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State/Territory Name: Colorado

State Plan Amendment (SPA) #: 23-0005

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

July 3, 2023

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

Re: Colorado State Plan Amendment (SPA) 23-0005

Dear Ms. Bimestefer:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 23-0005. This amendment proposes to establish coverage and reimbursement of a new Secure Transport benefit.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act at Section 1905(a)(31). This letter is to inform you that Colorado's Medicaid SPA 23-0005 was approved on July 3, 2023 with an effective date of July 1, 2023.

If you have any questions, please contact Michala Walker at 816-426-6503 or via email at Michala.Walker@cms.hhs.gov

Sincerely,

Ruth
Hughes -S

Digitally signed by Ruth
Hughes -S
Date: 2023.07.03
10:37:09 -05'00'

Ruth A. Hughes, Acting Director
Division of Program Operations

cc: Erica Schaler
Russel Zigler
Alex Lyons
Jami Gazerro

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES		1. TRANSMITTAL NUMBER <u>2</u> <u>3</u> — <u>0</u> <u>0</u> <u>0</u> <u>5</u>	2. STATE <u>CO</u>
TO: CENTER DIRECTOR CENTERS FOR MEDICAID & CHIP SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES		3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT <input checked="" type="radio"/> XIX <input type="radio"/> XXI	
5. FEDERAL STATUTE/REGULATION CITATION Social Security Act Title XIX Section 1905 (a)(31)		4. PROPOSED EFFECTIVE DATE <p style="text-align: center; font-size: 1.2em;">July 1, 2023</p>	
7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT Supplement to Attachment 3.1-A - Limitations to Care and Services - Item 24b. Other Care - Secure Transportation, Pages 1-4 (NEW) Attachment 3.1-D, Page 3 of 3 Attachment 4.19-B: – Methods for Establishing Payment Rates - Other Types of Care - Section 24b. Secure Transportation		6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars) a. FFY <u>2023</u> \$ <u>42,773</u> b. FFY <u>2024</u> \$ <u>171,093</u>	
9. SUBJECT OF AMENDMENT This amendment creates a new Secure Transport benefit. Members will be eligible to utilize this benefit without a PAR so long as they are in behavioral health crisis and meet the criteria for medical necessity. Secure Transport is only available during behavioral health crisis.		8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable) Attachment 3.1-D, Page 3 of 3. (TN 21-0045)	
10. GOVERNOR'S REVIEW (Check One) <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="radio"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="radio"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="radio"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL </div> <div style="width: 45%;"> <input checked="" type="radio"/> OTHER, AS SPECIFIED: <p style="text-align: center; font-weight: bold;">Governor's Letter dated September 24, 2022</p> </div> </div>			
11. SIGNATURE OF STATE AGENCY OFFICIAL Adela Flores-Brennan <small>Digitally signed by Adela Flores-Brennan Date: 2023.01.27 13:00:38 -07'00'</small>	15. RETURN TO		
12. TYPED NAME Adela Flores-Brennan			
13. TITLE Medicaid Director			
14. DATE SUBMITTED 1/30/23			
FOR CMS USE ONLY			
16. DATE RECEIVED 1/30/2023	17. DATE APPROVED July 3, 2023		
PLAN APPROVED - ONE COPY ATTACHED			
18. EFFECTIVE DATE OF APPROVED MATERIAL 7/1/2023	19. SIGNATURE OF APPROVING OFFICIAL Ruth Hughes -S <small>Digitally signed by Ruth Hughes -S Date: 2023.07.03 10:37:42 -05'00'</small>		
20. TYPED NAME OF APPROVING OFFICIAL Ruth A. Hughes	21. TITLE OF APPROVING OFFICIAL Acting Director, Division of Program Operations		
22. REMARKS			

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

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LIMITATIONS TO CARE AND SERVICES

24. b. Other Care – Secure Transportation

Effective July 1, 2023, clients experiencing a behavioral health crisis are eligible to receive medically necessary Secure Transportation services without prior authorization. Enrolled Medicaid providers must hold valid licenses and permits issued by the county or counties in which the secure transportation service is based. Based means a service area in a county where the client is picked up for secure transportation services, which is outlined by the Colorado Department of Public Health and Environment.

Secure Transportation means urgent transportation services provided to individuals experiencing a behavioral health crisis.

Secure transportation includes:

1. An individual being transported from the community to a facility designated by the Executive Director of the Department of Human Services (DHS) for treatment and evaluation;
2. An individual in need of transportation from any location to an approved treatment facility or to a walk-in crisis center that is in operation as part of the behavioral health crisis response system; and
3. An individual who is receiving transportation across levels of care or to a higher or lower level of care, transportation between any of the following types of facilities:
 - A. An emergency medical services facility;
 - B. A facility designated by the Executive Director of DHS for the treatment and evaluation;
 - C. An approved treatment facility;
 - D. A walk-in crisis center that is operating as part of the behavioral health crisis response system; or
 - E. A behavioral health entity (BHE) licensed with a current twenty-four (24) hour endorsement.

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Secure Transportation vehicles have the following two (2) permit options:

1. Type 1 – permitted vehicle with a permanent safety partition that separates the driver from the passenger compartment, or
 - a. If one (1) client is being transported, then one (1) staff member who possesses a current and valid certification for all training topics listed under Provider Qualifications below and (2) is required to staff a vehicle permitted for each secure transport. This staff member may also be the driver.
 - b. If more than one (1) client is being transported, then one (1) staff member who possesses a current and valid certification for all training topics listed under Provider Qualifications below and (2) shall be assigned to accompany each individual client during transport. A 1:1 ratio of client to staff member shall be maintained during the transport. One of these staff members may also be the driver.
2. Type 2 – permitted, non-partition vehicle
 - a. If one (1) client is being transported, then two (2) staff members are required to staff the vehicle. At minimum, the staff member who is not the driver shall possess a current and valid certification for all training topics listed under Provider Qualifications below.
 - b. If more than one (1) client is being transported, then one (1) staff member who possesses a current and valid certification for all training topics listed under Provider Qualifications below shall be assigned to accompany each individual client during transport. A 1:1 ratio of client to staff member shall be maintained during the transport, in addition to the driver who is not included in this staffing ratio requirement.

Provider Qualifications:

Enrolled Medicaid providers must hold valid licenses and permits issued by the county or counties in which the secure transportation service is based. Staff requirements are as follows:

TN: 23-0005

Approval Date: July 3, 2023

Supersedes TN: NEW

Effective Date: July 1, 2023

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1. All secure transportation vehicle drivers must possess a current and valid driver's license.
2. Each staff member meets all background check requirements.
3. All staff shall complete orientation and achieve core competencies in training topics before providing secure transportation services. Orientation shall include, but is not limited to, required coursework in the following topics:
 - (A) Cultural competencies including, but not limited to, supporting persons with physical or cognitive disabilities, language accessibility, and accessing interpretive services;
 - (B) In-person or online verbal de-escalation training sessions that prioritize client and staff safety and inform restraint requirements;
 - (C) Trauma-informed care principles;
 - (D) Evade and escape violent encounter strategies;
 - (E) Internal policies and procedures applicable to the secure transportation service and staff, including, but not limited to the staff disciplinary policy;
 - (F) Client rights; and
 - (G) Compliance with applicable privacy laws, including, but not limited to Confidentiality of Substance Use Disorder Patient Records set forth at 42 CFR Part 2 for the support of clients with substance use disorders.
4. In addition to completing the minimum training requirements set forth above, all secure transportation staff members who provide direct client support shall also complete training during orientation and achieve core competencies in the following topics:
 - (A) Adult and Youth Mental Health First Aid as offered by educational institutions or by professional organizations such as mentalhealthfirstaid.org, or the equivalent;
 - (B) Basic First Aid and CPR; and
 - (C) Care of clients with substance use disorders.
5. All secure transportation staff members who may utilize physical restraint, as defined by the Colorado Department of Public Health and Environment, during secure transportation of clients requiring physical restraint shall, in addition to completing all staff requirements as outlined above, also complete training during orientation and achieve core competencies in the following topics:
 - (A) Circumstances and protocols governing the permissible application of individual physical restraint during secure transport; and
 - (B) Safe application of individual physical restraint on clients during secure transport.
6. All staff members shall complete orientation and achieve core competencies in training topics prior to providing secure transportation services, and annually thereafter or as recommended by the relevant training organizations.

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7. The secure transport service shall record and document each staff member's compliance with these orientation and annual training requirements and shall make them available to the county(ies) upon request.

Secure transportation does not include transportation services provided by on-duty law enforcement or personnel employed by or contracted with a law enforcement agency to individuals experiencing a behavioral health crisis.

1. Except that any member of a co-responder team may provide secure transportation services if that co-responder:
 - a. Is not on-duty law enforcement or personnel employed by or contracted with a law enforcement agency; and
 - b. Holds a valid license for secure transportation by the county in which the secure transportation is based; and
 - c. Provides secure transportation in a vehicle:
 - i. With a valid permit issued by the county in which the secure transportation is based, and
 - ii. That meets the minimum requirements for secure transportation services.
2. Chemical restraints are not covered..

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Attachment 3.1-D
Page 3

Emergency Medical Transportation means Ground Ambulance or Air Ambulance transportation during which Clients who are ill, injured, or otherwise mentally or physically incapacitated receive needed emergency medical services en route.

Please see Supplement to Attachment 3.1-A Item 24 for coverage requirements for emergency medical transportation.

Secure Transportation means urgent transportation services provided to individuals experiencing a behavioral health crisis.

Please see Supplement to Attachment 3.1-A Item 24b for coverage requirements for secure transportation.

The state Medicaid agency attests that all the minimum requirements outlined in 1902(a)(87) of the Social Security Act are met.

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Attachment 4.19-B

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

24b. SECURE TRANSPORTATION

Providers of Secure Transportation will be eligible for reimbursement at a base rate of \$262.66 per encounter and \$6.10 per mile. There will be no differential between base rates based on licensure type nor permit type.

For the Colorado Department of Health Care and Financing's fee schedule, please visit <https://www.colorado.gov/hcpf/provider-rates-fee-schedule>.