



# 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, November 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 19-09-04-A, Revision to the Medical Assistance Rule concerning Case Management Section Modifications, Sections 8.500.1, 8.500.90, 8.503,8.503.160.E, 8.519**

Medical Assistance. House Bill 17-1343 requires the Department of Health Care Policy and Financing (Department) to implement Conflict Free Case Management for Individuals with Intellectual and Developmental Disabilities. The Department adopted regulations, effective August 30, 2019, which included HB 17-1343 requirements to create a new case management agency and case manager qualifications. Stakeholders requested additional Department review and technical changes. This rule makes technical changes to sections 8.500.1, 8.500.90, 8.500.106, 8.503, 8.503.160 and 8.519. The requested changes align definitions, align citations, and clarify regulatory language. The changes are not substantive.

The authority for this rule is contained Section 25.5-1-211.5, C.R.S (2018) and sections 25.5-1-301 through 25.5-1-303, C.R.S. (2019).

#### **MSB 18-10-18-A, Revision to the Medical Assistance Rule Concerning Pooled Trusts, Section 8.100.7.E.6.c**

Medical Assistance. The Colorado Department of Health Care Policy & Financing ("the Department") intends to amend the Medical Assistance Rule Concerning Pooled Trusts, 10 C.C.R. 2505-10, Sec 8.100.7.E.6.c, to provide clarification regarding: (i) the amount that the pooled trust is permitted to retain when the trust terminates upon the death of a beneficiary (the "Payback Provision"); and (ii) how to treat transfers of assets into a pooled trust after attaining the age of sixty-five (65) (the "Penalty For Over 65 Transfers").

The authority for this rule is contained in 42 U.S.C. 1396p(d)(4); Section 15-14-412.9(4) (2018) and Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2019).