

Title of Rule: Revision to the FQHC Rule Concerning Reimbursement for Antiviral Medication for COVID-19, Section 8.700.6.B  
Rule Number: MSB 21-01-07-A  
Division / Contact / Phone: Health Programs Office / Morgan Anderson / 2362

## 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).

The purpose of this rule is to change Federally Qualified Health Center (FQHC) reimbursement for the antiviral medication, remdesivir, when administered in an outpatient setting. Remdesivir is an antiviral medication for COVID-19 that stops the virus from spreading in the body and reduces time to recovery. Remdesivir treatments are expensive, and the current FQHC encounter rate does not cover the cost of providing the drug. This rule will revise reimbursement to reimburse FQHCs at the fee schedule amount for the cost of the remdesivir antiviral medication.

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:

This rule will remove barriers to access related to COVID-19 antiviral medications that exist due to current FQHC reimbursement structures.

3. Federal authority for the Rule, if any:

1902(bb) SSA

4. State Authority for the Rule:

State Plan: Attachment 3.1-A 2.c. and Attachment 4.19-B  
Colorado Statute: CRS 25.5-5-102(1)(m)

Initial Review  
Proposed Effective Date

Final Adoption  
Emergency Adoption  
**1/14/2022**

**1/14/2022**  
**DOCUMENT #11**

Title of Rule: Revision to the FQHC Rule Concerning Reimbursement for Antiviral Medication for COVID-19, Section 8.700.6.B  
Rule Number: MSB 21-01-07-A  
Division / Contact / Phone: Health Programs Office / Morgan Anderson / 2362

## **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.

Federally Qualified Health Centers will be impacted by this rule. This rule revision will increase FQHC reimbursement for the COVID-19 antiviral medication, remdesivir, when administered in an outpatient setting. Therefore, FQHCs will not incur budgetary concerns to provide these services. This rule will also improve access to Medicaid members that receive services at FQHCs.

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

FQHCs will be directly reimbursed at the fee schedule rate for the COVID-19 antiviral medication, remdesivir. This rule will reimburse FQHCs for this service directly instead of an indirect reimbursement through their encounter rates in the future.

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.

This rule revision will impact the Department and state revenues. The Department will directly reimburse FQHCs for administering the COVID-19 antiviral medication, remdesivir, in the outpatient setting. Without this rule, the costs of these services would be included in future rates. Therefore, there should be no significant budgetary impact as FQHC rates will not increase in the future due to their direct reimbursement due to this rule revision.

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

If the Department does not adopt this rule change FQHCs will likely suffer budgetary concerns due to not having direct reimbursement for administering COVID-19 antiviral medications. FQHCs will also be less incentivized to provide this service due to lack of direct reimbursement.

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

Title of Rule: Revision to the FQHC Rule Concerning Reimbursement for Antiviral Medication for COVID-19, Section 8.700.6.B  
Rule Number: MSB 21-01-07-A  
Division / Contact / Phone: Health Programs Office / Morgan Anderson / 2362

There are no other methods that are less costly or less intrusive to achieve the purpose of the proposed rule.

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.

The Department considered not reimbursing FQHCs the fee schedule amount for the COVID-19 antiviral medication, remdesivir, but decided it was better to reimburse at the fee schedule amount to improve access.

1 **8.700 FEDERALLY QUALIFIED HEALTH CENTERS**

2

3

4

5 **8.700.6 REIMBURSEMENT**

6 8.700.6.A FQHCs shall be reimbursed separate per visit encounter rates based on 100% of  
7 reasonable cost for physical health services, dental services, and specialty behavioral health  
8 services. An FQHC may be reimbursed for up to three separate encounters with the same client  
9 occurring in one day and at the same location, so long as the encounters submitted for  
10 reimbursement are any combination of the following: physical health encounter, dental encounter,  
11 or specialty behavioral health encounter. Distinct dental encounters are allowable only when  
12 rendered services are covered and paid by the Department's dental Administrative Service  
13 Organization (ASO). Distinct specialty behavioral health encounters are allowable only when  
14 rendered services are covered and paid by either the Regional Accountable Entity (RAE) or  
15 through the short-term behavioral health services in the primary care setting policy.

16 8.700.6.B The following services are reimbursed separately from the FQHC encounter rate. These  
17 services shall be reimbursed in accordance with the following:

18 1. Long-Acting Reversible Contraception (LARC) devices shall be reimbursed separately  
19 from the FQHC encounter rate. In addition to payment of the encounter rate for the  
20 insertion of the device(s), the LARC device(s) must be billed in accordance with Section  
21 8.730 and shall be reimbursed the lower of:

22 a. Submitted charges; or

23 b. Fee schedule as determined by the Department.

24 2. Services provided in an inpatient hospital setting shall be reimbursed the lower of:

25 a. Submitted charges; or

26 b. Fee schedule as determined by the Department.

27 3. The provision of complete dentures and partial dentures must be billed in accordance  
28 with Section 8.201. and Section 8.202. and shall be reimbursed the lower of:

29 a. Submitted charges; or

30 b. Fee schedule as determined by the Department.

31 4. Dental services provided in an outpatient hospital setting shall be reimbursed the lower  
32 of:

33 a. Submitted charges; or

34 b. Fee schedule as determined by the Department.

- 1           5.     The Prenatal Plus Program shall be billed and reimbursed in accordance with Section  
2           8.748.
  
- 3           6.     The Nurse Home Visitor Program shall be billed and reimbursed in accordance with  
4           Section 8.749.
  
- 5           7.     An FQHC that operates its own pharmacy that serves Medicaid clients must obtain a  
6           separate Medicaid billing number for pharmacy and bill all prescriptions utilizing this  
7           number in accordance with Section 8.800.
  
- 8           8.     Antagonist injections for substance use disorders provided at the FQHC shall be  
9           reimbursed the lower of:
  - 10           a.     Submitted charges; or
  - 11           b.     Fee schedule as determined by the Department.
  
- 12          9.     COVID-19 vaccine administration provided at the FQHC shall be reimbursed the lower of:
  - 13           a.     Submitted charges; or
  - 14           b.     Fee schedule as determined by the Department
  
- 15          10.    Monoclonal Antibody COVID-19 infusion administration provided at the FQHC shall be  
16          reimbursed the lower of:
  - 17           a.     Submitted charges; or
  - 18           b.     Fee schedule as determined by the Department.
  
- 19          11.    COVID-19 antiviral medication, remdesivir, provided at the FQHC shall be reimbursed the  
20          lower of:
  - 21           a.     Submitted charges; or
  - 22           b.     Fee schedule as determined by the Department.

23  
24