

# Private Duty Nursing (PDN) Rule Review Stakeholder Engagement Meeting #6

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HCBS Division Director

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# Purpose

The purpose of the Private Duty Nursing Rule Review stakeholder meeting is for advocates, providers, members, case managers, and other interested stakeholders to collaborate with and advise the Department as it reviews regulations pertaining to the Private Duty Nursing benefit.

[10 CCR 2505-10 Section 8.540](#)



# Agenda

- HCPF Introductions
- Complete Attendance Form
- Meeting Guidelines
- Rule Revision Presentation
- Discussion
- Next Steps

# Housekeeping

- Please mute when not speaking
- Raise hand and unmute yourself for questions, comments, or suggestions
- Use the Chat Box to enter questions, comments, or suggestions
- Please do not disclose Protected Health Information (PHI). We are unable to discuss specific cases during this meeting.

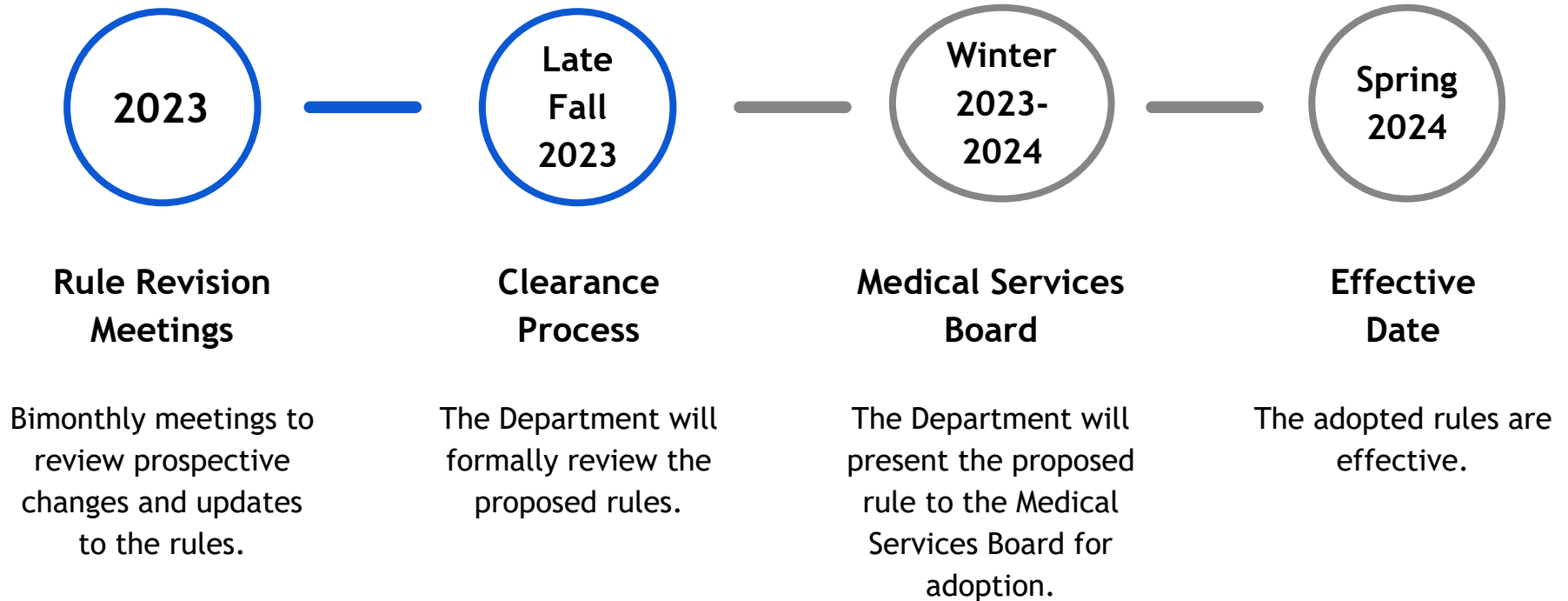
The team will answer questions and concerns as we are able but will need to take back some for deliberation. Thank you for your patience!

Send Further Questions, Comments, and Suggestions to: [homehealth@state.co.us](mailto:homehealth@state.co.us)

Look for the webinar recording and other posted materials here: [hcpf.colorado.gov/private-duty-nursing](https://hcpf.colorado.gov/private-duty-nursing)



# Rule Revision Process



[hcpf.colorado.gov/medical-services-board](https://hcpf.colorado.gov/medical-services-board)

# Revision Goals

- Conduct a thorough review and update of the Private Duty Nursing (PDN) regulations by Spring 2024.
- In collaboration with stakeholders, we will revise language that is outdated or unclear. We will identify areas that need edits, rephrasing, clarification, removal, or restructuring.

For example:

- Adding relevant definitions to PDN rules
- Use best practices to clarify the process

# Overview of PDN Rules

PDN rules can be found at the Colorado Secretary of State's Code of Colorado Regulations for the Department: [10 C.C.R. 2505-10, Section 8.540](#)

1. Definitions - *reviewed Meeting #5*
2. Benefits - *reviewed Meeting #4*
3. Benefit Limitations - *reviewed Meeting #4*
4. Eligibility - *reviewed Meeting #4*
5. Application Procedures - *reviewed Meeting #4*
6. Provider Requirements - *reviewed Meeting #3*
7. Prior Authorization Procedures - *reviewed Meeting #1 and #2*
8. Reimbursement - *reviewed Meeting #2*



# Overview of PDN Rules

Each meeting will address a section of the rule or a topic.

- In February 2023, we reviewed Section 8.540.7 - Prior Authorization Procedures, focusing on the documentation requirements.
- In April 2023, we focused on the remaining PAR components which included a description of the PAR submission process and 3rd party Utilization Management (UM) Contractor utilization review process. We also reviewed Section 8.540.8 on reimbursement.
- In June 2023, we reviewed the Provider Requirements section of the PDN Rule. This section is focused on the provider agency responsibilities when providing Private Duty Nursing services.
- In August 2023, we reviewed the Benefits and Eligibility section along with the Hospital Discharge Procedures, formerly the Application Procedures.
- In October 2023, we will review the Definitions section (completed 10/3/23) as well as the final draft of the complete rule (10/26/23).





# General Considerations

As we review the rules, please remember:

- **Language and concepts discussed are *not* final**
- We are documenting your feedback and ideas
- Certain words will be changed throughout the document (i.e. *client* will change to *member*)
- In some cases, we will propose reorganizing sections to improve readability and clarity
- We will add definitions for common terms and spell out acronyms in the first instance of use
- We look forward to your feedback and participation!



# Today's Meeting Format

- ❖ [8.540 Private Duty Nursing Rule Revision Draft](#) is available for review on the [PDN web page](#).
- ❖ Stakeholder feedback (detailed in [listening log](#)) has been incorporated into the final version of the rule that is posted online.
- ❖ The format on the following slides summarizes the changes that have been made to the regulations. We are looking for feedback to the proposed changes that were incorporated into this latest version of the rule.

# Revisions Based on Stakeholder Feedback: Definitions

## Meeting #5, Section 8.540.1:

1. Removed the term continuous from definitions and throughout the rule
2. Removed the word “unpaid” from the in-home/family caregiver definition
3. Group is defined more generally rather than a specified number
4. Medical necessity is defined within the Program Integrity definition, which is used to determine medical necessity for most Medicaid benefits
5. Removed medically stable definition as it caused more confusion than clarification
6. Updated PDN definition to align with federal definition and state statute definition
7. Removed utilization management definition
8. Updated language in definitions as well as throughout rule that care can be provided in the home *and* community

# Revisions Based on Stakeholder Feedback: Benefits and Eligibility

## Meeting #4, Section 8.540.2-4:

1. Eligibility section is now before the benefits and benefit limitations, matching format to other HCPF rules
2. Removed continuous language from eligibility section so the language now matches federal and state statutes
3. Updated the term “Medicaid” to Health First Colorado under the eligibility section
4. Removed terms such as “complex”, “high acuity”, “constant”, and other qualifiers to describe level of nursing
5. Removed reference to nursing delegation as that is up to the discretion of the Home Health Agency
6. Removed duplicative language under benefit requirements and need for PARs
7. Benefit limitations streamlined to remove duplicative or confusing language
8. Removal of the specific hospital discharge process; instead outline the onboarding process for any member starting services with an agency, including one discharging from the hospital.



# Revisions Based on Stakeholder Feedback: Provider Requirements

## Meeting #3, Section 8.540.5:

1. Kept language about agency eligibility and requirements to match 8.520 Home Health rule
2. Added language around purposeful activity and awake hours of the nurse
3. Added language around max number of hours per day a nurse can work to align with DORA regulations
4. Clarified that the designated case coordinator is responsible for management of the PDN services outside of the hospital discharge as well
5. Clarified language in regards to the HHAs role in coordinating and communicating with the physician/allowed practitioner about member's change of condition and support of family involvement



# Revisions Based on Stakeholder Feedback: Prior Authorization, URC and Reimbursement

## Meetings #1 and #2, Section 8.540.6-7:

1. Removal of suggested documentation list; information will instead be compiled in a supplementary documentation guideline/FAQ under development
2. Added information on how more than one HHA can provide PDN services to one member
3. Removed reference to contract and added in utilization review timelines with who is responsible for each step
4. Expanded language around group rate

# Next Steps

- Future Engagement Opportunities and Meetings
- Meeting documents and recordings available here:  
[Private Duty Nursing Webpage](#)
- How to submit feedback and comments
  - [PDN Rule Comments Google Form](#)
  - Email [HomeHealth@state.co.us](mailto:HomeHealth@state.co.us) - subject “PDN Rule Comments”
  - Call 303-866-5349 and leave a message with your name, phone number, and comments

# Ways to Provide Public Comment

## Email

[HomeHealth@state.co.us](mailto:HomeHealth@state.co.us)

[PDN Rule Review  
Feedback Google Form](#)

## FAX

303-866-2786

ATTN: PDN Rule Comments

## Letter

Department of Health Care  
Policy and Financing  
ATTN: PDN Rule Comments  
303 E. 17th Avenue  
Denver, CO 80203

[hcpf.colorado.gov/private-duty-nursing](http://hcpf.colorado.gov/private-duty-nursing)



**COLORADO**

Department of Health Care  
Policy & Financing





# Questions?

# Contact Information

Home Health Inbox

[HomeHealth@state.co.us](mailto:HomeHealth@state.co.us)



# Thank you!

