



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

MINUTES OF THE MEETING OF THE MEDICAL SERVICES BOARD

303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203
April 10, 2020

Call to Order

Mr. Pump called the meeting to order at 9:02 a.m.

Roll Call

The Board Coordinator called the roll. There were sufficient members for a quorum with seven members participating.

A. Members Present

Christy Blakely, Cecile Fraley, Bregitta Hughes, Jessica Kuhns, Charolette Lippolis, An Nguyen, Donna Roberts and David Pump.

B. Members Excused

Amanda Moorner, Pat Givens, and Simon Hambidge

C. Staff Present

Tracy Johnson, Medicaid Director; Jennifer Weaver, Attorney General; and Chris Sykes, Board Coordinator

Announcements

Mr. Pump announced the next Medical Services Board Meeting will be held at 303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203 on Friday, May 8, 2020 at 9:00 a.m.

It is the policy of this Board and the Department to remind everyone in attendance that this facility is private property. Please do not block the doors or stand around the edges of the room. Please silence cell phones while in the meeting room.

Approval of Minutes

Dr. Lippolis moved for the approval of the March minutes. The motion was seconded by Ms. Blakely. The minutes were approved, 7:0.



Rules

A. Consent Final Adoption

Document 01, MSB 19-03-12-A, Revision to the Medical Assistance Act Rule concerning Family Planning Services, Section 8.730

Document 02, MSB 19-11-21-A, Revision to the Medical Assistance Act Rule concerning the Children's Habilitation Residential Program (CHRP) waiver, Section 8.500

Document 03, MSB 19-12-16-A, Revision to Medical Assistance Rule Concerning Service Plan Authorization Limit (SPAL) Section 8.500.102.B

Ms. Kuhns moved for the final adoption of Documents 01, 02 & 03. Ms. Blakely seconded the motion.

The Board voted the final adoption of Documents 01, 02 & 03; 7:0.

B. Final Adoption Agenda

Document 04, MSB 20-01-14-A, Revision to the Medical Assistance Payments for Outpatient Hospital Services Rule Concerning Drug Payment Reweighting, Section 8.300.6

Andrew Abalos & Kevin Martin, Payment Reform Section, presented the rule and explained the stakeholder concerns from the March meeting and reviewed the Department position.

Donna Roberts joined

Board Discussion – NA

Public Testimony – NA

Ms. Blakely moved for the final adoption of Document 04. Ms. Roberts seconded the motion.

The Board voted the initial approval of Document 04, 8:0.

C. Initial Approval Agenda

Document 05, MSB 19-09-04-A, Revision to Medical Assistance Rule Concerning Disability Trusts, Section 8.100.7.E.6.b.

Tiffany Walker and Rachel Entrican, Legal Division, presented the rule and provided an overview of disability trusts. Major revision allows for Trusts to continue when member moves out of state and gets on Medicaid in another state. A history of early termination part of the rule was discussed. The Department has listened to stakeholder concerns and understand proposed revisions benefit members. Some stakeholders want removal of the early termination entirely, staff does not agree. Rule authors reviewed proposed added oversight provisions in the rule intended to bring the rule into compliance. Family

member trustees appreciate added guidance. Cleanup was also done. A review of the stakeholder engagement performed was given. Staff incorporated feedback whenever possible and followed up with comments when not used. Revisions will benefit members.

Board Discussion – Board discussion included burial funds and guidance to assist families would be beneficial.

Public Testimony – Clair Dineen, Elder Law, appreciate the revision to move out of state. Disagree with notice of distribution over \$5 thousand. Questions about the penalty structure and if it is appealable. The law states the trustee has full discretion of distribution of funds.

Eric Kelly – Frazer Abel-Law, Disagree with the proposed \$5 thousand notice.

Megan Brand – Colorado Fund for People with Disabilities – Provided an overview of CFPD. Appreciate the revisions to increase the mobility of members. Disagree with the \$5 thousand notice, too restrictive. The trustee has sole power.

Christopher Scance – Golden Fiduciary - provided personal history. Request the \$5 thousand notice proposal be removed.

Bryan Benbow – Trust Officer at BOK Financial – Mobility is good out of state. Disagree with the \$5thousand notice.

Dr. Lippolis moved for the initial approval of Document 05. Ms. Roberts seconded the motion.

The Board voted the initial approval of Document 05, 8:0.

Document 06, MSB 19-12-05-A, Revision to the Medical Assistance Rule concerning NCCI, Section 8.041

Raine Henry, Benefits Management presented the rule and explained recently passed legislation allows for the Department to use commercial claims editing.

Board Discussion – Board discussion included language clarification.

Public Testimony – NA

Ms. Blakely moved for the initial approval of Document 06. Dr. Fraley seconded the motion.

The Board voted the initial approval of Document 06, 8:0.

Document 07, MSB 19-12-06-A, Revision to the Medical Assistance Rule Concerning Provider Screening, Section 8.125

Clint Eatmon, Fiscal Agent Operations, presented the rule and explained revisions update the language in rule to comply with federal regulations.

Board Discussion – NA

Public Testimony – NA

Dr. Nguyen moved for the final adoption of Document 07. Ms. Hughes seconded the motion.

The Board voted the initial approval of Document 07, 8:0.

Document 08, MSB 20-01-07-A, Revision to the Medical Assistance Rule concerning Maternity Services Episode Based Payments, Section 8.733

Trevor Abeyta, Rates Division, presented the rule and provided an overview of maternity bundled payments and the boundaries of the demonstration program. Stakeholder engagement was reviewed, and the comments received were about implementation and not the rule.

Board Discussion – Board discussion included voluntary provider enrollment in the program and data collection for process improvement.

Public Testimony – Erin Miller – Colorado Children’s Campaign – appreciate the rule and agree with the proposed changes and demonstration. Would appreciate more stakeholder meetings to help with the implementation of the program. The Department committed to future engagement.

Ms. Hughes moved for the initial approval of Document 08. Ms. Roberts seconded the motion.

The Board voted the initial approval of Document 08, 8:0.

Document 09, MSB 20-02-03-A, Revision to the Medical Assistance Eligibility Rule Concerning Adult MAGI and Medicare Eligibility, Section 8.100.4.G

Janelle Gonzalez, Eligibility Policy Section, presented the rule and explained the proposed rule adds clarity, currently MAGI is only defined in the general definitions section. This mirrors that definition in the Adult MAGI section of rule.

Board Discussion – NA

Public Testimony – NA

Ms. Blakely moved for the initial approval of Document 09. Ms. Kuhns seconded the motion.

The Board voted the initial approval of Document 09, 8:0.

Document 10, MSB 20-02-04-A

Revision to the Medical Assistance Act Rule concerning Federally-Qualified Health Center Alternative Payment Methodologies, Section 8.700.6.D

Russ Zigler, Operations Section and Richard Delaney, Benefits Management Division, presented the rule and explained the rule has 2 technical changes. The rule makes changes to the Alternative Payment Model – specialty behavioral rates are removed and APM1 is created. APM2 is not in effect, but a place holder for when federal approval is received. Technical language changes to APM2.

Board Discussion – NA

Public Testimony – NA

Dr. Fraley moved for the final adoption of Document 10. Dr. Ngyuen seconded the motion.

The Board voted the initial approval of Document 10, 8:0.

Document 11, MSB 20-02-05-A, Revision to the Medical Assistance Rule concerning Targeted Case Management, Section 8.761

Heather Fladmark, Office of Community Living, presented the rule and explained the proposed new payment methodology for 4 waivers. The change is to point to the rate fee schedule, and not have rates in the rule.

Board Discussion – Board discussion included that the changes only apply to transitional case management under the included waivers.

Public Testimony – NA

Dr. Nguyen moved for the final adoption of Document 11. Dr. Lippolis seconded the motion.

The Board voted the initial approval of Document 11, 8:0.

Document 12, MSB 20-03-02-A, Revision to the Medical Assistance Act Rule concerning Inpatient Hospital Services, Sections 8.300.1, 8.300.3.A., and 8.300.4

Whitney McOwen, Operations Section and Raine Henry, Benefits Management Division and Kim Mconnell, Program Design & Policy Sections, presented the rule and explained the proposed revisions makes two unrelated changes to the inpatient hospital services section of the hospital services rule. One change is to the claim submission requirement for delivery, separating reimbursement for pregnant women's hospitalization during and after delivery from reimbursement for a newborn hospitalization after delivery. The second will expand substance abuse disorder treatment and withdrawal services.

Board Discussion – NA

Public Testimony – NA

Ms. Blakely moved for the final adoption of Document 12. Ms. Kuhns seconded the motion.

The Board voted the initial approval of Document 12, 8:0.

Consent Agenda Discussion

Dr. Lippolis moved to add Documents 06, 07, 08, 09, 10 & 11 to the Consent Agenda. Ms. Roberts seconded.

The Board voted to add the documents to the Consent Agenda, 8:0

D. Closing Motion

Ms. Blakely moved to close the rules portion of the agenda. The motion was seconded by Dr. Nguyen.

Rule Preview

- Electronic Visit Verification – Lana Eggers

Open Comments

An Nguyen, Clinica Family Health

Christy Blakely, Family Voices Colorado

Jessica Kuhns, Parent

Bethany Pray, Colorado Center on Law and Policy

Department Updates

- Department Updates/Questions – Tracy Johnson, Medicaid Director

The meeting was adjourned at 12:13 p.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, April 10, 2020 at 303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203.

Reasonable accommodations will be provided upon request for persons with disabilities. Please notify the Board Coordinator at 303- 866-4416 or chris.sykes@state.co.us or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.