



## COLORADO

Department of Health Care  
Policy & Financing

Medical Services Board

### MINUTES OF THE EMERGENCY MEETING OF THE MEDICAL SERVICES BOARD

303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203  
April 23, 2020

#### Call to Order

Mr. Pump called the meeting to order at 3:03 p.m.

#### Roll Call

The Board Coordinator called the roll. There were sufficient members for a quorum with 10 members participating.

##### A. Members Present

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

##### B. Members Excused

Amanda Moorer

##### 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 on Friday, May 8, 2020 at 9:00 a.m. This will be a virtual meeting.

#### Rules

##### A. Emergency Adoption Agenda

Document 01, MSB 20-04-17-A, Revision to the Medical Assistance Act Rule concerning Subacute Care, Sections 8.300.3 & 8.300.5

Russell Zigler, Operations Division, and Raine Henry, Benefits Management Division, presented the rule and explained subacute care may be administered by an inpatient hospital or an alternate care facility if required. An emergency state



plan amendment has been submitted for temporary allowance. Additional guidance is coming for providers.

Board Discussion – Board discussion included if there was any opposition due to capacity limits, there is none at this time.

Public Testimony – Rob Hernandez – Appreciate rule and outreach performed by staff.

Ms. Blakely moved for the emergency adoption of Document 01. Dr. Hambidge seconded the motion.

The Board voted the emergency adoption of Document 01, 10:0.

Document 02, MSB 20-04-21-A, Revision to the Medical Assistance Act Rule concerning Novel Corona Virus Disease (COVID-19) Rules, Section 8.6000

Colin Laughlin, Office of Community Living, presented the rule and provided a high level overview of the proposed changes. Revisions enhance flexibility, reduce programmatic limitations, align with recent federal guidance and provide additional support to members, case managers, providers and community partners. Temporary rules only. A review of Intermediate Care Facility changes was given, they include waiving licensure requirements, allowing emergency placement and authorizing payment beyond current limitations. Nursing Facility changes include allowing additional payments, temporary enrollment for non-Medicaid facilities. Level of Care Assessment revisions include the removal of new assessment of transfers and continuation of eligibility for near review. Terminate of Waiver Eligibility is paused – no involuntary termination from HCBS waiver programs. PASRR revisions include suspending Level 1 & II evaluations for 30 days from date of admission. Personal Care changes include waiving Personal Care services in acute and post-acute settings and allowing a legally responsible person to provide care for the member. Provided next steps of stakeholder engagement and continued federal discussion, operational guidance and planning for the post COVID-19 transition.

Board Discussion – Board discussion included confirmation that this is a temporary rule and will evolve as necessary during the pandemic. Discussion also included a small revision to the rule language to bring clarity.

Public Testimony – NA

Dr. Hambidge moved for the emergency adoption of Document 02. Ms. Kuhns seconded the motion.

The Board voted the emergency adoption of Document 02, 10:0.

## **B. Closing Motion**

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

## **Open Forum**

Paul Stein – Person Centered Transportation Center

## **Department Update**

**The meeting was adjourned at 4:08 p.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, May 8, 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](mailto:chris.sykes@state.co.us) or the 504/ADA Coordinator [hcpf504ada@state.co.us](mailto:hcpf504ada@state.co.us) at least one week prior to the meeting.