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Title of Rule: Revision to the Child Health Plan Plus Rule concerning Prenatal Dental, Section 210w  
Rule Number: CHP 19-07-03-A  
Division / Contact / Phone: Benefits and Services Division / Russ Zigler / 303-866-5927

**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: CHP 19-07-03-A, Revision to the Child Health Plan Plus Rule concerning Prenatal Dental, Section 210w
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) 210(W), Colorado Department of Health Care Policy and Financing, Child Health Plan *Plus* (10 CCR 2505-3).
5. Does this action involve any temporary or emergency rule(s)? Yes  
If yes, state effective date: 10/1/2019  
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

**PUBLICATION INSTRUCTIONS\***

Replace the current text at 210.W with the proposed text beginning at 210.W through the end of 210.W. This rule is effective October 1, 2019.

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**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).

In accordance with Colorado General Assembly House Bill 19-1038, enacted at 25.5-8-107(a)(II), C.R.S. (2019), the rule extends Child Health Plan Plus dental coverage to pregnant women of any age, beginning October 1, 2019. Orthodontic services remain a non-covered benefit for pregnant women age 19 and above. Current rule only extends CHP+ dental services to enrollees age 18 and under. This rule is necessary to extend CHP+ dental services to enrolled pregnant women age 19 and above, excepting orthodontic services for pregnant women age 19 and above, aligning CHP+ rule with Colorado statute.

2. An emergency rule-making is imperatively necessary

to comply with state or federal law or federal regulation and/or  
 for the preservation of public health, safety and welfare.

Explain:

Section 25.5-8-107(1)(a)(II), C.R.S. (2019), extends Child Health Plan Plus (CHP+) dental coverage to enrolled pregnant women of any age, beginning October 1, 2019. Under current CHP+ rule, only CHP+ enrollees age 18 and under are covered for dental services. Therefore, Child Health Plan Plus rule Section 210(W), 10 CCR 2505-3, is being amended to extend dental coverage to enrolled pregnant women of any age, beginning October 1, 2019, except for orthodontic services for pregnant women age 19 and above.

3. Federal authority for the Rule, if any:

42 U.S.C. § 1397cc(c)(5) (2019) / 42 C.F.R. §§ 457.402(l) and (q)

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2018);  
25.5-8-107(1)(a)(II), C.R.S. (2019)

Initial Review  
Proposed Effective Date

Final Adoption  
Emergency Adoption

**9/13/19**  
**DOCUMENT #11**

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### 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.

Pregnant women enrolled in Child Health Plan Plus (CHP+) age 19 and above are affected by the proposed rule. The Department will bear the costs of the proposed rule. Pregnant women age 19 and above enrolled in CHP+ will benefit from the proposed rule by accessing dental coverage, excepting orthodontic services, beginning October 1, 2019.

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 proposed rule would add dental services as a covered benefit for an estimated 878 pregnant women enrolled in the Children's Health Plan Plus program.

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 total cost to the Department to implement this rule is \$439,425 in FY 2019-20 and \$289,639 in FY 2020-21. This includes the costs of providing the dental services to CHP+ pregnant women, which is anticipated to cost \$166,693 in FY 2019-20 and \$239,639 in FY 2020-21 and ongoing. It also includes \$222,732 in one-time costs in FY 2019-20 to configure the MMIS to create and track these payments and \$50,000 in FY 2019-20 and FY 2020-21 to pay for an actuary to calculate and certify a rate for prenatal dental services. Funding for these items was appropriated to the Department through HB 19-1038, "Dental Services for Pregnant Women on CHP+".

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

The estimated cost of providing dental services, excepting orthodontic services, to CHP+ enrolled pregnant women 19 years of age and above is \$439,425 in FY 2019-20 and \$289,639 in FY 2020-21, which was appropriated to the Department by the Colorado General Assembly. The benefit of the proposed rule is access to dental

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services for CHP+ enrolled pregnant women age 19 and above. The cost of inaction is failure to incorporate the statutory mandate into CHP+ rule. There is no benefit to inaction.

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

The Department is statutorily required to extend prenatal dental coverage to pregnant women of all ages enrolled in CHP+ beginning October 1, 2019, excepting orthodontic services to pregnant women age 19 and above. There are no less costly or less intrusive methods to incorporate the statutory mandate into CHP+ 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 are no alternative methods to incorporate this statutory mandate into CHP+ rule.

**200 BENEFITS PACKAGE**

**210 The following are covered benefits including any applicable limitations:**

W. Dental services are limited to:

1. Those dental services described in the Children's Basic Health Plan dental Evidence of Coverage booklet provided to enrollees, who are less than nineteen years of age. [Beginning October 1, 2019, the dental services listed below are covered benefits for enrolled pregnant women of any age, excepting Limited Orthodontic services under Section 210.W.1.h for pregnant women age nineteen and above.](#) Children's Basic Health Plan dental services are provided by the dental MCO (or its designee) with which the Department has contracted for the applicable plan year to provide the following dental services;
  - a. Diagnostic
  - b. Preventive
  - c. Restorative
  - d. Endodontic
  - e. Periodontic
  - f. Prosthodontic
  - g. Oral and Maxillofacial Surgery
  - h. Limited Orthodontic, [excepting pregnant women age nineteen and above.](#)
  - i. Adjunctive General Services
2. Orthodontic and prosthodontic treatment for cleft lip or cleft palate in newborns (covered as a medical service in accordance with section 10-16-104, C.R.S.); and
3. Treatment of teeth or periodontium required due to accidental injury to naturally sound teeth (covered as a medical service in accordance with section 10-16-104, C.R.S.). A physician or legally licensed dentist must perform treatment within 72 hours of the accident.