

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Children's Basic Health Plan Physical, Occupational and Speech therapy benefits, Section 210

Rule Number: MSB 07-07-19-A

Division / Contact / Phone: Children's Basic Health Plan / Amy L. Scangarella / (303)866-3856

SECRETARY OF STATE RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 07-07-19-A, Children's Basic Health Plan Physical, Occupational and Speech therapy benefits, Section 210
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) CBHP Benefits Rule 210. J affected, Colorado Department of Health Care Policy and Financing, Medical Assistance (10 CCR 2505-3).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Please replace current text in 10 CCR 2505-3 (FINANCIAL MANAGEMENT OF THE CHILDREN'S BASIC HEALTH PLAN) from §210.J through §210.L.5 with new text attached.

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Children's Basic Health Plan Physical, Occupational and Speech therapy benefits, Section 210
Rule Number: MSB 07-07-19-A
Division / Contact / Phone: Children's Basic Health Plan / Amy L. Scangarella / (303)866-3856

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

Rule change required to incorporate Senate bill 07-004 (Early Intervention Services) physical, occupational and speech thereapy benefit changes

2. An emergency rule-making is imperatively necessary

☒ to comply with state or federal regulation and/or

☐ for the preservation of public health, safety and welfare.

Explain:

Rule change required to incorporate Senate Bill 07-004 (Early Intervention Services) physical, occupational and speech thereapy benefit changes effective 11/1/07.

3. Federal authority for the Rule, if any:

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2006);
Senate Bill 07-004

Initial Review

Proposed Effective Date

12/30/2007

Final Adoption

Emergency Adoption

11/09/2007

10/12/2007

DOCUMENT #02

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Children's Basic Health Plan Physical, Occupational and Speech therapy benefits, Section 210

Rule Number: MSB 07-07-19-A

Division / Contact / Phone: Children's Basic Health Plan / Amy L. Scangarella / (303)866-3856

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The class of persons that will be affected and benefit from this proposed rule change are Children's Basic Health Plan program clients. The only population affected by the rule change is children from birth up to their third birthday.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The population affected by this rule change will now receive unlimited physical, occupational and speech therapies as required by Senate Bill 07-004 (Early Intervention Services). By removing the limit on the number of visits for therapy services infants and toddlers under three years of age will be able to receive enhanced services to improve their development. Early detection of developmental delays will result in early treatment. If treatment is provided early for developmental delays, further and possibly more serious complications may be avoided which will result in a cost savings for the Department.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The Department was appropriated \$63,743 in Fiscal Year 07-08 to implement this change in benefits. Per the fiscal note for Senate Bill 07-004, the Fiscal Year 08-09 costs are estimated to be \$84,330. Initially this amendment will increase benefits which impact the Department's budget. In the long run a cost savings should be expected for this population due to early detection of therapy needs.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

See number 3 above.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

At this time there are no less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There were no alternative methods considered for the proposed rule.

J. Physical Therapy, Speech Therapy and Occupational Therapy shall be limited to 30 visits per diagnosis per year. **Effective November 1, 2007, Physical, Speech and Occupational Therapy services shall be unlimited for children from birth up to the child's third birthday.**

K. Durable Medical Equipment shall be limited to the lesser of the purchase price or rental price for medically necessary durable medical equipment that shall not exceed two thousand dollars per year.

L. Transplants must be medically necessary and are limited to:

1. Liver;
2. Heart;
3. Heart/lung;
4. Cornea;
5. Kidney;

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Children's Basic Health Plan, Senate Bill 07-036 expands coverage of specific mental disorders.

Rule Number: MSB 07-08-20-C

Division / Contact / Phone: Children's Basic Health Plan / Amy L. Scangarella / (303)866-3856

SECRETARY OF STATE RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 07-08-20-C, Children's Basic Health Plan, Senate Bill 07-036 expands coverage of specific mental disorders.
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) Senate Bill 07-036 - CBHP Benefits Rule 210. H.2. a-i added, Colorado Department of Health Care Policy and Financing, Medical Assistance (10 CCR 2505-3).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Please replace current text in Vol. 10 CCR 2505-3 (Financial Management of the Children's Basic Health Plan) beginning at §210.H through §210.L with new text attached which begins at §210.H through §210.K (do not delete 210.K.1-5). This change should be made after MSB 07-07-19-A as this change renumbers the text included in that section of the rule. This change is effective 12/30/2007.

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Children's Basic Health Plan, Senate Bill 07-036 expands coverage of specific mental disorders.

Rule Number: MSB 07-08-20-C

Division / Contact / Phone: Children's Basic Health Plan / Amy L. Scangarella / (303)866-3856

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

Senate Bill 07-036 requires expand specific mental disorder benefits.

2. An emergency rule-making is imperatively necessary

☒ to comply with state or federal regulation and/or

☐ for the preservation of public health, safety and welfare.

Explain:

Senate Bill 07-036 requires expand specific mental disorder benefits.

3. Federal authority for the Rule, if any:

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2006);
Senate Bill 07-036

Initial Review **10/12/2007**

Proposed Effective Date **01/01/2008**

Final Adoption

Emergency Adoption

11/09/2007

DOCUMENT #04

THIS PAGE NOT FOR PUBLICATION

Title of Rule: Children's Basic Health Plan, Senate Bill 07-036 expands coverage of specific mental disorders.

Rule Number: MSB 07-08-20-C

Division / Contact / Phone: Children's Basic Health Plan / Amy L. Scangarella / (303)866-3856

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The class of persons that will be affected and benefit from this proposed rule change are Children's Basic Health Plan program clients.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The population affected by this rule change will now receive coverage for the following mental disorders that is no less extensive than the coverage provided for a physical illness: Post Traumatic Stress Disorder, drug and alcohol disorders, Dysthymia, Cyclothymia, social phobia, Agoraphobia with panic disorder, general anxiety, Anorexia Nervosa exclusive of residential treatment and Bulimia exclusive of residential treatment. By expanding coverage for these mental disorders children will be able to receive extensive services as applicable potentially avoiding further complications which will result in a cost savings for the Department.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The Department was appropriated \$31,459 in Fiscal Year 07-08 to implement this change in benefits. Per the fiscal note for Senate Bill 07-036, the Fiscal Year 08-09 costs are estimated to be \$65,035. Initially this amendment will increase benefits which impact the Department's budget. In the long run, a cost savings should be expected for this population due to a more thorough approach in addressing mental disorder needs.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Per SB 07-036, the Department must add rule and inaction would result in the Department being in non-compliance with state law..

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

At this time there are no less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There were no alternative methods considered for the proposed rule.

H. Mental Illness Treatments such as:

1. Neurobiologically-based mental illness including:

- a. Schizophrenia;
- b. Schizoaffective disorder;
- c. Bipolar affective disorder;
- d. Major depressive disorder;
- e. Specific obsessive compulsive disorder;
- f. Panic disorder;

2. Mental disorders including:

- a. Post traumatic stress disorder
- b. Drug and alcohol disorders
- c. Dysthymia
- d. Cyclothymia
- e. Social phobia
- f. Agoraphobia with panic disorder
- g. General anxiety
- h. Anorexia Nervosa exclusive of residential treatment
- i. Bulimia exclusive of residential treatment

23. All other mental illness;

- a. Inpatient coverage shall be limited to 45 inpatient days with the option of converting those 45 inpatient days to 90 outpatient days of day treatment services;
- b. Outpatient coverage shall be limited to 20 visits;

~~I. Chemical Dependency Treatments shall be limited to 20 visits with no inpatient coverage;~~

~~J.~~ Physical Therapy, Speech Therapy and Occupational Therapy shall be limited to 30 visits per diagnosis per year;

~~K.~~ Durable Medical Equipment shall be limited to the lesser of the purchase price or rental price for medically necessary durable medical equipment that shall not exceed two thousand dollars per year.

~~L.~~ Transplants must be medically necessary and are limited to: