

## **Table of Contents**

**State/Territory Name: Colorado**

**State Plan Amendment (SPA) #: 22-0042**

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS Form 179
- 3) Approved SPA Page

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
601 E. 12th Street, Suite 355  
Kansas City, MO 64106



**Medicaid & CHIP Operations Group**

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December 6, 2022

Kim Bimestefer, Executive Director  
Department of Health Care Policy & Financing  
1570 Grant Street  
Denver, CO 80203

RE: Colorado State Plan Amendment (SPA) 22-0042

Dear Ms. Bimestefer:

We have reviewed the State Plan Amendment (SPA) submitted under transmittal number 22-0042. This Amendment allows the state to authorize additional hours for Private Duty Nursing Services, up to 23 hours per day, when determined medically necessary.

Please be informed that this SPA was approved on December 6, 2022, with an effective date of August 12, 2022. Enclosed are the CMS-179 and the amended plan page.

Should you have any questions about this amendment, please contact Curtis Volesky at (303) 844-7033.

Sincerely,



James G. Scott, Director  
Division of Program Operations

Enclosures

cc: Adela Flores-Brennan, [adela.flores-brennan@state.co.us](mailto:adela.flores-brennan@state.co.us)  
Bettina Schneider, [Bettina.schneider@state.co.us](mailto:Bettina.schneider@state.co.us)  
Russell Ziegler, [Russ.Zigler@state.co.us](mailto:Russ.Zigler@state.co.us)  
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Amy Winterfeld, [amy.winterfeld@state.co.us](mailto:amy.winterfeld@state.co.us)

**TRANSMITTAL AND NOTICE OF APPROVAL OF  
STATE PLAN MATERIAL  
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER <u>2 2 — 0 0 4 2</u>	2. STATE <u>CO</u>
3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT <input checked="" type="radio"/> XIX <input type="radio"/> XXI	

TO: CENTER DIRECTOR  
CENTERS FOR MEDICAID & CHIP SERVICES  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE  
**August 12, 2022**

5. FEDERAL STATUTE/REGULATION CITATION  
**42 CFR 440.80**

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)  
a. FFY 2022 \$ 131,174  
b. FFY 2023 \$ 787,042

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT  
**Supplement to Attachment 3.1-A -- Limitations to Care and Services -- Item 8 -- Private Duty Nursing Services, Page 1 of 1**

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)  
**Supplement to Attachment 3.1-A -- Limitations to Care and Services -- Item 8 -- Private Duty Nursing Services, Page 1 of 1 (TN 09-038)**

9. SUBJECT OF AMENDMENT  
**The Department may authorize additional hours, up to 23 hours per day when determined medically necessary.**

10. GOVERNOR'S REVIEW (Check One)

GOVERNOR'S OFFICE REPORTED NO COMMENT  
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED  
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:  
**Governor's letter dated 7/14/2021**

11. SIGNATURE OF STATE AGENCY OFFICIAL  
[Redacted]

12. TYPED NAME  
**Bettina Schneider**

13. TITLE  
**Chief Financial Officer**

14. DATE SUBMITTED  
**9/21/2022**

15. RETURN TO  
Colorado Department of Health Care Policy and Financing  
1570 Grant Street  
Denver, CO 80203-1818

Attn: Amy Winterfeld

**FOR CMS USE ONLY**

16. DATE RECEIVED <b>September 21, 2022</b>	17. DATE APPROVED <b>December 6, 2022</b>
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**PLAN APPROVED - ONE COPY ATTACHED**

18. EFFECTIVE DATE OF APPROVED MATERIAL <b>August 12, 2022</b>	19. SIGNATURE OF APPROVING OFFICIAL [Redacted]
20. TYPED NAME OF APPROVING OFFICIAL <b>James G. Scott</b>	21. TITLE OF APPROVING OFFICIAL <b>Director, Division of Program Operations</b>

22. REMARKS

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

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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. The Department may authorize additional hours, up to 23 hours per day when determined medically necessary.

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# 22-  
0042

APPROVAL DATE: December 6, 2022

SUPERCEDES TN# 09-038

EFFECTIVE DATE: August 12, 2022