



## 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  
February 10, 2023

#### 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 nine members participating.

#### A. Members Present

Laura Carroll, Cecile Fraley, Morgan Honea, William Kinnard, Idalia Massa-Carroll, Christina Mulkey, An Nguyen, David Pump and Vincent Scott

#### B. Members Excused

Simon Hambidge

#### 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 17<sup>th</sup> Ave 11<sup>th</sup> floor Conference Room, Denver, CO 80203 on Friday, March 10, 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.  
[www.colorado.gov/hcpf](http://www.colorado.gov/hcpf)

## **Approval of Minutes**

Mr. Martin moved for the approval of the January minutes. The motion was seconded by Dr. Carroll. The minutes were approved, 9:0.

## **Rules**

### **A. Emergency Adoption**

Document 08, MSB 23-02-04-A, Revision to the Medical Assistance Act Rule concerning Novel Corona Virus Disease (COVID-19) Rules, Section 8.6000

Emily Walsh, Office of Community Living, presented the rule and explained temporary changes authorized and no changes to the rule language.

Board Discussion – NA

Public Testimony – NA

Document 09, MSB 23-02-04-B, Revision to the Medical Assistance Rule concerning Provider Enrollment, Sections 8.125.11, 8.125.12, 8.125.13

Clint Eatmon, Fiscal Agent Operations Section, presented the rule and explained temporarily removes visit requirements. No changes to the rule language.

Board Discussion – NA

Public Testimony – NA

Document 10, MSB 23-02-04-C, Revision to the Medical Assistance Act Rule concerning Emergency Medical Transportation, Sections 8.018.1.F. and 8.018.4.D.1

Courtney Sedon, Benefits and Management, presented the rule and explained temporarily expands sites for transportation and no changes to the rule.

Board Discussion – NA

Public Testimony – NA

Document 11, MSB 23-02-04-D, Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation, Sections 8.014.1.N, 8.014.3.C.2, 8.014.3.D.1, 8.014.4.A, 8.014.6.A.3

Courtney Sedon, Benefits and Management, presented the rule and explained expands list of allowable sites temporarily. No changes to rule language.

Board Discussion – NA

Public Testimony – NA

Document 12, MSB 23-02-04-E, Revision to the Medical Assistance Act Rule concerning Nursing Facility Immunization Administration, Sections 8.443 and 8.815

Richard Clark, Office of Community Living, presented the rule and explained rule allows billing for vaccine administration. No changes to the rule.

Board Discussion – NA

Public Testimony – NA

Document 13, MSB 23-02-04-F, Revision to the Medical Assistance Rule concerning Medical Assistance program rule updates, Sections 8.100.1,8100.3, 8.100.4, 8.100.5 and 8.100.6

Ana Bordallo, Eligibility Policy Section, presented the rule and explained rules revised to meet federal requirements and no changes to the rule language.

Board Discussion – NA

Public Testimony – NA

Document 14, CHP 23-02-04-G, Revision to the Medical Assistance Rule concerning Child Health Plan Plus program rule updates, Sections 110,140, 310 and 320

Ana Bordallo, Eligibility Policy Section, presented the rule and explained rules are changed to match enrollment fees based on federal requirements. There is no change to the rule.

Board Discussion – NA

Public Testimony – NA

Document 15, MSB 23-02-04-H, Revision to the Medical Assistance Act Rule concerning Subacute Care, Section 8.300

Russ Zigler, Operations Section, presented the rule and explained rules are unchanged. This is an extension of emergency rule. Provided a quick background of rule language.

Board Discussion – NA

Public Testimony – NA

Mr. Honea moved for the emergency adoption of Document 08, 09, 10, 11, 12, 13, 14, & 15. Dr. Fraley seconded the motion.

The Board voted the emergency adoption of Document 08, 09, 10, 11, 12, 13, 14, & 15, 8:0.

Document 16, MSB 23-01-30-A, Revision to the Medical Assistance Act rule concerning the Hospital Back-Up Program Bed Cap, Section 8.470.7

Richard Clark, Office of Community Living presented the rule and explained a brief history of the Hospital Back-Up program. Provider capacity have diminished and revisions allow for increased caps to improve access to care.

Board Discussion – Board discussion included regulations prescribed nursing ratio for ventilators, no fixed number, but enough to ensure safety of individuals and more monitoring for sites with increased capacity.

Public Testimony – NA

Dr. Martin moved for the emergency adoption of Document 16. Dr. Kinnard seconded the motion.

The Board voted the emergency adoption of Document 16, 8:0.

Document 17, MSB 23-02-01-A, Revision to the Medical Assistance Act rule concerning Inpatient Hospital Co-payment, Section 8.754.1.H

Russ Zigler, Operations Section, presented the rule and explained current co-payment limits. Must align with federal regulations, which have changed and rule revisions now align with Federal regulations.

Board Discussion – NA

Public Testimony – NA

Ms. Carroll moved for the emergency adoption of Document 17. Dr. Mulkey seconded the motion.

The Board voted the emergency adoption of Document 17, 9:0.

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

Document 01, MSB 22-07-09-A, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule concerning Life Skills Training, Home Delivered Meals, Peer Mentorship, & Transition Setup Services, Section 8.553

Mr. Scott moved for the final adoption of Document 01. Dr. Martin seconded the motion.

The Board voted the final adoption of Document 01, 8:0.

## **C. Final Adoption Agenda**

Document 02, MSB 22-10-04-A, Revision to the Medical Assistance Act Rule concerning the Supports Intensity Scale Assessment, Section 8.612

Mariah Kohlruss-Ecker, Office of Community Living, and Lori Thompson, Office of Community Living, presented the rule and discussed the continued engagement with stakeholders on the rule language. Additional meetings are set up for the information and disclosure forms and other documents. Reviewed and updated language clarifying for the case management agencies.

Board Discussion – Board discussion included outreach to case management agencies happens at quarterly meetings with no feedback. Continued outreach with the individual at the case management agencies responsible for the SIS assessment.

Public Testimony – NA

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

The Board voted the final adoption of Document 02, 8:0.

Document 03, MSB 22-12-28-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 this is the final adoption of the emergency rule. Grant awards occur in July.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the final adoption of Document 03, 7:0:1.

Document 05, MSB 22-12-28-C, Revision to the Medical Assistance Act Rule Concerning Inpatient Payment Rates for Opioid Antagonist, Section 8.300.5.D

Andrew Abalos, Rates Division, presented the rule and final adoption of emergency rule.

Board Discussion – NA

Public Testimony – NA

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

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

#### **D. Initial Approval**

Document 06, MSB 22-11-03-A, Revision to the Medical Assistance Act Rule concerning Medicaid Eligibility Quality Control, Section 8.080

Russ Zigler, Operations Section, presented the rule and reviewed the purpose the of Medicaid Eligibility Quality Control program. The rules were moved to the Executive Director rule section and these rules need to be deleted.

Board Discussion – NA.

Public Testimony – NA

Dr. Nguyen moved for the initial approval of Document 06. Mr. Scott seconded the motion.

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

Document 07, MSB 22-09-19-A, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule concerning Life Skills Training, Home Delivered Meals, Peer Mentorship, & Transition Setup Services, Section 8.553

Emily Walsh, Office of Community Living, and Michele Craig, Office of Community Living, presented the rule and provided program background information.

Provider capacity limits at the Department of Human Services and Foster Care Home capacity limits also. Respite rules may not exceed limits and align with Child Supports waiver limits. The revisions provide more support to members.

Board Discussion – Board discussion included an appreciation of addressing respite care to families.

Public Testimony – NA

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

The Board voted the initial approval of Document 07, 9:0.

## **E. Consent Discussion**

Mr. Pump motioned to add Document 06 & 07 to the Consent Agenda.

The Board voted to add Document 06 & 07 to the Consent Agenda; 9:0.

## **F. Closing Motion**

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

## **Open Comments**

NA

## **Budget Update**

- Erin Gates, Budget Director

## **Legislative Update**

- Jo Donlin, Legislative Liaison

## **Department Updates**

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

**The meeting was adjourned at 10:29 a.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, March 10, 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](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.