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State/Territory Name: Colorado

State Plan Amendment (SPA) #: 19-0022

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) 179
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-14-26
Baltimore, Maryland 21244-1850



Center for Medicaid and CHIP Services

Disabled and Elderly Health Programs Group

February 11, 2020

Ms. Tracy Johnson
Medicaid Director
Department of Health Care
Policy and Financing
1570 N Grant St
Denver, CO 80203-1818

Dear Ms. Johnson:

The CMS Division of Pharmacy team has reviewed Colorado State Plan Amendment (SPA) 19-0022 received in the Denver Regional Operations Group on November 20, 2019. This SPA proposes to allow the state to comply with the Medicaid Drug Utilization Review (DUR) provisions included in Section 1004 of the Substance Use-Disorder Prevention that promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act (P.L. 115-271).

Based on the information provided and consistent with the regulations at 42 CFR 430.20, we are pleased to inform you that SPA 19-0022 is approved with an effective date of October 1, 2019. A copy of the signed CMS-179 form, as well as the pages approved for incorporation into Colorado's state plan will be forwarded by the Denver Regional Operations Group.


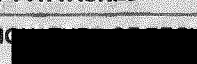
If you have any questions regarding this request, please contact Justin Aplin at (410) 786-6901 or Justin.Aplin@cms.hhs.gov.

Sincerely,

/s/

Cynthia R. Denemark, R.Ph.
Deputy Director
Division of Pharmacy
DEHPG/CMCS/CMS

cc: Mary Marchioni, Acting Director, Denver Regional Operations Group
Curtis Volesky, Denver Regional Operations Group
Lauren Reveley, Colorado Department of Health Care Policy and Financing
Whitney McOwen, Colorado Department of Health Care Policy and Financing

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL		1. TRANSMITTAL NUMBER: 19-0022	2. STATE: COLORADO
		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
FCIR: CENTERS FOR MEDICARE & MEDICAID SERVICES		4. PROPOSED EFFECTIVE DATE: October 1, 2019	
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE & MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES			
5. TYPE OF PLAN MATERIAL (Check One): <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS A NEW PLAN <input checked="" type="checkbox"/> AMENDMENT			
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate transmittal for each amendment)			
6. FEDERAL STATUTE/REGULATION CITATION: SOCIAL SECURITY ACT 19(15)(a)(12) and 19(12)(c) / 42 CFR 440.12(i)		7. FEDERAL BUDGET IMPACT: a. FFY 2019-20: \$ 0 b. FFY 2020-21: \$ 0	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Section 4, Item 4.26 Drug Utilization Review Program, page 74c Section 4, Item 4.26 Drug Utilization Review Program, pages 74c-74e		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): Section 4, Item 4.26 Drug Utilization Review Program, page 74c (TN 94-003) Section 4, Item 4.26 Drug Utilization Review Program, pages 74c-74e (New) <i>W.</i>	
10. SUBJECT OF AMENDMENT: Add compliance assurances concerning the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act.			
11. GOVERNOR'S REVIEW (Check One): <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input checked="" type="checkbox"/> OTHER, AS SPECIFIED <input type="checkbox"/> COMMENTS ON GOVERNOR'S OFFICE ENCLOSURE Governor's letter dated 11 October, 2019 <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL			
12. SIGNATURE OF STATE AGENCY OFFICIAL: 		16. RETURN TO: Colorado Department of Health Care Policy and Financing 1570 Grant Street Denver, CO 80203-1818 Attn: Lauren Reveley	
13. TYPED NAME: Tracy Johnson			
14. TITLE: Medicaid Director			
15. DATE SUBMITTED: Initial: November 20, 2019 Update #: January 10, 2020			
RCR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED November 20, 2019		18. DATE APPROVED February 11, 2020	
PLAN APPROVED - ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL October 1, 2019		20. SIGNATURE OF REGIONAL OFFICIAL  Digitally signed by James G. Scott -S Date: 2020.03.02 09:28:42 -06'00'	
21. TYPED NAME James G. Scott		22. TITLE Director, Division of Program Operations	
23. REMARKS			

Revision: HCFA-PM-93-3 (MB)

OMB No.

State/Territory: ColoradoCitation

- 1927 (g) (3) (C)
42 CFR 456.711
(a) - (d)
- G.4 The interventions include in appropriate instances:
- Information dissemination
 - Written, oral, and electronic reminders
 - Face-to-Face discussions
 - Intensified monitoring/review of prescribers/dispensers
- 1927 (g) (3) (D)
42 CFR 456.712
(A) and (B)
- H. The State assures that it will prepare and submit an annual report to the Secretary, which incorporates a report from the State DUR Board, and that the State will adhere to the plans, steps, procedures as described in the report.
- 1927 (h) (1)
42 CFR 456.722
- X I.1. The State establishes, as its principal means of processing claims for covered outpatient drugs under this title, a point-of-sale electronic claims management system to perform on-line:
- realtime eligibility verification
 - claims data capture
 - adjudication of claims
 - assistance to pharmacists, etc. applying for and receiving payment.
- 1927 (g) (2) (A) (i)
42 CFR 456.70S (b)
- X 2. Prospective DUR is performed using an electronic point of sale drug claims processing system.
- 1927 (j) (2)
42 CFR 456.703 (c)
- J. Hospitals which dispense covered outpatient drugs are exempted from the drug utilization review requirements of this section when facilities use drug formulary systems and bill the Medicaid program no more than the hospital's purchasing cost for such covered outpatient drugs.
- SUPPORT ACT §1004
Social Security Act §1902(a)(85)
42 U.S.C. 1396a(a)(85)
- K. Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT for Patients and Communities Act) assurances.
- The State Medicaid agency gives the following assurances:

*U.S. G.P.O.: 1993-342-239:B0043

State/Territory: Colorado42 U.S.C.
1396a(oo)(1)(A)

CLAIMS REVIEW LIMITATIONS

X Assures that the State Medicaid agency complies with the opioid related prospective place of service safety edits and retrospective reviews to address duplicate fill and early fill alerts, quantity limits, dosage limits, and maximum daily morphine milligram equivalents limitations under sections 1902(oo)(1)(A)(i)(I-II) of the Social Security Act. The State Medicaid agency also assures that it conducts concurrent utilization review for opioids and benzodiazepines or opioids and antipsychotics under section 1902(oo)(1)(A)(i)(III) of the Social Security Act.

Prospective Safety Edits:

- The Department has a limitation on the maximum daily allowable morphine milligram equivalents (MME) for long and short acting opioid prescriptions;
- The Department has day supply, quantity and duplicate fill limitations for long and short acting opioid agents; and
- The Department limits early refills on opioid prescriptions.

Retrospective Reviews:

- The Department's Drug Utilization Review (DUR) program conducts retrospective analysis and monitoring of opioid utilization, including: days' supply, early refills, duplicate fills, quantity, and maximum daily morphine milligram equivalents (MME) on an ongoing basis, and provider education materials are provided; and
- The Department's DUR program reviews concurrent utilization of opioids and benzodiazepines and opioids and antipsychotics on an ongoing basis.

<p>42 U.S.C. 1396a(oo) (1) (B)</p>	<p>PROGRAM TO MONITOR ANTIPSYCHOTIC MEDICATIONS BY CHILDREN</p> <p><u> X </u> Assures that the State Medicaid agency complies with the requirement to have a program to monitor and manage the appropriate use of antipsychotic medications by children enrolled under the State plan (or under a waiver of the State plan) under section 1902(oo) (1) (B) of the Social Security Act.</p> <ul style="list-style-type: none"> • The DUR program conducts retrospective analysis and monitoring of antipsychotic medication utilization for pediatric members, including those in foster care, and provider education materials are provided.
<p>42 U.S.C. 1396a(oo) (1) (C)</p>	<p>FRAUD AND ABUSE IDENTIFICATION</p> <p><u> X </u> Assures that the State Medicaid agency complies with the requirement to have a program in place to identify and address fraud and abuse under section 1902(oo) (1) (C) of the Social Security Act.</p> <ul style="list-style-type: none"> • The DUR program has established a process that identifies potential fraud or abuse of controlled substances by enrolled individuals, health care providers and pharmacies.