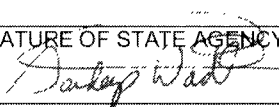



TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES		1. TRANSMITTAL NUMBER: 09-037 038	2. STATE: COLORADO
		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE & MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE July 1, 2009	
5. TYPE OF PLAN MATERIAL (Check One):			
NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS A NEW PLAN X AMENDMENT			
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate transmittal for each amendment)			
6. FEDERAL STATUTE/REGULATION CITATION 42 CFR 440.80		7. FEDERAL BUDGET IMPACT a. FFY 2009 \$ (67,301) b. FFY 2010 \$ (447,418) c. FFY 2011 \$ (526,075)	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT Page 3A of Attachment 4.19-B #8 - Private Duty Nursing Services of Supplement to Attachment 3.1-A		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable) Pages 2E of Attachment 4.19-B #8-Private Duty Nursing Services of Supplement to Attachment 3.1-A	
10. SUBJECT OF AMENDMENT Amendment updates the reimbursement methodology for private duty nursing services.			
11. GOVERNOR'S REVIEW (Check One)			
GOVERNOR'S OFFICE REPORTED NO COMMENT X OTHER, AS SPECIFIED COMMENTS OF GOVERNOR'S OFFICE ENCLOSED Governor's letter dated 29 July 2009 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL			
12. SIGNATURE OF STATE AGENCY OFFICIAL 		16. RETURN TO	
13. TYPED NAME Sandeep Wadhwa, MD, MBA		Colorado Department of Health Care Policy and Financing 1570 Grant Street Denver, CO 80203-1818	
14. TITLE Medicaid Director		Attn: Rachel Gibbons	
15. DATE SUBMITTED November 20, 2009			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED 9/30/09		18. DATE APPROVED 12/7/09	
PLAN APPROVED - ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL 7/1/09		20. SIGNATURE OF REGIONAL OFFICIAL 	
21. TYPED NAME Richard C. Allen		22. TITLE Associate Regional Administrator	
23. REMARKS			

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
1600 Broadway, Suite 700
Denver, CO 80202-4967



Region VIII

December 7, 2009

Joan Henneberry, Executive Director
Medical Assistance Office
Department of Health Care Policy and Financing
1570 Grant Street
Denver, CO 80203

RE: Colorado #09-038

Dear Ms. Henneberry:

This is your official notification that Colorado State Plan amendment 09-038 has been approved effective July 1, 2009. This State Plan updates the reimbursement methodology for private duty nursing services with July, September and December, 2009 rate changes.

If you have any questions concerning this amendment, please contact Diane Dunstan-Murphy at (303) 844-7040.

Sincerely,

/s/

Richard C. Allen
Associate Regional Administrator
Division for Medicaid & Children's Health Operations

cc: Sandeep Wadhwa, M.D.
Jennifer Evans
Rachel Gibbons

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

42 CFR 440.80

State of Colorado

Supplement to
Attachment 3.1-A

LIMITATIONS TO CARE AND SERVICES

8. Private Duty Nursing Services

Private Duty Nursing is face-to-face skilled nursing that is more individualized and continuous than the nursing care that is available under the Home Health benefit or routinely provided in a hospital or nursing facility. Private Duty Nursing is provided in the home, or outside of the home when normal life activities take the client away from the home. Private Duty Nursing shall not be reimbursed in a hospital or nursing facility. Private Duty Nursing services provided to eligible clients shall be provided through Medicaid licensed Home Health agencies.

To be eligible for Private Duty Nursing, a Medicaid client must meet medical necessity criteria.

Private Duty Nursing services are provided by a registered nurse or a licensed practical nurse; under the direction of the recipient's physician.

Private Duty Nursing services may be provided by one nurse to more than one client at the same time, in the same setting, at a reduced rate.

The amount of Medicaid-reimbursed Private Duty Nursing per day may not exceed the hours that are determined necessary under the medical criteria up to sixteen hours per day.

For EPSDT clients, Private Duty Nursing will be provided up to the amount of medical need.

All Private Duty Nursing services must be prior authorized.

TN# 09-038

APPROVAL DATE 12/7/09

SUPERCEDES TN# 04-006

EFFECTIVE DATE: July 1, 2009

TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

42 CFR 440.80

State of Colorado

Attachment 4.19-B
Page 3d

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES – OTHER
TYPES OF CARE

8. Payment Rates for Private Duty Nursing Services

Private Duty Nursing services provided to eligible clients by Medicaid certified home health agencies shall be reimbursed in units of one hour.

There is a maximum state-wide rate for R.N. services and a maximum rate for L.P.N. services.

Reduced maximum rates are also established for one nurse providing Private Duty Nursing to more than one client at the same time in the same setting. These rates were originally based on eighty percent of the rates for one to one Private Duty Nursing, and are increased whenever the Colorado General Assembly authorizes and appropriates rate increases.

Except as otherwise noted in the State Plan, state-developed fee schedule rates are the same for both governmental and private providers. Reimbursement rates for dates of service on or after July 1, 2009, and dates of service on or after September 1, 2009, and dates of service on or after December 1, 2009, for these services can be found on the official Web site of the Department of Health Care Policy and Financing at www.colorado.gov/hcpf.

Private duty nursing services provided by R.N. and L.P.N. providers shall be reimbursed at the lower of the following:

1. Submitted charges; or
2. Private duty nursing fee schedule determined by the Department of Health Care Policy and Financing.

TN# 09-038

APPROVAL DATE 12/07/09

SUPERCEDES TN# 02-005

EFFECTIVE DATE: July 1, 2009