



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
December 9, 2022

Call to Order

Mr. Pump called the meeting to order at 9:01 a.m.

Roll Call

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

A. Members Present

Laura Carroll, Cecile Fraley, Simon Hambidge, Morgan Honea, William Kinnard, Christina Mulkey, An Nguyen and David Pump

B. Members Excused

Vincent Scott

C. Staff Present

Adela Flores-Brennan, 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 303 E 17th Ave 11th floor Conference Room, Denver, CO 80203 on Friday, January 13, 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.
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Approval of Minutes

Ms. Carroll moved for the approval of the October and November minutes. The motion was seconded by Dr. Fraley. The minutes were approved, 9:0.

Rules

A. Emergency Adoption

Document 03, MSB 22-11-08-A, Revision to the Medical Assistance Rule Concerning the Rural Provider Access and Affordability Stimulus Grant Program, Section 8.8000

Nancy Dolson, Special financing Division, presented the rule and explained the new section of rule creates rules to administer the Rural Provider Access and Affordability Stimulus Grant Program established through the enactment of Senate Bill 22-200. Including a methodology to determine which rural providers are qualified for grant funds, permissible uses of grant money, and reporting requirements for grant recipients.

Board Discussion – Board discussion included a talk about the process and the number of providers that may be eligible for the program.

Public Testimony – NA

Dr. Martin moved for the emergency adoption of Document 03. Dr. Nguyen seconded the motion.

The Board voted the emergency adoption of Document 03, 8:0:1

Document 04, MSB 22-10-26-A, Revision to the Medical Assistance Rule Concerning Medicare-Only Provider Types, Section 8.125 & 8.126

Alex Lyons, Operations Section, presented the rule and explained the rule clarifies that Medicare-Only Providers which means a provider enrolled in the Medical Assistance Program for purposes of Medicare cost-sharing only. A review of the revised sections of rule was done.

Board Discussion – NA

Public Testimony – NA

Ms. Carroll moved for the emergency adoption of Document 04. Dr. Hambidge seconded the motion.

The Board voted the emergency adoption of Document 04, 9:0.

Document 05, MSB 22-11-17-A, Revision to the Medical Assistance Act Rule Concerning Inpatient Payment Rates for Opioid Antagonist, Section 8.300.5.D

Raine Henry, Benefits Section, presented the rule and explained that House Bill 22-1326 appropriates funding allowing the Department to reimburse opioid antagonist drugs outside of its current reimbursement methodology. Currently, there is not distinct reimbursement for the opioid antagonist drug Naloxone in the payment bundles used for outpatient hospital payment calculation. This rule change will allow the Department to make payment outside of the payment bundles, creating greater incentive to inpatient hospitals to provide take-home Naloxone to patients at-risk for opioid overdoses.

Board Discussion – Board discussion included an appreciation for the rule.

Public Testimony – NA

Dr. Fraley moved for the emergency adoption of Document 05. Mr. Morgan seconded the motion.

The Board voted the emergency adoption of Document 05, 9:0.

B. Final Adoption by Consent Agenda

Document 01, MSB 22-09-22-A, Revision to the Medical Assistance Act Rule concerning Out of State Former Foster Care members for Sections 8.100.4.H.2

Dr. Mulkey moved for the final adoption of Document 01. Ms. Carroll seconded the motion.

The Board voted the final adoption of Document 01, 9:0.

C. Initial Approval

Document 02, MSB 22-08-31-A, Revision to the Medical Assistance Rule concerning Settings Final Rule Critical Updates, Sections 8.484, 8.500.5.B, 8.500.94.B, 8.609.4 & 8.610

Kyra Acuna, Office of Community Living, presented the rule and provided a background for Home and Community Based Services. The final settings rule mandated services be provided in community settings. This rule cleans up language that is in opposition to the final settings rule. The Department rules must be compliant by March 2023.

Board Discussion – NA

Public Testimony – NA

Dr. Martin moved for the initial approval of Document 02. Dr. Nguyen seconded the motion.

The Board voted the initial approval of Document 02, 9:0.

D. Consent Discussion

Mr. Pump motioned to add Document 02 to the Consent Agenda.

The Board voted to add Document 02 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

Pamela Rogers – questions about administrative approval. No answers regarding deadlines, possible clarity possible? New PAR submitted, how do we know outcome. Lots of confusion. Services now? Yes, not without services.

Galia Spychalska – lots of work to be done. No regulation or statute allowing for Administrative Process, needs oversight. Huge disconnect with HCPF, miscommunication is bad. CO not complying with fed law.

Board – Board discussion included how no fixed deadline for agencies to submit, what is the rationale behind a date instead of a check list? A date holds feet to the fire, have a checklist also. A date is flexible, recognize the time of year and February 28th is coming up fast. Is the timeline achievable? If not, let's push the date back. Top priority to get back on track. Believe we can meet date, if not we will push out.

Department Response – All documents resubmitted by November 30 are being reviewed by the Department and the contractor. As of now all requests for services are being approved until February 28th. The Department is clarifying letters by working with many groups to ensure readability. The updated letters are expected to be distributed to parents in late January. The top priority is to get back on track and we believe we can meet the date, if not the date will be pushed out.

Department Updates

- Department Updates/Questions – Adela Flores-Brennan, Medicaid Director

The meeting was adjourned at 10:10 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, January 13, 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 or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.