

Title of Rule: Revision to the Executive Director Rule concerning Business Process Standards,
Section 1.020.3.6
Rule Number: ED 25-05-28-A
Division / Contact / Phone: Partner Relations and Administration / Danielle Henry / 303-241-8271

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).

1.020.3.6 - These rules govern the daily operations of how the counties administer medical assistance, including administrative requirements for county directors. This section will establish a process for determining business process standards.

These Rules were amended to improve member experience, address federal non-compliance, incorporating lessons learned from the Public Health Emergency (PHE) and PHE Unwind, improving state compliance and oversight, and implementing recommendations from the SB 235 report.

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:

3. Federal authority for the Rule, if any:

42 CFR Part 431.50 and 2 CFR Part 200

4. State Authority for the Rule:

C.R.S.25.5-1-108, 25.5-1-117, 25.5-1-118, C.R.S. § 25.5-4-104

Initial Review
Proposed Effective Date

09/01/25

Final Adoption
Emergency Adoption

07/01/25

DOCUMENT #01

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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.

County Social and Human Services Departments and those who interact with County Social and Human Services Departments including members, providers, and advocates.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

This rule amendment will define the process for identifying business process standards in away that allows for collaboration between the state, counties and other interest holders.

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.

No impact on state revenues, any costs to the department are absorbable

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

Without action there will be no defined process for collaboration in identifying business process standards

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

There are no other less costly methods that guarantee process for collaboration in identifying business process standards

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 other alternatives.

1.020.3. County Department Director Administrative Responsibilities

1. Director Responsibilities

a. The County Department Director shall be charged with the executive and administrative duties and responsibilities of the County Department, subject to the policies, Rules, and Regulations of the State Department.

b. Delegation of County Department Director Administrative Responsibilities

The County Department Director can delegate administrative responsibilities to a County designee so long as the County Department Director is ultimately responsible for those delegated functions and the County Department maintains written documentation of the delegation.

2. Continuity of Operations

a. To ensure the Continuity of Operations for Medical Assistance eligibility and enrollment, the County Department or Department Director shall be charged with drafting and implementing a Continuity of Operations Plan (COOP). The COOP shall address how the County Department continues to provide eligibility and enrollment services in the event of a disaster, public health emergency, or other emergency situation, including situations where continuing services may not be possible such as system, phone or internet outages.

i. Plans may be submitted to the State Department at any time for pre-approval

ii. Existing COOP plans may also be submitted for approval

iii. Plans may be drafted by the County or County Department

iv. The County Department COOP shall meet the minimum requirements dictated in both the Colorado Information Security Policies, and the Division of Homeland Security and Emergency Management's Continuity of State Government Operations as outlined in 8 C.C.R. § 1507-40 which is hereby incorporated by reference.

v. The County Department COOP Plans must also include the following data security controls. Additional guidance on each of the following requirements can be found in the Colorado Information Security Policies (CISPs) listed below, which are available through the Governor's Office of Information Technology (<https://oit.colorado.gov/standards-policies-guides/technical-standards-policies>).

A. Access Control & Authentication (CISP 001)

i. Multi-factor Authentication (MFA): Ensure that systems involved in eligibility and enrollment processes require multiple layers of authentication, especially when remote work or system access is needed during an emergency.

ii. Role-Based Access Control (RBAC): Ensure that only authorized personnel have access to sensitive information based on their job roles.

- iii. Emergency Access Procedures: Establish secure emergency access protocols to systems or data in case of disruption. This could include backup admin credentials or access granted to specific individuals to ensure continuity.

B. Data Protection & Encryption (CISP 010)

- i. Data Encryption: All sensitive data related to medical assistance eligibility and enrollment should be encrypted in transit and at rest to protect against unauthorized access or leaks, particularly when systems are functioning in crisis mode.
- ii. Third-Party Access Control: If third-party Vendors are involved in providing services or technology for eligibility and enrollment, ensure that their systems also comply with the COOP's security measures, including access controls, data protection, and incident reporting.

C. Contingency Plan (CISP 006)

- i. Disaster Recovery Plan: Establish a robust disaster recovery strategy to restore services after an emergency. This includes system restoration, data recovery, and operational continuity.

D. Incident Response & Reporting (CISP 008)

- i. Incident Management Protocols: Develop clear procedures for identifying, reporting, and addressing security incidents or breaches during a disaster or emergency. This should include escalation procedures and contact information for relevant stakeholders.

E. Training & Awareness (CISP 002)

- i. Employee Training: Ensure that all staff are trained on the COOP, particularly on how to handle emergencies and maintain security controls under crisis conditions.

- vi. The COOP is not required to be submitted to the State Department but is subject to review during any compliance review as found in section 1.020.13 of these Rules.

3. County Department Contacts

By January 5 and July 5 of each calendar year, the County Department shall provide the most recent, updated contact information, including names, phone numbers and email addresses, for certain County Department employee types to the State Department. The employee types include contact information for the County Department Director, Deputy Director(s) and/or Eligibility Director(s) and other critical personnel determined by the State Department.

4. Reporting from the County Department to the State Department

The County Department is required to report any information to the State Department, at such times and in which manner and form the State Department may from time to time direct, in accordance with C.R.S. § 25.5-1-118. This includes any and all information that is pertinent to the

County Department's role in Medical Assistance eligibility and enrollment. In these situations, the State Department shall provide proper noticing to the County Departments and allow a reasonable timeline for responses.

5. Administrative Internal Controls and Responsibilities for Medical Assistance Administration

a. Establish Adequate Internal Controls

The County Department Director shall be responsible for organizing operations and staff functions to assure the effectiveness and efficiencies of operations of the County Department and compliance with applicable State and federal requirements, laws, and Regulations. The County Department Director shall establish adequate Internal Controls that include, but are not limited to:

b. Operations of the overall County Department, such as Accounting or Administrative Support

c. Eligibility determinations

d. Quality, accuracy and compliance with audits and reviews

e. Performance management. As part of establishing adequate Internal Controls regarding performance management, the County Department Director shall:

i. Designate County Department staff as Medical Assistance performance owners

ii. Document processes and procedures for performance management, which shall include how staff will be trained.

iii. Train County Department staff on the importance of performance management and meeting performance targets, and how they impact Members.

f. Internal communications

g. Knowledge and information sharing, such that the County Department Director can assure knowledge of and compliance with applicable State and federal requirements, laws, and Regulations

h. Program integrity activities

i. Customer service that is provided in a timely, respectful and culturally appropriate manner

6. Business Process Standards

a. Beginning July 1, 2027, the County Department shall implement Business Process Standards. Business Process Standards shall increase consistency in administration across the County Departments as required per 42 C.F.R. § 431.50(b), which is hereby incorporated by reference. Consistency in administration is essential to ensuring all Applicants and Members receive timely and accurate access to eligibility and enrollment services and the delivery of quality customer service.

b. Business Process Standards Engagement Process

There shall be a defined process ("Business Process Standards Engagement Process") for determining Business Process Standards in collaboration with County Departments.

- i. In determining the need for new Business Process Standards, the State Department shall review available data with the County Department prior to determining whether to implement a proposed Business Process Standard.
- ii. The process to identify and develop Business Process Standards shall allow County Departments an opportunity to provide input and make recommendations to the State Department.
- iii. The Engagement Process shall include other Programs, where applicable, in the development of Business Process Standards.
- iv. The process must allow for expedited adoption of Business Process Standards when required for compliance with federal and state laws and Regulations.

c. The Business Process Standards Engagement Process shall include other interested parties as dictated by the defined process and allow them an opportunity to provide feedback on the proposed Business Process Standards. Considerations for Business Process Standards

To implement Business Process Standards, the State Department:

- i. May utilize all available data sources in determining the need for Business Process Standards and shall make available any necessary data to the County Department.
- ii. Shall coordinate, where possible, with other Programs.
- iii. Shall consider the fiscal implications for both the State Department and County Department.
- iv. Shall account for the sizes, locations and resource availability of County Departments.
- v. Shall focus on processes that have an impact on either the timeliness, accuracy and customer experience or the efficiency and effectiveness of the County Department's Medical Assistance eligibility and enrollment.

d. Implementation of Business Process Standards

- i. Upon conclusion of the Business Process Standards Engagement Process, the State Department shall initiate rulemaking for any Business Process Standards that shall be implemented.

1. Rulemaking engagement shall include any sub regulatory guidance that shall be necessary to implement the Business Process Standard.

- ii. If the State Department determines funding is necessary and available, the State Department shall allocate funding for the implementation of the Business Process Standard to the County Department. If the State Department and County Department determine that the fiscal implications of implementing a Business Process Standard require additional funding, the State Department shall have the

authority to delay implementation of such standards until funding becomes available.

iii. If the State Department implements a Business Process Standard, the State Department shall provide proper noticing and reasonable timeline for the County Department to align with the Business Process Standard.

iv. Business Process Standards may be updated annually and as needed.

v. Business Process Standards shall be supported by sub regulatory guidance that provides operational details of the minimum standards for the Business Process Standard.

e. County Department Compliance with Business Process Standards

As part of the approved review types listed in 10 CCR 2505-5 1.020.13, the State Department shall assure compliance by the County Department with the approved Business Process Standards, including initiating non-compliance actions detailed in 10 CCR 2505-5 1.020.14.

f. Approved Business Process Standards

There are no approved Business Process Standards as of July 1, 2025.