



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
January 14, 2022

Call to Order

Mr. Pump called the meeting to order at 9:08 a.m.

Roll Call

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

A. Members Present

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

B. Members Excused

Simon Hambidge, William Kinnard and An Nguyen

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, February 11, 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, 7:0.

Rules

A. Emergency Adoption

Document 09, MSB 21-09-09-A, Revision to the Medical Assistance Act Rule concerning HB21-1275 Pharmacy Implementation, Section 8.800.5

Kristina Gould, Pharmacy Office, presented the rule and explained revisions allow pharmacists to be reimbursed for services including dispensing long acting injectables. A language clarification was requested and agreed to.

Board Discussion – NA

Public Testimony – NA

Mr. Honea moved for the emergency adoption of Document 09. Dr. Mulkey seconded the motion.

The Board voted the emergency adoption of Document 09, 7:0.

Document 10, MSB 21-10-01-A, Revision to the Medical Assistance Rule concerning Pharmacy Reimbursement, Section 8.200.2.B and C

Russ Zigler, Operations Section, presented the rule and explained the rule aligns with legislation. Licensed pharmacists will be added and are approved by the Centers for Medicare and Medicaid Services.

Board Discussion – NA

Public Testimony – NA

Dr. Martin moved for the emergency adoption of Document 10. Dr. Fraley

The Board voted the emergency adoption of Document 10, 7:0.

Document 11, MSB 21-01-07-A, Revision to the FQHC Rule Concerning Reimbursement for Antiviral Medication for COVID-19, Section 8.700.6.B

Morgan Anderson, Program Innovation Section, presented the rule and explained rule changes allow for providing drug reimbursement and removes access issues.

Board Discussion – Board discussion included a Colorado Community Health Centers and Federally Qualified Health Centers impacted by the revisions.

Public Testimony – NA

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

The Board voted the emergency adoption of Document 11, 7:0.

Document 12, MSB 22-01-12-C, Revision to the DMEPOS Rule Concerning Pharmacists Prescribing COVID-19 at-home over-the-counter tests, Section 8.590

Haylee Rodgers, Health programs Office, presented the rule and explained that licensed pharmacists may now prescribe over the counter home tests.

Board Discussion – NA

Public Testimony – NA

Ms. Moorer moved for the emergency adoption of Document 12. Mr. Honea seconded the motion.

The Board voted the emergency adoption of Document 12, 7:0.

B. Final Adoption by Consent Agenda

Document 01, 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

Document 02, 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

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

The Board voted the final adoption of Document 01 & 02, 7:0.

C. Final Adoption Agenda

Document 03, MSB 21-11-24-B, Revision to the Medical Assistance Eligibility Rules concerning General and Citizenship Eligibility Requirements, Section 8.100.3.G

Jennifer VanCleave, Eligibility Policy Secion, presented the rule and explained revisions remove the 5 year ban for Afghan refugees. This is a final adoption of the emergency rule.

Board Discussion – NA

Public Testimony – NA

Dr. Mulkey moved for the final adoption of Document 03. Mr. Honea seconded the motion.

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

Document 04, MSB 21-11-24-A, Revision to the Medical Assistance Act Rule Concerning Preferred Drug List (PDL) and New Drug Determinations, Section 8.800.16.B

Kristina Goud, Pharmacy Office, presented the rule and explained the rule addresses classification that medications fall under. New medications will now be available to members sooner. The timeframe is now specified.

Board Discussion – Board discussion included the timeline for reimbursement and how drugs fall into the preferred or non-preferred.

Public Testimony – Marvyn Allen – One Colorado – applaud the rule, appreciate specific impact on individuals living with HIV. Appreciate stakeholder engagement.

Barb Cardwell – Colorado Organizations Responding to AIDS – represent individuals living with HIV. Applaud HCPF for rule change.

Mr. Scott moved for the final adoption of Document 04. Dr. Fraley seconded the motion.

The Board voted the final adoption of Document 04, 7:0.

D. Initial Approval Agenda

Document 05, MSB 21-04-26-A, Revision to the Medical Assistance Rule Concerning the Pharmacy Rate Methodology, Section 8.800

Kristina Goud, Pharmacy Office, presented the rule and explained an average acquisition cost set by vendor only used when no average cost rate is available. Technical cleanup of some language.

Board Discussion – Board discussion included a high level overview if a reduction in payment create access issue from providers and that none is stated from providers.

Public Testimony – NA

Ms. Moorer moved for the initial approval of Document 05. Dr. Fraley seconded the motion.

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

Document 06, MSB 21-10-19-A, Revision to the Special Financing Rule concerning FFY 2021-22 Healthcare Affordability & Sustainability (HAS) Fees & Supplemental Payments Amendment, Section 3.8000

Riley DeValois, Special Financing Division, presented the rule and explained the changes to rule. Inpatient per diem fees changed, admin costs impacted and supp payments to program. DSH payment increase over last year. HQUIP

changes remove one measure and add five, CHASE board approved. Usage language was also revised.

Board Discussion – Board discussion included an explanation of the payments and how they are set.

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, 7:0.

Document 07, MSB 21-10-19-B, Revision to the Medical Assistance Health Programs Office Rule Concerning Medicaid Statewide Managed Care System, Section 8.205, 8.209, 8.212 and 8.215

Mark Queirola, Health Programs Office, presented the rule and explained the rule establishes an operational component of managed care for Colorado Medicaid, including eligibility, enrollment/disenrollment, covered services, grievances and appeals, and rate setting. Multiple rule sections related to managed care have been revised to align with current statute for the statewide managed care system defined in C.R.S. 25.5-5 Part 4. The changes also reflect the federally authorized waivers for the Accountable Care Collaborative Phase II and the new inpatient substance use disorder benefit.

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

Public Testimony – Bethany Pray – Colorado Center on Law and Policy – appreciate opportunity to communicate with the Department on the rule. Few additional questions and comments not addressed. Client eligibility refers to only enrolled members for rule, emergency services is a fee for service program.

For Intensive Outpatient Treatment the American Society of Addiction Medicine (ASAM), has set limits and the rule has no minimum standards. ASAM criteria to be reviewed and engagement with CCLP will be held between meetings.

Managed Care Entities does not have ASAM criteria mandated in rule. Language is in contract because of flexibility, rule is more rigid.

The Medical Loss Ratio language moved to another section, revised but not removed.

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

The Board voted the final adoption of Document 07, 7:0.

Document 08, MSB 21-10-08-A, Revision to the Medical Assistance Eligibility Rules Concerning Definitions at Section 8.100.1, General Eligibility Transferring Requirements at Section 8.100.3.C, and Long-Term Care Medical Assistance Requirements at Sections 8.100.7.A&B

Jennifer VanCleave, Eligibility Policy Section, presented the rule and explained revisions for ULTC 100.2 certification for Level of Care assessment. CBMS is also being updated to streamline the eligibility process. There are no changes to eligibility requirements, just language updates to describe the assessment tool.

Board Discussion – Board discussion included how the rule was revised in coordination with Long Term Care setting.

Public Testimony – NA

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

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

CONSENT Agenda discussion

Mr. Honea moved to add Documents 05, 06 & 08 to the consent agenda. Mr. Pump seconded the motion.

The Board voted to add Documents 05, 06 & 08 to the consent agenda, 7:0.

E. Closing Motion

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

Open Comments

NA

Department Updates

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

The meeting was adjourned at 10:49 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, February 11, 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.