



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
August 14, 2020

Call to Order

Ms. Moorer called the meeting to order at 9:05 a.m.

Roll Call

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

A. Members Present

Amanda Moorer, Cecile Fraley, Simon Hambidge, Bregitta Hughes, Jessica Kuhns, and David Pump.

B. Members Excused

Patricia Givens

C. Staff Present

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

Announcements

Ms. Moorer announced the next Medical Services Board Meeting will be held at 303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203 on Friday, September 11, 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

Ms. Kuhns moved for the approval of the July minutes. The motion was seconded by Ms. Hughes. The minutes were approved, 6:0:.

Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.
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Rules

A. Emergency Adoption

Document 05, MSB 20-08-03-A, Revision to the Medical Assistance Rule concerning Provider Enrollment, Sections 8.125.11, 8.125.12, 8.125.13

Clint Eatmon, Fiscal Agent Operations, presented the rule and explained the emergency rule needs to be extended. Rule suspends requirements per federal guidance for in person inspections.

Board Discussion – Board discussion included the State has systems in place, so safety is not comprised with the pausing of certain provisions of provider enrollment. The Board also discussed this is just an extension of the emergency rule and no revisions were made from the last emergency adoption.

Public Testimony – Maureen Welch – Emergency enrollment process confusing for IDD, request help from the Department.

Dr. Hambidge moved for the emergency adoption of Document 05. Ms. Hughes seconded the motion.

The Board voted the emergency adoption of Document 05, 6:0.

Document 06, MSB 20-08-04-A, Revision to the Medical Assistance Act Rule concerning Emergency Medical Transportation, Sections 8.018.1.F. and 8.018.4.D.1

Ryan Dwyer, Benefits Division, presented the rule and explained the rule is an extension of emergency provisions from the May emergency rule, suspended life support requirement in transfers.

Board Discussion – NA

Public Testimony – NA

Dr. Fraley moved for the emergency adoption of Document 06. Ms. Kuhns seconded the motion.

The Board voted the emergency adoption of Document 06, 6:0.

Document 07, MSB 20-08-04-B, Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation, Sections 8.014.1.N, 8.014.3.C.2, 8.014.3.D.1, 8.014.4.A, 8.014.6.A.3

Ryan Dwyer, Benefits Management Division, presented the rule and explained this is an extension of the May emergency. An overview of the NEMT program was given. A revision from the May emergency rule is this revision removes the 25 mile requirement to use a provider.

Board Discussion – NA

Public Testimony – NA

Dr. Hambidge moved for the emergency adoption of Document 07. Mr. Pump seconded the motion.

The Board voted the emergency adoption of Document 07, 6:0.

Document 08, MSB 20-08-03-B, Revision to the Medical Assistance Act Rule concerning Subacute Care, Sections 8.300.3 & 8.300.5

Russel Zigler, Operations Section, and Raine Henry, Benefits Management Division, presented the rule and explained extension of emergency status. A review of the Subacute Care requirements. This revision increases access to subacute care.

Board Discussion – Board discussion included public health emergencies and how there is no strict guidance regarding the length they can be declared.

Public Testimony – NA

Ms. Kuhns moved for the emergency adoption of Document 08. Dr. Hambidge seconded the motion.

The Board voted the emergency adoption of Document 08, 6:0.

Document 09, MSB 20-08-03-C, Revision to the Medical Assistance Rule concerning COVID-19 Suspension of Annual Recertification for Long Term Oxygen Certificate of Medical Necessity, Section 8.580.5.C

Russel Zigler, Operations Section, and Richard Delaney, Benefits Management Division, presented the rule and explained this is an emergency extension, rule same as May. The rule suspends recertification until the end of the Public Health emergency.

Board Discussion – NA

Public Testimony – NA

Mr. Pump moved for the emergency adoption of Document 09. Dr. Fraley seconded the motion.

The Board voted the emergency adoption of Document 09, 6:0.

Document 10, MSB 20-08-09-A, Revision to the Medical Assistance Rule concerning Medical Assistance program rule updates, Sections 8.100.1,8100.3, 8.100.4, 8.100.5 and 8.100.6

Ana Bordallo, Eligibility Policy Section, presented the rule and explained the revisions are based on federal guidance and regulations. A review of the stakeholder feedback received was given.

Board Discussion – Board discussion included concerns of stakeholders are addressed.

Public Testimony – Bethany Pray, CCLP, appreciate working with the Department.

Dr. Hambidge moved for the emergency adoption of Document 10. Ms. Hughes seconded the motion.

The Board voted the emergency adoption of Document 10, 6:0.

Document 11, CHP 20-08-09-B, Revision to the Medical Assistance Rule concerning Child Health Plan Plus program rule updates, Sections 110,140, 310 and 320

Ana Bordallo, Eligibility Policy Section, presented the rule and explained a request to extend the emergency status. Minor revisions updated with feedback received from the Attorney General's office.

Board Discussion – NA

Public Testimony – NA

Dr. Fraley moved for the emergency adoption of Document 11. Ms. Kuhns seconded the motion.

The Board voted the emergency adoption of Document 11, 6:0.

Document 12, MSB 20-08-12-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 explained a request to extend the emergency rule. An overview of the rule was given.

Board Discussion – NA

Public Testimony – NA

Mr. Pump moved for the emergency adoption of Document 12. Dr. Hambidge seconded the motion.

The Board voted the emergency adoption of Document 12, 6:0.

B. Final Adoption Agenda

Document 01, MSB 20-05-21-A, Revision to the Medical Assistance Act Rule concerning Telemedicine Extension, Section 8.200.3.B, 8.520.4.B, 8.700.1, 8.730.3.B, 8.740.1, 8.750.3.B

Russel Zigler, Operations Section, and Richard Delaney, Benefits Management Division, presented the rule and explained telemedicine changes to the rule. Speech section of the rule was added. Psychotherapy is included in telemedicine.

Board Discussion – Board discussion included psychotherapy is included in telemedicine and if each service were to be called out the rule would be lengthy and limiting. The services available in telemedicine are communicated. Telemedicine will continue after the public health emergency.

Public Testimony – Michelle Roy, Mental Health Center of Denver, rule is silent on family psychotherapy and urge changes to the rule.

Barbara Sohnen – Mental Health Center of Denver, telemedicine is audio only but emergency rule allows for interactive therapy.

Dr. Hambidge moved for the final adoption of Document 01. Mr. Pump seconded the motion.

The Board voted the final adoption of Document 01, 6:0.

Document 02, MSB 20-04-24-A, Revision to the Medical Assistance Act Rule concerning the Pharmaceutical Rate Methodology, Section(s) 8.800.1 and 8.800.13

Kristina Gould and Jim Leonard, Pharmacy Office, presented the rule and explained rule revised to align the rule with the state plan from the July initial reading.

Board Discussion – NA

Public Testimony – NA

Ms. Hughes moved for the final adoption of Document 02. Ms. Kuhns seconded the motion.

The Board voted the final adoption of Document 02, 6:0.

Document 03, MSB 20-01-07-A, Revision to the Medical Assistance Rule concerning Maternity Services Episode Based Payments, Section 8.733

The rule was pulled from the agenda

C. Initial Approval Agenda

Document 04, MSB 20-06-05-A, Revision to the Medical Assistance Act Rule concerning the Colorado National Provider Identifier (NPI) Rule, Section 8.126.1

Whitney McOwen, Operations Section, and Alex Weichselbaum, Benefits Management Division, presented the rule and explained rule corrects the definition of a provider type.

Board Discussion – NA

Public Testimony – NA

Ms. Kuhns moved for the initial approval of Document 04. Dr. Fraley seconded the motion.

The Board voted the initial approval of Document 04, 6:0.

D. Consent Agenda Discussion

Mr. Pump moved to add Document 04 to the consent agenda. Dr. Hambidge seconded the motion.

The Board voted to add Document 04 to the Consent Agenda, 6:0.

E. Closing Motion

Ms. Hughes moved to close the rules portion of the agenda. The motion was seconded by Ms. Kuhns.

Rule Preview

Children's Habilitation Residential Program (CHRP) Waiver – Kathleen Homan

Open Comments

Rob Hernandez

Bethany Pray

Maureen Welch

Department Updates

- Department Updates/Questions – Tracy Johnson, Medicaid Director

The meeting was adjourned at 11:31 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, September 11, 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.