



April 23, 2020

Medical Services Board  
Colorado Department of Health Care Policy and Financing  
1570 Grant St.  
Denver, Colorado 80203

**Re: Comments on Emergency Rule MSB 20-04-17-A Regarding Subacute Care in Response to COVID-19**

Dear Raine Henry, Russell Zigler, and Members of the Medical Services Board:

Thank you for the opportunity to provide comment on the emergency regulation related to subacute services. Children's Hospital Colorado supports the actions the Department is taking to address the COVID-19 pandemic. **We write in support of your proposed emergency rule and provide related policy considerations below.**

We strongly support the Department's proposal to remove prohibitions on reimbursing for hospital stays while a client is "awaiting placement or appropriate transfer to a lower level of care." This policy makes sense during the COVID-19 global pandemic as settings assisting with hospital decompression may take time to come up to capacity.

The policy also makes sense in some circumstances outside the COVID-19 pandemic. For example, children often remain in inpatient settings for an extended period of time while waiting for private duty nursing services to become available or for a residential child care facility to have an opening. These stays are often beyond the medically necessary length and are unreimbursed for providers. The first priority should be workforce and system capacity-building so these circumstances do not occur in the first place and children can receive services in the least-restrictive setting possible. However, when subacute care in a hospital setting is needed, it should be reimbursed. In cases when the client is waiting for a residential child care facility (RCCF) or psychiatric residential treatment facility (PRTF) opening, the reimbursed rate should be equivalent to that level and setting of care.

Again, we are thankful for the Department's quick and decisive efforts during the current emergency. The provisions the Department proposes are reasonable and we hope the members of the Medical Services Board can support this emergency rule.

Sincerely,

Annie Lee  
Executive Director, Community Health and Medicaid Strategies  
Children's Hospital Colorado  
720-777-3575

13123 E 16th Ave, Aurora, CO 80045  
720-777-1234 | [childrenscolorado.org](http://childrenscolorado.org)