

Title of Rule: Revision to the Medical Assistance Act Rule concerning Health-Related Social Needs.  
Rule Number: MSB 25-05-14-A  
Division / Contact / Phone: Behavioral Health Initiatives and Coverage Health Policy Office/ Amy Austin / 720-526-5646

## 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 proposed rule codifies the Health-Related Social Needs (HRSN) services approved by the federal Center for Medicare and Medicaid Services (CMS) in the Department's Section 1115 demonstration waiver. HRSN are social and economic factors impacting a person's overall health and well-being. For example, this might include a person's ability to access stable housing or nutritious food.

Colorado House Bill 24-1322 (HB 24-1322) "Medicaid Coverage Housing & Nutrition Services" added a study focusing on housing and nutrition HRSN service feasibility. The legislation also authorized the Department to seek federal authority to expand certain housing and nutrition related services, if determined to be feasible.

Authorized by HB 24-1322, the Department submitted an HRSN Section 1115 amendment to the CMS to cover HRSN, which was approved on January 13, 2025. The services covered in the proposed rule reflect those authorized in the approved Section 1115 amendment.

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:

N/A

3. Federal authority for the Rule, if any:

Social Security Act, Section 1115(a) (42 U.S.C. § 1315(a)) (2025)

4. State Authority for the Rule:

C.R.S. §§ 25.5-1-301 to -303 (2025);  
C.R.S. § 25.5-5-338 (2025)

Initial Review  
Proposed Effective Date

**08/08/25**  
**11/14/25**

Final Adoption  
Emergency Adoption

**09/12/25**

**DOCUMENT #12**

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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.

The members receiving housing and nutritional services under the proposed rule benefit. Housing and food assistance are critical for many of our members to achieve better health outcomes, improved mental health, and stability and predictability. Members are able to establish and maintain social and support networks, and to focus on goals beyond these basic and critical needs.

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

The qualitative and quantitative impact of the proposed rule on members receiving HRSN services is increased access to housing and nutritional support for up to six (6) months in a five (5) year period.

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.

The Department estimates an annual cost of \$30,088,378 for services under the HRSN Section 1115 waiver. This amount was appropriated to the Department under SB 25-308 from transfers from other State Departments and Medicaid's ability to receive a federal match on services.

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

The probable costs of the proposed rule are addressed in the response to question number three. The proposed benefits of the proposed rule are access to housing and nutritional support to qualifying members and aligning Department rule with the Department's approved Section 1115 waiver. The probable cost of inaction is no authority in Department rule for the HRSN provisions of the Section 1115 waiver. There are no benefits to inaction.

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

There are no less costly methods or less intrusive methods to align Department rule with the Section 1115 waiver.

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 alternative methods for aligning Department rule with the Section 1115 waiver.

## 8.545 Health-Related Social Needs

Health-Related Social Needs (HRSN) are covered under a Section 1115 demonstration waiver approved by the federal Centers for Medicare and Medicaid Services (CMS). HRSN benefits are covered when the CMS approves or continues the waiver. HRSN benefits are not covered if the waiver is not approved or continued.

### 8.545.1.A Definitions

1. Behavioral Health Need means a diagnosed behavioral health disorder, according to the criteria of the current editions of the Diagnostic and Statistical Manual of Mental Disorders and the International Statistical Classification of Diseases and Related Health Problems where there is a need for improvement, stabilization, or prevention of deterioration of functioning (including ability to live independently without support) resulting from the presence of a behavioral health condition.
2. Billing Manual, for the purposes of Section 8.545, means a reference document that assists providers with appropriately billing claims for Health-Related Social Needs.
3. Chronic Health Condition means one or more chronic conditions including but not limited to those identified in Social Security Act section 1945(h)(2).
4. Home Delivered Meals means receipt of prepared hot foods, meal kits, or restaurant meals to members who require additional food support. This service may be provided in place of pantry stocking for members who do not have a place to store or prepare groceries.
- ~~1. Housing Deposits and Fees to Secure Housing assistance with application fees and fees to secure needed identification.~~
- ~~Housing Transition Navigation Services means assisting members experiencing homelessness to locate, move into, and maintain housing.~~
5. Medically Tailored Meals means meals to support improved health outcomes are available to eligible members not receiving pantry stocking or home-delivered meals in accordance with section 8.545.4.G. Medically Tailored Meal services include: Preparation, provision, and delivery of prescribed meals, consistent with a nutrition care plan. Limited to three (3) meals per day for a maximum of six (6) months.
6. Nutrition Counseling means any combination of educational strategies designed to motivate and facilitate voluntary adoption of food choices and other food and nutrition-related behaviors conducive to health and well-being.
7. One-Time Transition and Moving Costs means move-in costs as well as furnishings and other items necessary to make new housing habitable and comfortable.
8. Pantry Stocking means services which allow a member to purchase an assortment of foods aimed at promoting improved nutrition for the member. For members who do not have the means to prepare or store groceries, members may pick up food from a food retailer or have food delivered to the member's home or private residence, if delivery service is available

9. Pre-Tenancy Supports and Housing Transition Navigation Services means assisting an individual in finding housing, means assisting members to locate, move into, and maintain housing.
10. Rent and Temporary Housing means rent payments for apartments, single room occupancy (SRO) units, single-family homes, multi-family homes, mobile home communities, accessory dwelling units (ADUs), co-housing communities, middle housing types, trailers, manufactured homes, manufactured home lots, motel or hotel when it is serving as the member's primary residence, transitional and recovery housing, including bridge, site-based, population-specific, and community living programs that may or may not offer supportive services and programming.
11. Targeted Case Management means services are limited to service planning, advocacy, and linkage to other appropriate medical services related to identified member needs, monitoring, and care coordination
12. Tenancy-Sustaining Services means assisting members with maintaining housing.

## **8.545.2 Member Eligibility**

**8.545.2.A.** A Health First Colorado (Colorado Medicaid) member is eligible for Health-Related Social Needs (HRSN) services if they meet one of the social risk factors in section 8.545.2.A.21.a-b and the clinical criteria for one of the populations in sections 8.545.2.A.23.a-c.

### 1. Social risk factors:

- a. "Homeless" or "At Risk of Homelessness" as defined ~~the US Department of Housing and Urban Development at 24 C.F.R. § 91.5 (2020)~~ which is hereby incorporated by reference. The incorporation of 24 C.F.R. § 91.5 excludes later amendments to, or editions of the referenced material. Pursuant to § 24-4-103(12.5), C.R.S., the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours at (address), Denver, CO, 80203. Certified copies of incorporated materials are provided at cost upon request. Incorporated materials may also be obtained from the original issuer at [ecfr.gov](http://ecfr.gov).
- b. "Nutrition Insecurity", which qualifies as either low or very low food security, as defined at 24 C.F.R. § 91.5 (2020) which is hereby incorporated by reference. The incorporation of 24 C.F.R. § 91.5 excludes later amendments to, or editions of the referenced material. Pursuant to § 24-4-103(12.5), C.R.S., the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours at (address), Denver, CO, 80203. Certified copies of incorporated materials are provided at cost upon request. Incorporated materials may also be obtained from the original issuer at [ecfr.gov](http://ecfr.gov).
- by the United States Department of Agriculture.

### 2. Clinical criteria:

a. Permanent Supportive Housing (PSH) population must meet one of the following clinical criteria:

i. Behavioral Health Need as defined in section 8.545.1.A.1.

ii. Chronic Health Condition as defined in section 8.545.1.A.3.

Clinical criteria are initially determined through self-disclosure of a behavioral health need or chronic health condition through the HMIS Coordinated Entry referral process. Supportive Housing Providers must establish policies and procedures regarding the confirmation of an eligible diagnosis to be kept on file by the agency.

b. Colorado Fostering Success (CFS) Housing population must meet the following clinical criteria:

i. Clinical criteria ~~are~~ determined through self-disclosure of a Behavioral Health Need or Chronic Health Condition during the initial screening.

ii. While not a requirement of the CFS program, individuals who qualify for CFS may be screened for Health-Related Social Needs (HRSN) criteria, including assessment for clinical care, and if HRSN criteria ~~are~~ met and clinical need is determined by a clinician, the member would be eligible to enroll as an HRSN services recipient.

c. Community access team -vouchers (CAT) population must meet the following clinical criteria:

i. Eligible for and receiving targeted case management for transition coordination services (TCM-TC) as defined at 8.519.27.A.13.

#### **8.545.2.B. Service Eligibility Requirements:**

~~or matched with a Community Access Team (CAT) voucher and not receiving federal funds for the same purpose from elsewhere.~~

1. Members eligible for Pre-Tenancy Supports and Housing Transition Navigation Services must have been matched to a permanent supportive housing voucher within the last twelve (12) months (PSHa), or be eligible for permanent supporting housing but not matched to a voucher (PSHb), or in the CFS voucher program. Eligibility for Pre-Tenancy Supports and Housing Transition Navigation Services must not be dependent on the receipt of other HRSN services.

4. \_\_\_\_\_

~~2.~~ 2. Members eligible for One-Time Transition and Moving Costs must have been matched to a permanent supporting housing voucher within the last twelve (12) months (PSHa) or be in the Colorado Fostering Success Housing (CFS) voucher program. Eligibility for One-Time Transition and Moving Costs must not be dependent on the receipt of other HRSN services.

3. Members eligible for housing deposits and fees to secure housing must have been matched to a permanent supporting housing voucher within the last twelve (12) months (PSHa) or be in the Colorado Fostering Success Housing (CFS) voucher program. Eligibility for Housing Deposits and Fees to Secure Housing must not be dependent on the receipt of other HRSN services.

4. Members eligible for Tenancy-Sustaining Services must have been residing in a permanent supporting housing for more than one (1) year (PSHc) or be eligible for a community access team voucher (CATV). Eligibility for Tenancy-Sustaining Services must not be dependent on the receipt of other HRSN services.

~~4.~~ 5. Members eligible for Nutrition Counseling must have been matched to a permanent supporting housing voucher within the last twelve (12) months (PSHa), must have been residing in a permanent supporting housing for more than one (1) year (PSHc), be eligible for a community access team voucher (CATV), or be in the Colorado Fostering Success Housing (CFS) voucher program. Eligibility for Nutrition Counseling must not be dependent on the receipt of other HRSN services.

6. Members eligible for Medically Tailored Meals must have been matched to a permanent supporting housing voucher within the last twelve (12) months (PSHa), have lived in permanent supporting housing for more than a year (PSHc), or be in the Colorado Fostering Success Housing (CFS) voucher program. Eligibility for Medically Tailored Meals must not be dependent on the receipt of other HRSN services.

~~7.~~ 8. Members eligible for Home-Delivered Meals or Pantry Stocking must have been matched to a permanent supporting housing voucher within the last twelve (12) months (PSHa), be eligible for a community access team voucher (CATV), or be in the Colorado Fostering Success Housing (CFS) voucher program. Eligibility for Home-Delivered Meals or Pantry Stocking must not be dependent on the receipt of other HRSN services.

~~8.~~ 9. Members eligible for Targeted Case Management must have been determined eligible for HRSN services.

### **8.545.3 Provider Eligibility**

**8.545.3.A.** The following providers enrolled with Health First Colorado are eligible to provide Health-Related Social Needs services. Provider eligibility requirements listed below must be documented by the provider and available upon request:

1. Voucher Administrator and Housing Program providers rendering Rent and Temporary Housing services must:

- a. Have the ability to provide housing services benefit;
- b. Be knowledgeable of covered housing services;
- c. Have experience with homeless services, community based mental health services, and, or, other housing sectors;
- d. Have knowledge of safety tactics for individuals at risk of victimization or violence;
- e. Have knowledge and understanding of housing best practices (Housing First, Trauma Informed Care, and Harm Reduction); and;
- f. Be a current Department of Housing (DOH) contracted Voucher Administrator agency or have a letter of commitment from a current DOH contracted Voucher Administrator agency.

2. Housing Program Providers rendering Pre-Tenancy Supports, Housing Transition Navigation Services and Tenancy-Sustaining Services must:

- a. Be able to address the demand for services in their geographic area;
- b. Have project planning skills, community engagement experience, and involvement with peers, persons with ,who have lived experience and experience providing high quality supports to persons experiencing homelessness;
- c. Have knowledge of Tenancy--Sustaining Services (TSS), or comparable services meant to support individuals in obtaining and maintaining stable housing;
- d. Must provide quality services as evidenced by deficient free audit or compliance with a plan of action; and,  
Maintain an average case load of 1:35
- e. Must employ or contract with a licensed clinician to serve as the rendering provider overseeing the delivery of services by unlicensed professionals.

3. Nutrition Program Providers rendering Nutrition Counseling, medically tailored meals, and home-delivered meals or pantry stocking must:

- a. Have knowledge of principles, methods, and procedures of covered nutrition services;
- b. Have evidence-based guidelines; and;
- c. Have knowledge of food safety standards and experience with person-centered culturally appropriate dietary preferences.

4. Case Managers rendering targeted case management for HRSN services must:



a. Have a bachelor's degree, or at least three (3) years of relevant experience appropriate to the requirements of the position; and,;

b. Have the following training:

i. Training in social, cultural, educational, economic and health-related factors which affect an individual;;

ii. Training on person-centered planning;;

iii. Training in interpersonal communication skills;;

iv. Training in crisis intervention strategies;;

v. Training on relevant agency policies and procedures; and,;

vi. Training on relevant state and federal laws.

#### **8.545.4 Covered Services**

##### **8.545.4.A. Rent and Temporary Housing for up to six (6) months**

1. Rent and Temporary Housing includes the following services:

a. Reimbursement for room (without board) for a short-term period, not to exceed six (6) total months within a five (5) year period.

b. Allowable units for housing must provide access to a clean and healthy environment with a private, semi-private, or shared room; ~~with a personal~~ bed for the entire day; and ~~with~~ no more than three roommates.

c. Allowable payments and fees include rent payment (past due and, or, forward rent), storage fees, renter's insurance, and utilities.

2. Payments must only be provided in connection with dwellings that meet maintenance regulation code within the local jurisdiction for safety, sanitation, and habitability.

3. Rent and Temporary Housing ~~does not include the following services~~ is not eligible for:

a. Dormitories.

b. Congregate sleeping space.

- c. Facilities that have been temporarily converted to shelters. For example, gymnasiums or convention centers.
- d. Facilities in which sleeping spaces are not available to residents twenty-four (24) hours a day.
- e. Facilities without private sleeping space.

#### **8.545.4.B. Pre-Tenancy Supports and Housing Transition Navigation Services**

1. Pre-Tenancy Support and Housing Transition Navigation services may include the following services:

##### ~~Help submitting applications.~~

- a. Coordinating transportation to ensure access to housing options, which includes but is not limited to looking for housing, transportation to sign the lease, and obtaining required documents like identification and voucher paperwork.
- b. Functional needs assessment.
- ~~Identifying housing preferences and support needs.~~
- c. Assistance with social services connection.
- d. ~~an~~ individualized community integration plan.
- c. Person-centered care planning with supports and interventions.
- d. Housing search, which includes:
  - i. Identifying housing needs and preferences.
  - ii. ~~Addressing any existing housing barriers.~~
  - iii. Applying for income supports, including completing an assessment in vocational rehabilitation ~~(possibly vocational rehabilitation if assessment indicates)~~ and other employment opportunities.
  - iv. Information and referral to resources that can help address housing barriers (including legal barriers).
  - v. Connection to supports and services aiding the member in maintaining housing.

- e. Application assistance, which includes:

- i. ~~Completion of filling out~~ Helping fill out applications and collecting accompanying documents (including funding to obtain documents, if needed).
- ii. ~~Submittal of~~ Helping submit housing applications (including associated fees) and applications for resources that help stabilize housing.

Move-in, which includes:

Securing utilities (identifying funds for deposits and past owed bills).

Ensuring the living environment is safe and ready for move-in (if not, arranging for home modification, if available).

Arranging for the details of the move.

Housing stabilization, which includes:

Meeting with the member at least twice per month to ensure timely rent payments.

Life skills coaching.

Education and training on appropriate tenant behavior.

Providing referrals to community-based organizations for ongoing stabilization support.

Mediation and negotiations to sustain tenancy.

#### 8.545.4.C. One-Time Transition and Moving Costs

1. One-Time Transition and Moving Costs include:

a. Unresolved arrearages (up to 6 months of combined arrears and prospective payments), if necessary, to set up services in new residence.

b. Relocation expenses.

c. Basic household goods and furniture, which may include appliances necessary for food consumption, bedding, furnishings, cribs, bathroom supplies, and cleaning supplies.

d. Security deposits.

e. First month's rent is a one time moving cost, which counts towards the six month limitation on rent payments.

f. Movers.

g. Furnishings, and other items necessary to make new housing habitable and comfortable.

i. Transitional housing goods must not exceed the limits listed in the Billing Manual.

#### 8.545.4.DG. Tenancy-Sustaining Services

1. Tenancy-Sustaining Services include:

a. Providers assist members with maintaining housing including:

- i. Landlord relationships
- ii. Community relationships
- iii. Lease renewals and payments
  - 1. Assist enrollees to access benefits, negotiate with landlords, seek legal assistance, apply for new housing (if needed), or take other actions to help stabilize an enrollee's housing situation.
  - 2. Review, update, and modify preferences with the member to reflect current needs and preferences, and address existing or recurring housing retention barriers
  - 3. Apply for income supports and housing that are aligned with the enrollee's identified needs and preferences, including completing an assessment in vocational rehabilitation or other employment opportunities
  - 4. Provide information and referrals to resources in the community to address identified housing issues, such as referrals to: Legal assistance organizations, Local housing quality enforcement agencies and funding sources for home improvements

iv. Housing ~~stabilization~~stabilization, including life skills needed to adjust to community-based housing.

- 1. Ensure the enrollee makes timely rent payments (e.g., connect the enrollee to money management services)
- 2. Provide coaching on life skills needed to adjust to community-based housing
- 3. Provide education and training on appropriate tenant behaviors
- 4. Provide referrals to community-based organizations, as needed, for ongoing housing stabilization services
- 5. Mediation and negotiations to sustain a tenancy such as those below:
  - a. Mediating with the landlord (or landlord's designee)
  - b. Assisting in submitting a request for a reasonable accommodation
  - c. Establishing a payment plan with the landlord (or landlord's designee) or bank

8.545.4.E. Targeted Case Management

1. Targeted case management refers to coordination and planning services provided with, or on behalf of, a ~~member~~ ~~patient~~.
- a. The ~~member~~ does not need to be physically present for this service to be performed if it is done on the ~~member's~~ behalf.
2. Targeted case management services are limited to service planning, advocacy, and linkage to other appropriate medical services related to identified ~~member~~ needs, monitoring, and care coordination
3. A unit of service equals one 15-minute increment of targeted case management and consists of at least one documented contact with a ~~member~~ or person acting on behalf of a ~~member~~, identified during the case planning process.

#### **8.545.4.F. Nutrition Counseling**

1. Nutrition Counseling Services include any combination of educational strategies designed to motivate and facilitate voluntary adoption of food choices and other food and nutrition-related behaviors conducive to health and well-being.

#### **8.545.4.G. Pantry Stocking and Home Delivered Meals**

1. Pantry stocking services allow a member to purchase an assortment of foods aimed at promoting improved nutrition for the member. For members who do not have the means to prepare or store groceries, members may pick up food from a food retailer or have food delivered to the member's home or private residence, if delivery service is available.
  - a. Must be consistent with the nutrition care plan developed by the member's Nutrition Program Provider.
  - a. Pantry stocking is limited to up to 30 days of food.
  - b. Limited to three (3) meals per day for a maximum of six (6) months.
2. Home-delivered meals include receipt of prepared hot foods, meal kits, or restaurant meals ~~GC-b-~~ for members who require additional food support. ~~This service-M~~ may be provided in place of pantry stocking for members who do not have a place to store or prepare groceries. ~~(individuals who are homeless).~~
  - a. Must be consistent with the nutrition care plan.
  - b. Limited to three (3) meals per day for a maximum of six (6) months.

#### **8.545.4.EH. Medically Tailored Meals**

1. Medically tailored meals to support improved health outcomes are available to eligible

members not receiving pantry stocking ~~in accordance with section 8.545.4.C.1.b or~~  
home-delivered meals in accordance with section 8.545.4.~~GC.1.e.~~ Medically Tailored  
Meal~~Nutrition counseling~~ services include:

- a. Preparation, provision, and delivery of prescribed meals, consistent with a nutrition care plan.
- b. Limited to three (3) meals per day for a maximum of six (6) months.

#### **8.545.5 Reimbursement**

##### 8.545.~~75~~.A. Health First Colorado Providers

1. Eligible Health First Colorado (~~Colorado Medicaid~~) providers shall be reimbursed according to the number of units billed pursuant to the corresponding Billing Manual.