

## **WORKING DRAFT AS OF 4/1/2025**

### **1.020.11 County Department Collaboration with External Entities to Facilitate Eligibility and Enrollment**

#### **1. Purpose and Scope of Collaboration Agreements**

- a. To discharge its statutory responsibilities in CRS 25-5-8-107 to provide eligibility and enrollment for Medical Assistance Programs to its residents, the County Department shall enter into formal agreements with certain Medical Assistance-related external entities. These agreements shall remain in place for the duration as dictated by the State Department. These agreements are referenced as either Collaboration Agreements or Cost Sharing Agreements.

The purpose of these agreements is to facilitate timely enrollment of Medical Assistance applicants, ensure coordination between entities for ongoing eligibility and case maintenance, provide for potential on-site stationing of County Department personnel, and to provide opportunities for external entity cost sharing between the State and County Departments, the federal government and the external entities for dedicated eligibility and enrollment personnel.

#### **2. Types of Collaboration Agreements**

The State Department shall make available two types of standardized agreements that facilitate eligibility and enrollment between County Departments and Medicaid-related external entities. Either type of agreement may include more than one County Department, if all County Departments party to the agreement agree on its provisions.

- a. Eligibility and Enrollment Collaboration Agreement (“Collaboration Agreement”): this type of agreement is utilized by the County Department to partner with external entities to enroll and re-enroll eligible applicants and members using and reinforcing existing processes. This type of agreement does not involve cost sharing, nor does it change the County Department’s existing processes for eligibility and enrollment. The agreement has minimum standards from the State Department and County Department-specific language approved by the State Department.
  - i. The County Department may enter into these types of agreements without the approval of the State Department, but is subject to the reporting requirements listed in **10 CCR 2505-5 1.020.11.6.**
  - ii. The Collaboration Agreement is not limited to the external entities mentioned in **10 CCR 2505-5 1.020.11** but can be signed with any Medical Assistance-related external entity
- b. Eligibility and Enrollment Collaboration Agreement with Cost Sharing (“Cost Sharing Agreement”): this type of agreement is utilized by the County Department to partner with external entities to enroll and re-enroll eligible applicants and members by facilitating cost sharing participation and potential on-site placement of County Department personnel with the external entity, as allowed per **42 CFR Part 433.66.**
  - i. The County Department shall seek State Department approval to enter into an Eligibility and Enrollment Cost Sharing Agreement with any external entity prior to any agreement execution. The State Department shall review and render a decision on the County Department’s request within 30 calendar days.

#### **3. Minimum Requirements for Collaboration Agreements**

- a. Collaboration Agreements shall contain, at minimum, the Medical Assistance requirements listed below

1. The term of the agreement, to be no less than one year, but with county option to extend to no more than five years from the date of agreement execution
2. Specific points of contact for the State Department, County Department and external entity that would implement the agreement
3. Defined roles and responsibilities related to the County Department and the external entity for eligibility and enrollment
4. Language that ensures no conflicts of interest that would hinder access to eligibility and enrollment, including that all applicants and members will be served and will not be limited by the external entity participating in the Collaboration Agreement
5. Arbitration and dispute resolution procedures, including a procedure for either party to escalate issues to the State Department
6. Workload, Performance and timeliness expectations set by the County Department and procedures to update expectations as needed by the County Department or external entity
7. Procedures if one County Department provides eligibility and enrollment services for another County Department, if the agreement includes multiple County Departments; this would also apply to Cost Sharing Agreements
8. Procedures to ensure at least one annual meeting occurs between the County Department and external entity regarding the status of the agreement
9. County Department, local or regionally-specific provisions that facilitate eligibility and enrollment, if such provisions are approved by the State Department

#### 4. Minimum Requirements and County Department Protections for Cost Sharing Agreements

- a. Cost Sharing Agreements must include, at minimum, the provisions required for Collaboration Agreements as detailed in **10 CCR 2505-5 1.020.11.3** section; in addition, Cost Sharing Agreements must also include the minimum standards detailed in **10 CCR 2505-5 1.020.11.4**
  1. Mechanisms for cost-sharing reimbursement between County Department and the external entity that facilitate potential on-site placement of County Department personnel in the external entity's setting
  2. Required reporting for in-kind contributions made by the external entity, such as office space for County Department personnel
  3. Procedures to adjust the external entity's cost sharing participation based on the County Department's budgetary actions, including cost of living adjustments or other pay actions that are approved by the County Board
  4. Language that ensures no conflicts of interest that would hinder access to eligibility and enrollment, including that all applicants and members will be served, regardless of whether the applicant or member accesses services through the external entity participating in cost sharing
- b. Allowable Costs
  1. External entities participating in cost sharing shall provide the County Department reimbursement for all direct costs of potential on-site County Department eligibility workers and supervisors, as well as direct costs of administrative personnel that support the potential on-site placement of County Department eligibility workers, including customer service, quality assurance and other direct, related costs for Medical Assistance eligibility and enrollment
    - i. Direct costs refers to the costs of training, salaries and fringe benefits associated with each potential on-site eligibility worker and similar allocated costs of County Department support personnel
- c. Nonallowable Costs and Activities
  1. Nonallowable costs are limited to those that are not direct program costs, including County Department overhead and office space.

2. Activities and costs for work by the County Department related to outreach to Medical Assistance eligible but not enrolled individuals are nonallowable.
- d. Non-Federal Share of Costs
  1. External entities participating in cost sharing agreements with counties shall be responsible for the entire non-federal portion of costs, including the State Department and County Department share of costs, related to the potential on-site placement of County Department personnel.
  2. External entities cannot use federal funds to cover the non-federal share of costs through the Cost Sharing Agreement.
  3. The Cost Sharing Agreement shall include information on the source of funding for the external entity's non-federal share of costs
- e. Provision of Services under Cost Sharing Agreement
  1. The County Department shall only be required to provide eligibility and enrollment services for applicants and members for its county residents, unless another County Department is also a party to the Cost Sharing Agreement. If the external entity participating in the Cost Sharing Agreement with one County Department may benefit from another County Department being a party to the Cost Sharing Agreement, the County Department with the original Cost Sharing Agreement shall partner with the County Department that is not a party to the Cost Sharing Agreement, to allow those county residents to be served under the agreement.
  2. If a County Department is a party to a Cost Sharing Agreement with an external entity and an applicant or member from a county that is not party to the Cost Sharing Agreement, the County Department shall make a referral for eligibility and enrollment services to the County Department that is not a party to the Cost Sharing Agreement. Alternatively, the County Department may make available the State Department's online application platform available to that applicant or member not served by the Cost Sharing Agreement.
- f. County Department Protections for Cost Sharing Agreements
  1. The County Department shall have the sole responsibility of determining eligibility for Medical Assistance Programs, even if the County Department has entered into a State Department-approved Cost Sharing Agreement
    - i. To determine eligibility, County Departments employees meet the federal requirement of merit-based, governmental employees
    - ii. The provisions of the County Department Protections for Cost Sharing Agreements do not impact the external entity's ability to determine their own personnel needs or staffing, such as financial navigators the external entity may already employ, or State Department-approved participation in eligibility and enrollment, such as being a Presumptive Eligibility (PE) Site or Certified Application Assistance Site (CAAS)
  2. The County Department retains the sole right to set salaries, as required per **TTT**, employment schedules, work locations, engage in performance management and take other employer-employee actions even if a Cost Sharing Agreement is in place.
    - i. Cost Sharing Agreements must cover at minimum one Full Time Equivalent (FTE) position; if external entity funding is insufficient to cover at least one FTE, then the County Department and external entity shall pursue a Collaboration Agreement instead

- ii. Cost Sharing Agreements must also include provisions for the County Department and external entity to adjust the total amount of cost sharing participation, including if the County Department provides cost of living adjustments to salaries and if new needs are identified that would require adjusting the total amount of cost sharing
- 3. County Department employees potentially placed on-site through external entity Cost Sharing Agreements are limited to providing services for the Medical Assistance Program only; any individual seeking services for other public assistance programs, adult or children protective services shall be referred by the County Department's on-site or dedicated eligibility personnel back to the County Department for resolution.
- 4. Disputes and appeals for eligibility determinations and redeterminations shall follow the existing processes outlined in eligibility determination and appeals rules found in **TTT**

#### 5. External Entities Requiring Collaboration Agreements or Cost Sharing Agreements

- a. The County Department shall enter into formal agreement(s) with the following external entities that are within the county's boundaries by July 1, 2026.
  - 1. All Hospital(s) within the County to ensure applicants who are hospitalized have access to timely determinations and redeterminations for discharge
  - 2. This agreement may be between the individual Hospital and the County Department or a single agreement across multiple Hospitals and the County Department, if the county's boundaries contain more than Hospital. This agreement may also include more than one County Department, as allowed per 10 CCR 2505-5 **1.020.11.2.c**
- b. County Departments classified through subregulatory guidance by the State Department as large counties shall enter into Cost Sharing Agreements with their hospital(s)
- c. County Departments classified through subregulatory guidance by the State Department as medium and small counties shall enter into Collaboration Agreements with their hospital(s)

#### 6. Exemption from Required Agreements

The County Department may be exempt from Cost Sharing Agreements or Collaboration Agreements if any of the following conditions are met:

- a. If the County Department does not contain the required external entity within the county's boundaries
  - 1. If the County Department does not have the required external entity within its county boundaries, but the county is served by an external entity within another county's boundaries, then the County Department shall coordinate on eligibility and enrollment for its residents with the other County Department in which the external entity resides, through that County Department's Cost Sharing Agreement
- b. If the County Department is unable to obtain approval from the County Board for the Collaboration Agreement or the addition of new positions that would be paid for by the Cost Sharing Agreement
  - 1. If the County Department is unable to obtain approval from the County Board for the Cost Sharing Agreement, the County Department shall instead pursue a Collaboration Agreement, unless the County Board declines to approve both the Collaboration Agreement or Cost Sharing Agreement
- c. If the County Department has made good faith effort in attempting to sign the Cost Sharing Agreement or the Collaboration Agreement with the required external entity, but the external entity does not take action on the County Department's request to collaborate
  - 1. Good faith effort includes the County Department requesting State Department technical assistance in attempting to work with the required external entity

7. Other External Entities eligible for Eligibility and Enrollment Collaboration Agreements with Cost Sharing

The County Department may enter into Cost Sharing Agreements with the following entities, with prior approval from the State Department, so long as all the conditions of **10 CCR 2505-5 1.020.11** are met

- a. Federally Qualified Health Centers
- b. State-licensed Nursing Facilities
- c. Clinics
- d. Program for All Inclusive Care for the Elderly (PACE) facilities
- e. Other external entities not listed may be eligible for a Cost Sharing Agreement if the County Department seeks prior approval from the State Department

8. County Department reporting on Collaboration and Cost Sharing Agreements

- a. The County Department shall provide a copy of each executed Agreement, for both types of agreements outlined in **10 CCR 2505-5 1.020.11.2**, within 15 calendar days of execution of the agreement. The copy shall be sent to [hcpf\\_countyrelations@state.co.us](mailto:hcpf_countyrelations@state.co.us).
- b. For Cost Sharing Agreements, the County Department shall provide an annual report, by July 5 of each year, to the State Department on the total amount of costs shared or reimbursed by the external entity and the total number and type of County Department personnel included in the Cost Sharing Agreement.

9. State Department Technical Assistance and Authority to Require Termination of Collaboration Agreements or Cost Sharing Agreements

- a. If, in the ongoing operations of the Collaboration Agreement or Cost Sharing Agreement, the County Department and external entity face challenges or require technical assistance to meet the requirements of the agreement, the County Department or the external entity may request assistance from the State Department.
- b. The State Department retains the authority to require the termination of any active Collaboration Agreement or Cost Sharing Agreements.
  - i. Prior to any termination of a Collaboration Agreement or Cost Sharing Agreement, the State Department shall provide technical assistance to resolve any outstanding issues.
  - ii. If the State Department determines that a Collaboration Agreement or Cost Sharing Agreement must be terminated, the State Department shall provide at least a 60 calendar day notice to the County Department, including the reason for termination.
  - iii. The County Department shall provide at least a 30 calendar day notice to the external entity for which the Collaboration Agreement or Cost Sharing Agreement was terminated by the State Department.
  - iv. If a Cost Sharing Agreement is terminated by the State Department, the State Department may collaborate with other County Departments to revise their Cost Sharing Agreement to include applicants and members from the county where the Cost Sharing Agreement was terminated.

10. Collaboration to Facilitate Eligibility and Enrollment requiring County Department Internal Controls

To facilitate eligibility and enrollment collaboration between the County Department and specific Medical Assistance-related external entities, the County Department shall implement the appropriate internal controls related to the following entities:

- a. Case Management Agency that serves the County Department in providing functional eligibility determinations
- b. Nursing Facilities that serve the county

- i. County Departments with no nursing facilities within the county's boundaries are exempt from implementing internal controls for nursing facility collaboration.
- c. Internal controls shall be developed in collaboration with the entities listed above, and may be developed in collaboration with other County Departments
- d. County Department internal controls must address the same collaboration requirements listed in **10 CCR 2505-5 1.020.11.3**
- e. A County Department may choose to enter into a Collaboration Agreement with the case management agency that serves the county in lieu of an internal control; if a County Department chooses this option, the same requirements for Collaboration Agreements as found in **10 CCR 2505-5 1.020.11** would apply
  - i. Multiple County Departments may also enter into one Collaboration Agreement with their case management agency in lieu of an internal control

**New Definitions to be added:**

External Medical Assistance-related Entity ("External Entity"): A health care entity that plays a role in providing services to potentially enrolled or currently enrolled Medical Assistance members

Eligibility and Enrollment Collaboration Agreement ("Collaboration Agreement"): A formal agreement between a County Department and an external entity to facilitate eligibility and enrollment utilizing existing processes and resources

Eligibility and Enrollment Cost Sharing Agreement ("Cost Sharing Agreement"): A formal agreement between a County Department and an external entity to facilitate eligibility and enrollment leveraging cost sharing procedures that allow the external entity to pay the state and county share of costs to facilitate potential onsite placement of County Department personnel

To be pulled from Medical Services Board rules (no new definitions):

Hospital

Nursing Facility (NF)

Clinic

Program for All Inclusive Care for the Elderly (PACE)

Federally Qualified Health Center (FQHC)