



## COLORADO

Department of Health Care  
Policy & Financing

Medical Services Board

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

303 E. 17th Avenue, 11th Floor Conference Room, Denver, CO 80203

August 9, 2024

#### **Call to Order**

Mr. Honea called the meeting to order at 9:06 a.m.

#### **Roll Call**

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

##### **A. Members Present**

Laura Carroll, Cecile Fraley, Simon Hambidge, Morgan Honea, James McLaughlin, Christina Mulkey, David Pump and Vincent Scott.

##### **B. Members Excused**

Barry Martin & William Kinnard

##### **C. Staff Present**

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

#### **Announcements**

Mr. Honea announced the next Medical Services Board Meeting will be held at 303 E. 17<sup>th</sup> Avenue, 11<sup>th</sup> Floor Conference Room, Denver, CO 80203 on Friday, September 13, 2024 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. Hambidge moved for the approval of the June minutes. Mr. McLaughlin seconded the motion. The minutes were approved, 8:0.

## **Rules**

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

Document 01, MSB 24-03-04-A, Revision to the Medical Assistance Rule concerning Eliminating the Adult Dental Cap, Section 8.201.6 and Document 02, MSB 24-04-10-A, Revision to the Medical Assistance Rule concerning COVID-19 Vaccine and Monoclonal Antibody and Antiviral Treatment, Section 8.700.6.B.9-11.

Dr. Hambidge moved for the final adoption of Documents 01 & 02. Dr. Fraley seconded the motion.

The Board voted on the final adoption of Documents 01 & 02, 8:0.

### **B. Final Adoption**

Document 03, MSB 24-06-24-A, Revision to the Medical Assistance Act Rule concerning Healthcare Affordability and Sustainability Provider Fees and Supplemental Payments, Section 8.3000

Nancy Dolson, Special Financing Division, presented the rule and explained the proposed rule revisions include changes to the Healthcare Affordability and Sustainability (HAS) provider fees assessed upon hospitals and the HAS supplemental payments made to hospitals for federal fiscal year (FFY) 2023-24.

With federal matching funds, the provider fees fund the supplemental payments, healthcare coverage to 500,000+ Medicaid & CHP+ expansion members, and related administrative costs. The proposed rule revises the Inpatient per-diem fees (8.3003.B) and Outpatient percentage fees (8.3003.A) such that provider fees with federal matching funds equal the total funding obligation for FFY 2023-24. Also included are revisions to the Disproportionate Share Hospital (DSH) supplemental payment calculation for FFY 2023-24, and revisions/additions to the definitions.

Board Discussion – NA

Public Testimony – NA

Mr. Scott moved for the final adoption of Document 03. Ms. Carroll seconded the motion.

The Board voted on the final adoption of Document 03, 8:0.

Document 04, MSB 24-06-24-B, Revision to the Medical Assistance Rule concerning Dental Health Care Program for Low-Income Seniors, Procedure Rate Increase on Schedule A for Fiscal Year 2024-25, Section 8.960

Chandra Vital, Special Financing Division, presented the rule and explained payment rates cannot be below the base Medicaid dental rates. The revisions bring the rule into compliance.

Board Discussion – NA

Public Testimony – NA

Mr. McLaughlin moved for the final adoption of Document 04. Dr. Hambidge seconded the motion.

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

Document 05, MSB 24-01-03-A, Creation of the Medical Assistance Act Rule concerning the Money Follows the Person Demonstration, Section 8.555

Matthew Bohanon, Office of Community Living, presented the rule and provided a high overview of the demonstration. A review of the changes from June to now was provided.

Board Discussion – Board discussion included thanks for the presentation and the work on the rule. Appreciate the rule!

Public Testimony – NA

Mr. Pump moved for the final adoption of Document 05. Ms. Carroll seconded the motion.

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

Document 06, MSB 24-05-29-A, Revision to the Medical Assistance Act Rule concerning Doula Services, Section 8.734

Jessica Farnen, Policy Development & Implementation Section, presented the rule and explained updates to the rule from June. Revisions bring clarity to the rule.

Board Discussion – NA

Public Testimony – NA

Dr. Fraley moved for the final adoption of Document 06. Dr. Hambidge seconded the motion.

The Board voted on the final adoption of Document 06, 8:0.

Document 07, MSB 24-05-29-C, Revision to the Medical Assistance Act Rule concerning Doula Services, Section 8.200.2.D.a

Jessica Farnen, Policy Development & Implementation Section, presented the rule and explained changes allow doulas to not have physician oversight. Quality checks are in place within rule revisions.

Board Discussion – Board discussion included a question regarding what quality controls are in place. Non-clinical expertise, and training were discussed for new doulas. The process of continuing education was discussed and how recertification occurs every 5 years. The Doula Advisory Committee was discussed. Concerned that processes are not set yet, could be troublesome. Doulas can stay involved post-partum.

Public Testimony – NA

Mr. McLaughlin moved for the final adoption of Document 07. Dr. Hambidge seconded the motion.

The Board voted on the final adoption of Document 07, 8:0.

### **C. Initial Approval**

Document 08, MSB 24-05-07-A, Revision to Medical Assistance Rule concerning the Addition of Procedures to Schedule A of the Dental Health Care Program for Low-Income Seniors, Section 8.960

Chandra Vital, Special Financing Division, presented the rule and explained the new procedures added to the rule. This addresses biopsy for tooth and bone.

Board Discussion – Board discussion included the measurements of the new procedures. It was asked if the measurements fell outside the parameters what would happen and staff agreed to come back next month with a response. This is a fixed fund but can be reallocated to grantees as needed and staff communicate allocations on a rolling basis to both patients and providers.

Public Testimony – NA

Mr. Scott moved for the initial approval of Document 08. Ms. Carroll seconded the motion.

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

Document 09, MSB 24-06-05-A, Revision of the Medical Assistance Rule concerning Nursing Home Financial Transparency and Reporting, Section 8.450

Richard Clark, Office of Community Living, presented the rule and explained the revisions implement portions of HB 23-1228 with the intent to improve fiscal stewardship and financial transparency in nursing facility reimbursement rate setting. Now nursing facilities have to submit annual financial statements without being administratively burdensome.

Board Discussion – Board discussion included how smaller nursing facilities will have additional regulatory burden. The bill allows for additional funding to geographically critical facilities to assist.

Public Testimony – NA

Dr. Mulkey moved for the initial approval of Document 09. Dr. Fraley seconded the motion.

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

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

Ms. Pump motioned to add Documents 08 & 09 to the Consent Agenda.

The Board voted to add Documents 08 & 09 to the Consent Agenda; 8:0.

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

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

#### **Open Comments**

NA

#### **Department Update**

- Adela Flores Brennan, Medicaid Director

#### **Elections**

- Laura Carroll – President
- Barry Martin – Vice-President

#### **The meeting was adjourned at 10:31 a.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, September 13, 2024, at 303 E. 17<sup>th</sup> Avenue, 11<sup>th</sup> 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 at [hcpf504ada@state.co.us](mailto:hcpf504ada@state.co.us) at least one week before the meeting.