JARED POLIS
GOVERNOR

136 STATE CAPITOL
DENVER, COLORADO 80203

TEL 303-866-2471
FAX 303-866-2003

# D 2020 077

## EXECUTIVE ORDER

**Ordering the Temporary Suspension of Certain Statutes to Increase the Medicaid Home Health Workforce and Eliminate Cost Sharing for COVID-19 Testing and Treatment for Medicaid Enrollees**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order temporarily suspending certain statutes to increase the Medicaid home health workforce and eliminate cost sharing for coronavirus disease 2019 (COVID-19) testing and treatment for Medicaid enrollees.

## I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of widespread community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, and D 2020 058 and D 2020 076. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has undertaken a broad array of actions to respond to and mitigate the effects of the pandemic, prevent further spread, preserve our health care resources, and provide needed flexibility to address the collateral consequences of the pandemic.

This Executive Order temporarily suspends certain statutes to preserve the State's Medicaid home health workforce and protect Medicaid enrollees from COVID-19 by reducing the need for in person visits. I also temporarily suspend statutory requirements for cost sharing for COVID-19 testing and treatment for Medicaid enrollees.

## II. Directives

A. I temporarily suspend the following for thirty (30) days:

1. C.R.S. § 25.5-6-704(4)(b) requiring in-person aide supervision by a registered nurse of a family member providing care services to facilitate remote supervision and decrease the need for in-person visits;

2. The portions of C.R.S. § 25.5-6-1102(6) that prohibit designees from receiving reimbursements for managing the financial matters associated with or directing the eligible person's care;

3. The definition of attendant in C.R.S. § 25.5-6-1202(1) and the definition of authorized representative in C.R.S. § 25.5-6-1202(2) that prohibits an eligible person's service provider from being their authorized representative;

4. The definition of direct and indirect health care services costs in C.R.S. § 25.5-6-201(15)(a); and

5. C.R.S. §§ 25.5-4-209(1)(b) and (c) requiring copayments or member cost sharing for COVID-19 testing, vaccines, specialized equipment, and therapies to comply with the Family First Coronavirus Response Act (FFCRA).

## III. Duration

This Executive Order shall expire thirty (30) days from May 22, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this twenty-second day of May 22, 2020

Jared Polis
Governor