



**COLORADO**  
Department of Health Care  
Policy & Financing

1570 Grant Street  
Denver, CO 80203

November 1, 2022

Members of the Colorado General Assembly  
c/o Legislative Council  
State Capitol Building  
200 East Colfax  
Denver, CO 80203

Dear Members of the General Assembly:

I am pleased to submit the Department of Health Care Policy and Financing (HCPF)'s 2022 Regulatory Agenda Report and 2023 Regulatory Agenda, in compliance with Colo. Rev. Stat. §2-7-203, as amended by House Bill 12-1008. The Department's 2023 Regulatory Agenda has also been submitted to the Colorado Secretary of State for publication in the Colorado Register, and will be posted to our website.

The Department's 2022 Regulatory Agenda Report provides a brief summary of all permanent, temporary and emergency rules reviewed, revised and adopted since the Department's 2022 Departmental Regulatory Agenda was filed on November 1, 2021, as well as the status, comments, and information relative to stakeholder input. Pursuant to Colo. Rev. Stat. § 24-4-103.3(4), the 2022 Regulatory Agenda Report also reflects the results of the Department's mandatory rule review activity over the past year. Effective July 1, 2016, all permanent rules adopted by the Department, as reflected in the 2021 Regulatory Agenda Report, involved early stakeholder engagement, as described by the Department's procedures for public participation in rulemaking (available online at <https://www.colorado.gov/hcpf/stakeholder-engagement-protocols>).

Information pertaining to a specific rule can be obtained by contacting Jo Donlin ([jo.donlin@state.co.us](mailto:jo.donlin@state.co.us)) or Chris Sykes ([chris.sykes@state.co.us](mailto:chris.sykes@state.co.us)).

Pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(II), we will be prepared to discuss our 2022 Regulatory Agenda Report and 2023 Regulatory Agenda with the Department's Joint Committee of Reference during our upcoming SMART Act hearing.



# 2023

## Regulatory Agenda



**COLORADO**  
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## Overview

The Colorado Department of Health Care Policy and Financing submits the following 2023 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous Department Regulatory Agenda was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department’s “Regulatory Efficiencies Reviews” during 2022 (which are denoted as such in the “purpose” column). The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department’s web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its “SMART Act” hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(III)(A).

The following constitutes Department of Health Care Policy and Financing’s DRA for 2022-2023 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
March 2023	10 CCR 2505-10 Section 8.494.40 Non-Emergent Transportation	Office of Community Living	Revision	C.R.S. 25.5-6-313(1)		Update benefit	Health First Colorado clients, providers	March 2023

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?  (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
April 2023	10 CCR 2505-10 Section 8.500.5.B HCBS- DD Waiver Services	Office of Community Living	Revision	25.5-10-204, C.R.S.		Addition of Benefits Planning and Workplace Assistance services	Health First Colorado clients, providers	April 2023
January 2023	10 CCR 2505-10 Section 8.500.94 HCBS-SLS Waiver Services	Office of Community Living	Revision	25.5-6-306, C.R.S		Addition of Benefits Planning and Workplace Assistance services	Health First Colorado clients, providers	January 2023
May 2023	10 CCR 2505-10 Section 8.500.102.B Service Plan Authorization Limits (SPAL)	Office of Community Living	Revision	25.5-5-329, C.R.S.		Removal of Employment Services	Health First Colorado clients, providers	May 2023
February 2023	10 CCR 2505-10 Section 8.500.5.B.2.e.iii HCBS-DD Waiver Services	Office of Community Living	Revision	25.5-10-204, C.R.S.		Removal of subminimum wage requirement	Health First Colorado clients, providers	February 2023
June 2023	10 CCR 2505-10 Section 8.500.94.B.3.e.iii HCBS-SLS Waiver Services	Office of Community Living	Revision	25.5-6-306, C.R.S		Removal of subminimum wage requirement	Health First Colorado clients, providers	June 2023

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?  (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
September 2023	10 CCR 2505-10 Section 8.510 Consumer Directed Attendant Support Services	Office of Community Living	Revision	25.5-6-1601 - 1605, C.R.S.		Amend Supported Living Services health maintenance activities service definitions to redirect to Consumer Directed Attendant Support Services health maintenance activities service definition	Health First Colorado clients, providers	September 2023
January 2023	10 CCR 2505-10 Section 8.500.94.C HCBS- SLS Waiver Services	Office of Community Living	Revision	25.5-6-306, C.R.S		Amend CDASS Attendant background check requirements to allow for an exceptions process for individuals convicted of crimes previously considered "Barrier Crimes"  Add language to allow CDASS exercise to be prescribed by an Occupational and / or Physical Therapist	Health First Colorado clients, providers	January 2023

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?  (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
June 2023	10 CCR 2505-10 Section 8.516.10 Independent Living Skills Training	Office of Community Living	Revision	25.5-6-704, C.R.S.		Update benefit	Health First Colorado clients, providers	June 2023
February 2023	10 CCR 2505-10 Section 8.516.30 Independent Living Skills Training	Office of Community Living	Revision	25.5-6-704, C.R.S.		Update benefit	Health First Colorado clients, providers	February 2023
April 2023	10 CCR 2505-10 Section 8.553 Life Skills Training, Home Delivered Meals, Peer Mentorship, & Transition Setup Services	Office of Community Living	Revision	25-1.5-108.5, C.R.S.		Update benefit	Health First Colorado clients, providers	April 2023
July 2023	10 CCR 2505-10 Section 8.500.5 HCBS-DD Waiver Services	Office of Community Living	Revision	25.5-10-204, C.R.S.			Health First Colorado clients, providers	July 2023

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?  (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
January 2023	10 CCR 2505-10 Section 8.519.6 Case Management Agency Selection Repeal	Office of Community Living	Revision	25.5-10-208, C.R.S.		This rule was intended to outline requirements for a third-party to facilitate member choice of CMA for the purpose of conflict- free case management compliance. It is no longer needed because the Department has changed the model for conflict free case management as part of case management redesign and legislation has been passed to that effect.	Health First Colorado clients, providers	January 2023

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?  (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
January 2023	10 CCR 2505-10 Section 8.612 Supports Intensity Scale Assessment	Office of Community Living	Revision	25.5-6-409.3, C.R.S.		The purpose of this rule revision is to correct and clarify regulations related to the Supports Intensity Scale (SIS) algorithm currently used to determine support levels for members in the Supported Living Services and Developmental Disabilities HCBS waivers.	Health First Colorado clients, providers	January 2023



# 2022

## Regulatory Agenda Report



## Overview

Pursuant to Colo. Rev. Stat. §2-7-203(4), the Department of Health Care Policy and Financing submits the following 2022 Regulatory Agenda Report. Pursuant to statutory requirements concerning the Department’s Regulatory Agenda, this Regulatory Agenda Report details the results of the past year’s rules review activity, including the results of mandatory rule reviews conducted under Colo. Rev. Stat. §24-4-103.3(4) as part of the Department’s “Regulatory Efficiencies Reviews.”

### This report includes the following items:

- “Rulemaking included in 2022 Regulatory Agenda,” providing an update of rules included in the Department’s 2022 Regulatory Agenda (filed on November 1<sup>st</sup>, 2021)
- “Results of Mandatory Rules Review,” providing a summary of the activities and outcomes associated with the Department’s mandatory rule reviews conducted under Colo. Rev. Stat. §24-4-103.3(4)
- “Unplanned Rulemaking”, summarizing rule activity that was not neither part of mandatory regulatory efficiency review nor part of the Regulatory Agenda.

## Rulemaking included in 2022 Regulatory Agenda

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
MSB 21-04-26-A	Pharmacy Office	Revision	Sections 25.5-5-501	Update the pharmacy rate methodology for clotting factor drugs	Health First Colorado clients, providers	Adopted - February 2022	
MSB 21-08-04-A	Office of Community Living	Revision	Sections 25.5-6-202 & 25.5-6-203, C.R.S.	Develop consistent methodology for new Nursing Facility Medicaid certification or added bed approval and technical changes in accordance with HB 21-1227	Health First Colorado clients, providers	Adopted - April 2022	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
MSB 21-08-04-B	Office of Community Living	Revision	C.R.S. 25.5-6-1101	The rule revision is to enact program rules for member level compliance with Electronic Visit Verification	Health First Colorado clients, providers	Adopted - December 2021	
MSB 22-01-18-A	Office of Community Living	New	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Define amount, duration and scope of benefit.	Health First Colorado clients, providers	Adopted - February 2022	
MSB 22-01-17-B	Health Programs Office	Revision	C.R.S. § 25.5-5-202(1)(i)	Clarify the qualified residential treatment program requirements.	Health First Colorado clients, ambulatory surgery centers	Adopted - March 2022	
MSB 22-01-30-B	Pharmacy Office	Revision	HB21-1275	This rule change will implement HB21-1275 to allow pharmacies to bill for extended-release injectable medications used for the treatment of mental health or substance use disorders if they are administered in a physician's office or clinic.	Health First Colorado clients, providers	Adopted - March 2022	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
MSB 22-01-30-C	Health Programs Office	Revision	HB21-1275	A pharmacist will be eligible for reimbursement under the medical assistance program for certain medically necessary pharmacist services under Colorado House Bill 21-1275 that are not duplicative of other pharmacist services or programs reimbursed under the medical assistance program.	Health First Colorado clients, providers	Adopted - March 2022	

## Results of Mandatory Rules Review

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 C.C.R. 2505-10 Section 8.200 Physician Services	Health Policy Office	25.5-5-102(d), C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.201 Adult Dental Services	Health Policy Office	25.5-5-202(1)(w), C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.202 Dental Services for Children	Health Policy Office	25.5-5-207, C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.205 Medicaid Managed Care Program	Health Policy Office	25.3-5-401 - 425, C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.209 Medicaid Managed Care Grievance and Appeal Processes	Health Policy Office	25.5-5-406, C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.212 Community Behavioral Services	Health Policy Office	25-20.5-1301 - 1303, C.R.S.	July	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 C.C.R. 2505-10 Section 8.215 Community Mental Health Services Program Capitation Rate Setting	Health Policy Office	25.5-5-202(1)(i) C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.220 Competitive Procurement and Selective Contracting, Including Global Fee Payment Programs	Health Policy Office	25.5-5-415, C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.221 General Provisions	Health Policy Office	25.5-5-415, C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.280 Early and Periodic Screening, Diagnostic and Treatment	Health Policy Office	Social Security Act, Section 1905(a)(4)(b)	July	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.290 School Health Services	Special Finance Division	25.5-5-318(9), C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.600 Services for Individuals with Intellectual and Developmental Disabilities	Office of Community Living	25.5-6-401 - 413, C.R.S.	September	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 C.C.R. 2505-10 Section 8.601 Administrative Services	Office of Community Living	25.5-6-401 - 413, C.R.S.	September	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.602 Service Agencies	Office of Community Living	25.5-6-401 - 413, C.R.S.	September	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.603 Program Approval by the Department	Office of Community Living	25.5-6-401 - 413, C.R.S.	September	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.604 Due Process and Confidentiality	Office of Community Living	25.5-6-401 - 413, C.R.S.	September	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.605 Dispute Resolution Procedures	Office of Community Living	25.5-6-401 - 413, C.R.S.	September	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.606 Confidentiality	Office of Community Living	25.5-6-401 - 413, C.R.S.	September	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.607 Case Management Services	Office of Community Living	25.5-6-1703, C.R.S.	September	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 C.C.R. 2505-10 Section 8.608 Service and Support Planning, Supporting People with Challenging Behavior, and Protections	Office of Community Living	25.5-6-1201 - 1208, C.R.S.	September	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.609 Program Services and Supports	Office of Community Living	25.5-10 C.R.S.	September	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.610 Facility Based Adult Day Habilitation Services and Supports	Office of Community Living	25.5-10-201 - 240, C.R.S.	September	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.611 Transportation	Office of Community Living	25.5-10-201 - 240, C.R.S.	September	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.612 Supports Intensity Scale Assessment and Support Levels	Office of Community Living	25.5-5-202(1)(i), C.R.S.	September	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.613 Family Support Services (FSS) Program	Office of Community Living	25.5-10-303, C.R.S.	September	Y	N	N	Pending



Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 C.C.R. 2505-10 Section 8.614 Gastronomy Services	Office of Community Living	21 C.F.R. 876.5980	September	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.660 Laboratory and X-Ray	Office of Community Living	25.5-5-102, C.R.S.	September	Y	N	N	Pending
10 C.C.R. 2505-3 Section 50 Definitions	Health Policy Office	25.5-8-101 - 113, C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-3 Section 100 Eligibility	Health Policy Office	25.5-8-101 - 113, C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-3 Section 200 Benefits Package	Health Policy Office	25.5-8-101 - 113, C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-3 Section 300 Enrollment Fees and Copayments	Health Policy Office	25.5-8-101 - 113, C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-3 Section 400 Enrollment	Health Policy Office	25.5-8-101 - 113, C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-3 Section 500 Financial Management	Health Policy Office	25.5-8-101 - 113, C.R.S.	July	Y	N	N	Pending
10 C.C.R. 2505-3 Section 600 Appeals Process	Health Policy Office	25.5-8-101 - 113, C.R.S.	July	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 C.C.R. 2505-5 Section 1.010 Finance and Accounting	Local Partnerships & Program Team	25.5-1-108, C.R.S.	August	Y	N	N	Pending
10 C.C.R. 2505-5 Section 1.020 County Administrative Rules	Local Partnerships & Program Team	25.5-1-108, C.R.S.	August	Y	N	N	Pending
10 C.C.R. 2505-5 Section 1.200 All-Payers Claims Database	Local Partnerships & Program Team	25.5-1-204(9), C.R.S.	August	Y	N	N	Pending

## Unplanned Rulemaking

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 21-11-03-A	Office of Community Living	New	Social Security Act Section 1135, Social Security Act 1115 (Pending), and Social Security Act 1915(c), Appendix K.	Revision to the Medical Assistance Act Rule concerning Novel Corona Virus Disease (COVID-19) Rules, Section 8.6000	November 2021	Individual's receiving services in community-based settings, provider-owned community-based residential settings, provider-owned facility settings, and case management	Adopted November 2021	
MSB 21-11-03-B	Fiscal Agent Operations Section	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021)	Revision to the Medical Assistance Rule concerning Provider Enrollment, Sections 8.125.11, 8.125.12, 8.125.13	November 2021	Providers	Adopted November 2021	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 21-11-04-A	Benefits Section	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021)	Revision to the Medical Assistance Act Rule concerning Emergency Medical Transportation, Sections 8.018.1.F. and 8.018.4.D.1	November 2021	Medicaid members, providers, and facilities	Adopted November 2021	
MSB 21-11-04-B	Benefits Section	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021)	Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation, Sections 8.014.1.N, 8.014.3.C.2, 8.014.3.D.1, 8.014.4.A, 8.014.6.A.3	November 2021	Medicaid members, providers, and facilities	Adopted November 2021	
MSB 21-11-05-B	Office of Community Living	Revision	Section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136	Revision to the Medical Assistance Act Rule concerning Nursing Facility Immunization Administration, Sections 8.443 and 8.815	November 2021	nursing home facility residents	Adopted November 2021	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 21-11-07-A	Eligibility Policy Section	Revision	Families First Coronavirus Response Act (FFCRA), Public Law No. 116-127 and Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law No. 116-136 and the Affordable Care Act (ACA), which includes the Maintenance of Effort (MOE) provision.	Revision to the Medical Assistance Rule concerning Medical Assistance program rule updates, Sections 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6	November 2021	applicants and members who are applying or enrolled in a MAGI and Non-MAGI Medical Assistance program	Adopted November 2021	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 21-11-07-B	Eligibility Policy Section	Revision	Families First Coronavirus Response Act (FFCRA), Public Law No. 116-127 and Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law No. 116-136 and the Affordable Care Act (ACA), which includes the Maintenance of Effort (MOE) provision. updates, Sections 110,140, 310 and 320	Revision to the Medical Assistance Rule concerning Child Health Plan Plus program rule updates, Sections 110,140, 310 and 320	November 2021	members enrolled in the CHP+ programs	Adopted November 2021	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 21-10-28-A	Pharmacy Office	Revision	Section 25.5-1-108, C.R.S. (2021)	Revision to the Medical Assistance Act Rule Concerning Preferred Drug List (PDL) and New Drug Determinations, Section 8.800.16.B	November 2021	Medicaid members	Adopted November 2021	
MSB 21-10-22-A	Eligibility Policy Section	Revision	Social Security Act §1905(a)(2)(B) and §1902(bb)	Revision to the Medical Assistance Eligibility Rules concerning General and Citizenship Eligibility Requirements, Section 8.100.3.G	November 2021	applicants and members who are applying or enrolled in a MAGI and Non-MAGI Medical Assistance program	Adopted November 2021	
MSB 21-06-08-A	Office of Community Living	Revision	Sections 25.5-6-303, 25.5-6-307, C.R.S. (2021)	Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Expanding Electronic Monitoring to Include Remote Supports, to revise Section 8.488	November 2021	Home and Community-Based Services under the Elderly Blind and Disabled (EBD), Community Mental Health Supports (CMHS), Spinal Cord Injury (SCI), Brain Injury (BI), and Supported Living Services (SLS) waivers.	Adopted November 2021	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 21-07-07-A	Benefits Section	Revision	C.R.S. § 25.5-5-202(1)(w) (2020)	Revision to the Medical Assistance Act Rule concerning Adult Dental Annual Limit Maximum, Section 8.201.6	November 2021	adult dental members	Adopted November 2021	
MSB 21-07-20-B	Program Integrity Section	Revision	42 CFR § 431.17; 42 CFR § 431.20; 42 CFR § 455.400	Revision to the Medical Assistance Rule concerning Provider Participation, Section 8.130	November 2021	providers	Adopted November 2021	
MSB 21-02-09-A	Office of Community Living	Revision	§ 441.301(C)(4))	Revision to the Medical Assistance Rule concerning the Home and Community Based Services Final Settings Rule, Section 8.484	November 2021	all HCBS members	Adopted November 2021	
MSB 21-08-10-C	Office of Community Living	Revision	Sections 25.5-6 and Sections 25.5-10 C.R.S. and 25.5.-1-802 C.R.S.	Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Non-Medical Transportation, Sections 8.494 and 8.611	November 2021	members and providers	Adopted November 2021	



Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 21-08-05-B	Office of Community Living	Revision	Sections 25.5-6-404, C.R.S.	Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Service Plan Authorization Limits (SPAL) and the Exception Review Process, Section 8.500.102	November 2021	members who are enrolled on the HCBS - SLS waiver	Adopted November 2021	
MSB 21-11-30-A	Benefits Section	Revision	CRS § 25.5-5-202(1)(i) (2021)	Revision to the Medical Assistance Act Rule concerning Qualified Residential Treatment Programs, Section 8.765	December 2021	Members currently residing in Residential Child Care Facilities (RCCF), and RCCF providers	Adopted December 2021	
MSB 21-12-01-A	Benefits Section	Revision	C.R.S. 25.5-5-102(1)(a) (2019)	Revision to the Medical Assistance Act Rule concerning Subacute Care, Section 8.300	December 2021	Inpatient hospitals, and associated alternate care facilities	Adopted December 2021	
MSB 21-12-01-B	Benefits Section	Revision	CRS § 25.5-4-424 (2021)	Revision to the Medical Assistance Act Rule concerning Hospice Room and Board, Section 8.550.9.C	December 2021	Medicaid members in nursing facility care	Adopted December 2021	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 21-12-02-A	Benefits Section	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021)	Revision to the Medical Assistance Act Rule concerning Pediatric Personal Care Minimum Wage, Section 8.535	December 2021	Direct Care Workers	Adopted December 2021	
MSB 21-08-05-A	Benefits & Services Management	Revision	Senate Bill 21-286 contained in 25.5-6-18 C.R.S. (2021)	Revision to the Medical Assistance Act Rule concerning Base Wage Requirement for Direct Care Workers, Section 8.511	December 2021	Direct Care Workers	Adopted December 2021	
MSB 21-11-08-A	Rates Division	Repeal	Section 25.5-102(1)(a), C.R.S. (2021)	Revision to the Medical Assistance Act Rule concerning Modification of Outpatient Hospital Payment Rates through EAPG Grouper Update, Section 8.300.6	December 2021	Health First Colorado members	Adopted December 2021	

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MSB 21-07-20-C	Rates Division	Revision	1902(bb) SSA	Revision to the Rural Health Center Rules Concerning Reimbursement, Section 8.740	December 2021	Health First Colorado members	Adopted December 2021	
MSB 21-08-04-B	Office of Community Living	Revision	21st Century Cures Act, 42 U.S.C. § 1396b(l)	Revision to the Medical Assistance Act Rule concerning Consumer Directed Attendant Support Services EVV Compliance, Section 8.510	December 2021	Medicaid members enrolled in Consumer Directed Attendant Support Services	Adopted December 2021	
MSB 21-06-09-A	Benefits and Services Management Section	Revision	25.5-6-1203, C.R.S. (2021)	Revision to the Medical Assistance Act Rule concerning In-Home Support Services, Section 8.552	December 2021	Members participants using In-Home Support Services	Adopted December 2021	
MSB 21-11-17-A	Office of Community Living	Revision	Section 25.5-10-209.5, C.R.S. (2021)	Revision to the Medical Assistance Rule concerning Qualifications of Case Managers, Sections 8.393.1.J.; 8.519.5. and 8.603.9	December 2021	Medicaid providers	Adopted December 2021	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 21-11-17-B	Benefits Section	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021)	Revision to the Medical Assistance Act Rule concerning Long-Term Home Health and Private Duty Nursing Prior Authorization Requirements, Sections 8.520.8, 8.540.2 and 8.540.7	December 2021	Members receiving pediatric long-term home health and private duty nursing	Adopted December 2021	
MSB 21-09-09-A	Pharmacy Office	Revision	Section 25.5-5-511, C.R.S. (2020) & Section 25.5-5-512, C.R.S. (2020)	Revision to the Medical Assistance Act Rule concerning HB21-1275 Pharmacy Implementation, Section 8.800.5	January 2022	Pharmacists and pharmacies	Adopted January 2022	
MSB 21-10-01-A	Benefits Section	Revision	CRS § 25.5-5-511(2)(a) (2021)	Revision to the Medical Assistance Rule concerning Pharmacy Reimbursement, Section 8.200.2.B and C	January 2022	Pharmacists and members receiving pharmaceutical services	Adopted January 2022	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 21-01-07-A	Program Innovation Section	Revision	State Plan: Attachment 3.1-A 2.c. and Attachment 4.19-B & 25.5-5-102(1)(m), C.R.S.	Revision to the FQHC Rule Concerning Reimbursement for Antiviral Medication for COVID-19, Section 8.700.6.B	January 2022	Federally Qualified Health Centers	Adopted January 2022	
MSB 22-01-12-C	Health Policy Office	Revision	State Plan: Attachment 3.1-A 7.g. and Attachment 4.19-B & 25.5-4-416, C.R.S.	Revision to the DMEPOS Rule Concerning Pharmacists Prescribing COVID-19 at-home over-the-counter tests, Section 8.590	January 2022	Health First Colorado members	Adopted January 2022	
CHP 21-06-03-B	Eligibility Policy Section	Revision	C.R.S. § 25.5-8-104 (2021)	Revision to the Medical Assistance Rule concerning Changes to the Revision of the Renewal process for Sections 140 and 430	January 2022	applicants/members who have reached their redetermination period in MAGI and Non-MAGI Medical Assistance Programs	Adopted January 2022	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 19-08-21-B	Eligibility Policy Section	Revision	42 C.F.R §435.915, §435.916, §435.917, §435.948, §435.949, and §457.380	Revision to the Medical Assistance Rule concerning Changes to the renewal process for Sections 8.100.4.G, 8.100.3.K, and 8.100.3.P	January 2022	applicants/members who have reached their redetermination period in MAGI and Non-MAGI Medical Assistance Programs	Adopted January 2022	
MSB 22-01-19-B	Health Policy Office	Revision	C.R.S. § 25.5-4-415 (2021)	Revision to the Medical Assistance Rule concerning Abortion Services, Section 8.770	February 2022	Colorado Health First members	Adopted February 2022	
MSB 22-01-19-B	Health Policy Office	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021)	Revision to the Medical Assistance Act Rule concerning Pediatric Long-Term Home Health Prior Authorization Exceptions, Section 8.520.8.C	February 2022	Members receiving pediatric long-term home health services	Adopted February 2022	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 21-10-19-A	Special Financing Division	Revision	Sections 25.5-4-402.4(4)(b), (g), C.R.S.	Revision to the Special Financing Rule concerning FFY 2021-22 Healthcare Affordability & Sustainability (HAS) Fees & Supplemental Payments Amendment, Section 8.3000	February 2022	Colorado hospitals	Adopted February 2022	
MSB 21-04-26-A	Pharmacy Office	Revision	Sections 25.5-4-401, 25.5-5-202(1)(a)(I), C.R.S.	Revision to the Medical Assistance Rule Concerning the Pharmacy Rate Methodology, Section 8.800	February 2022	Pharmacy providers	Adopted February 2022	
MSB 21-10-08-A	Eligibility Policy Section	Revision	Section 25.5-4-205, C.R.S. (2021)	Revision to the Medical Assistance Eligibility Rules Concerning Definitions at Section 8.100.1, General Eligibility Transferring Requirements at Section 8.100.3.C, and Long- Term Care Medical Assistance Requirements at Sections 8.100.7.A&B	February 2022	eligibility sites and case management agencies	Adopted February 2022	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 21-10-19-B	Health Policy Office	Revision	C.R.S. § 25.5-5-402(1)	Revision to the Medical Assistance Health Programs Office Rule Concerning Medicaid Statewide Managed Care System, Section 8.205, 8.209, 8.212 and 8.215	February 2022	Medicaid members	Adopted February 2022	
MSB 21-11-05-A	Special Financing Division	Revision	Sections 25.5-3-501 through 25.5-3-506, C.R.S. (2021); Sections 25.5-3-101 through 25.5-3-112	Revision to the Special Financing Division Colorado Indigent Care Program rules concerning HB21-1198 Implementation and CICP Alignment, Section 8.900	March 2022	low-income households	Adopted March 2022	
MSB 21-06-04-A	Office of Community Living	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021);	Revision to the Medical Assistance Rule concerning CHCBS Cost Containment Rule Revision, Section 8.506	March 2022	Case managers and members	Adopted March 2022	



Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 22-02-16-A	Special Financing Division	Revision	25.5-4-402.4(4)(b), (g), C.R.S	Revision to the Medical Assistance Rules concerning Revision to the Medical Assistance Rules concerning Skilled Nursing Facility Enhanced Supplemental Payments, Section 8.443	April 2022	Nursing homes	Adopted April 2022	
MSB 22-01-06-B	Rates Division	Revision	C.R.S. & 25.5-4-402, C.R.S. (2021)	Revision to the Medical Assistance Rule concerning Update Inpatient Base Rates for fiscal year 22-23, Section 8.300.5	April 2022	Providers	Adopted April 2022	
MSB 22-01-10-A	Office of Community Living	Revision	Sections 25.5-6-11 and 25.5-6-12, C.R.S. (2021) C.R.S. & Section 25.5-6-1102 (2021)	Revisions to the Medical Assistance Rules concerning the Participant Directed Programs Rules, Sections 8.510 & 8.552	April 2022	Members receiving Consumer Directed Attendant Support Services (CDASS) and In-Home Support Services (IHSS)	Adopted April 2022	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 21-08-04-A	Office of Community Living	Revision	C.R.S. added 25.5-6-209 (2021), amended 25.5-6-201 and 25.5-6-202 (2021)	Medicaid Nursing Facilities Demonstration of Need with Technical Changes Revision to the Medical Assistance Program Requirements for Nursing Facilities, Section 8.400	April 2022	New nursing facilities	Adopted April 2022	
MSB 21-02-05-A	Office of Community Living	Revision	Sections 25.5-10 C.R.S.	Revision to the Medical Assistance Act Rule concerning Services for Individuals with Intellectual and Developmental Disabilities Sections 8.609.5 and 8.609.7	April 2022	Program Approved Service Agencies	Adopted April 2022	

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status	Comments
MSB 22-01-04-A	Health Policy Office	Revision	42 CFR §§ 447.51, .54(d)(2), 42 CFR 438.114(a)	Revision to the Medical Assistance Act Rule concerning Prudent Layperson Standard for Emergency Care Services, Sections 8.300.1, 8.320.1, 8.754.2, 8.754.5	May 2022	Members seeking emergency care services and hospitals	Adopted May 2022	
MSB 22-02-10-B	Health Policy Office	Revision	CRS § 25.5-5-202(1)(i) (2021)	Revision to the Medical Assistance Act Rule concerning Qualified Residential Treatment Programs and Residential Child Care Facilities, Sections 8.212.1, 8.765.8, and 8.765.13	May 2022	Members currently residing in Residential Child Care Facilities	Adopted May 2022	

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MSB 21-01-06-A	Eligibility Policy Section	Revision	25.5-5-101(1)(c) C.R.S. 25.5-5-201 (4.5), C.R.S 25.5-8-109	Revision to the Medical Assistance Rule Concerning Changes to Expand the Postpartum Period to 12 months for Sections 8.100.1, 8.100.4.G., 8.100.6.P, and 8.100.6.Q	May 2022	Members	Adopted May 2022	
CHP 21-01-06-B	Eligibility Policy Section	Revision	25.5-8-103(b)(l) C.R.S.	Revision to the CHP Plus Rule Concerning Changes to Expand the Postpartum Period to 12 months for Sections 110, 170, 310, and 430	May 2022	Members	Adopted May 2022	
MSB 22-01-12-B	Eligibility Policy Section	Revision	C.R.S 25.5-2-103, 25.5-5-102 (1)(h), & 25.5-1-201 (1)(f.5)	Revision to the Medical Assistance programs Rule Concerning updates to add Reproductive Health Care services for sections 8.100.3.G and 8.100.3.I	May 2022	Members	Adopted May 2022	

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MSB 22-01-10-B	Eligibility Policy Section	Revision	C.R.S. 25.5-6-1402(6), C.R.S. 25.5-6-1403(5), C.R.S. 25.5-6-1404, C.R.S. 25.5-6-1405 C.R.S.	Revision to the Medical Assistance Rule Concerning allowing individuals ages 65 and older to qualify for the Medicaid Buy-In Program for Working Adults with Disabilities, Section 8.100.6.P.1.a (	May 2022	members on the Medicaid Buy-In Program for Working Adults with Disabilities	Adopted May 2022	
MSB 21-10-28-B	Benefits & Management Section	Revision	25.5-6-1301 – 25.5-6-1304 C.R.S. (2021)	Revision to the HCBS Spinal Cord Injury Waiver Rules Concerning Statewide Expansion, Expanded Qualifying Diagnoses and Provider Definitions, Section 8.517	May 2022	HCBS members	Adopted May 2022	

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MSB 22-02-08-A	Benefits & Management Section	Revision	SB21-199; Effective July 1, 2022: Section 24-76.5-103, C.R.S. (2022)	Revision to the Medical Assistance Rule Concerning the Family Support Services Program, Sections 8.613.C	May 2022	persons enrolled in or eligible for FSSP funding, families of persons receiving funding, and Community Centered Boards	Adopted May 2022	
MSB 22-05-19-A	Benefits & Services Division	Revision	Sections 25.5-1-903, C.R.S. (2018)	Revision to Medical Assistance Act Rule concerning Base Wage regarding certain Home and Community Based Services, Section 8.511	June 2022	children and youth with intellectual and developmental disabilities and complex behavior support needs who are eligible for the CHRP waiver	Adopted June 2022	
MSB 22-05-31-B	Health Policy Office	Revision	Colorado House Bill 22-1329	Revision to the Medical Assistance Act Rule concerning Non-Emergent Emergency Department Services Cost Sharing, Section 8.754.2	June 2022	Members receiving non-emergent services in an emergency room/department	Adopted June 2022	

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MSB 22-05-31-A	Health Policy Office	Revision	Colorado House Bill 22-1329	Revision to the Medical Assistance Act Rule concerning Non-Invasive Prenatal Testing, Section 8.732.4.E	June 2022	Members receiving non-invasive prenatal testing	Adopted June 2022	
MSB 22-03-22-A	Special Financing Division	Revision	25.5-2-101, C.R.S. (2021) 25.5-3-404(4), C.R.S. (2021)	Revision to the Special Financing Division Colorado Dental Health Care Program for Low-Income Seniors and Old Age Pension Concerning SB21-199, Section 8.900	June 2022	participants in the Colorado Dental Health Care Program for Low-Income Seniors and the Old Age Pension Health Care Program	Adopted June 2022	
MSB 22-04-27-A	Rates Division	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021)	Revision to the Medical Assistance Rule concerning Maternity Services Episode Based Payments, Section 8.733	June 2022	pregnant and birthing members and neonates	Adopted June 2022	

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MSB 22-06-14-A	Rates Division	Revision	HB 22-1326	Revision to the Medical Assistance Act Rule Concerning Outpatient Payment Rates for Opioid Antagonist, Section 8.300.6.A.4	July 2022	Health First Colorado patients at-risk for opioid overdoses	Adopted July 2022	
CHP 22-06-23-B	Health Policy Office	Revision	House Bill 22-1289	Revision to the Child Health Plan Plus Rule Concerning Waiving of Enrollment Fees, Sections 50.4 & 440.4	July 2022	members newly enrolled in the CHP+ programs and members being redetermined at renewal	Adopted July 2022	
MSB 22-06-30-A	Health Policy Office	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021)	Revision to the Medical Assistance Act Rule concerning Long-Term Home Health Prior Authorization, Section 8.520.8.C	July 2022	Members receiving pediatric long-term home health services, and the providers of such services	Adopted July 2022	
MSB 22-01-20-A	Rates Division	Revision	Section § 25.5-5-408(1)(d), C.R.S. (2022)	Revision to the Federally Qualified Health Center Rule Concerning Reimbursement, Section 8.700.6	July 2022	Federally Qualified Health Centers	Adopted July 2022	



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MSB 22-02-22-A	Rates Division	Revision	Section 25.5-4-402, C.R.S. (2022)	Revision to the Medical Assistance Act Rule concerning Outpatient Payment Rates for Newly Enrolled and Out of State Hospitals, Sections 8.013 & 8.300.6	July 2022	New and out-of-state outpatient hospitals	Adopted July 2022	
MSB 22-07-26-A	Office of Community Living	Revision	Section § 25.5-5-303. (2022)	Revision to the Medical Assistance Act Rule concerning Private Duty Nursing Benefits, Section 8.540.2	August 2022	members who utilize Private Duty Nursing	Adopted August 2022	
MSB 22-07-21-A-	Special Financing Division	Revision	25.5-2-101, C.R.S. (2022) 25.5-3-404(4), C.R.S. (2022)	Revision to the Special Financing Division Colorado Dental Health Care Program for Low-Income Seniors Schedule A, Section 8.960	August 2022	seniors within the Low-income Seniors Dental program	Adopted August 2022	

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MSB 22-05-03-B	Health Policy Office	Revision	Section 12-245-404(4)(a) (2020)	Revision to the Medical Assistance Act Rule concerning Federally Qualified Health Center Clinical Social Worker, Section 8.700.1.B.1	August 2022	Federally Qualified Health Centers	Adopted August 2022	
MSB 22-05-03-A	Health Policy Office	Revision	C.R.S. 25.5-5-320(1) (2021)	Revision to the Medical Assistance Act Rule concerning Telemedicine Electronic-Health (e-Health) Entities, Sections 8.095, 8.200.3, 8.520.4.B, 8.700.1, 8.730.3.B, 8.740.1 & 8.750.3.B	September 2022	Health First Colorado members	Adopted September 2022	