



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

February 14, 2025

Call to Order

Ms. Carroll 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 eight members participating.

A. Members Present

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

B. Members Excused

David Pump, Simon Hambidge

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, March 14, 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 January minutes. The motion was seconded by Mr. McLaughlin. The minutes were approved, 8:0.

Rules

A. Final Adoption by Consent

Document 01, MSB 24-10-15-A, Revision to the Medical Assistance Act Rule concerning Removal of Obsolete Section 8.212; Document 02, MSB 24-06-25-B, Revision to the Medical Assistance Act Rule concerning the Wellness Education Benefit Section 8.7556; Document 03, MSB 23-12-14-A, Revision to the Medical Assistance Act Rule concerning Qualified Residential Treatment Program (QRTF) Reporting Requirements, 8.765.14; and Document 04, MSB 23-12-19-A, Revision to the Medical Assistance Act Psychiatric Residential Treatment Facility (PRTF) Reporting Requirements, Section 8.765. Mr. McLaughlin moved for the final adoption of Documents 01, 02, 03, and 04. Dr. Mulkey seconded the motion.

The Board voted on the final adoption of Documents 01, 02, 03, and 04, 8:0.

B. Final Adoption

Document 05, MSB 24-10-28-A, Revision to the Medical Assistance Eligibility Rules Concerning Return of Buy-in Monthly Premiums Collection, Section 8.100.6

Mitchell Scott, Eligibility Policy Unit, presented the rule and explained revisions only remove language put in place during the Public Health Emergency. Return to normal operations and federal guidance requested premiums be reinstated. .

Board Discussion – NA

Public Testimony – NA

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

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

C. Initial Approval

Document 06, MSB 24-10-30-B, Revision to the Medical Assistance Act rule Concerning Durable Medical Equipment Billing Clarification, Section 8.590

Russ Zigler, Policy Development and Implementation Section, presented the rule and explained the purpose of the revisions are to clean up contradictory

language in the rule. Manual priced Durable Medical Equipment is a percentage listed in the billing manual.

Board Discussion – Board discussion included the rates go to the Rate Review committee at the Department when scheduled. At other times the rates receive an across the board increase specified in the Long Bill.

Public Testimony – NA

Dr. Fraley moved for the initial approval of Document 06. Dr. Martin seconded the motion.

The Board voted the initial approval of Document 06, 8:0.

Document 07, MSB 24-11-22-A, Revision to the Medical Assistance Act rule Concerning Out-of-State Hospital and Physician Services Rate Negotiation, Section 8.013

Russ Zigler, Policy Development and Implementation Section, presented the rule and explained revisions add clarity when seeking out of state care.

Board Discussion – Board discussion included an understanding of negotiated single case agreements. An example of out-of-state care is transplant related cases that are not performed in Colorado.

Public Testimony – NA

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

The Board voted the initial approval of Document 07, 8:0.

Document 08, MSB 24-07-08-B, Revision to the Medical Assistance Eligibility Rules Concerning the Medicaid Buy-In Program for Children with Disabilities, Section 8.100.5

Nancy Brenes, Eligibility Policy Unit, presented the rule and explained income allocations and disregards and that revisions are adding children here but not Modified Adjusted Gross Income eligible individuals.

Board Discussion – Board discussion included that the Department assists in connecting to the employer for the 50% match. Self attestation is sufficient, no paper work is necessary. This is not a mandatory question on the application. Under federal regulations, Community Health Workers are not allowed to perform eligibility work.

Public Testimony – NA

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

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

D. Consent Discussion

Mr. Scott motioned to add Document 06, 07 & 08 to the Consent Agenda.
Mr. Honea seconded the motion.

The Board voted to add Document 06, 07, & 08 to the Consent Agenda; 8:0.

E. Closing Motion

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

Open Comments

Katie Wallet – Colorado Center on Law and Policy, Private Duty Nursing crisis. The requested data webinar was held this week with over 200 attendees. A reasonable request would be the name of the vendor.

Galia Spychalska - Nondisclosure of conflicts of interest is occurring. The review of rules is not in compliance, as well as the Emergency adoption of rules.

Elizabeth Snow – I have been navigating barriers to care for over a year with DentaQuest and have had numerous challenges from failed customer service, inaccurate and incomplete information, network insufficiency and the lack of a process to address medically necessary specialty services due to disability.

Juliet Dawkins – parent of a medically complex child. Private Duty Nursing assistance is needed. Had assistance for 5 months and then was denied and pulled from care.

Kayleigh Sheble – During the denial period I had a nurse providing help 20 hours per week. We were told by the judge on 1/9/25 that information sent in for that period will only be considered. The problem with this is care has become more complex since then. Requiring frequent oxygen titrations, 2-4 times a day cough assist/vest clearance/nebulizer treatments and urinary catheterization. In order to not lose our current Private Duty Nurse, we are forced to appeal but can only address old information.

Megan Bowser – Family Voices, Skilled Nurse rule is coming soon. Involving stakeholder input will help in creating a well-written rule.

Maureen Welch – Stories are brought to the Board because the Department is not listening.

Bryce Rafferty – Colorado Cross-Disability Coalition, Colorado Open Records Act requested data from the Department hasn't been received for the skilled nursing rule revision. There is a strong fear of automation, there is no transparency of the vendor for the nurse assessor rule.

Rule Previews

- Member Appeals – Russ Zigler and Kate Kaiser
- Interim Support Level Assessment – Mariah Kohlruss-Ecker & Lori Thompson

Department Update

- Adela Flores-Brennan, Medicaid Director

The meeting was adjourned at 12:06 p.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, March 14, 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.