

Title of Rule: Revision to the Medical Assistance Act Rule concerning Durable Medical Equipment Complex Rehabilitation Technology Repair Metrics, Section 8.590
Rule Number: MSB 23-09-08-A
Division / Contact / Phone: Health Policy Office / Haylee Rodgers / 303 866 4128

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 establishes Complex Rehabilitation Technology (CRT) repair metrics related to timeliness and quality. This rule also establishes a process for CRT providers to report their data to the Department.

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 is legislatively required per HB22-1290. The metrics created as a result of this rule are to be reported at the State Measurement for Accountable, Responsive, and Transparent Government (SMART) Act beginning in January 2024. The legislation requires this rule to be in place by October 1, 2023.

3. Federal authority for the Rule, if any:

42 C.F.R 440.70(b)(3)(iii) (2023)

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2023);
Section 25.5-5-102(1)(f), C.R.S. (2023)

Initial Review
Proposed Effective Date

09/08/23

Final Adoption
Emergency Adoption

09/08/23
DOCUMENT #13

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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.

Complex Rehabilitation Technology providers will be affected by the proposed rule in that they will be required to report on the metrics. CRT users will benefit from the proposed rule as the metrics are expected to improve the CRT repair process for Health First Colorado members.

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 proposed rule will allow the department to gain insight into the CRT repair process and monitor the experience and accessibility of repairs for members.

The proposed rule will require CRT providers to adhere to a process of reporting their repair data to the Department.

The process for accessing and completing CRT repairs will not be impacted, economically or otherwise.

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 proposed rule was passed during legislation as a result of HB22-1290. There would not be any additional costs expected for the Department than what has already been allocated in the legislative process.

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

The Department does not expect to incur additional costs as a result of the proposed rule.

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

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There are no less costly methods for establishing repair metrics in rule as required by HB22-1290.

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 establishing repair metrics in rule as required by House Bill 22-1290.

1 **8.590 DURABLE MEDICAL EQUIPMENT AND DISPOSABLE MEDICAL SUPPLIES**

2 **8.590.1 DEFINITIONS**

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6 F. Complex Rehabilitation Technology Supplier (CRT) means a provider who meets all the
7 requirements of Section 8.590.5.D. The following are terms defined in relation to CRT suppliers
8 only, see Section 8.590.5.E.

9 1. Evaluation is when a supplier assesses the potential need for repair, replacement, and or
10 modification. An evaluation may occur at the member's residence, supplier's facility,
11 virtually, or other agreed upon location.

12 2. Order creation date is the date the evaluation is scheduled.

13 3. Repair fulfillment is when the repair has been completed, and any need for pick up or
14 drop off equipment has occurred.

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19 **8.590.5 SUPPLIER REQUIREMENTS**

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23 8.590.5.E. Only Complex Rehabilitation (CRT) Suppliers must comply with this section for repair
24 orders created on or after October 1, 2023. section per Colorado Revised Statute 25.5-5-323.
25 This section is required of Complex Rehabilitation Technology (CRT) suppliers only, pursuant to
26 House Bill 22-1290 and is in effect for all repair evaluations scheduled after October 1, 2023.

27 1. Beginning January 2024, the Department ~~reports will report~~ on CRT repair performance
28 annually at the State Measurement for Accountable, Responsive, and Transparent
29 (SMART) Government Act hearing. The Department is to report on the metrics using the
30 data received as outlined below, - amount (percentages and or actual numbers) of repairs
31 and where they fell using the metrics as specified in this rule.

32 2. The required metrics listed in Section 8.590.5.E.2 are to be reported by suppliers on all
33 CRT repairs, including members also enrolled in Medicare coverage. Members with

1 additional coverage other than Medicare, such as private insurance, ~~will be~~ are excluded
2 from these reports.

3 a. Quality of CRT repairs shall be reported to the Department using the data point in
4 section 8.590.5.E.2.b.8.

5 1. At the time the repair is fulfilled, regardless of the location, members will
6 be asked to confirm that the equipment has been repaired to their
7 satisfaction.

8 2. Members, their legal guardian, or other authorized representative may be
9 asked to confirm verbally or in writing, provided that the answers can be
10 verified by a signature and date.

11 3. This information may be obtained on a delivery ticket or as a separate
12 form. This metric will be used to measure the number of repairs that
13 were reported as satisfactory, not satisfactory, and where an answer was
14 not obtained.

15 b. Metrics ~~must be~~ will be reported using the following:

16 1. Medicaid ~~Identification Number~~ ID.

17 2. Type of equipment being repaired: Manual wheelchair, power
18 wheelchair, non-wheelchair mobility device, other equipment.

19 3. Does the member also have Medicare? Yes or no.

20 4. Order creation date.

21 5. Date of first available evaluation appointment (optional).

22 6. Date evaluation occurred.

23 7. Does the member have secondary/back up equipment? Yes or no.

24 8. Quality of repair answer: Satisfactory, not satisfactory, or answer not
25 obtained.

26 9. Repair fulfillment date.

27 3. Suppliers of Complex Rehabilitation Technology are to follow the below requirements for
28 reporting metrics to the Department.

29 a. Suppliers will prepare and send data listed above to the designated benefit inbox
30 twice per calendar year, as outlined in the table below.

31 b. The deadlines represent the last day metrics will be accepted. Those that fall on
32 a holiday or weekend are due before the end of the following business day.

33

Date of Repair Fulfillment	Deadline
December 1 - May 31	June 30
June 1 - November 31	December 31

b.

Complex Rehabilitation Technology Suppliers will use their own template or software to maintain and submit the metrics for each applicable repair performed. Suppliers with multiple locations are required to compile the data for the entire company into one submission.

c. All Complex Rehabilitation Technology Suppliers will provide the required data points listed above and the Department will report on each supplier's performance as it relates to the metrics. The Department will maintain a record of the metrics received, including adherence to the reporting schedule. The Department may also request further information on the data provided either related to a batch of repairs, or repairs for a single member.

d. This information will be used to identify areas of potential improvement in the CRT repair industry and may be used in future stakeholder events, pursuant to [House Bill 22-1290 Colorado Revised Statutes 25.5-5-323.](#)