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State/Territory: Colorado

State Plan Amendment (SPA) #: 23-0014

This file contains the following documents in the order listed:

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

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

Medical Benefits Health Programs Group

June 30, 2023

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

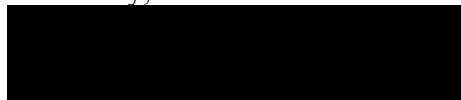
Dear Kim Bimestefer,

The CMS Division of Pharmacy team has reviewed Colorado's State Plan Amendment (SPA) 23-0014 received in the CMS Medicaid & CHIP Operations Group on April 27, 2023. This SPA proposes to amend the language provisions for coverage of selective nonprescription drugs.

Based on the information provided and consistent with the regulations at 42 CFR 430.20, we are pleased to inform you that SPA 23-0014 is approved with an effective date of September 1, 2023. Our review was limited to the materials necessary to evaluate the SPA under applicable federal laws and regulations.

We are attaching a copy of the signed CMS-179 form, as well as the page approved for incorporation into Colorado's state plan. If you have any questions regarding this amendment, please contact Terry Simananda at (410) 786-8144 or terry.simananda@cms.hhs.gov.

Sincerely,



Cynthia R. Denemark, R.Ph.
Acting Director
Division of Pharmacy

cc: Erica Shaler, CO Department of Health Care Policy & Financing
Julie Masters, CO Department of Health Care Policy & Financing
Sara Hoerle, CO Department of Health Care Policy & Financing
Jami Gazerro, CO Department of Health Care Policy & Financing
Russell Ziegler, CO Department of Health Care Policy & Financing
Michala Walker, CO Medicaid State Lead, CMS

<p>TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL</p> <p>FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES</p>		<p>1. TRANSMITTAL NUMBER</p> <p style="text-align: center;"><u>2</u> <u>3</u> — <u>0</u> <u>0</u> <u>1</u> <u>4</u></p>	<p>2. STATE</p> <p style="text-align: center;"><u>CO</u></p>
<p>TO: CENTER DIRECTOR CENTERS FOR MEDICAID & CHIP SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES</p>		<p>3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT</p> <p style="text-align: center;"><input checked="" type="radio"/> XIX <input type="radio"/> XXI</p>	
<p>5. FEDERAL STATUTE/REGULATION CITATION</p> <p>Social Security Act, Section 1927(k)(4) / 42 CFR 447.502</p>		<p>4. PROPOSED EFFECTIVE DATE</p> <p style="text-align: center;">September 1, 2023</p>	
<p>7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT</p> <p>Supplement to Attachment 3.1-A: Limitations to Care and Services -- Item 12.a Prescribed Drugs -- Page 5 of 5</p>		<p>6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)</p> <p>a. FFY <u>2023</u> \$ <u>0</u></p> <p>b. FFY <u>2024</u> \$ <u>0</u></p>	
<p>9. SUBJECT OF AMENDMENT</p> <p>This Amendment would remove the list of covered nonprescription (over-the-counter) drug categories, while leaving the coverage of certain nonprescription drugs in place. Per a recent FDA approval, coverage of such nonprescription drugs will include the opioid antagonist, naloxone.</p>		<p>8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)</p> <p>Supplement to Attachment 3.1-A: Limitations to Care and Services -- Item 12.a Prescribed Drugs -- Page 5 of 5 (TN CO-18-0016)</p>	
<p>10. GOVERNOR'S REVIEW (Check One)</p> <p><input type="radio"/> GOVERNOR'S OFFICE REPORTED NO COMMENT</p> <p><input type="radio"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED</p> <p><input type="radio"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL</p> <p style="text-align: right;"><input checked="" type="radio"/> OTHER, AS SPECIFIED: Governor's letter dated 24 September 2022</p>			
<p>12. TYPED NAME</p> <p>Adela Flores-Brennan</p>		<p>15. RETURN TO</p> <p>Colorado Department of Health Care Policy and Financing 1570 Grant Street Denver, CO 80203-1818</p>	
<p>13. TITLE</p> <p>Medicaid Director</p>		<p>Attn: Alex Lyons</p>	
<p>14. DATE SUBMITTED</p> <p>4/17/23 April 27, 2023</p>		<p style="text-align: center;"><i>FOR CMS USE ONLY</i></p>	
<p>16. DATE RECEIVED</p> <p>April 27, 2023</p>		<p>17. DATE APPROVED</p> <p>June 30, 2023</p>	
<p>PLAN APPROVED - ONE COPY ATTACHED</p>			
<p>18. EFFECTIVE DATE OF APPROVED MATERIAL</p> <p>September 1, 2023</p>		<p>19. SIGNATURE OF APPROVING OFFICIAL</p> <p style="text-align: center;">[REDACTED]</p>	
<p>20. TYPED NAME OF APPROVING OFFICIAL</p> <p>Cynthia R. Denemark, R.Ph.</p>		<p>21. TITLE OF APPROVING OFFICIAL</p> <p>Acting Director, Division of Pharmacy</p>	
<p>22. REMARKS</p>			

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

STATE OF COLORADO

Supplement to Attachment 3.1-A

Page 5

- (e) prescription vitamin and mineral products, except prenatal vitamins and fluoride, for documented deficiency.
- (f) nonprescription drugs. Selective nonprescription drugs will be covered as listed on the Department's website.
- (g) covered outpatient drugs which the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or its designee

TN No. 23-0014
Supersedes TN No. 18-0016

Approval Date June 30, 2023
Effective Date September 1, 2023