902(a)(52) ; 1902(e)(1); 1925; 1931(c)(2); 408(a)(11)(A),408(a)(11)(B) and 1931(c)(1)	August	Y	N	N	Pending

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10 CCR 2505-10, Section 8.100.4.J, Express Lane Eligibility	Medicaid Operations Office	42 CFR 435.603(j)(1), 1902(e)(13)(A)(i)(IV), 1902(e)(14)(D)(ii); 1902(dd); 1942(a); 2107(e)(1)(G)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.5.A, Application Requirements	Medicaid Operations Office	42 CFR 435.900, 1200; 42 CFR 435.541; 1902(a)(10)(ii)(XIII)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.5.B, Verification Requirements	Medicaid Operations Office	42 CFR 435.910, 940, 945, 948, 949, 952, 956, 960, 970; 436.407	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.5.C, Effective Date Of Eligibility	Medicaid Operations Office	42 CFR 435. 260-269, 540; 1902(a)(34); 1902(a)(10)(A)(ii) (V)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.5.D, Medical Assistance Estate Recovery Program	Medicaid Operations Office	42 CFR 435.700; 1917 of the Act	August	Y	N	N	Pending

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10 CCR 2505-10, Section 8.100.5.E, Availability of Resources and Income	Medicaid Operations Office	20 CFR 416.1000-416.1182; 20 CFR 416.1201, 1266; 42 CFR 416.200; 433.138, 145, 147, 148, 152, 610; 435.603, 911-913, 917, 945, 952	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.5.F, Income Requirements	Medicaid Operations Office	20 CFR 416.1100-1182, 1210; 42 CFR 435.230, 601	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.5.G, Deeming Of Income And Resources For The OAP Program	Medicaid Operations Office	POMS SI 01320.900; SI 00502.200; 42 CFR 435.232; 42 CFR 435.234	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.5.H, Income Disregards	Medicaid Operations Office	20 CFR 416.1103; 1104;1110-1182	August	Y	N	N	Pending



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10 CCR 2505-10, Section 8.100.5.E, Availability of Resources and Income	Medicaid Operations Office	20 CFR 416.1000-416.1182; 20 CFR 416.1201, 1266; 42 CFR 416.200; 433.138, 145, 147, 148, 152, 610; 435.603, 911-913, 917, 945, 952	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.5.F, Income Requirements	Medicaid Operations Office	20 CFR 416.1100-1182, 1210; 42 CFR 435.230, 601	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.5.G, Deeming Of Income And Resources For The OAP Program	Medicaid Operations Office	POMS SI 01320.900; SI 00502.200; 42 CFR 435.232; 42 CFR 435.234	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.5.H, Income Disregards	Medicaid Operations Office	20 CFR 416.1103; 1104;1110-1182	August	Y	N	N	Pending

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10 CCR 2505-10, Section 8.100.5.K, Department of Veterans Affairs (VA) Payments	Medicaid Operations Office	38 CFR §3.551, 20 CFR §416.1103(a)(7), 20 CFR §416.1103(b)(1)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.5.L Reverse Mortgages	Medicaid Operations Office	C.R.S. 11-38-110	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.5.M, Resource Requirements	Medicaid Operations Office	20 CFR §416.1201 - 1266, 20 CFR §416.1201, 20 CFR §416.1201(a), 20 CFR §416.1245(3), 20 CFR §416.1218(1), 20 CFR §416.1216(a), 20 CFR §416.1216(b), 20 CFR §416.1230(a), 20 CFR §416.1230(5), 20 CFR §416.1230(8), 20 CFR §416.1231(5) and 20 CFR §416.1231(6), 20 CFR §416.1231(4)(b), 20 CFR §416.1201, 20 CFR §416.1201(a), 20 CFR §416.1201(a)(4)(b)	August	Y	N	N	Pending

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		) and 20 CFR §416.1208(a), 20 CFR §416.1201(a)(4)(b), 20 CFR §416.1208(c), 43 CFR §433.36(c), Sec. 1902(a)(18); Sec. 1917(a) and (b), 20 CFR §416.1222(a), 20 CFR §416.1245(a), 20 CFR §416.1216(b)(2), 20 CFR §416.1218(b)(2), 20 CFR §416.1230(a), 20 CFR §416.1121(c)					
10 CCR 2505-10, Section 8.100.5.N, Treatment of Self-Funded Retirement Accounts	Medicaid Operations Office	20 CFR §416.1202(a)(1), 42 CFR §435.608	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.5.0, Treatment of Inheritances	Medicaid Operations Office	20 CFR §416.1201(a)(4), 20 CFR §416.1201(a)(1), CRS Title 15	August	Y	N	N	Pending

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10 CCR 2505-10, Section 8.100.5.P, Treatment of Proceeds from Disposition of Resources	Medicaid Operations Office	20 CFR §416.1201(a)(4), 20 CFR §416.1201(a)(1), CRS Title 15	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.6.A, Aged, Blind, and Disabled (ABD) General Information	Medicaid Operations Office	42 CFR 435.120	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.6.B, Disability Determinations	Medicaid Operations Office	42 CFR 435.541	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.6.C, SSI Eligibles	Medicaid Operations Office	42 CFR 435.120	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.6.D, Pickle Amendment	Medicaid Operations Office	Section 503 of P.L. 94-566; 42 CFR 435.135	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.6.E, Pickle Determination	Medicaid Operations Office	Section 503 of P.L. 94-566; 42 CFR 435.135	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.6.F, 1972 Disregard Individuals	Medicaid Operations Office	20 CFR 416.1100-416.1182	August	Y	N	N	Pending

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10 CCR 2505-10, Section 8.100.6.G, Individuals Eligible in 1973	Medicaid Operations Office	42 CFR 435.131-133	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.6.H, Eligibility for Certain Disabled Widow(er)s	Medicaid Operations Office	42 CFR 137-38	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.6.I, Eligibility for Disabled Widow(er)s	Medicaid Operations Office	42 CFR 435.138	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.6.J, Disabled Adult Children	Medicaid Operations Office	Section 1634c	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.6.K, Old Age Pension (OAP) Eligibles	Medicaid Operations Office	42 CFR §435.232 and 42 CFR §435.234, 42 CFR §435.232(a)(4), 42 CFR §435.232, 42 CFR §435.232(b)(2), Sec. 1902(a)(10(A)(ii)(I V), 42 CFR §431.625(d)(2)(i), Sec. 1634(a), Sec. 1902, 20 CFR §416.1201 - 1266	August	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation ?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 CCR 2505-10, Section 8.100.6.L, Qualified Medicare Beneficiaries (QMB)	Medicaid Operations Office	Sec. 1902(a)(10)(E)(i); 1905(p), 42 CFR §400.200(4), Sec. 1905(p)(1), Sec. 1905(p)(1)(A), Sec. 1905(p)(1)(C); 1902(10)(E)(iv), Sec. 1905(p)(1)(B); 1902(10)(E)(iv), Sec. 1905(p)(2)(A), 20 CFR §416.1100; HI 00815.023, Sec. 1902(a)(10)(E), Sec. 1905(p)(1), Sec. 1905(a)(vi); 1839(a)(2), Sec. 1905(p)(3)(B); 1905(p)(3)(C), Sec. 1915(h)(2)(B), Sec. 1905(p)(1), 42 CFR §435.945, 20 CFR §404.26(b), 20 CFR §404.273	August	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation ?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 CCR 2505-10, Section 8.100.6.M, Specified Low Income Medicare Beneficiaries	Medicaid Operations Office	Sec. 1902(a)(10)(E)(iii) ; Sec. 1905(p), Sec. 1905(p), Sec. 1905(p)(1)(B), Sec. 1905(p)(1)(C), Sec. 1905(p)(1)(B), Sec. 1905(p)(2)(A); Sec. 1612(a), 20 CFR §416.1100; 42 CFR §435.3	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.6.N, Medicare Qualifying Individuals 1 (Q1)	Medicaid Operations Office	431.625; 1933, Sec. 1902(a)(10)(E)(iv); Sec. 1905(p); Sec. 1933(a)(3), Sec. 1933(a)(4), Sec. 1902(10)(E)(iv), Sec.1905(s)(3), Sec. 1905(s)(4)	August	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation ?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable )
10 CCR 2505-10, Section 8.100.6.O, Qualified Disabled And Working Individuals	Medicaid Operations Office	Sec. 1902(a)(10)(E)(iii) ; Sec. 1905(s), Sec.1905(s) Sec. 1905(s), Sec. 1905(s), Sec. 1905(s)(3), Sec. 1905(s)(2), 20 CFR 416.1163(3) and 20 CFR 416.1163(2), Sec. 1905(s)(4), Sec. 1818A(b)(2)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.6.P, Medicaid Buy-In Program for Working Adults with Disabilities	Medicaid Operations Office	Sec. 1902(a)(10)(A)(ii)(XVI); 1916(g), Sec. 1902(a)(10)(A)(ii)(XVI), 42 CFR 435.210; 20 CFR 416.110; 20 CFR 416.1182, Sec. 1613(a), Sec. 1602, Sec. 1619(b)(3) and Sec. 1902(f), 42 CFR 435.218, 42 CFR 435.831	August	Y	N	N	Pending



Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation ?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 CCR 2505-10, Section 8.100.6.Q, Medicaid Buy-In Program for Children with Disabilities	Medicaid Operations Office	Sec. 1614(3)(c)(i); 1902(a)(10)(A)(ii)(XIX), Sec. 1614(f)(2)(b), Sec. 1614(f), Sec. 1614(f)(2)(B)(i), Sec. 2102(b)(1)(A), Sec. 1902(a)(10)(A)(ii)(XVI) and (XIX), Sec. 2102(b)(1)(B)(v), 42 CFR 435.119, 42 CFR 435.831, 42 CFR 435.218 and 42 CFR 435.603	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.A, Persons in Long-Term Care Institutions or Other Residential Placement	Medicaid Operations Office	42 CFR 435.211; 42 CFR 435.217; and 42 CFR 435.236	August	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation ?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 CCR 2505-10, Section 8.100.7.B, Persons Requesting Long-term Care through Home and Community Based Services (HCBS) or the Program of All Inclusive Care for the Elderly (PACE)	Medicaid Operations Office	42 CFR 435.211; 42 CFR 435.217; and 42 CFR 435.236	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.C, Treatment of Income and Resources for Married Couples	Medicaid Operations Office	42 U.S.C. 1396r-5 and Section 1924 of the Social Security Act	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.D, Other Medical Assistance Clients Requesting Long-Term Care in an Institution or through HCBS or PACE	Medicaid Operations Office	42 CFR 435.211; 42 CFR 435.217; and 42 CFR 435.236	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.E, Consideration of Trusts in Determining Medical Assistance Eligibility	Medicaid Operations Office	42 U.S.C. Sec. 1396a(k)	August	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation ?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 CCR 2505-10, Section 8.100.7.F, Transfers of Assets Without Fair Consideration	Medicaid Operations Office	42 USC 1396p (c) and Section 1917 of the SS Act (Liens, Adjustments and Recoveries, and Transfers of Assets)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.G, Treatment of Certain Assets as Transfers Without Fair Consideration	Medicaid Operations Office	42 USC 1396p (c) and Section 1917 of the SS Act (Liens, Adjustments and Recoveries, and Transfers of Assets)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.H, Life Estates	Medicaid Operations Office	42 USC 1396p(c)(J)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.I, Annuities	Medicaid Operations Office	42 USC 1396p(e)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.J, Life Expectancy Tables	Medicaid Operations Office	42 U.S.C. § 1396a, p and r-5 and Social Security Office of the Chief Actuary Period Life Table	August	Y	N	N	Pending

<b>Rule Number (CCR) and Title (or Description)</b>	<b>Division /Board/ Program</b>	<b>Statutory or Other Basis</b>	<b>Month of Review Completion</b>	<b>Did review result in revisions to regulation ?</b>	<b>Did the review result in repeal of any part of the regulation?</b>	<b>Did review result in repeal of entire CCR volume?</b>	<b>Adoption date (if applicable)</b>
10 CCR 2505-10, Section 8.100.7.K, Spousal Protection - Treatment of Income and Resources for Institutionalized Spouses	Medicaid Operations Office	42 U.S.C. 1396r-5 and Section 1924 of the Social Security Act	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.L, Assessment and Documentation of The Couple's Resources	Medicaid Operations Office	42 U.S.C. 1396r-5 and Section 1924 of the Social Security Act	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.M, Calculation of the Community Spouse Resource Allowance	Medicaid Operations Office	42 U.S.C. 1396r-5 and Section 1924 of the Social Security Act	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.N, Treatment of the Home and Other Exempt Resources	Medicaid Operations Office	42 U.S.C. 1396r-5 and Section 1924 of the Social Security Act	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.O, Determination of the Institutionalized Spouse's Income and Resource Eligibility	Medicaid Operations Office	42 U.S.C. 1396r-5 and Section 1924 of the Social Security Act	August	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation ?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 CCR 2505-10, Section 8.100.7.P, Attribution of Income	Medicaid Operations Office	42 U.S.C. 1396r-5 and Section 1924 of the Social Security Act	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.Q, Calculating the Community Spouse's Monthly Income Needs	Medicaid Operations Office	42 U.S.C. 1396r-5 and Section 1924 of the Social Security Act	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.R, Calculating the Amount of Income to be Contributed by the Institutionalized Spouse for the Community Spouse's Monthly Needs	Medicaid Operations Office	42 U.S.C. 1396r-5 and Section 1924 of the Social Security Act	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.S, Increasing the Community Spouse Resource Allowance	Medicaid Operations Office	42 U.S.C. 1396r-5 and Section 1924 of the Social Security Act	August	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation ?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 CCR 2505-10, Section 8.100.7.T, Deductions from Monthly Income of the Institutionalized Spouse	Medicaid Operations Office	42 U.S.C. 1396r-5 and Section 1924 of the Social Security Act	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.U, Right to Appeal	Medicaid Operations Office	42 U.S.C. 1396r-5(e)	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.100.7.V, Long-Term Care Institution Recipient Income	Medicaid Operations Office	42 USC 1396a(a)(17) and 1902(a)(17)	August	Y	N	N	Pending

### 3. Unplanned Rulemaking

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 23-04-25-A	Policy Development & Implementation Section	Revision	Sections 12-220-102 through 12-220-508, C.R.S. (2023)	Revision to the Medical Assistance Rule Concerning Dental Therapists in Federally Qualified Health Centers, Section 8.700.1.B	October 2023	Health First Colorado members and Providers	Adopted October 2023
MSB 23-05-23-A	Office of Community Living	Revision	42 C.F.R. § 435.726 & 25.5-4-401; 25.5-6-309; 25.5-6-606(2); 25.5-6-704(4)(a) C.R.S. (2022)	Revision to the Post-Eligibility Treatment of Income Rules, Sections 8.486.60, 8.509.17, 8.515.85.O	October 2023	Health First Colorado members and Providers	Adopted October 2023
MSB 23-02-09-A	Policy Development & Implementation Section	Revision	CRS §§ 25.5-4-103 (25.7), 25.5-5-321.5 (2023)	Revision to the Medical Assistance Act Rule concerning Electronic Consultation (eConsults) Section 8.095	October 2023	Health First Colorado members and Providers	Adopted October 2023
MSB 23-22-01-A	Office of Community Living	Revision	42 C.F.R 440.70(b)(3)(ii i) (2023) & Section 25.5-5-102(1)(f), C.R.S. (2023); Section 25.5-5-323-(5)(a) (2023)	Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule concerning Transition Services Setup Expenses, Section 8.553.6	November 2023	Health First Colorado members and Providers	Adopted November 2023

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 23-09-27-A	Health Policy Office	Revision	42 CFR 440.10 (2021) and Section 25.5-5-102(1)(a), C.R.S. (2021)	Revision to the Medical Assistance Act Rule concerning Durable Medical Equipment Complex Rehabilitation Technology Repair Metrics, Section 8.590	November 2023	Health First Colorado members and Providers	Adopted November 2023
MSB 23-10-25-B	Policy Development & Implementation Section	Revision	Section 12006(A) of the 21st Century Cures Act, P.L. No. 114-255	Revision to the Medical Assistance Rule concerning Electronic Visit Verification (EVV) Provider Types, Section 8.001.2.A	November 2023	Health First Colorado members and Providers	Adopted November 2023
MSB 23-11-01-A	Office of Community Living	Revision	Sections 25.5-6-1501 C.R.S. (2023)	Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule concerning Transition Services Setup Expenses, Section 8.553.6	November 2023	Health First Colorado members and Providers	Adopted November 2023
MSB 23-10-27-A	Policy Development & Implementation Section	Revision	42 CFR 440.110	Revision to the Medical Assistance Act Rule concerning Habilitative Services, Section 8.017.F.1-2	November 2023	Health First Colorado members and Providers	Adopted November 2023
MSB 23-10-23-A	Rates Section	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2023);	Revision to the Medical Assistance Act Rule Concerning Specialty Drug Carveout from DRG Payments, Section 8.300.5	December 2023	Health First Colorado members and Providers	Adopted December 2023
MSB 23-10-04-A	Special Financing Division	Revision	Section 25.5-4-402.8(2)(b)(IV)(A) (2023)	Revisions to the Medicaid Assistance Rule Concerning the Hospital Expenditure Report Data Collection, 8.4000	December 2023	Health First Colorado members and Providers	Adopted December 2023



Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 22-12-09-A	Office of Community Living	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2023)	Revision to the Medical Assistance Rule concerning Resident Personal Needs Accounts, Section 8.400	December 2023	Health First Colorado members and Providers	Adopted December 2023
MSB 23-05-05-A	Policy Development & Implementation Section	Revision	42 CFR 440.110(c) (2023)	Revision to the Medical Assistance Act Rule concerning Unilateral Cochlear Implants, Section 8.200.3.D.1.2.e.iii-iv	December 2023	Health First Colorado members and Providers	Adopted December 2023
MSB 23-06-05-A	External Relations	Revision	42 CFR Sec 440.20; 42 CFR 405 and 491 & Sections C.R.S. § 25.5-5-202(1)(b); Sections C.R.S. § 25.5-5-102(1)(a-b), (i)	Revision to the Medical Assistance Rule concerning Rural Sustainability Payments, Section 8.8500	December 2023	Health First Colorado members and Providers	Adopted December 2023

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 23-02-09-A	Policy Development & Implementation Section	Revision	CRS §§ 25.5-4-103 (25.7), 25.5-5-321.5 (2023)	Revision to the Medical Assistance Act Rule concerning Electronic Consultation (eConsults), Section 8.095	December 2023	Health First Colorado members and Providers	Adopted December 2023
MSB 23-11-16-A	Program Integrity	Revision	42 CFR 455.450(e) & Section 25.5-1-802(1), C.R.S.	Revision to the Medical Assistance Rule concerning Non Emergent Medical Transportation, Sections 8.014 & 8.125	January 2024	Health First Colorado members and Providers	Adopted January 2024
MSB 23-06-06-A	Policy Development & Implementation Section	Revision	42 U.S.C.A. § 1396d(a)(4)(B) ; 42 CFR 440.40(b) & C.R.S. § 25.5-5-102(1)(g)	Revision to the Medical Assistance Act Rule concerning School Based Health Centers, Section 8.295	January 2024	Health First Colorado members and Providers	Adopted January 2024
MSB 23-07-17-A	Office of Community Living	Revision	1915 (b) (4) & Senate Bill 23-214	Revision to the Medical Assistance Act Rule concerning the Wellness Education Benefit Section 8.7400	January 2024	Health First Colorado members and Providers	Adopted January 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 23-03-13-A	Office of Community Living	New	42 CFR § 441.301(c)(1)(vi) & C.R.S. 25.5-6.701-706; C.R.S. 25.5-6-601- 607; C.R.S. 25.5-6-13.01-13.04; C.R.S. 27-10.5-101- 103; C.R.S. 25.5-6-301-313; C.R.S. 7-10.5-101-103; C.R.S. 27-10.5-401; C.R.S. 25.5-6-401-411; C.R.S. 25.5-6-901; C.R.S. 25.5-5-306(1) and C.R.S. 27-10.5-102(11); C.R.S. 25.5-5-305; C.R.S 25.5-6-17.	Creation of Medical Assistance Act Section Rule concerning Case Management, Member Rights and Responsibilities Home and Community-Based Services and Provider Agency Requirements, Section 8.7000	January 2024	Health First Colorado members and Providers	Adopted January 2024
MSB 23-11-28-A	Office of Community Living	Revision	Sections 25.5-6-1501 C.R.S. (2023)	Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule concerning Transition Services Setup Expenses, Section 8.553.6	January 2024	Health First Colorado members and Providers	Adopted January 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 23-11-29-A	Policy Development & Implementation Section	Revision	42 CFR Part 456; Social Security Act, Section 1902(e)(14)(A) & Section 25.5-1-118(a), C.R.S. (2023)	Revision to the Medical Assistance Act Rule Concerning Member Appeals, Section 8.057	January 2024	Health First Colorado members and Providers	Adopted January 2024
MSB 24-02-01-B	Office of Community Living	Revision	Section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136	Revision to the Medical Assistance Act Rule concerning Nursing Facility Immunization Administration, Sections 8.443 and 8.815	February 2024	Health First Colorado members and Providers	Adopted February 2024
MSB 23-10-25-C	Office of Community Living	Revision	42 U.S.C. §1396n(c) and The Social Security Act, §1915(c)	Revision to the Medical Assistance Rule concerning Transition Coordination Services & Targeted Case Management - Transition Coordination (TCM-TC), Sections 8.519.27 and 8.763	February 2024	Health First Colorado members and Providers	Adopted February 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 23-12-16-A	Office of Community Living	Revision	42 C.F.R. § 441.301(C)(4)	Revision to the Medical Assistance Act Rule Concerning Specialty Drug Carveout from DRG Payments, Section 8.300.5 Targeted Case Management - Transition Coordination (TCM-TC), Sections 8.519.27 and 8.763	February 2024	Health First Colorado members and Providers	Adopted February 2024
MSB 23-12-26-C	Special Financing Division	Revision	Section 25.5-4-402.8(2)(b)(IV) (A)	Revisions to the Medicaid Assistance Rule Concerning the Hospital Expenditure Report Data Collection, 8.4000	February 2024	Health First Colorado members and Providers	Adopted February 2024
MSB 23-04-25-C	Pharmacy Office	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2023)	Revision to the Medical Assistance Act Rule concerning the HB23-1183 Implementation, Section 8.800.A and 8.800.7	March 2024	Health First Colorado members and Providers	Adopted March 2024
MSB 23-11-03-A	Office of Community Living	Revision	42 C.F.R. §460.190 & Sections 25.5-5-412, C.R.S.	New High Utilizer Supplemental Payment, NF Parolees Supplemental Payment, Post Eligibility Treatment of Income (PETI) Dental Benefit Removal, Section 8.443 & 8.482	March 2024	Health First Colorado members and Providers	Adopted March 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 23-08-02-A	Office of Community Living	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2023)	Revision to the Medical Assistance Rule concerning the Program of All-Inclusive Care for the Elderly (PACE), Section 8.497	March 2024	Health First Colorado members and Providers	Adopted March 2024
MSB 24-01-29-A	Fraud Waste and Abuse Division	Revision	42 CFR 455.450(e)	Revision to the Medical Assistance Rule concerning Non Emergent Medical Transportation, Sections 8.014 & 8.125	March 2024	Health First Colorado members and Providers	Adopted March 2024
MSB 24-01-05-A	Rates Division	Revision	Section 25.5-5-509 (2)(b), C.R.S. (2023)	Revision to the Medical Assistance Act Rule concerning Modifying Language for Inpatient Hospital Opioid Antagonist Drugs, Section 8.300.5.D	April 2024	Health First Colorado members and Providers	Adopted April 2024
MSB 23-08-29-A	Policy Development & Implementation Section	Revision	Sections 12-220-104, 25.5-1-301-303, C.R.S. (2023)	Revision to the Medical Assistance Act Rule concerning Children's Dental Therapists, Section 8.202.1	April 2024	Health First Colorado members and Providers	Adopted April 2024
MSB 24-04-05-A	Policy Development & Implementation Section	Revision	42 C.F.R. 440.130(c) & C.R.S. Section 25.5-4-506(6)	Revision to the Medical Assistance Act Rule concerning Doula Services, Section 8.734	May 2024	Health First Colorado members and Providers	Adopted May 2024
MSB 24-04-11-A	Pharmacy Office	Revision	Section 25.5-1-303, C.R.S. (2023)	Revision to the Medical Assistance Act concerning the Coverage of FDA-Approved Imported Drugs, Section 8.800.4.B	May 2024	Health First Colorado members and Providers	Adopted May 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-04-18-B	Policy Development & Implementation Section	Revision	Sections 12-220-104, 25.5-1-301-303, C.R.S. (2023)	Revision to the Medical Assistance Act Rule concerning Physician Oversight, Section 8.200.2.D	May 2024	Health First Colorado members and Providers	Adopted May 2024
MSB 24-03-19-A	Eligibility Policy Section	Revision	Sections 12-220-104, 25.5-1-301-303, C.R.S. (2023)	Revision to the Medical Assistance Eligibility Rules concerning Buy-in Monthly Premium Waiver Extension, 8.100.6.Q.1.f.vii and 8.100.6.P.1.f.v	May 2024	Health First Colorado members and Providers	Adopted May 2024
MSB 23-12-20-A	Rates Division	Revision	42 CFR 440.10 (2021)	Revision to the Medical Assistance Act Rule concerning Payment for Inpatient Hospital Services 8.300.1	May 2024	Health First Colorado members and Providers	Adopted May 2024
MSB 24-01-03-B	Special Financing Division	Revision	Sections 12-220-104, 25.5-1-301-303, C.R.S. (2023)	Revisions to the Medical Assistance Rule Concerning the Hospital Expenditure Report Data Collection, 8.4000	May 2024	Health First Colorado members and Providers	Adopted May 2024
MSB 24-10-25-B	Policy Development & Implementation Section	Revision	Section 12006(A) of the 21st Century Cures Act, P.L. No. 114-255	Revision to the Medical Assistance Act Rule concerning Electronic Visit Verification (EVV) Provider Types, Section 8.001.A.2	May 2024	Health First Colorado members and Providers	Adopted May 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-03-01-A	Office of Community Living	Revision	Sections 25.5-6-202, 203, 208, and 210, C.R.S., as revised pursuant to HB23-1228.	Revision to the Medical Assistance Nursing Facility Reimbursement Rule concerning Pay for Performance and Medicare costs Sections 8.440.2.A, 8.441.5.H, 8.441.5.L, and 8.443.12	May 2024	Health First Colorado members and Providers	Adopted May 2024
MSB 24-01-25-A	Special Financing Division	Revision	25.5-3-101 through 25.5-3-111 C.R.S. (2023)	Revision to the Colorado Indigent Care Program Rule concerning CICIP Social Security Number and Other Minor Updates, Section 8.900.	May 2024	Health First Colorado members and Providers	Adopted May 2024
MSB 24-02-13-A	Policy Development & Implementation Section	Revision	Section 27-50-101(7), (11), (13), C.R.S. (2023)	Revision to the Medical Assistance Act Rule concerning Safety Net Providers Language Update, Section 8.750	May 2024	Health First Colorado members and Providers	Adopted May 2024
MSB 24-02-29-B	Office of Community Living	Revision	42 CFR § 440.80 & Section § 25.5-5-303 (2023)	Revision to the Medical Assistance Act concerning Private Duty Nursing Benefit Rule, Section 8.540	May 2024	Health First Colorado members and Providers	Adopted May 2024
MSB 24-02-06-A	Special Financing Division	Revision	42 CFR 433.68 and 42 U.S.C. § 1396b(w) & 25.5-4-402.4(4)(b), (g), C.R.S.	Revision to the Medical Assistance Act Rule concerning Healthcare Affordability and Sustainability Provider Fees and Supplemental Payments, Section 8.3000	June 2024	Health First Colorado members and Providers	Adopted June 2024



Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-06-04-A	Special Financing Division	Revision	Section 25.5-3-401 through 25.5-3-406, C.R.S. (2023)	Revision to the Medical Assistance Rule concerning Dental Health Care Program for Low-Income Seniors, Procedure Rate Increase on Schedule A for Fiscal Year 2024-25, Section 8.960	June 2024	Health First Colorado Low-Income Seniors and Providers	Adopted June 2024
MSB 24-02-29-A	Eligibility Policy Section	Revision	42 CFR §435.916(a)(3)(i)(B)	Revision to the Medical Assistance Eligibility Rules concerning Redetermination of Eligibility, Section 8.100.3.P	June 2024	Health First Colorado members and Providers	Adopted June 2024
MSB 24-05-13-A	Rates Division	Revision	Section 25.5-5-509 (2)(b), C.R.S.	Revision to the Medical Assistance Act Rule concerning Modifying Language for Inpatient Hospital Opioid Antagonist Drugs, Section 8.300.5.D	June 2024	Health First Colorado members and Providers	Adopted June 2024
MSB 24-01-03-C	Special Financing Division	Revision	26 C.F.R. § 1.501(r)-3 & Sections 25.5-1-702 through 25.5-1-704, C.R.S (2023)	Revision to the Medical Assistance Rule Concerning the Hospital Community Benefit Accountability, 8.5000	June 2024	Health First Colorado members and Providers	Adopted June 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 23-11-29-A	Legal Division	Revision	42 CFR Part 456; Social Security Act, Section 1902(e)(14)(A) & Section 25.5-1-118(a), C.R.S. (2023); Section 25.5-4-207(1)(a)(II), C.R.S. (2023)	Revision to the Medical Assistance Act Rule concerning Member Appeals, Sections 8.057.1 and 8.057.3-.5	July 2024	Health First Colorado members and Providers	Adopted July 2024
MSB 24-03-19-A	Eligibility Policy Section	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2023)	Revision to the Medical Assistance Eligibility Rules concerning Buy-in Monthly Premium Waiver Extension, 8.100.6.Q.1.f.vii and 8.100.6.P.1.f.vi	July 2024	Health First Colorado members and Providers	Adopted July 2024
MSB 24-02-22-B	Office of Community Living	Revision	42 U.S.C. §1396n(c) and The Social Security Act, §1915(c) & C.R.S. § 25.5-6-1501(6)	Revision to the Medical Assistance Rule concerning Transition Coordination Services & Targeted Case Management - Transition Coordination (TCM-TC), Section 8.519.27 & 8.763	July 2024	Health First Colorado members and Providers	Adopted July 2024
MSB 23-08-23-A	Policy Development & Implementation Section	Revision	42 C.F.R. § 431.53 (2024) & Sections 25.5-1-801, C.R.S. (2024)	Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation for Children and Siblings, Section 8.014	July 2024	Health First Colorado members and Providers	Adopted July 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-05-29-B	Pharmacy Office	Revision	Section 25.5-1-303, C.R.S. (2024)	Revision to the Medical Assistance Act concerning the Coverage of FDA-Approved Imported Drugs, Section 8.800.4.B Medical Providers, Section 8.700.7.A	July 2024	Health First Colorado members and Providers	Adopted July 2024
MSB 23-12-13-A	Office of Community Living	Revision	C.R.S. 25.5-6.701- 706; C.R.S. 25.5-6-601- 607; C.R.S. 25.5-6-13.01- 13.04; C.R.S. 27-10.5-101- 103; C.R.S. 25.5-6-301- 313; C.R.S. 7-10.5-101-103; C.R.S. 27-10.5-401; C.R.S. 25.5-6-401-411; C.R.S. 25.5-6-901; C.R.S. 25.5-5-306(1) and C.R.S. 27-10.5-102(11); C.R.S. 25.5-5-305; C.R.S. 25.5-6-17.	Case Management Redesign (CMRD) Outdated Language Repeal, Sections 8.300. 8.400, 8.500, & 8.600	July 2024	Health First Colorado members and Providers	Adopted July 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-01-03-A	Office of Community Living	New	42 USC 1396a	Creation of the Medical Assistance Act Rule concerning the Money Follows the Person Demonstration, Section 8.555	July 2024	Health First Colorado members and Providers	Adopted July 2024
MSB 24-05-29-A	Policy Development & Implementation Section	Revision	42 C.F.R. 440.130(c)	Revision to the Medical Assistance Act Rule concerning Doula Services, Section 8.734	July 2024	Health First Colorado members and Providers	Adopted July 2024
MSB 24-05-29-C	Policy Development & Implementation Section	Revision	42 CFR 440	Revision to the Medical Assistance Act Rule concerning Physician Oversight, Section 8.200.2.D.a	July 2024	Health First Colorado members and Providers	Adopted July 2024
MSB 24-03-04-A	Policy Development & Implementation Section	Revision	CO SB 23-214 (2023 Long Bill)	Revision to the Medical Assistance Act Rule concerning Physician Oversight, Section 8.200.2.D.a	August 2024	Health First Colorado members and Providers	Adopted August 2024
MSB 24-04-10-A	Rates Division	Revision	Section 1902(bb) of the Social Security Act (42 U.S.C.A. § 1396a(bb))	Revision to the Medical Assistance Rule concerning COVID-19 Vaccine and Monoclonal Antibody and Antiviral Treatment, Section 8.700.6.B.9-11	August 2024	Health First Colorado members and Providers	Adopted August 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-06-24-A	Special Financing Division	Revision	42 CFR 433.68 and 42 U.S.C. § 1396b(w)	Revision to the Medical Assistance Act Rule concerning Healthcare Affordability and Sustainability Provider Fees and Supplemental Payments, Section 8.3000	August 2024	Health First Colorado members and Providers	Adopted August 2024
MSB 24-06-24-B	Special Financing Division	Revision	Section 25.5-3-404(4), C.R.S.	Revision to the Medical Assistance Rule concerning Dental Health Care Program for Low-Income Seniors, Procedure Rate Increase on Schedule A for Fiscal Year 2024-25, Section 8.960	August 2024	Health First Colorado Low Income Seniors and Providers	Adopted August 2024
MSB 24-01-03-A	Office of Community Living	New	42 USC 1396a	Creation of the Medical Assistance Act Rule concerning the Money Follows the Person Demonstration, Section 8.555	August 2024	Health First Colorado members and Providers	Adopted August 2024
MSB 24-05-07-A	Special Financing Division	Revision	Section 25.5-3-404(4), C.R.S.	Revision to Medical Assistance Rule concerning the Addition of Procedures to Schedule A of the Dental Health Care Program for Low-Income Seniors, Section 8.960	September 2024	Health First Colorado Low-Income Seniors and Providers	Adopted September 2024
MSB 24-06-05-A	Office of Community Living	Revision	25.5-6-202(13), C.R.S. (2023)	Revision of the Medical Assistance Rule concerning Nursing Home Financial Transparency and Reporting, Section 8.450	September 2024	Health First Colorado members and Providers	Adopted September 2024

# 2025

## Regulatory Agenda



**COLORADO**  
Department of Health Care  
Policy & Financing

## Overview

The Colorado Department of Health Care Policy and Financing submits the following 2025 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 Department Regulatory Agenda 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 2022 (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 2023-2024 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 Consider including high-level outreach bullets	Anticipated Hearing Date
January 2025	10 CCR 2505-5 1.010 - 1.200.9 Executive Director of Health Care Policy and Financing rules	Policy, Communication , and Administration Office	Revision	Section 1902(a) of the Social Security Act		Revision to rules for program and fiscal administration of counties.	Health First Colorado members, providers	January 2025
January 2025	10 CCR 2505-10 Section 8.443 Technical Changes to Nursing Home Rules	Office of Community Living	Revision	42 CFR 433.68 and 42 U.S.C. § 1396b(w)		Revision to the Medical Assistance Nursing Home Rule Concerning Technical Change	Health First Colorado clients, providers	January 2025
January 2025	10 CCR 2505-10 Section 8.100 Continuous Eligibility Updates for children under the age of 19	Eligibility Policy Office	Revision	42 CFR 435.603 & 42 CFR 435.952		Updates will be made to the Medical Assistance and Child Health Plan Plus Continuous Eligibility (CE) for Children under 19 years of age. Updates include the removal of the 14-day no-fault period and the CE exception to terminate a child under 19 for failure to provide documentation during a	Health First Colorado clients, providers	January 2025



						<p>Reasonable Opportunity period (ROP). Updates will also allow a 12-month lock-in period for members incarcerated during their CE period. Member(s) who are under 19 years of age and eligible for Family Planning (FP) will now also be able to receive CE. Updates to rules will also clarify CE eligibility for children who acquired other insurance while in a CE period and add an exception to the CE rules for determinations where eligibility was erroneously granted because of agency error or fraud/misrepresentation.</p>		
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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 Mandator y Rule Review?  (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipate d Hearing Date
April 2025	10 CCR 2505-10 Section 8.7000 Children with Complex Health Needs Waiver	Health Policy Office	New	42 CFR § 441.301(c)(1) (vi)		This rule will amend the existing language for the Children with Life Limiting Illness Waiver (CLLI) to expand the eligible population to include children on the Children’s Home and Community Based Services Waiver. This rule will rename the waiver the Children with Complex Health Needs Waiver and ensure that the current waiver services available on the CLLI waiver are now available on the Children with Complex Health Needs Waiver.	Health First Colorado members, providers	April 2025
April 2025	10 CCR 2505-10 Section 8.7600 Community First Choice	Office of Community Living	New rule	42 CFR § 441.301(c)(1) (vi)		This rule will create a new section in the Medical Assistance, 8.7000 rules for Home and Community Based Services to include Community First Choice. This will also amend existing sections of 8.7000, such as the services section, to include Community First Choice eligibility.	Health First Colorado clients, providers	April 2025

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 Consider including high-level outreach bullets	Anticipated Hearing Date
April 2025	10 CCR 2505-10 Section 8.7600 Community First Choice	Office of Community Living	New rule	42 CFR § 441.301(c)(1) (vi)		This rule will create a new section in the Medical Assistance, 8.7000 rules for Home and Community Based Services to include Community First Choice. This will also amend existing sections of 8.7000, such as the services section, to include Community First Choice eligibility.	Health First Colorado clients, providers	April 2025
November 2024	10 CCR 2505-10 Section 8.7101.E Children's Habilitation Residential Program Waiver (CHRP) Waiver Eligibility Expansion	Office of Communit y Living	Revision	1915 (b) (4)		New Eligibility criteria language and definitions are being added to Children's Habilitation Residential Program Waiver (CHRP) Waiver.	Health First Colorado members, providers	November 2024

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 Consider including high-level outreach bullets	Anticipated Hearing Date
December 2024	10 CCR 2505-10 Section 8.7553 Wellness Education Benefit Revision	Office of Community Living	Revision	1915 (b) (4)		Amending existing language to the Wellness Education Benefit (8.7553) to include benefit eligibility to members on the following waivers: Developmental Disabilities, Supported Living Services, Elderly, Blind, and Disabled, Complementary and Integrative Health, Community Mental Health Supports, Brain Injury, Children with Life Limiting Illness, Children's Extensive Support, and Children's Habilitation Residential Program.	Health First Colorado members, providers	December 2024
December 2024	10 CCR 2505-10 Section 8.125 & 8.126 Provider Screening and National Provider Identifier Number	Health Policy Office	Revision	42 CFR Parts 412, 413, 425, 455, and 495		Add newly established provider types to the provider screening and NPI rules in order to ensure alignment with other rule updates that have occurred. It is imperative that Department rules are in alignment with each other.	Health First Colorado members, providers	December 2024