




# CONTRACT AMENDMENT #4

## SIGNATURE AND COVER PAGE

<b>State Agency</b> Department of Health Care Policy and Financing	<b>Original Contract Number</b> 18-101448
<b>Contractor</b> Colorado Access	<b>Amendment Contract Number</b> 18-101448A4
<b>Current Contract Maximum Amount</b> Initial Term State Fiscal Year 2018 No Maximum Extension Terms State Fiscal Year 2019 No Maximum State Fiscal Year 2020 No Maximum State Fiscal Year 2021 No Maximum State Fiscal Year 2022 No Maximum Total for All State Fiscal Years No Maximum	<b>Contract Performance Beginning Date</b> The Effective Date  <b>Current Contract Expiration Date</b> June 30, 2021

## THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

Each person signing this Amendment represents and warrants that he or she is duly authorized to execute this Amendment and to bind the Party authorizing his or her signature.

<p align="center"><b>CONTRACTOR</b> Colorado Access</p> <p>DocuSigned by:  7771598E80DD463</p> <p>By: Phil Reed, CFO &amp; Senior Vice President 12/31/2020 Date: _____</p>	<p align="center"><b>STATE OF COLORADO</b> <b>Jared S. Polis, Governor</b> Department of Health Care Policy and Financing Kim Bimestefer, Executive Director</p> <p>DocuSigned by:  0B6A84707EA8493</p> <p>By: Kim Bimestefer, Executive Director 12/31/2020 Date: _____</p>
<p align="center">In accordance with §24-30-202 C.R.S., this Amendment is not valid until signed and dated below by the State Controller or an authorized delegate.</p> <p align="center"><b>STATE CONTROLLER</b> <b>Robert Jaros, CPA, MBA, JD</b></p> <p align="center">DocuSigned by:  BBE0E4C030DC45C</p> <p align="center">By: Greg Tanner Greg Tanner, Controller: Department of Health Care Policy and Financing 12/31/2020 Amendment Effective Date: _____</p>	

## 1. **PARTIES**

This Amendment (the “Amendment”) to the Original Contract shown on the Signature and Cover Page for this Amendment (the “Contract”) is entered into by and between the Contractor and the State.

## 2. **TERMINOLOGY**

Except as specifically modified by this Amendment, all terms used in this Amendment that are defined in the Contract shall be construed and interpreted in accordance with the Contract.

## 3. **AMENDMENT EFFECTIVE DATE AND TERM**

### A. Amendment Effective Date

This Amendment shall not be valid or enforceable until the Amendment Effective Date shown on the Signature and Cover Page for this Amendment. The State shall not be bound by any provision of this Amendment before that Amendment Effective Date, and shall have no obligation to pay Contractor for any Work performed or expense incurred under this Amendment either before or after of the Amendment term shown in **§3.B** of this Amendment.

### B. Amendment Term

The Parties’ respective performances under this Amendment and the changes to the Contract contained herein shall commence on the Amendment Effective Date shown on the Signature and Cover Page for this Amendment and shall terminate on the termination of the Contract.

## 4. **PURPOSE**

The purpose of the Original Contract is to set forth the terms under which the Contractor will serve as one of Colorado’s Children’s Basic Health Plan program (CHP+) Managed Care Organizations (MCOs) that will provide health care services to CHP+ eligible members.

This amendment makes changes to Exhibit B-1, Statement of Work and adds additional language to Exhibit C-2, RATES.

## 5. **MODIFICATIONS**

The Contract and all prior amendments thereto, if any, are modified as follows:

- A. Exhibit B-1, Statement of Work, Section 4, HEALTH INSURANCE PROVIDERS FEE REPORTING, of the Contract is hereby deleted in its entirety.
- B. Exhibit B-1, Statement of Work, Section 5.1.1. of the Contract is hereby modified to include: “The Contractor shall take into consideration the diversity of the community and the members it serves when hiring its Key Personnel and Other Personnel.”
- C. Exhibit B-1, Statement of Work, Section 19, ADDITIONAL FEDERAL REQUIREMENTS, is modified as follows:

Subsection 19.5., is added as follows:

- 19.5. Should any part of the scope of work under this contract relate to a state program that is no longer authorized by law (e.g., which has been vacated by a court of law, or for which CMS has withdrawn federal authority, or which is the subject of a legislative repeal), Contractor must do no work on that part after the effective date of the loss of program authority. The state must adjust capitation rates to remove costs that are specific to any program or activity

that is no longer authorized by law. If Contractor works on a program or activity no longer authorized by law after the date the legal authority for the work ends, Contractor will not be paid for that work. If the state paid Contractor in advance to work on a no-longer-authorized program or activity and under the terms of this contract the work was to be performed after the date the legal authority ended, the payment for that work should be returned to the state. However, if Contractor worked on a program or activity prior to the date legal authority ended for that program or activity, and the state included the cost of performing that work in its payments to Contractor, Contractor may keep the payment for that work even if the payment was made after the date the program or activity lost legal authority.

D. Exhibit C-2, RATES is modified as follows:

Retrospective Rate Changes is added as follows:

Section IV. Retrospective Rate Changes

In relation to unique circumstances and when the Contractor and the Department agree to retrospectively change the rates, the Department will recoup overpayments. The rates for the following time periods will be adjusted according to Contract amendment or an Option Letter issued by the Department.

[Intentionally Left Blank]

## **6. LIMITS OF EFFECT AND ORDER OF PRECEDENCE**

This Amendment is incorporated by reference into the Contract, and the Contract and all prior amendments or other modifications to the Contract, if any, remain in full force and effect except as specifically modified in this Amendment. Except for the Special Provisions contained in the Contract, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Contract or any prior modification to the Contract, the provisions of this Amendment shall in all respects supersede, govern, and control. The provisions of this Amendment shall only supersede, govern, and control over the Special Provisions contained in the Contract to the extent that this Amendment specifically modifies those Special Provisions.

(/)

 [HCPF-Home \(/Pages/Home.aspx\)](#) / eClearance

## eClearanceDocuments (<https://cohcpf.sharepoint.com/eClearance/eClearanceDocuments>) CHP+ Mid-Year Contract Amendments

### Instructions

1. Open and review documents - use Ctrl + click to open each document in a new browser
2. Click on "Edit Properties" on the left side of this page to approve or not approve w/comments
3. Save

## CHP+ Mid-Year Contract Amendments

The amendments currently being submitted pertain to the 5 contracts we have with the CHP+ MCOs for a January 1, 2021 effective date. The amendments for FY21 reflect the following changes: a CMS required language addition, the deletion of the Health Insurance Provider Fee (HIPF) deliverable language per The Further Consolidated Appropriations Act, 2020, Division N, Subtitle E § 502, the addition of language requiring diverse hiring practices, and rate change language for overpayment recoup. The rates have been set by the Managed Care Rates Team at the Department and agreed to by the MCOs. One of the 5 contracts is in the folder as all 5 contracts have identical language, with the exception of agreed upon rates. A sample Exhibit C-2 displaying how the retrospective rates change will be included, in addition to the current state fiscal year rates is also attached. These are essential changes required prior to January 1, 2021. We are in the process of redoing the CHP contract to align with the ACC and reflect our Department goals. That contract version will be available for your review and comments after the first of the year.

ClearanceType Contracts (Program Approvals After P&C Req  
(https://cohcpf.sharepoint.com/eClearance/\_layouts/15/DispForm.aspx?ID=78457)  
PageType=4&ListId={58d5a54a-ff6d-4998-a5cf991a436ec}&ID=15&RootFolder=\*)

Originating Division Health Programs Office

Primary Contact Ryan, Amy (/eClearance/\_layouts/15/userdisp.aspx?ID=78457)

eClearance Status Obtaining Approvals

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## Workflow History

Title	Activity	Comments	Modified	Modified By
CHP+ Mid-Year Contract Amendments (https://cohcpf.sharepoint.com/eClearance/Lists/eClearanceWorkflow Log/DispForm.aspx?ID=78385)	Sent to Approver 1:		Tue Dec 15 2020	Ryan, Amy
CHP+ Mid-Year Contract Amendments (https://cohcpf.sharepoint.com/eClearance/Lists/eClearanceWorkflow Log/DispForm.aspx?ID=78456)	Approved	Approved. Approval to also extended to the other CHP+ MCOs with their individual rate table negotiated during the SFY 19-20 rate reductions. As an example, this means approval for COA's ammendment with the COA SFY19-20 rate reduction (recoup) table.	Wed Dec 16 2020	Jaskunas, Jeffrey
CHP+ Mid-Year Contract Amendments (https://cohcpf.sharepoint.com/eClearance/Lists/eClearanceWorkflow Log/DispForm.aspx?ID=78457)	Sent to Approver 2:		Wed Dec 16 2020	Jaskunas, Jeffrey
CHP+ Mid-Year Contract Amendments (https://cohcpf.sharepoint.com/eClearance/Lists/eClearanceWorkflow Log/DispForm.aspx?ID=78549)	Approved	Thanks Amy. Nice work. I look forward to finishing the big contract rewrite and really going through that with Tracy and Kim. thanks, -Laurel	Fri Dec 18 2020	Karabatsos, Laurel B.
CHP+ Mid-Year Contract Amendments (https://cohcpf.sharepoint.com/eClearance/Lists/eClearanceWorkflow Log/DispForm.aspx?ID=78550)	Sent to Approver 3:		Fri Dec 18 2020	Karabatsos, Laurel B.
CHP+ Mid-Year Contract Amendments (https://cohcpf.sharepoint.com/eClearance/Lists/eClearanceWorkflow Log/DispForm.aspx?ID=78704)	Approved		Mon Dec 21 2020	Geduldig, Sarah
CHP+ Mid-Year Contract Amendments (https://cohcpf.sharepoint.com/eClearance/Lists/eClearanceWorkflow Log/DispForm.aspx?ID=78705)	Sent to Approver 4:		Mon Dec 21 2020	Geduldig, Sarah
CHP+ Mid-Year Contract Amendments (https://cohcpf.sharepoint.com/eClearance/Lists/eClearanceWorkflow Log/DispForm.aspx?ID=79031)	Approved		Mon Dec 28 2020	Johnson, Tracy
CHP+ Mid-Year Contract Amendments (https://cohcpf.sharepoint.com/eClearance/Lists/eClearanceWorkflow Log/DispForm.aspx?ID=79032)	Sent to Approver 5:		Mon Dec 28 2020	Johnson, Tracy
CHP+ Mid-Year Contract Amendments (https://cohcpf.sharepoint.com/eClearance/Lists/eClearanceWorkflow Log/DispForm.aspx?ID=79055)	Approved		Mon Dec 28 2020	Bimestefer, Kim
CHP+ Mid-Year Contract Amendments (https://cohcpf.sharepoint.com/eClearance/Lists/eClearanceWorkflow Log/DispForm.aspx?ID=79056)	Sent to Approver 6:		Mon Dec 28 2020	Bimestefer, Kim
	Lee, Chengxue			

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Name	Created By	Primary Contact	Originating Division	CurrentApproverName	Current/
<div><div></div><div>Executive Director Contract Summary (/eClearance/eClearanceDocuments/CHP+ Mid-Year Contract Amendments/Executive Director Contract Summary.docx)</div></div>	Ryan, Amy (/eClearance/_layouts/15/userdisp.aspx?ID=3685)				
<div><div></div><div>HCPF Contract Checklist_Amendments_Dec2020 (/eClearance/eClearanceDocuments/CHP+ Mid-Year Contract Amendments/HCPF Contract Checklist_Amendments_Dec2020.docx)</div></div>	Ryan, Amy (/eClearance/_layouts/15/userdisp.aspx?ID=3685)				
<div><div></div><div>Denver Health Medical Plan 18-101451A4 (/eClearance/eClearanceDocuments/CHP+ Mid-Year Contract Amendments/Denver Health Medical Plan 18-101451A4.docx)</div></div>	Ryan, Amy (/eClearance/_layouts/15/userdisp.aspx?ID=3685)				
<div><div></div><div>SAMPLE Exhibit C-2 Rates - DH (/eClearance/eClearanceDocuments/CHP+ Mid-Year Contract Amendments/SAMPLE Exhibit C-2 Rates - DH.pdf)</div></div>	Ryan, Amy (/eClearance/_layouts/15/userdisp.aspx?ID=3685)				
<div><div></div><div>CHP+FY21MidYearAmendment V2 (/eClearance/eClearanceDocuments/CHP+ Mid-Year Contract Amendments/CHP+FY21MidYearAmendment V2.xlsx)</div></div>	Ryan, Amy (/eClearance/_layouts/15/userdisp.aspx?ID=3685)				

DEPARTMENT VALUES

Person-Centeredness • Accountability • Continuous Improvement • Employee Engagement • Integrity • Transparency

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