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State/Territory Name: Colorado

State Plan Amendment (SPA) #: CO-14-035

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
- 4) Additional Attachments that are part of the state plan

DEPARTMENT OF HEALTH & HUMAN SERVICES
HHS/Centers for Medicare and Medicaid Services
1961 Stout Street
Room 08-148
Denver, CO 80294



Region VIII

April 23, 2015

Susan E. Birch, MBA, BSN, RN, Executive Director
Department of Health Care Policy and Financing
1570 Grant Street
Denver, Colorado 80203-1818

Re: Colorado Title XIX, FMAP State Plan Amendment, Transmittal # 14-035

Dear Ms. Birch:

We have reviewed the proposed Federal Medical Assistance Payment (FMAP) State Plan Amendment (SPA), TN 14-035, which was submitted to the Centers for Medicare & Medicaid Services Denver Regional Office on June 30, 2014. This SPA describes the methodology used by the state for determining the appropriate FMAP rates, including the increased FMAP rates, available under the provisions of the Affordable Care Act applicable for the medical assistance expenditures under the Medicaid program associated with enrollees in the new adult group adopted by the state and described in 42 CFR 435.119.

Based on the information provided, the Medicaid SPA 14-035 is approved with an effective date of April 1, 2014. We are enclosing the approved Form CMS-179 and the Medicaid state plan pages.

For those VIII group not newly individuals whose expenditures qualify for the resource proxy methodology the state should report those expenditures on the Form CMS-64.9 VIII – Not Newly to coincide with the demographics identified in the state’s approved FMAP SPA (i.e. *Form CMS-64.9 VIII-Not Newly Disabled Person, Institutionalized and/or Form CMS-64.9 VIII Not Newly Disabled Person Non-Institutionalized*). If there is a resource proxy determined for a not newly eligible group, the expenditures entered on the aforementioned VIII forms will be multiplied by the proxy percentage and transfer to the Form CMS-64.9 VIII Newly, Column (H).

If you have any additional questions or need further assistance, please contact Curtis Volesky at (303) 844-7033.

Sincerely,

/s/

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

cc: Gretchen Hammer John Bartholomew
Pat Connally Barb Prehmus

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES	1. TRANSMITTAL NUMBER: 14-035	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 April 1, 2014	
5. TYPE OF PLAN MATERIAL (<i>Check One</i>): NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS A NEW PLAN X AMENDMENT		
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (<i>Separate transmittal for each amendment</i>)		
6. FEDERAL STATUTE/REGULATION CITATION 42 USC§1396d(b)	7. FEDERAL BUDGET IMPACT a. FFY 2014-15: \$0 b. FFY 2015-16 \$0	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT Supplement 18 to Attachment 2.6A	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (<i>If Applicable</i>) Supplement 18 to Attachment 2.6A (CO 13-060)	
10. SUBJECT OF AMENDMENT Adds a Resource Proxy to the State's methodology to claim the appropriate FMAP rate for individuals enrolled in the new adult group.		
11. GOVERNOR'S REVIEW (<i>Check One</i>) GOVERNOR'S OFFICE REPORTED NO COMMENT X OTHER, AS SPECIFIED COMMENTS OF GOVERNOR'S OFFICE ENCLOSED Governor's letter dated 1 September 2011 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: Barbara Prehnus	
13. TYPED NAME John Bartholomew		
14. TITLE Deputy Executive Director; Finance Office Director		
15. DATE SUBMITTED June 30, 2014		
FOR REGIONAL OFFICE USE ONLY		
17. DATE RECEIVED 06/30/2014	18. DATE APPROVED 04/23/2015	
PLAN APPROVED – ONE COPY ATTACHED		
19. EFFECTIVE DATE OF APPROVED MATERIAL 04/01/2014	20. SIGNATURE OF REGIONAL OFFICIAL /s/	
21. TYPED NAME Richard C. Allen	22. TITLE ARA, DMCHO	
23. REMARKS		

State Plan Under Title XIX of the Social Security Act

State: COLORADO

METHODOLOGY FOR IDENTIFICATION OF APPLICABLE FMAP RATES

The State will determine the appropriate FMAP rate for expenditures for individuals enrolled in the adult group described in 42 CFR 435.119 and receiving benefits in accordance with 42 CFR Part 440 Subpart C. The adult group FMAP methodology consists of two parts: an individual-based determination related to enrolled individuals, and as applicable, appropriate population-based adjustments.

Part 1 – Adult Group Individual Income-Based Determinations

For individuals eligible in the adult group, the state will make an individual income-based determination for purposes of the adult group FMAP methodology by comparing individual income to the relevant converted income eligibility standards in effect on December 1, 2009, and included in the MAGI Conversion Plan (Part 2) approved by CMS on 03/06/2014. In general, and subject to any adjustments described in this SPA, under the adult group FMAP methodology, the expenditures of individuals with incomes below the relevant converted income standards for the applicable subgroup are considered as those for which the newly eligible FMAP is not available. The relevant MAGI-converted standards for each population group in the new adult group are described in Table 1.

Table 1: Adult Group Eligibility Standards and FMAP Methodology Features

Covered Populations Within New Adult Group		Applicable Population Adjustment			
Population Group	Relevant Population Group Income Standard	Resource Proxy	Enrollment Cap	Special Circumstances	Other Adjustments
A	<p>For each population group, indicate the lower of:</p> <ul style="list-style-type: none"> The reference in the MAGI Conversion Plan (Part 2) to the relevant income standard and the appropriate cross-reference, or 133% FPL. <p>If a population group was not covered as of 12/1/09, enter "Not covered".</p>	C	D	E	F
Parents/Caretaker Relatives	Attachment A, Column C, Line 1 of Part 2 of the CMS approved MAGI Conversion Plan, including any subsequent CMS approved modifications to the MAGI Conversion Plan.	No	No	No	No
Disabled Persons, non-institutionalized	Attachment A, Column C, Line 2 of Part 2 of the CMS approved MAGI Conversion Plan, including any subsequent CMS approved modifications to the MAGI Conversion Plan.	Yes	No	No	No
Disabled Persons, institutionalized	Attachment A, Column C, Line 3 of Part 2 of the CMS approved MAGI Conversion Plan, including any subsequent CMS approved modifications to the MAGI Conversion Plan.	Yes	No	No	No
Children Age 19 or 20	Not covered	N/A	N/A	N/A	N/A
Childless Adults	Not covered	N/A	N/A	N/A	N/A

Part 2 – Population-based Adjustments to the Newly Eligible Population Based on Resource Test, Enrollment Cap or Special Circumstances

A. Optional Resource Criteria Proxy Adjustment (42 CFR 433.206(d))

1. The state:

- Applies a resource proxy adjustment to a population group(s) that was subject to a resource test that was applicable on December 1, 2009.
- Does NOT apply a resource proxy adjustment (Skip items 2 through 3 and go to Section B).

Table 1 indicates the group or groups for which the state applies a resource proxy adjustment to the expenditures applicable for individuals eligible and enrolled under 42 CFR 435.119. A resource proxy adjustment is only permitted for a population group(s) that was subject to a resource test that was applicable on December 1, 2009.

The effective date(s) for application of the resource proxy adjustment is specified and described in Attachment B.

2. Data source used for resource proxy adjustments:

The state:

- Applies existing state data from periods before January 1, 2014.
- Applies data obtained through a post-eligibility statistically valid sample of individuals.

Data used in resource proxy adjustments is described in Attachment B.

3. Resource Proxy Methodology: Attachment B describes the sampling approach or other methodology used for calculating the adjustment.

B. Enrollment Cap Adjustment (42 CFR 433.206(e))

1. An enrollment cap adjustment is applied by the state (complete items 2 through 4).
- An enrollment cap adjustment is not applied by the state (skip items 2 through 4 and go to Section C).

2. Attachment C describes any enrollment caps authorized in section 1115 demonstrations as of December 1, 2009 that are applicable to populations that the state covers in the eligibility group described at 42 CFR 435.119 and received full benefits, benchmark benefits, or benchmark equivalent benefits as determined by CMS. The enrollment cap or caps are as specified in the applicable section 1115 demonstration special terms and conditions as confirmed by CMS, or in alternative authorized cap or caps as confirmed by CMS. Attach CMS correspondence confirming the applicable enrollment cap(s).
3. The state applies a combined enrollment cap adjustment for purposes of claiming FMAP in the adult group:
 - Yes. The combined enrollment cap adjustment is described in Attachment C
 - No.
4. Enrollment Cap Methodology: Attachment C describes the methodology for calculating the enrollment cap adjustment, including the use of combined enrollment caps, if applicable.

C. Special Circumstances (42 CFR 433.206(g)) and Other Adjustments to the Adult Group FMAP Methodology

1. The state:
 - Applies a special circumstances adjustment(s).
 - Does not apply a special circumstances adjustment.
2. The state:
 - Applies additional adjustment(s) to the adult group FMAP methodology (complete item 3).
 - Does not apply any additional adjustment(s) to the adult group FMAP methodology (skip item 3 and go to Part 3).
3. Attachment D describes the special circumstances and other proxy adjustment(s) that are applied, including the population groups to which the adjustments apply and the methodology for calculating the adjustments.

Part 3 – One-Time Transitions of Previously Covered Populations into the New Adult Group

A. Transitioning Previous Section 1115 and State Plan Populations to the New Adult Group

- Individuals previously eligible for Medicaid coverage through a section 1115 demonstration program or a mandatory or optional state plan eligibility category will be transitioned to the new adult group described in 42 CFR 435.119 in accordance with a CMS-approved transition plan and/or a section 1902(e)(14)(A) waiver. For purposes of claiming federal funding at the appropriate FMAP for the populations transitioned to new adult group, the adult group FMAP methodology is applied pursuant to and as described in Attachment E, and where applicable, is subject to any special circumstances or other adjustments described in Attachment D.
- The state does not have any relevant populations requiring such transitions.

Part 4 - Applicability of Special FMAP Rates

A. Expansion State Designation

The state:

- Does NOT meet the definition of expansion state in 42 CFR 433.204(b). (Skip section B and go to Part 5)
- Meets the definition of expansion state as defined in 42 CFR 433.204(b), determined in accordance with the CMS letter confirming expansion state status, dated _____.

B. Qualification for Temporary 2.2 Percentage Point Increase in FMAP.

The state:

- Does NOT qualify for temporary 2.2 percentage point increase in FMAP under 42 CFR 433.10(c)(7).
- Qualifies for temporary 2.2 percentage point increase in FMAP under 42 CFR 433.10(c)(7), determined in accordance with the CMS letter confirming eligibility for the temporary FMAP increase, dated _____. The state will not claim any federal funding for individuals determined eligible under 42 CFR 435.119 at the FMAP rate described in 42 CFR 433.10(c)(6).

Part 5 - State Attestations

The State attests to the following:

- A. The application of the adult group FMAP methodology will not affect the timing or approval of any individual's eligibility for Medicaid.
- B. The application of the adult group FMAP methodology will not be biased in such a manner as to inappropriately establish the numbers of, or medical assistance expenditures for, individuals determined to be newly or not newly eligible.

ATTACHMENTS

Not all of the attachments indicated below will apply to all states; some attachments may describe methodologies for multiple population groups within the new adult group. Indicate those of the following attachments which are included with this SPA:

- Attachment A – Conversion Plan Standards Referenced in Table 1
- Attachment B – Resource Criteria Proxy Methodology
- Attachment C – Enrollment Cap Methodology
- Attachment D – Special Circumstances Adjustment and Other Adjustments to the Adult Group FMAP Methodology
- Attachment E – Transition Methodologies

PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148. The time required to complete this information collection is estimated to average 4 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

CO 14-035 Attachment A
Most Recent Updated Summary Information for Part 2 of Modified Adjusted Gross Income (MAGI) Conversion Plan

COLORADO

03/20/2014

	A Population Group	B Net standard as of 12/1/09	C Converted standard for FMAP claiming	D Same as converted eligibility standard? (yes, no, or n/a)	E Source of information in Column C (New SIPP conversion or Part 1 of approved state MAGI conversion plan)	F Data source for Conversion (SIPP or state data)
Conversions for FMAP Claiming Purposes						
1	Parents/Caretaker Relatives FPL %	60%	68%	no	new SIPP conversion	SIPP
2	Noninstitutionalized Disabled Persons Dollar standards Single Couple	\$699 \$1,036	\$720 \$1,067	n/a	new SIPP conversion	SIPP
3	Institutionalized Disabled Persons SSI FBR%	300%	300%	n/a	ABD conversion template	n/a
4	Children Age 19-20	n/a	n/a	n/a	n/a	n/a
5	Childless Adults FPL %	n/a	n/a	n/a	n/a	n/a

n/a: Not applicable.

Note: The numbers in this summary chart will be updated automatically in the case of modifications in the CMS-approved MAGI Conversion Plan.

TN: CO-14-035

Approval Date: 04/23/2015

Effective Date: 04/01/2014

**Colorado Department of Health Care Policy and Financing
Methodology for Identification of Applicable FMAP Rates
TN CO 14-035
Resource Proxy Explanation**

The effective date of this resource proxy for the Colorado Medicaid Expansion is April 1, 2014.

In applying a Resource Proxy to adjust FMAP claiming, Colorado believes the following information important to consider:

No mandatory Medicaid eligibility categories included a resource/asset test as of December 2009. Only the optional Medicaid eligibility categories for Disabled Individuals Institutionalized and Disabled Individuals Non-Institutionalized were subject to a resource/asset test as of December 2009. Colorado notes that said resource/asset test has not been changed and is still current.

Due to Colorado having a hierarchical eligibility determination process wherein clients are screened for eligibility in a disabled category prior to being tested for MAGI adult eligibility, Colorado's non-newly disabled population is theoretically comprised of two types of clients: 1) disabled clients that have been denied eligibility under a non-MAGI disability category due to failing the asset test, and 2) disabled clients that have opted not to provide information regarding their assets and subsequently could not be screened for eligibility under a non-MAGI disabled category. In the second group, there are both applicants that would have been eligible in the disabled category had they submitted asset information and applicants that would not.

Disabled clients that have been denied eligibility under a non-MAGI disability category due to failing the asset test should be eligible for 100% FMAP as these clients would not have been eligible for Medicaid under the 2009 eligibility standard. However, because the State cannot determine what the outcome would have been for the second type of applicant, CMS has indicated all expenditure related to these clients should be considered ineligible for the 100% enhanced FMAP.

Consequently, to develop a resource proxy, the State will utilize a statistically significant historical data set (currently assuming SFY 2009-10, SFY 2010-11, and SFY 2011-12) correlating with the populations identified above. The State intends to calculate the resource proxy as follows:

$$\frac{A}{A+B} \text{ or } \frac{461}{461+153} = 75.081433225\%$$

Where

A = SFY 2009 – 2010, SFY 2010 – 2011, SFY 2011 – 2012 *count of denials due to being over the asset limit*; a total of 461

B = SFY 2009 – 2010, SFY 2010 – 2011, SFY 2011 – 2012 *count of denials due to failure to provide asset information*; a total of 153

The percentage generated from the formula above is applied to expenditures for non-newly eligible clients to create a total amount to be reported at 100% FMAP rather than the standard match applicable to non-newly eligible clients. The remaining expenditures would be eligible for the standard federal match rate.

June 30, 2014

Attachment B to TN CO 14-035