



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 10, 2021

Call to Order

Mr. Pump 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 nine members participating.

A. Members Present

Cecile Fraley, Morgan Honea, William Kinnard, Barry Martin, Amanda Moorer, Christina Mulkey, An Nguyen, David Pump and Vincent Scott

B. Members Excused

Simon Hambidge

C. Staff Present

Tracy Johnson, 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 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203 on Friday, January 14, 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.



Approval of Minutes

Mr. Honea moved for the approval of the November minutes. The motion was seconded by Dr. Fraley. The minutes were approved, 9:0.

Rules

A. Emergency Adoption

Document 09, MSB 21-11-30-A, Revision to the Medical Assistance Act Rule concerning Qualified Residential Treatment Programs, Section 8.765

Russ Zigler, Operations Section, presented the rule and explained that a new provider type has been created. This rule aligns with the Department of Human Services rules.

Board Discussion – Board discussion included a question on expanding access to services, specifically in rural areas. The rule complies with federal rules and how this new provider type impacts rural and urban alike.

Public Testimony – NA

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

The Board voted the emergency adoption of Document 09, 9:0.

Document 10, MSB 21-12-01-A, Revision to the Medical Assistance Act Rule concerning Subacute Care, Section 8.300

Russ Zigler, Operations Section, and Raine Henry, Benefits Management, presented the rule and explained this a continuation of the emergency rule from September. A brief background of the subacute emergency care was provided. This revision is needed to cleanup the rule language to align with Department policy.

Board Discussion – NA

Public Testimony – NA

Mr. Honea moved for the emergency adoption of Document 10. Dr. Nguyen

The Board voted the emergency adoption of Document 10, 9:0.

Document 11, MSB 21-12-01-B, Revision to the Medical Assistance Act Rule concerning Hospice Room and Board, Section 8.550.9.C

Russ Zigler, Operations Section, presented the rule and explained the rule coordinates for members that are in need of a bed but if none are available at a facility. The rule aligns with the statute.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the emergency adoption of Document 11, 9:0.

Document 13, MSB 21-08-05-A, Revision to the Medical Assistance Act Rule concerning Base Wage Requirement for Direct Care Workers, Section 8.511

Jessica Corral, Office of Community Living, Erin, Candace and Cathy Fielder. presented the rule and explained the rule increases wages for workers. The growing age of Coloradans necessitates workers. It is imperative this rule be an emergency to assist getting more workers. This revision impacts Home & Community Based Services providers to bring in more workers to assist. Compliance is necessary from providers. Stakeholder feedback was reviewed.

Board Discussion – Board discussion included an appreciation for the rule. A question regarding the analysis that an increase in wage will get results was discussed. There is additional funding from ARPA funds for analysis and the Department plans to do the analysis. Staff recognize this is a start, not the ceiling. A discussion on if the base rate or minimum is higher, that is what will go to the worker. Workers can report direct to HCPF if the funds are not and auditing will occur.

Public Testimony – Aleta Ayo, home care provider, Colorado Care Workers Unite, struggle in the work. Want resources to go to workers. Appreciate the rule.

Cody Jabukowski, home care provider. Workers are underpaid and \$15/hour is an important step forward. The new rate must go to workers.

Melissa Benjamin, home care provider, workers are there because they care. \$15/hour is a good start and needs to go to workers.

Michael Fizdale, direct care worker, \$15/hour is a good first step and must go to the workers.

Mr. Honea moved for the emergency adoption of Document 13. Dr. Nguyen seconded the motion.

The Board voted the emergency adoption of Document 13, 9:0.

Document 12, MSB 21-12-02-A, Revision to the Medical Assistance Act Rule concerning Pediatric Personal Care Base Wage, Section 8.535

Christina Winship, Benefits Management, presented the rule and companion rule to the Base Wage rule. This rule requires Pediatric Direct Care workers to receive

\$15/hour base wage. Direct care workers are the most impacted. Same path as previous rule.

Board Discussion – NA

Public Testimony – NA

Mr. Scott moved for the emergency adoption of Document 12. Dr. Fraley seconded the motion.

The Board voted the emergency adoption of Document 12, 9:0.

Document 14, MSB 21-11-08-A, Revision to the Medical Assistance Act Rule concerning Modification of Outpatient Hospital Payment Rates through EAPG Grouper Update, Section 8.300.6

Andrew Abalos, Rates Division, presented the rule and explained the prospective payment system. Beginning January 1 3M will no longer support the Department's prospective payment system. Without the revisions no providers will be paid for the services. Changes to groupings for billing.

Board Discussion – NA

Public Testimony – NA

Dr. Mulkey moved for the emergency adoption of Document 14. Mr. Honea seconded the motion.

The Board voted the emergency adoption of Document 14, 9:0.

B. Final Adoption by Consent Agenda

Document 01, MSB 21-07-20-C, Revision to the Rural Health Center Rules Concerning Reimbursement, Section 8.740

Document 02, MSB 21-08-04-B, Revision to the Medical Assistance Act Rule concerning Consumer Directed Attendant Support Services EVV Compliance, Section 8.510

Document 03, MSB 21-06-09-A, Revision to the Medical Assistance Act Rule concerning In-Home Support Services, Section 8.552

Mr. Honea moved for the final adoption of Document 01, 02 & 03. Mr. Scott seconded the motion.

The Board voted the final adoption of Document 01, 02 & 03, 9:0.

C. Final Adoption Agenda

Document 04, MSB 21-11-17-A, Revision to the Medical Assistance Rule concerning Qualifications of Case Managers, Sections 8.393.1.J.; 8.519.5. and 8.603.9

Victor Robertson, Office of Community Living, presented the rule and reviewed the rule from the emergency adoption in October. Review of feedback from providers thanking HCPF for the rule.

Board Discussion – NA

Public Testimony – NA

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

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

Document 05, MSB 21-11-17-B, Revision to the Medical Assistance Act Rule concerning Long-Term Home Health and Private Duty Nursing Prior Authorization Requirements, Sections 8.520.8, 8.540.2 and 8.540.7

Matt Colussi, Benefits Management Section, presented the rule and explained the rule removed prior authorization request requirements for the duration of the pandemic. To comply with the State Plan requirements are reinstated, through a tiered system. A review of the PAR process was given.

Board Discussion – NA

Public Testimony – Bethany Pray, Colorado Center on Law and Policy, appreciate the Department's work on the rule and working with staff.

Mr. Honea moved for the final adoption of Document 05. Dr. Fraley seconded the motion.

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

D. Initial Approval Agenda

Document 07, CHP 21-06-03-B, Revision to the Medical Assistance Rule concerning Changes to the Revision of the Renewal process for Sections 140 and 430

Melissa Torres-Murillo, Eligibility Policy Section, presented the rule and explained revisions follow Federal regulations on renewals and a revisions of the changes. A review of the feedback received and responses was reviewed.

Board Discussion – Board discussion included communication from HCPF to counties was discussed and the changes to the applications for the members.

Public Testimony – NA

Dr. Fraley moved for the final adoption of Document 07. Mr. Scott seconded the motion.

The Board voted the final adoption of Document 07, 9:0.

Document 08, MSB 19-08-21-B, Revision to the Medical Assistance Rule concerning Changes to the renewal process for Sections 8.100.4.G, 8.100.3.K, and 8.100.3.P

Melissa Torres-Murillo, Eligibility Policy Section, presented the rule and reviewed RRR changes to comply with Federal rules. Feedback received was reviewed and Department responses.

Board Discussion – Board discussion included how reading through this revision was difficult. The Department proposed submitting a simplified markup revision to the Board along with the redlined version for future rules that are difficult due to an abundance of redline.

Public Testimony – NA

Dr. Fraley moved for the initial approval of Document 08. Dr. Nguyen seconded the motion.

The Board voted the initial approval of Document 08, 9:0.

E. Consent Agenda

Dr. Kinnard moved to add documents 07 & 08 to the consent agenda. Mr. Pump seconded the motion.

The Board voted and approved the consent agenda, 9:0.

F. Closing Motion

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

Open Comments

Bethany Pray, Colorado Center on Law and Policy

Department Updates

- Department Updates/Questions – Tracy Johnson, Deputy Medicaid Director

The meeting was adjourned at 11:16 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, January 14, 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 or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.