



## 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 12, 2022

#### Call to Order

Mr. Pump 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 seven members participating.

#### A. Members Present

Cecile Fraley, Simon Hambidge, Morgan Honea, William Kinnard, Barry Martin, Christina Mulkey and David Pump

#### B. Members Excused

Laura Carroll, An Nguyen and Vincent Scott

#### C. Staff Present

Cristen Bates, Deputy 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 1570 Grant St Hibiscus Conference Room, Denver, CO 80203 on Friday, September 9, 2022 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.  
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## **Approval of Minutes**

Dr. Martin moved for the approval of the February minutes. The motion was seconded by Dr. Fraley. The minutes were approved, 7:0.

## **Rules**

### **A. Emergency Adoption**

Document 09, MSB 22-07-26-A, Revision to the Medical Assistance Act Rule concerning Private Duty Nursing Benefits, Section 8.540.2

Candace Bailey, Benefits and Services Management Division, presented the rule and explained rule revision expands benefits. Current cap of 16 hours creates a barrier for members. Removing cap allows for medical necessity.

Board Discussion – Board discussion included rules came over to the Department and a review necessitates change.

Public Testimony – Victoria Oliveiera Stewart, Aveanna Health Care, support rule. Appreciate Department work, but request the Department look at the rates.

Eliza Schultz, Home Care and Hospice Association of Colorado, appreciate staff work. Rule language is confusing, suggest removing reference to 16 hrs. Prior rule PAR changes conflict with this rule.

Bethany Pray, Colorado Center on Law and Policy, appreciate rule. About confusion, exception process seems straight forward. In pediatrics it is confusing.

Galia Spsychalska, Advocate, concerns of current PDN criteria. There is a 30% denial from UM in pediatrics. The Department is committed to working with partners.

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

The Board voted the emergency adoption of Document 09, 6:1.

Document 08, MSB 22-07-21-A, Revision to the Special Financing Division Colorado Dental Health Care Program for Low-Income Seniors Schedule A, Section 8.960

Chandra Vital, Special Financing Division, presented the rule and explained a brief background of program. Medicare increased rates and rule must not be paid less than Medicare. Dental Advisory Committee recommended 2 additional procedures.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the emergency adoption of Document 08, 7:0.

Document 10, MSB 22-08-08-A, Revision to the Medical Assistance Act Rule concerning Long-Term Home Health Prior Authorization Correction, Section 8.520.8.C

Russ Zigler, Operations Section, presented the rule and explained how past revisions deleted all of 8.520.8.C. That was an error. Only 8.520.8.C.1 was meant to be revised. The language needs to be restored.

Board Discussion – Board discussion included the review of PAR denials. Should be small about 5%. More information next month with the PDN follow-up discussion.

Public Testimony – NA

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

The Board voted the emergency adoption of Document 10, 7:0.

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

Document 01, MSB 22-05-03-B, Revision to the Medical Assistance Act Rule concerning Federally Qualified Health Center Clinical Social Worker, Section 8.700.1.B.1

Dr. Mulkey moved for the final adoption of Document 01. Mr. Honea seconded the motion.

The Board voted the final adoption of Document 01, 7:0.

## **C. Final Adoption Agenda**

Document 02, MSB 22-06-27-A, Revision to Medical Assistance Act Rule concerning Base Wage regarding certain Home and Community Based Services, Section 8.511

Michele Craig, Benefits & Services Division, presented the rule and explained additional services included in wage increases.

Board Discussion – Board discussion included an appreciation of Department work, wages could be more.

Public Testimony – NA

Mr. Honea moved for the final adoption of Document 02. Dr. Fraley seconded the motion.

The Board voted the initial approval of Document 02, 7:0.

Document 03, MSB 22-06-27-D, Revision to the Special Financing Division Colorado Dental Health Care Program for Low-Income Seniors and Old Age Pension Concerning SB21-199, Section 8.900

Chandra Vital, Special Financing Division, presented the rule and explained SB 21-199 removed lawful presence.

Board Discussion – Board discussion included change costs and there is never enough funding.

Public Testimony – NA

Dr. Fraley moved for the final adoption of Document 03. Dr. Martin seconded the motion.

The Board voted the final approval of Document 03, 7:0.

Document 04, MSB 22-06-27-B, Revision to the Medical Assistance Act Rule concerning Non-Emergent Emergency Department Services Cost Sharing, Section 8.754.2

Russ Zigler, Operations Section, presented the rule and explained final adoption of emergency rule from last month. Increasing copay by \$2.

Board Discussion – Board discussion included that a few members pay emergent care copay, total impact \$23K. Federal requirement for copay, a sliding fee but fed requirements limit copays per month.

Public Testimony – NA

Dr. Fraley moved for the final adoption of Document 04. Mr. Honea seconded the motion.

The Board voted the final approval of Document 04, 7:0.

Document 05, MSB 22-06-27-C, Revision to the Medical Assistance Act Rule concerning Non-Invasive Prenatal Testing, Section 8.732.4.E

Russ Zigler, Operations Section, presented the rule and explained emergency rule adoption from last month. Rule aligns with national standards.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the final approval of Document 05, 7:0.

## **D. Initial Approval Agenda**

Document 06, MSB 22-05-03-A, Revision to the Medical Assistance Act Rule concerning Telemedicine Electronic-Health (e-Health) Entities, Sections 8.095, 8.200.3, 8.520.4.B, 8.700.1, 8.730.3.B, 8.740.1 & 8.750.3.B

Russ Zigler, Operations Section, presented the rule and explained revisions create eHealth entities section. Creates telemedicine rules centrally and not piece meal throughout benefits.

Board Discussion – NA

Public Testimony – Stephanie Brooks, Colorado Community Health Network, general support of rule revisions. Few concerns, clarifying language needed. The Department will work with stakeholders.

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

The Board voted the initial approval of Document 06, 7:0.

Document 07, MSB 22-04-06-A, Revision to the Medical Assistance Act Rule concerning In-State Inpatient Hospital High Acuity Rate Negotiation, Section 8.300.5.G

Russ Zigler, Operations Section, presented the rule and explained background of rate negotiations. Must align with CMS language. Feds require 2 changes to the rule.

Board Discussion – NA

Public Testimony – NA

Dr. Martin moved for the initial approval of Document 07. Dr. seconded the motion.

The Board voted the initial approval of Document 07, 7:0.

## **CONSENT Agenda**

Mr. Pump moved to add Document 07 to the consent agenda. Dr. Hambidge seconded the motion.

The Board voted to add Document 07 to the consent agenda, 7:0

## **E. Closing Motion**

Dr. Mulkey moved to close the rules portion of the agenda. The motion was seconded by Dr. Martin.

## Open Comments

NA

## Department Updates

- Department Updates/Questions – Cristen Bates, Deputy Medicaid Director

### **The meeting was adjourned at 11:02 a.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, September 9, 2022 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.