



# COLORADO

Department of Health Care  
Policy & Financing

Medical Services Board

## NOTICE OF PROPOSED RULES

The Medical Services Board of the Colorado Department of Health Care Policy and Financing will hold a public meeting on Friday, March 8, 2019, beginning at 9:00 a.m., in the eleventh floor conference room at 303 East 17th Avenue, Denver, CO 80203. Reasonable accommodations will be provided upon request for persons with disabilities. Please notify the Board Coordinator at 303-866-4416 or [chris.sykes@state.co.us](mailto:chris.sykes@state.co.us) or the 504/ADA Coordinator [hcpf504ada@state.co.us](mailto:hcpf504ada@state.co.us) at least one week prior to the meeting.

A copy of the full text of these proposed rule changes is available for review from the Medical Services Board Office, 1570 Grant Street, Denver, Colorado 80203, (303) 866-4416, fax (303) 866-4411. Written comments may be submitted to the Medical Services Board Office on or before close of business the Wednesday prior to the meeting. Additionally, the full text of all proposed changes will be available approximately one week prior to the meeting on the Department's website at [www.colorado.gov/hcpf/medical-services-board](http://www.colorado.gov/hcpf/medical-services-board).

This notice is submitted pursuant to § 24-4-103(3)(a) and (11)(a), C.R.S.

### **MSB 18-12-20-A, Revision to the Medical Assistance Rule concerning Durable Medical Equipment Start of Service, Section 8.590**

Medical Assistance. The Department is modifying Section 8.590.7.N to define the "Start of Service" for durable medical equipment products which require a face-to-face encounter. As a part of this rule revision, the Department is adding a "Start of Service" definition to Section 8.590.1.

The authority for this rule is contained in 42 CFR 410.38 (g)(3) and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

### **MSB 18-08-16-A, Revision to the Medical Assistance rule concerning Targeted Case Management - Transition Services, Sections 8.519 and 8.760**

Medical Assistance. Medicaid recipients who are eligible for Home and Community Based Services, reside in a nursing home or Intermediate Care Facility for Individuals with Intellectual and Developmental Disabilities (ICF-IDD) and are willing to participate and have expressed interest in moving to a home and community-based setting. Medicaid recipients receiving Home and Community Based Services provided by the State operated Regional Centers who want to transition to a private Home and Community Based Services Provider. Services are expected to begin while an individual is living in a facility and continue through transition and integration into community living, based on the community risk assessment. Excluded are children under the age of 18.

The authority for this rule is contained in 42 CFR 441.18, 25.5-10-209.5 C.R.S. (2018), 25.5-6-106 C.R.S. (2018) and 25.5-1-301 through 25.5-1-303, C.R.S. (2018).

**MSB 18-08-21-A, Revision to the Medical Assistance Rule concerning Life Skills Training, Home Delivered Meals, Peer Mentorship, and Transition Setup, Section 8.553**

Medical Assistance. The purpose of the proposed rule-- Life Skills Training, Home Delivered Meals, Peer Mentorship, and Transition Setup, 10 C.C.R. 2505-10, 8.553, as consistent with its state authority § 6-1501, 25.5 C.R.S.--is to implement, through six adult HCBS waivers, services to support eligible persons in their transition from an institutional or setting to a Home- or Community-Based setting, as well as supporting all eligible persons on the respective waivers to develop or sustain independence through change of circumstance. These services uphold Colorado's commitment to the federal precedent established through the United States Supreme Court ruling in *Olmstead v. L.C.*, 527 U.S. 581 (1999), that, under appropriate conditions, individuals with disabilities have a qualified right to receive state funded supports and services in the least restrictive environment, including in the community setting rather than institutions or institution-like settings. The need for the new rule is further justified by Federally required assessments indicate that more persons living in institutional settings expressed an interest in transitioning to home- or community-based settings than currently have transitions available to them. In order to ensure a successful transition, such persons will need ongoing services and supports after the transition.

The authority for this rule is contained in 42 U.S.C. §1396n(c) and The Social Security Act, §1915(c), *Olmstead v. L.C.*, 527 U.S. 581 (1999), Section 25.5-6-1501 C.R.S. (2018) and 25.5-1-301 through 25.5-1-303, C.R.S. (2018).