



## 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 14, 2023

#### Call to Order

Mr. Honea called the meeting to order at 9:03 a.m.

#### Roll Call

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

#### A. Members Present

Laura Carroll, Cecile Fraley, Simon Hambidge, Morgan Honea, William Kinnard, Idalia Massa-Carroll, Barry Martin, Christina Mulkey, An Nguyen and Vincent Scott

#### B. Members Excused

David Pump

#### C. Staff Present

Adela Flores-Brennan, Medicaid Director; Jennifer Weaver, Attorney General; and Chris Sykes, Board Coordinator

#### Announcements

Mr. Honea announced the next Medical Services Board Meeting will be held at 303 E 17<sup>th</sup> Ave 11<sup>th</sup> floor Conference Room, Denver, CO 80203 on Friday, May12, 2023 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.



Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.  
[www.colorado.gov/hcpf](http://www.colorado.gov/hcpf)

## **Approval of Minutes**

Dr. Martin moved for the approval of the March minutes. The motion was seconded by Ms. Carroll. The minutes were approved, 9:0.

## **Rules**

### **A. Final Adoption by Consent Agenda**

Document 01, MSB 22-11-03-A, Revision to the Medical Assistance Act Rule concerning Medicaid Eligibility Quality Control, Section 8.080

Document 02, MSB 22-09-19-A, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule concerning Life Skills Training, Home Delivered Meals, Peer Mentorship, & Transition Setup Services, Section 8.553

Document 03, MSB 22-09-19-A, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule concerning Life Skills Training, Home Delivered Meals, Peer Mentorship, & Transition Setup Services, Section 8.553

Dr. Hambidge moved for the final adoption of Document 01, 02 & 03. Dr. Nguyen seconded the motion.

The Board voted the final adoption of Document 01, 02 & 03, 8:0.

### **B. Final Adoption Agenda**

Document 04, MSB 23-02-27-A, Revision to the Medical Assistance Act rule concerning the Hospital Back-Up Program Bed Cap, Section 8.470.7

Richard Clark, Office of Community Living, presented the rule and explained revisions concern hospital level care and patients that require 24-hour monitoring. The previous cap on individuals was an arbitrary number that does not work.

Board Discussion – Board discussion included concern over safe ratios for staffing to patient. The Colorado Department of Public Health and Environment has licensing authority over beds for all providers and the total beds available versus the Hospital Back-Up Program are not always aligned.

Public Testimony – NA

Dr. Martin moved for the final adoption of Document 04. Mr. Scott seconded the motion.

The Board voted the final adoption of Document 04, 8:0.

Document 05, MSB 23-02-27-B, Revision to the Medical Assistance Act rule concerning Inpatient Hospital Co-payment, Section 8.754.1.H

Russ Zigler, Compliance Section, presented the rule and explained the rule must comply with federal regulation. All members will benefit from a standard co-pay.

Board Discussion – NA

Public Testimony – NA

Ms. Carroll moved for the final adoption of Document 05. Dr. Martin seconded the motion.

The Board voted the final adoption of Document 05, 8:0.

**C. Initial Approval – Dr. Fraley and Dr. Massa-Carroll joined**

Document 06, MSB 22-12-16-A, Revision to the Medical Assistance Rule concerning Federally Qualified Health Centers, Women’s Health Services Reimbursement, Section 8.700.6.D

Dawson LaRance, Rates Division, presented the rule and explained revisions include the alternative payment methodology. Designed with stakeholder input the rule creates incentive payments for chronic care and rule language was clarified. Both rule updates are connected, but different sections.

Board Discussion – Board discussion included stakeholders contacted and that this payment methodology exists but the incentive payments are new.

Public Testimony – NA

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

The Board voted the initial approval of Document 06, 9:0:1.

Document 07, MSB 22-12-20-A, Revision to the Medical Assistance Rule concerning Physician Services, Dental, Vision Services, Medicaid Managed Care Program Prospective Medical Payments to Primary Care Medical Providers, Section 8.700.7.A

Dawson LaRance, Rates Division, presented the rule and explained revisions include clarifying language and specifies upper reconciliation. Rule revisions are not designed to negatively impact providers.

Board Discussion – Board discussion included support of the rule. Regarding upper reconciliation – if there is a slow down in patient flow, the upper reconciliation makes the provider whole.

## Public Testimony – NA

Dr. Hambidge moved for the initial approval of Document 07. Ms. Carroll seconded the motion.

The Board voted the initial approval of Document 07, 9:0:1.

Document 08, MSB 22-12-30-A, Revision to the Medical Assistance Rule concerning Supported Employment Services Expansion, Section 8.500

Jenny Jordan, Office of Community Living, presented the rule and explained historically sub minimum wage was practiced on IDD individuals and stakeholders requested change. Revisions will promote full employment for members, where fear of losing benefits once existed. A new service, work place assistance, will assist with skills for members to reach full employment. Revisions to the rule reviewed.

Board Discussion – Board discussion included an appreciation for stakeholder engagement. Community advocates can assist spreading the information. The line-of-sight inclusion was reviewed and designed to accommodate all – if needed.

Public Testimony – Galia Spsychalska, parent advocate, appreciate the rule and work. Work related services confusing in rule, support at work. Services also help at work events, outside of work hours. Agencies hire the support individuals. Intensive support does not require a court order. This rule is for the SLS and DD waivers, adult only. The Division of Vocational Rehabilitation starts at age 16 to get assistance.

Maureen Welch, Navigating Disability Colorado, appreciate the rule. The fiscal impact seems low as it is an estimate and based on what General Assembly allocates. Pre employment services for youth needs more providers.

Ellen Jensby, Alliance, support the rule.

Mr. Scott moved for the initial approval of Document 08. Dr. Martin seconded the motion.

The Board voted the initial approval of Document 08, 10:0

Document 09, MSB 22-11-22-A, Revision to the Medical Assistance Rule concerning FFY 2022-23 Healthcare Affordability & Sustainability (HAS) Fees & Supplemental Payments Amendment, Section 8.3000

Jeff Wittreich, Special Financing Division, presented the rule and explained revisions are for supplemental payments to rural hospitals to provide care to members. Payments come from fees and federal funds. Fees and payments are updated each year. The changes to Supplemental Payments have a small

change, the process for Hospital Quality Incentive Payment Program (HQIP) payments is currently not in the rule but now is. Cleanup of rule formatting also occurred.

Board Discussion – Board discussion included if the financial impact is positive or negative depending on the hospital, in aggregate there is an increase.

Public Testimony – NA

Dr. Martin moved for the initial approval of Document 09. Ms. Carroll seconded the motion.

The Board voted the initial approval of Document 09, 10:0.

Document 10, MSB 23-01-24-A, Revisions to the Medical Assistance Rule concerning the Creation of the Nursing Home Wage Enhancement Supplement Payment, Section 8.443.21

Jeff Wittreich, Special Financing Division, presented the rule and explained a background on nursing home payments. Legislation required increase of wages, this rule implements legislation. Revisions replace minimum wage with Colorado wage enhancement.

Board Discussion – NA

Public Testimony – NA

Ms. Carroll moved for the initial approval of Document 10. Dr. Hambidge seconded the motion.

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

Document 11, MSB 22-12-24-A, Revision to the Medical Assistance Rule concerning Payment for Inpatient Hospital Services, Section 8.300

Diana Lambe, Rates Division, and Andrew Abalos, Rates Division, presented the rule and explained revisions have been in the process for two years. The section of rule hasn't been revised for 20 years and the provider landscape has changed. Payment adjustments allow for greater flexibility. Revisions aim to create transparency in data. Stakeholder engagement was reviewed.

Board Discussion – Board discussion included a high-level overview of inpatient hospital services. About 10% of payments are for inpatient care. Great amount of work done.

Public Testimony – NA

Dr. Mulkey moved for the initial approval of Document 11. Ms. Carroll seconded the motion.

The Board voted the initial approval of Document 11, 8:0:2.

Document 12, MSB 22-12-20-A, Creation of the Medical Assistance Rule concerning Mobile Crisis Response, Section 8.020

Alex Lyons, Compliance Section, Emily Holcombe (Behavioral Health Initiatives and Coverage) and Meredith Davis (Behavioral Health Initiatives and Coverage) presented the rule and explained creation of mobile crisis response benefit. The new benefit will avoid unnecessary hospitalizations and all members are eligible.

Board Discussion – Board discussion included the connection between the Secure Transport benefit and Mobile Crisis benefit.

Public Testimony – NA

Dr. Carroll moved for the initial approval of Document 12. Mr. Scott seconded the motion.

The Board voted the initial approval of Document 12, 9:0.

#### **D. Consent Discussion**

Mr. Honea motioned to add Document 06, 07, 08, 09, 10, 11 & 12 to the Consent Agenda.

The Board voted to add Document 06, 07, 08, 09, 10, 11 & 12 to the Consent Agenda; 9:0.

#### **E. Closing Motion**

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

#### **Open Comments**

Bethany Pray, Colorado Center on Law and Policy, communication gap in last month. Now the usual process and due process problems exist. Medical Necessity is not resolved. No clear requirements for non tech dependent children. A clear definition of continuity benefit is needed. Request the Department share robust data, pre 2022 also. Denial rates and reduction rates data requested.

Galia Spychalska, parent advocate – Request the Department present data on PDN PARs. The Joint Budget Committee data and data presented to MSB was labeled different. Want a work group and meetings are getting less frequent. System denials are not clear.

Daniela Gosselova, advocate – Eligibility Modified Adjusted Gross Income has loopholes and people are falling through the cracks in the system. If calculations are not updated then there will be issues.

Pam Rogers, parent advocate – Community concern with KEPRO, 38 pars were resubmitted, 23 approvals, 1 full denial, 1 step down denial, 2 partial denials, 11 are pending. Lack of communication on denials or cut hours. Progress is being made, more work to be done. Request the Department provide data or when the data will be available.

Maureen Welch, Navigating Disability Colorado – Solidarity with PDN issues, commend Board members for abstaining. Waiver amendments suggestions need to be more streamlined.

## **Department Updates**

- Department Updates/Questions – Kim Bimestefer, Executive Director

### **The meeting was adjourned at 11:58 a.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, May 12, 2023 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.