



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

December 13, 2024

Call to Order

Ms. Carroll 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 eight members participating.

A. Members Present

Laura Carroll, Cecile Fraley, William Kinnard, Barry Martin, James McLaughlin, Christina Mulkey, David Pump and Vincent Scott.

B. Members Excused

Simon Hambidge and Morgan Honea

C. Staff Present

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

Announcements

Ms. Carroll announced the next Medical Services Board Meeting will be held at 303 E 17th Ave, Suite 1100, Denver, CO 80203 on Friday, January 10, 2025 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. Martin moved for the approval of the November minutes. The motion was seconded by Mr. McLaughlin. The minutes were approved, 6:0.

Rules

A. Final Adoption by Consent

Document 01, MSB 24-08-22-A, Revision to the Medical Assistance Rule Concerning the Children's Habilitation Residential Program Waiver Eligibility Expansion, Section 8.7101; Document 02, MSB 24-07-08-A, Revision to the Medical Assistance Eligibility Rules Concerning the Qualified Medicare Beneficiaries (QMB), Section 8.100.6.L.2 and Document 03, MSB 24-09-09-A Revision to the Medical Assistance Act Rule Concerning Provider Screening and Colorado NPI Updates, Sections 8.125 & 8.126

Dr. Martin moved for the final adoption of Documents 01, 02 and 03. Mr. McLaughlin seconded the motion.

The Board voted on the final adoption of Documents 01, 02 and 03, 6:0.

B. Final Adoption

Document 04, MSB 24-06-03-A, Revision to the Medical Assistance Act Rule concerning At-Risk Diversion for Case Management Agencies, Section 8.7200

Pulled from agenda

C. Initial Approval

David Pump joined – 9:11 am

Document 05, MSB 24-09-03-A, Revision to the Medical Assistance Rule concerning Enforcement Remedies Related to Survey Deficiencies; Medical Leave from Nursing Facility; and Management of Personal Needs Funds by Other than Resident, Sections 8.435, 8.443 & 8.482

Erica Schaler, Policy Development and Implementation Section, presented the rule and explained the revisions, which removed outdated language and updated citations.

Board Discussion – NA

Public Testimony – NA

Mr. McLaughlin moved for the initial approval of Document 05. Mr. Pump seconded the motion.

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

Document 06, MSB 24-09-24-A, Revision to the Hospital Discounted Care Rule Concerning Hospital Discounted Care Updates Per 24-116 Section 8.920

Taryn Graf, Special Financing Division, presented the rule and explained During the 2024 session, the Colorado General Assembly passed Senate Bill (SB) 24-116 which changed Hospital Discounted Care, enacted under House Bill (HB) 21-1198. SB 24-116 allows hospitals to set payment plans at 6% of the patient's calculated household gross monthly income if the hospital bills for their employed or contracted health care professionals, adds definitions for Inpatient and Outpatient Hospital Services, excludes primary care services provided in clinics located in rural or frontier counties who have a sliding fee scale approved by the Department, requires licensed health care professionals to submit their own Hospital Discounted Care data to the Department, and allows for hospitals to disqualify patients from eligibility for Hospital Discounted Care if they determine the patient presumptively eligible for Health First Colorado (Colorado's Medicaid Program) or the Child Health Plan Plus (CHP+).

Board Discussion – NA

Public Testimony – NA

Mr. Pump moved for the initial approval of Document 06. Dr. Mulkey seconded the motion.

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

Document 07, MSB 24-10-01-A, Revision to the Medical Assistance Act Rule concerning Healthcare Affordability and Sustainability Provider Fees and Supplemental Payments, Section 8.3000

Jeff Wittreich, Special Financing Division, presented the rule and provided a background of the Provider Fees and supplemental payments. Language in the rule allows to draw down matching funds. Fees are increasing in regulation, due to methodology revisions. The supplemental payments methodology doesn't change, just increases due to fee increases.

Board Discussion – Board discussion included focus on the table and how it is confusing. In 2022, the amount was \$21 million, now \$9.9 million is confusing and was clarified that this is the increase over time, not the new total amount. The table in Regulatory Analysis was reviewed.

Public Testimony – NA

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

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

Document 08, MSB 24-09-05-A, Revision to the Medical Assistance Act Rule concerning updates to the Continuous Eligibility for Medical Assistance programs for section 8.100.3.Q

Melissa Torres-Murrilo, Eligibility Policy Section, presented the rule and explained the need for rule revisions. Improving enrollment practices by States to provide 12 month continuous enrollment period. The rule is now aligned with federal policy. All policy changes will be updated in the Colorado Benefits Management System. Changes will help improve health equity and outcomes among members. Removed 14 day no fault language, added language regarding incarcerated children, and reviewed stakeholder engagement.

Board Discussion – NA

Public Testimony – Katie Wallet, Colorado Center on Law and Policy, support the rule and the engagement. How big is the issue of fraud? No direct numbers, the information is handled by Counties.

Mr. Scott moved for the initial approval of Document 08. Dr. Martin seconded the motion.

The Board voted the initial approval of Document 08, 7:0.

Document 09, CHP 24-09-05-B, Revision to the CHP Plus Rule Concerning updates to the Continuous Eligibility for Sections 120.1.A, 430.2.A & B and 440.4

Melissa Torres-Murrilo, Eligibility Policy Unit, presented the rule and explained The proposed rule change will amend 10 CCR 2505-3 sections 120.1.A, 430.2. A & B and 440.4, to update requirements to expand the 12 months of continuous eligibility (CE) for children under the age of 19 in Medicaid and Child Health Plan Plus (CHP+). Provided stakeholder engagement overview.

Board Discussion – NA

Public Testimony – NA

Dr. Martin moved for the initial approval of Document 09. Mr. Pump seconded the motion.

The Board voted the initial approval of Document 09, 7:0.

D. Consent Discussion

Mr. Pump motioned to add Document 05, 06, 07, 08 & 09 to the Consent Agenda. Mr. MacLaughlin seconded the motion.

The Board voted to add Document 05, 06, 07, 08 & 09 to the Consent Agenda; 7:0.

E. Closing Motion

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

Open Comments

Katie Wallet, Colorado Center on Law and Policy, Private Duty Nursing is again with a major crisis of denials. The vendor is interpreting medical necessity incorrectly. A request for more data on the issues to understand the entirety of the issues. Recommendations for information dissemination include the Private Duty Nursing webpage with a data page that has not been updated since June 2024. How vendor trained and what oversight is done was questioned and the Department is in the process of fully evaluating the vendor. The Department will reach out to the community next week with more information.

Department Update

- Adela Flores-Brennan, Medicaid Director

Dr. Fraley joined at 10:15am

The meeting was adjourned at 10:57 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, January 10, 2025 at 303 E 17th Ave, 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.