



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

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

November 1, 2016

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

Dear Members of the General Assembly:

The Department of Health Care Policy and Financing (Department) respectfully submits its 2016 Regulatory Agenda Report and 2017 Regulatory Agenda, in compliance with Section 2-7-203, C.R.S. The Department has also submitted the 2017 Regulatory Agenda to the Colorado Secretary of State for publication in the Colorado Register, and it will be posted to the Department's website.

The Department's 2016 Regulatory Agenda Report provides a brief summary of all permanent, temporary and emergency rules reviewed, revised and adopted since the Department's 2016 Departmental Regulatory Agenda was filed on November 1, 2015, as well as the status, comments, and information relative to stakeholder input. Pursuant to Section 24-4-103.3(4), C.R.S., the 2016 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 2016 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/stakeholder-engagement-protocols>).

If you require further information or have additional questions, please contact the Department's Legislative Liaison, Zach Lynkiewicz, at [Zach.Lynkiewicz@state.co.us](mailto:Zach.Lynkiewicz@state.co.us) or 720-854-9882, or the Medical Services Board Coordinator, Chris Sykes at [chris.sykes@state.co.us](mailto:chris.sykes@state.co.us) or 303-866-4416.

Sincerely,

A handwritten signature in black ink that reads "Susan E. Birch".

Susan E. Birch, MBA, BSN, RN  
Executive Director

SEB/cjs

Enclosure(s): HCPF 2017 Regulatory Agenda and 2016 Regulatory Agenda Report



Cc: Senator Larry Crowder, Vice-Chair, Health and Human Services Committee  
Senator Beth Martinez Humenik, Health and Human Services Committee  
Senator Irene Aguilar, Health and Human Services Committee  
Senator Linda Newell, Health and Human Services Committee  
Legislative Council Library  
State Library  
John Bartholomew, Finance Office Director, HCPF  
Gretchen Hammer, Health Programs 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  
Jed Ziegenhagen, Community Living Office Director, HCPF  
Rachel Reiter, External Relations Division Director, HCPF  
Zach Lynkiewicz, Legislative Liaison, HCPF  
Chris Sykes, Medical Services Board Coordinator, HCPF



# 2017

## Regulatory Agenda



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

## 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
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department's "Regulatory Efficiencies Reviews" during 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's DRA for 2016-2017 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders <i>Consider including high-level outreach bullets</i>	Anticipated Hearing Date
August 2017	10 CCR 2505-10 Section 8.013 Out-of-State Medical Care	Health Programs Office	Revision	42 CFR 431.52		Revise rule language for clarity.	Health First Colorado clients, in- and out- of-state providers	August 2017
April 2017	10 CCR 2505-10 Section 8.520 Home Health Services	Health Programs Office	Revision	42 CFR 440.70 CRS 25.5-5- 102(1)(f)	X	Revise rule to comply with new federal requirements.	Health First Colorado clients, home health providers	April 2017
April 2017	10 CCR 2505-10	Health	Revision	CRS 25.5-5-	X	Update rule	Health First Colorado	April 2017

	Section 8.540 Private Duty Nursing (PDN) Services	Programs Office		202(1)(n)		language.	clients, PDN providers	
March 2017	10 CCR 2505-10 Section 8.550 Hospice Benefit	Health Programs Office	Revision	CRS 25.5-5- 202(1)(p)	X	Define amount, duration and scope of benefit.	Health First Colorado clients, hospice providers	March 2017
July 2017	10 CCR 2505-10 Section 8.560 Clinic Services Certified Health Agency	Health Programs Office	Repeal	CRS 25.5-5- 202(1)(b)	X	Repeal section of rule that is no longer applicable.	Health First Colorado clients, providers	July 2017
October 2017	10 CCR 2505-10 Section 8.570 Ambulatory Surgery Centers	Health Programs Office	Revision	CRS 25.5.-5- 301(2)(d)	X	Define amount, duration and scope of benefit.	Health First Colorado clients, ambulatory surgery centers	October 2017
May 2017	10 CCR 2505-10 Section 8.585 DME Oxygen	Health Programs Office	Revision	CRS 25.5-5- 102(1)(f)	X	Revise rule in accordance with findings of 2016 regulatory efficiency review.	Health First Colorado clients, medical and DME providers	May 2017
May 2017	10 CCR 2505-10 Section 8.726 Teen Pregnancy Prevention Pilot Program	Health Programs Office	Revision	CRS 25.5-5-601 - 605	X	Revise rule in accordance with findings of 2016 regulatory efficiency review.	Health First Colorado clients, providers	May 2017
March 2017	10 CCR 2505-10 Section 8.730 Family Planning Services	Health Programs Office	Revision	SSA 1905(a)(4)(C) SSA 1902(a)(10)(C)  CRS 25-1.5-101 CRS 25-6-101 - 103 CRS 25-6-201 - 207 CRS 25-6-301 - 302 CRS 25.5-5-102	X	Revise rule in accordance with findings of 2016 regulatory efficiency review.	Health First Colorado clients, providers	March 2017

November 2017	10 CCR 2505-10 Section Screening, Brief Intervention and Referral to Treatment (SBIRT) Services	Health Programs Office	Revision	CRS 25.5-202(1)(u)(l)	X	Revise rule in accordance with findings of 2016 regulatory efficiency review.	Health First Colorado clients, providers	November 2017
August 2017	10 CCR 2505-10 Section 8.747 Federally Qualified Health Centers (FQHCs)	Health Programs Office	Revision	CRS 25.5-5-102(1)(m)	X	Revise rule in accordance with findings of 2016 regulatory efficiency review.	Health First Colorado clients, FQHCs	August 2017
June 2017	10 CCR 2505-10 Section 8.740 Rural Health Clinics (RHCs)	Health Programs Office	Revision	CRS 25.5-5-102(1)(i)	X	Revise rule in accordance with findings of 2016 regulatory efficiency review.	Health First Colorado clients, RHCs	June 2017
June 2017	10 CCR 2505-10 Section 8.754 Client Co-Payment	Health Programs Office	Revision	SSA 1902(a)(14) SSA 1916 and 1916A 42 CFR 447.50-447.57  CRS 25.5-4-209(1)(b)	X	Update rule to comply with federal requirements, and revise language for clarity.	Health First Colorado clients, providers	June 2017
September 2017	10 CCR 2505-10 Section 8.765 Services for Clients in Psychiatric Residential Treatment Facilities (PRTFs) or Residing in Residential Child Care Facilities	Health Programs Office	Revision	CRS 25.5-5-306	X	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	September 2017

	(RCCFs) as Defined Below							
February 2017	10 CCR 2505-10 Section 8.075 Client Over-Utilization Program	Health Programs Office	Revision	42 CFR 456.3 42 CFR 431.54(e)-(f)  CRS 25.5-5-102 CRS 25.5-5-202(3) CRS 25.5-5-316	X	Revise rule to comply with new statutory requirements for Medicaid client appeals process; and update rule to align with changes to program enrollment criteria and processes.	Health First Colorado clients, providers, pharmacies, Regional Care Collaborative Organizations	February 2017
March 2017	Transgender Services	Health Programs Office	New	45 CFR 92 CRS 25.5-5-102(d)		Define the amount, scope, and duration of the benefit.	Health First Colorado clients, providers	March 2017
April 2017	Pediatric Orthodontic Services	Health Programs Office	New	CRS 255-5-102(1)(g)		Define the amount, scope, and duration of the benefit.	Health First Colorado clients, orthodontists	April 2017
January 2017	Speech Generating Devices	Health Programs Office	New	CRS 25.5-5-202(1)(f)		Define the amount, scope, and duration of the benefit.	Health First Colorado clients, as well as medical, Speech Language Pathologists, and DME providers	January 2017
May 2017	Vision Services	Health Programs Office	New	CRS 25.5-5-202(1)(d)		Define the amount, scope, and duration of the benefit.	Health First Colorado clients, providers	May 2017
June 2017	Physical and Occupational Therapy	Health Programs Office	New	CRS 25.5-5-202(1)		Define the amount, scope, and duration of the benefit.	Health First Colorado clients, physical and occupational therapy providers	June 2017
June 2017	10 CCR 2505-10 Section 8.202 Laboratory, Pathology, and Radiology	Health Programs Office	Revision	CRS 25.5-5-102(1)(c)		Reorganize the laboratory, pathology, and radiology benefits into a single, three-part section; and define the amount, scope, and duration	Health First Colorado clients, providers	June 2017

						of the benefits.		
March 2017	10 CCR 2505-10 Section 8.011 General Exclusions from Coverage	Health Programs Office	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	X	Revise rule in accordance with findings of 2016 regulatory efficiency review.	Health First Colorado clients, providers	March 2017
July 2017	10 CCR 2505-10 Section 8.058 Request for Prior Authorization	Health Programs Office	Revision	SSA 1902(a)(30)(A)  CRS 25.5-4-401	X	Revise rule in accordance with findings of 2016 regulatory efficiency review.	Health First Colorado clients, providers	July 2017
December 2016	10 CCR 2505-10 Section 8.613 Family Support Services Program (FSSP) Rules rewrite	Community Living Office	Revision	C.R.S. 25.5-10-306		Adopt clearer rules governing the administration of the Family Support Services Program. Rules to address the categories of services, the "most in need" criteria for eligibility, and strengthen billing methods for better auditing.	All Community Centered Boards participate in the FSSP and will be impacted by the new rules. Negligible fiscal impact as most of the new rules simply put in place better tracking and auditing methods.	December 2016
February 2017	10 CCR 2505-10 Section 8.500 & 8.600 Overall Language Cleanup	Community Living Office	Revision	HB13-1314, codified at C.R.S. 25.5-10-101		Update the citations and references in the rules to show HCPF and not DHS as administering services for IDD. Update language to conform to federal usage.	This rule change will have negligible impact, it simply re-aligns the citations and language to conform to present usage. It will positively affect both CCBs, providers, and participants by making the rules easier to follow and consistent.	February 2017
January 2017	10 CCR 2505-10 Section 8.500	Community Living Office	Revision	SB 16-38, codified at C.R.S. 25.5-10-		Subjects CCBs to the Local Government	This rule impacts all 20 CCBs. All CCBS	January 2017



	Community Centered Board (CCB) Transparency			209		Audit Law, requires yearly audits and has posting requirements for all meetings of the boards of directors and CCB financials.	are required to complete audits and comply with board of directors public notice requirements.	
November 2016	Mistreatment, Abuse, Neglect, Exploitation (MANE) and Undue Influence	Community Living Office	New	HB15-109 and HB16-1394, codified at C.R.S. 25.15-10-202		Adopt and modify definitions of MANE and Undue Influence to remain consistent with statutory changes.	The bill expands the number of mandatory reporters for MANE incidents. This will enhance protections for all at-risk adults in services. No direct impact on HCPF other than clearer definitions of incidents. Bill requires criminal reports and reports to the Adult Protective Services division within DHS.	November 2016

# 2016

## Regulatory Agenda **Report**



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

## Overview

Pursuant to Colo. Rev. Stat. §2-7-203(4), the Department of Health Care Policy and Financing submits the following 2016 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:

- “Rulemaking included in 2016 Regulatory Agenda,” providing an update of rules included in the Department’s 2016 Regulatory Agenda (filed on November 1<sup>st</sup>, 2015)
- “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)
- “Unplanned Rulemaking”, summarizing rule activity that was not neither part of mandatory regulatory efficiency review nor part of the Regulatory Agenda.

## Rulemaking included in 2016 Regulatory Agenda

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
<i>List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year</i>	<i>Within the Department, what sub-group is responsible for the rule?</i>		<i>The statutory or other basis for adoption of the proposed rule</i>	<i>The purpose of the proposed rule</i>	<i>Listing of persons or parties that may be affected positively or negatively by the rule</i>	<i>Select one of the following options: (a) adopted (include date of adoption), (b) not adopted, (c) withdrawn, or (d) ongoing</i>	<i>Consider including critical outcomes, milestones, etc.</i>
MSB 15-10-09-A	Long Term Services and Supports Division	Revision	C.R.S. 25.5-6-1102(6)	Revision to the Medical Assistance Long-Term Services and Supports Rule Concerning Consumer Directed	Clients utilizing CDASS through the Agency with Choice model will be required to transition to	Adopted - February 2016	

				Attendant Support Services, Section 8.510	the Fiscal Employer Agent model (F/EA).		
MSB 16-03-08-A	Special Financing Division	Revision	C.R.S. 25.5-6-202 and C.R.S. 25.5-6-203	Revision to the Medical Assistance Provider Fee Financing Nursing Facility Rule Concerning Rate Effective Date, Section 8.443.13	Class I Nursing Facilities	Adopted - May 2016	
MSB 16-01-30-A	Long Term Services and Supports Division	Revision	C.R.S. 25.5-6-307, C.R.S. 25.5-6-606, C.R.S. 25.5-6-704, C.R.S. 25.5-6-1303	Revision to the Medical Assistance Home and Community Based Services Home Modification Benefit Rule, Section 8.493	Persons who utilize the Home Modification benefit in the Elderly, Blind, and Disabled waiver, the Brain Injury waiver, the Community Mental Health Supports waiver, and the Spinal Cord Injury waiver	Adopted - June 2016	
MSB 16-03-22-B	Long Term Services and Supports Division	Revision	42 C.F.R. §1396n(c), 42 C.F.R. §435.726	Revision to the Medical Assistance Home and Community Based Services Rule Concerning the Supportive Living Program Post Eligibility Treatment of Income (PETI), Section 8.515.85	Persons who receive residential SLP services through the BI waiver and have income between 100% and 300% of SSI	Adopted - August 2016	

MSB 16-07-14-A	Long Term Services and Supports Division	Revision	C.R.S. 25.5-6-303	Revision to the Medical Assistance Home and Community Based Services for Elderly Blind and Disabled Rule Concerning Non-Medical Transportation, Section 8.494	Individuals who will be affected by this rule are individuals who use the NMT service.	Adopted - September 2016	
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## 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)
<i>List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year</i>	<i>Within the Department, what sub-group is responsible for the rule?</i>	<i>The statutory or other basis for adoption of the proposed rule</i>		Y/N	Y/N - if yes, how many rules?	Y/N	<i>If date is not yet identified, label as "pending"</i>
10 CCR 2505-10 Section 8.011 General Exclusions from Coverage	Health Programs Office Operations Section	C.R.S. 25.5-4-105 C.R.S. 25.5-4-205.5 C.R.S. 25.5-4-300.4 C.R.S. 25.5-5-102 C.R.S. 25.5-5-202	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.012 Providers Prohibited from Collecting Payment from Recipients	Program Integrity	C.R.S. §§25.5-4-301(1)(a)(I), (II), and II.5)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.013 Out Of State	Health Programs Office Benefits Section	42 CFR 431.52	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.014 Non Emergent Medical Transportation	Provider Relations and Dental	42 CFR §431.53 Assurance of transportation.	September 2016	N	N	N	NA
10 CCR 2505-10 Section 8.015 Electronic Health Record Incentive Program	Provider Payment Division	42 CFR 495	September 2016	N	N	N	NA

10 CCR 2505-10 Section 8.040 Recoveries from Providers	Program Integrity	C.R.S. §25.5-4-301	September 2016	N	N	N	NA
10 CCR 2505-10 Section 8.040.1 Enrollment of Providers	Fiscal Agent Operations	42 CFR 455 Subpart E	September 2016	N	N	N	NA
10 CCR 2505-10 Section 8.040.1.5 Nature of Department's agreement with Health Care Provider's	Fiscal Agent Operations	42 CFR 431.107	September 2016	N	N	N	NA
10 CCR 2505-10 Section 8.040.2 Claim Submission	Fiscal Agent Operations	42 CFR 447 Subpart A	September 2016	N	N	N	NA
10 CCR 2505-10 Section 8.041 Claim Reimbursement and status for National Correct Coding Initiative (NCCI)	Fiscal Agent Operations	"Mandatory State Use of National Correct Coding Initiative (NCCI)", of the Patient Protection and Affordable Care Act of 2010 (P.L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), which together are referred to as the "Affordable Care Act."	September 2016	N	N	N	NA
10 CCR 2505-10 Section 8.042 Utilization of a Cash System of Accounting	Controller Division	25.5-4-201 and 25.5-8-108 (5)	October 2016	N	N	Y	Pending
10 CCR 2505-10 Section 8.043 Timely Filing	Fiscal Agent Operations	25.5-4-204(2) C.R.S.	September 2016	N	N	N	NA

		42 CFR 447					
10 CCR 2505-10 Section 8.049 Reconsideration/Appeal of Adverse Administrative Action	Fiscal Agent Operations	25.5-4-204(2) C.R.S.	September 2016	N	N	N	NA
10 CCR 2505-10 § 8.050 Provider Appeals	Legal Division	42 C.F.R. § 447.253(e)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 § 8.057 Recipient Appeals	Legal Division	42 U.S.C. § 1396a(a)(3); C.R.S. § 25.5-1-107	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.058 Request for Prior Authorization	Health Programs Office Operations Section	SSA 1902(a)(30)(A) CRS 25.5-4-401	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.061 Use of Other Resources in The Provision of Medical Assistance Benefits	Benefits Coordination Section	C.R.S. § 25.5-4-209	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.062 Social Security Medicare Benefits	Benefits Coordination Section	42 U.S.C. § 1396a(a)(10)(E)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.063 Medical Assistance Estate Recovery	Benefits Coordination Section	C.R.S. § 25.5-4-302	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.064 Data Provision and Claims Requirements	Fiscal Agent Operations	25.5-4-204(2) C.R.S.	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.065 Recovery of Medical Assistance Overpayments	Audit Information Management Section	42 CFR 433.316	September 2016	Y	Y	N	Pending



10 CCR 2505-10 Section 8.066 Health Insurance Buy-In	Benefits Coordination Section	C.R.S. § 25.5-4-210	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.070 Misutilization, Fraud, or Abuse	Audit Information Management Section	31.U.S.C. §§3729-3733	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.075 Client Over-Utilization Program	Health Programs Office Operations Section	42 CFR 456.3 42 CFR 431.54(e)-(f) C.R.S. 25.5-5-102 C.R.S. 25.5-5-202(3) C.R.S. 25.5-5-316	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.076 Program Integrity	Program Integrity	C.R.S. §§25.5-4-301(2) and (3)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.079 Quality Improvement	Quality and Health Improvements Unit	C.R.S. 25.5-5-407.5	March 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.080 MEDICAID ELIGIBILITY QUALITY CONTROL	Eligibility Claim Review Section	42 CFR 431.810	August 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.090 Medicaid Claims processing and Third Party Liability Quality Control	Benefits Coordination Section	42 U.S.C. § 1396a(a)(25)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.500 HOME AND COMMUNITY BASED SERVICES FOR THE DEVELOPMENTALLY DISABLED (HCB-DD) WAIVER	Intellectual and Developmental Disabilities Division	HB 13-1314, codified at C.R.S. 25.5-10-101	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.500.90 SUPPORTED	Intellectual and Developmental	HB 13-1314, codified at C.R.S. 25.5-10-101	September 2016	Y	Y	N	Pending

LIVING SERVICES WAIVER (SLS)	Disabilities Division						
10 CCR 2505-10 Section 8.503 503 CHILDREN'S EXTENSIVE SUPPORT WAIVER PROGRAM (CES)	Intellectual and Developmental Disabilities Division	HB 13-1314, codified at C.R.S. 25.5-10-101	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.504 Home and Community Based Services Pediatric Hospice Waiver	Long-Term Services and Supports Division	C.R.S. 25.5-5-305	July 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.506 Children's Home and Community Based Services Waiver Program	Long-Term Services and Supports Division	C.R.S. 25.5-6-901	July 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.508 Children's Habilitation Residential Program	Long-Term Services and Supports Division	C.R.S. 25.5-5-306	August 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.509 Home and Community Based Services for Community Mental Health Supports	Long-Term Services and Supports Division	C.R.S. 25.5-6-607	July 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.510 Consumer Directed Attendant Support Services	Long-Term Services and Supports Division	C.R.S. 25.5-6-1101	July 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.515 Home and Community Based Services for Persons with Brain Injury	Long-Term Services and Supports Division	C.R.S. 25.5-1-303	July 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.517 Home and	Long-Term Services and Supports Division	C.R.S. 25.5-6-301	July 2016	Y	Y	N	Pending

Community Based Services for Persons							
10 CCR 2505-10 Section 8.518 Consumer Directed Care for the Elderly	Long-Term Services and Supports Division	Repealed September 1, 2016	July 2016	N	N	N	NA
10 CCR 2505-10 Section 8.519 Home and Community Based Services for Children with Autism Waiver	Long-Term Services and Supports Division	C.R.S. 25.5-6-801	July 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.520 Home Health Services	Health Programs Office Benefits Section	C.R.S. 25.5-5-102(f)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.525 Services Requirements	Health Programs Office Benefits Section	C.R.S. 25.5-5-102(f)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.526 Provider Agency Requirements	Health Programs Office Benefits Section	C.R.S. 25.5-5-102(f)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.527 Prior Authorization	Health Programs Office Benefits Section	C.R.S. 25.5-5-102(f)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.528 Reimbursement	Health Programs Office Benefits Section	C.R.S. 25.5-5-102(f)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.529 Post-Payment Review	Health Programs Office Benefits Section	C.R.S. 25.5-5-102(f)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.530 Denial, Termination, or Reduction in Services	Health Programs Office Benefits Section	C.R.S. 25.5-5-102(f)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.540 Private Duty Nursing Services	Health Programs Office Benefits Section	C.R.S. 25.5-5-202(n)	September 2016	Y	Y	N	Pending

10 CCR 2505-10 Section 8.550 Hospice Benefit	Health Programs Office Benefits Section	C.R.S. 25.5-5-202(p)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.551 Consumer Directed Attendant Support	Long-Term Services and Supports Division	Repealed February 1, 2014	July 2016	N	N	N	NA
10 CCR 2505-10 Section 8.552 In-Home Support Services	Long-Term Services and Supports Division	C.R.S. 25.5-6-1201	July 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.553 Community Transition Services	Long-Term Services and Supports Division	C.R.S. 25.5-6-307	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.555 Colorado Choice Transitions (CCT), A Money Follows the Person Demonstration	Long-Term Services and Supports Division	Money Follows the Person Federal Authorization Section 6071 of the Deficit Reduction Act of 2005 Money Follows the Person Federal Authorization Section 2403 of the Patient Protection and Affordable Care Act	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.560 Clinic Services Certified Health Agency	Health Programs Office Benefits Section	C.R.S. 25.5-5-202(b)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.561 Clinic Services Certified Health Agency - Requirements for Certification	Health Programs Office Benefits Section	C.R.S. 25.5-5-202(b)	September 2016	N	Y	Y	Pending
10 CCR 2505-10 Section 8.562 Clinic Services Certified Health	Health Programs Office Benefits Section	C.R.S. 25.5-5-202(b)	September 2016	N	Y	Y	Pending

Agency - Requirements for participation							
10 CCR 2505-10 Section 8.563 Clinic Services Certified Health Agency - Benefits and Limitations	Health Programs Office Benefits Section	C.R.S. 25.5-5-202(b)	September 2016	N	Y	Y	Pending
10 CCR 2505-10 Section 8.564 Clinic Services Certified Health Agency - Billing Procedures	Health Programs Office Benefits Section	C.R.S. 25.5-5-202(b)	September 2016	N	Y	Y	Pending
10 CCR 2505-10 Section 8.565 Clinic Services Certified Health Agency - Reimbursement	Health Programs Office Benefits Section	C.R.S. 25.5-5-202(b)	September 2016	N	Y	Y	Pending
10 CCR 2505-10 Section 8.566 Clinic Services Certified Health Agency - Appeals	Health Programs Office Benefits Section	C.R.S. 25.5-5-202(b)	September 2016	N	Y	Y	Pending
10 CCR 2505-10 Section 8.567 Clinic Services Certified Health Agency - Certified Health Agency/Physician relationship	Health Programs Office Benefits Section	C.R.S. 25.5-5-202(b)	September 2016	N	Y	Y	Pending
10 CCR 2505-10 Section 8.570 Federally Qualified Health Centers	Health Programs Office Benefits Section	C.R.S. 25.5-5-102(m)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.580 Oxygen and Oxygen Equipment	Health Programs Office Benefits Section	C.R.S. 25.5-5-102(f)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.585 Oxygen, Oxygen Equipment, and Supplies	Health Programs Office Benefits Section	C.R.S. 25.5-5-102(f)	September 2016	Y	Y	N	Pending

10 CCR 2505-10 Section 8.590 Durable Medical Equipment and Disposable Medical Supplies	Pharmacy Unit	42 CFR §440.1, 42 U.S.C. 1396d(a)	April 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.700 Federally Qualified Health Centers	Payment Reform Section	25.5-5-102(m)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.715 Breast and Cervical Cancer Program	Provider Relations and Dental	Public Law 106-354	August 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.726 Teen Pregnancy Prevention Pilot Program	Health Programs Office Benefits Section	C.R.S. 25.5-5-601 - 605	July 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.730 Family Planning Services	Health Programs Office Benefits Section	SSA Section 1905(a)(4)(C) and 1902(a)(10)(C) C.R.S. 25-1.5-101, C.R.S. 25-6-101-103, C.R.S. 25-6-201-207, C.R.S. 25-6-301-302, C.R.S. 25.5-5-102	July 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.740 Rural Health Clinics	Health Programs Office Benefits Section	C.R.S. 25.5-5-102(i)	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.745 Special Connections	Health Programs Office Benefits Section	C.R.S. 25.5-5-312	August 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.746 Outpatient Substance Abuse Treatment	Health Programs Office Benefits Section	C.R.S. 25.5.-5-202(1)(s)(l)	August 2016	N	N	N	NA
10 CCR 2505-10 Section 8.747 Screening, Brief Intervention and	Health Programs Office Benefits Section	C.R.S. 25.5-202(1)(u)(l)	August 2016	Y	Y	N	Pending

Referral to Treatment Services							
10 CCR 2505-10 Section 8.748 Prenatal Plus Program	Health Programs Office Benefits Section	42 CFR 440.210	August 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.749 Nurse Home Visitor Program	Health Programs Office Benefits Section	C.R.S. 26-6.4-104	August 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.750 Community Mental Health Center/Clinic	Behavioral Health and Managed Care Section	C.R.S. 25.5-5-301(2)(a)	August 2016	N	N	N	NA
10 CCR 2505-10 Section 8.754 Client Co-Payment	Health Programs Office Benefits Section	C.R.S. 25.5-4-209(1)(b)	August 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.760 Targeted Case Management Services	Intellectual and Developmental Disabilities Division	HB 13-1314, codified at C.R.S. 25.5-10-101	September 2016	Y	Y	N	Pending
10 CCR 2505-10 Section 8.765 Services for Clients in Psychiatric Residential Treatment Facilities or Residing in Residential Child Care Facilities as Defined Below	Health Programs Office Benefits Section	C.R.S. 25.5-5-306	August 2016	Y	Y	N	Pending

## 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	Comments
<i>List of new rules or amendments that the department/ its divisions have reviewed, revised, or adopted in the past year</i>	<i>Within the Department, what sub-group is responsible for the rule?</i>		<i>The statutory or other basis for adoption of the proposed rule</i>	<i>The purpose of the proposed rule</i>		<i>Listing of persons or parties that may be affected positively or negatively by the rule</i>	<i>Select one of the following options: (a) adopted (include date of adoption), (b) not adopted, (c) withdrawn, or (d) ongoing</i>	<i>Consider including critical outcomes, milestones, etc.</i>
MSB 15-07-08-D	Eligibility Determination Division	Revision	42 U.S.C. § 1396a, p and r-5	Revision to the Medical Assistance Health Information Office Eligibility Rule Concerning Long-Term Care Medical Eligibility, Section 8.100.7	October 2015	Long-Term Care Medical Assistance covered groups	Adopted October 2015	
MSB 15-06-16-A	Long Term Services and Supports Division	Revision	45 CFR §§ 162.1000 & 162.1002	Revision to the Medical Assistance Home and Community Based Services for Community Mental Health Supports, Section 8.505.15 and Home and Community Based Services for Persons with Brain Injury, Section 8.515.3	October 2015	Clients on the BI and CMHS waivers	Adopted October 2015	



MSB 15-08-25-A	Payment Reform Section	Revision	42 U.S.C. § 1396a(bb)	Revision to the Medical Assistance Payment Reform Rule Concerning Federally Qualified Health Centers - Definitions, Section 8.700.1	November 2015	Medicaid members that receive medical services at FQHCs	Adopted November 2015	
MSB 15-01-13-A	Long Term Services and Supports Division	Revision	42 U.S.C. §1396n(c)	Revision to the Medical Assistance Long Term Services and Supports Rule Concerning Children's Home and Community Based Services Waiver, Section 8.506	November 2015	The families of children living at the home of their parents/guardians and that are at risk for placement in an institutional setting	Adopted November 2015	
MSB 15-02-09-A	Long Term Services and Supports Division	Revision	42 U.S.C. §1396n(c)	Revision to the Medical Assistance Home and Community Based Services for Persons with Brain Injury Rule Concerning Independent Living Skills Training (ILST), Section 8.516.10	November 2015	Clients in the Brain Injury waiver	Adopted November 2015	
MSB 15-07-08-C	Health Programs Office Operations Section	Revision	Social Security Act §1905(a)(4)(B) and §1905(r)	Revision to the Medical Assistance Health Programs Office Benefits Management Section Rule Concerning Pediatric Personal Care, Section 8.535	December 2015	Medicaid clients under 21 years of age, as well as providers of Pediatric Personal Care services	Adopted December 2015	

MSB 15-05-27-E	Program Innovation Section	Revision	42 CFR 440.230(b); 42 CFR 440.60(a); and 42 CFR 440.130(c)	Revision to the Medical Assistance Health Programs Benefits Management Rule Concerning Physician Services, Section 8.200	February 2016	Colorado Medicaid Members	Adopted February 2016	
MSB 15-10-29-A	Long Term Services and Supports Division	Revision	25.5-6-303, C.R.S. (2015)	Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Adult Day Services, Section 8.491	February 2016	individuals who attend Adult Day Centers on the LTSS Waivers	Adopted February 2016	
MSB 15-10-19-A	Health Programs Office Operations Section	Revision	Social Security Act §1905(a)(2)(B) and §1902(bb)	Revision to the Medical Assistance Health Programs Rule Concerning Rural Health Clinics, Reimbursement, Section 8.740.7.A.	February 2016	Colorado Medicaid-eligible women of childbearing age residing in areas served by RHCs	Adopted February 2016	
MSB 15-10-27-A	Special Financing Division	Revision	25.5-3-404, C.R.S. (2015)	Revision to the Medical Assistance Special Financing Rule Concerning Colorado Dental Health Care Program for Low-Income Seniors, 10 CCR 2505-10, Section 8.960.	March 2016	clarify definitions only and does not change services or costs under the current program	Adopted March 2016	
MSB 15-11-20-A	Payment Reform Section	Revision	42 C.F.R. 412	Revision to the Medical Assistance Financial Office Managed Care Rates Hospital Services Rule Concerning	March 2016	There should be no ill-effects of this rule change since APR-DRGs were implemented in a	Adopted March 2016	

				Definition for Trim Point Day, Section 8.300.1		budget neutral manner		
MSB 15-05-27-E	Program Innovation Section	Revision	42 CFR 440.230(b); 42 CFR 440.60(a); and 42 CFR 440.130(c)	Revision to the Medical Assistance Health Programs Benefits Management Rule Concerning Physician Services, Section 8.200	March 2016	Colorado Medicaid members	Adopted March 2016	
MSB 16-02-22-A	Health Information Office	Revision	42 CFR § 455 (b) and (e)	Revision to the Medical Assistance Provider Payment Division Rule Concerning Provider Screening, Section 8.125	May 2016	providers	Adopted May 2016	
MSB 16-02-22-D	Special Financing Division	Revision	42 CFR Section 433.68 42 U.S.C. Section 1396b(w)	Revision to the Medical Assistance Special Financing Division Rule Concerning Hospital Provider Fee Collection and Disbursement, Section 8.2000, et seq.	May 2016	Colorado hospitals	Adopted May 2016	
MSB 16-02-22-C	Eligibility Determination Division	Revision	Section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) which amends section 2107 of the Act, codified at 42	Revision to the Medical Assistance Eligibility Rule Concerning Section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) at Section 8.100.3.G and 8.100.4.G	May 2016	children and pregnant women who are lawfully residing and who have not met 5-year waiting period	Adopted May 2016	

			U.S.C 1396b(v)(4)(A)					
MSB 16-02-25-A	Long Term Services and Supports Division	Revision	42 U.S.C. §1396n(c)	Revision to the Medical Assistance Home and Community Based Services Rule Concerning Supported Living Services, Section 8.515.85	May 2016	Persons who utilize SLP services through the BI waiver	Adopted May 2016	
MSB 16-02-22-B	Eligibility Determination Division	Revision	42 CFR §435.603, Section 1902(e)(14) of the Social Security Act	Revision to the Medical Assistance Eligibility Rule Concerning the Use of Annualized Income at Sections 8.100.1 and 8.100.4	May 2016	individuals who are applicants/beneficiaries	Adopted May 2016	
MSB 16-02-22-A	Health Information Office	Revision	42 CFR § 455 (b) and (e)	Revision to the Medical Assistance Provider Payment Division Rule Concerning Provider Screening, Section 8.125	May 2016	providers that are enrolled in Medicaid	Adopted May 2016	
MSB 15-12-18-A	Health Programs Office Operations Section	Revision	42 CFR 440.230(d)	Revision to the Medical Assistance Program Integrity Rule Concerning the Definition of Medical Necessity, Section 8.076	July 2016	clients, providers, and stakeholders	Adopted July 2016	
MSB 16-08-09-A	Behavioral Health Unit	Revision	42 CFR 431.244(f)(2) HB 16-1277	Revision to the Medical Assistance Delivery System & Payment Section Rule Concerning	August 2016	Medicaid applicant's and recipients	Adopted August 2016	

				Recipient Appeals, Section 8.057				
MSB 16-04-13-A	Long Term Services and Supports Division	Repeal	25.5-6-1102(6), C.R.S. (2015) HB 05-1243	Revision to the Medical Assistance Office of Community Living Rule Concerning Consumer Directed Care for the Elderly Section 8.518	August 2016	There are no classes of persons who will be affected by the repeal of this rule. The program that it regulated was discontinued in 2009	Adopted August 2016	
MSB 16-05-10-A	Eligibility Determination Division	Revision	42 CFR 435.119(c)(1)(2); 435.4 & 435.116	Revision to the Medical Assistance Rule Concerning Parents and Caretaker Relatives at Section 8.100.1 & 8.100.4.G	August 2016	caretakers will not be eligible to receive MAGI-Adult Expansion unless their dependent child is receiving benefits under Medicaid, Child Health Plan Plus, through a private health plan purchased through Connect for Health Colorado, or other minimum essential coverage	Adopted August 2016	
MSB 16-07-18-A	Special Financing Division	Revision	SHO #16-007; 25.5-3-101 through 25.5-3-111, C.R.S. (2015)	Revision to the Medical Assistance Colorado Indigent Care Program Rule Concerning Halfway House Residents, Section 8.904.F	September 2016	halfway house residents	Adopted September 2016	

MSB 16-01-20-A	Special Financing Division	Revision	24-76.5-101 et al., C.R.S. (2015) and 25.5-3-101 through 25.5-3-111, C.R.S. (2015)	Revision to the Special Financing Division Colorado Indigent Care Program Rule Concerning Establishing Lawful Presence, Section 8.904.C	September 2016	Colorado Indigent Care Program (CICP) applicants 18 years of age or older	Adopted September 2016	
MSB 16-06-28-B	Health Programs Office Operations Section	Revision	42 U.S.C. § 1396d(a)(2)(A) ; 42 C.F.R. § 440.230	Revision to the Medical Assistance Program Rule Concerning Outpatient Fee-For-Service Substance Use Disorder Treatment Services, Section 8.746	September 2016	Medicaid members	Adopted September 2016	
MSB 16-04-28-A	Long Term Services and Supports Division	Revision	25.5-6-201, C.R.S. (2015)	Revision to the Medical Assistance Nursing Facility Rule Concerning Fair Rental Allowance For Capital-Related Assets, 10 CCR 2505-10, Section 8.443.9	September 2016	Medicaid members	Adopted September 2016	
MSB 16-05-31-A	Pharmacy Unit	Revision	SB 16-027; 25.5-2.5-102 through 25.5-2.5-103, C.R.S. (2015); 25.5-1-104, C.R.S. (2015)	Revision to the Medical Assistance Pharmacy Rule Concerning Medicaid Option For Prescribed Drugs By Mail , Section 8.800	September 2016	Medicaid members who take maintenance medications	Adopted September 2016	
MSB 16-06-20-A	Payment Reform Section	Revision	42 U.S.C. 1396a(a)(30)(	Revision to the Medical Assistance Rates Section Rule	September 2016	Hospitals	Adopted September 2016	

			A); 42 CFR 447.321	Concerning Payments For Outpatient Hospital Services, Section 8.300.6				
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