



## 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 12, 2023

#### Call to Order

Mr. Honea 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 eleven members participating.

#### A. Members Present

Laura Carroll, Cecile Fraley, Simon Hambidge, Morgan Honea, William Kinnard, James McLaughlin, Barry Martin, Idalia Massa-Carroll, Christina Mulkey, An Nguyen and Vincent Scott.

#### B. Members Excused

#### C. Staff Present

Cristen Bates, Deputy-Medicaid Director; Jennifer Weaver, Attorney General; and Chris Sykes, Board Administrator

#### Announcements

Mr. Honea 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, February 9, 2024 at 9:05 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. Martin moved for the approval of the November minutes. The motion was seconded by Mr. Nguyen. The minutes were approved, 11:0.

## **Rules**

### **A. Emergency Adoption**

Document 07, MSB 23-11-16-A, Revision to the Medical Assistance Rule concerning Non Emergent Medical Transportation, Sections 8.014 & 8.125

Sarah Geduldig, Program Integrity, presented the rule and provided a background to the insurance fraud scheme. A moratorium of new providers has been put in place. To do this, the proposed revisions include changes to the screening and credentialing of NEMT providers, clarifying the obligations of drivers compared to the state designated entity, and removing outdated language related to licensing requirements by the public Utilities Commission (PUC).

Board Discussion – Board discussion included when the moratorium started. CMS authority allows for a moratorium update to 6 months and the Department can request additional time. A concern was raised – rural areas have county oversight, CDPHE has oversight for ambulances, oversight for secure transport also. This rule brings a 4<sup>th</sup> level of oversight and can become burdensome. This could decrease access to care. In rural areas, what are steps to be credentialed? Funds are being requested to have Denver Metro to become the statewide provider. Staff committed to engage rural areas to improve access to care.

Public Testimony – Milena Castaneda, Colorado Center on Law and Policy, support emergency rule but benefit not working well and needs more work.

Julie Reiskin, Colorado Cross Disability Coalition, support emergency rule, agree with previous comments. Stakeholder input is important along with a broad group of stakeholders.

Dr. Mulkey moved for the emergency adoption of Document 07. Dr. Scott seconded the motion.

The Board voted the emergency adoption of Document 07, 11:0.

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

Document 01, MSB 23-06-06-A, Revision to the Medical Assistance Act Rule concerning School Based Health Centers, Section 8.295

Document 02, MSB 23-07-17-A, Revision to the Medical Assistance Act Rule concerning the Wellness Education Benefit Section 8.7400

Dr. Martin moved for the final adoption of Document 01 & 02. Dr. Fraley seconded the motion.

The Board voted the final adoption of Document 01 & 02, 11:0.

### **C. Final Adoption Agenda**

Document 03, MSB 23-06-05-A, Creation of Medical Assistance Act Section Rule concerning Case Management, Member Rights and Responsibilities Home and Community Based Services and Provider Agency Requirements, Section 8.7000

Tiffani Domokos and Cassandra Keller, Office of Community Living, presented the rule and explained a brief history of the rule process. Not all feedback could be included, some needs to be brought to the full stakeholder group before accepting. Provided goals for revisions. Timeline concerns were discussed, stakeholder engagement pushed the timeline back. Reviewed suggestions that the Department was unable to adopt. Staff explained why two sets of rules exist and reviewed accepted suggestions.

Board Discussion – Board discussion included an appreciation of the presentation and depth of information and appreciate the plain language. Believe continual improvement is necessary and how are stakeholders going to be engaged? The repeal of language plan is scheduled for spring and summer. Staff commit to sharing with the Board earlier.

Public Testimony – Julie Reiskin, Colorado Cross Disability Coalition, happy to help in stakeholder work and support the rule today.

Katie Wallat, Colorado Center on Law and Policy, acknowledge massive effort and work of staff.

Mr. Scott moved for the final adoption of Document 03. Mr. McLaughlin seconded the motion.

The Board voted the initial approval of Document 03, 11:0.

Document 04, MSB 23-11-28-A, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule concerning Transition Services Setup Expenses, Section 8.553.6

Janelle Poullier, Benefits and Services Management, presented the rule and explained this section of the rule is being revised to increase the available Transition Setup Expenses from \$1,500 to \$2,000 to allow members transitioning into the community the ability to set up a basic household, pay required deposits to obtain a lease and secure basic utilities, and hire cleaning or pest eradication services to ensure these members are moving into a safe environment.

Board Discussion – Board discussion included when payment can be made for services can begin, January 1.

Public Testimony – NA

Mr. McLaughlin moved for the final adoption of Document 04. Dr. Hambidge seconded the motion.

The Board voted the initial approval of Document 04, 11:0.

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

Document 05, MSB 23-10-25-C, Revision to the Medical Assistance Rule concerning Transition Coordination Services & Targeted Case Management – Transition Coordination (TCM-TC), Sections 8.519.27 and 8.763

Matthew Bohanan, Office of Community, presented the rule and provided a program history. The purpose of the proposed these rule revisions is to expand eligibility for the Targeted Case Management Transition Coordination (TCM-TC) benefit and to describe new quality assurance processes to monitor compliance with all required transition coordination service standards and training guidelines. The standard to maintain TCM-TC provider approval in accordance with the quality assurance standards and requirements is established in the rule revision.

A change in service eligibility will increase the number of members that transition from institutional settings. Transition coordination quality and performance standards will increase the probability of successful transitions and sustained community-based living. reviewed major changes to the rule.

Board Discussion – Board discussion included an appreciation of the process improvement. Is there an opportunity for an extension beyond the 12 months? Yes, exceptions process does that.

Public Testimony – NA

Dr. Martin moved for the initial approval of Document 05. Ms. Carroll seconded the motion.

The Board voted the initial approval of Document 05, 11:0.

#### **E. Consent Discussion**

Mr. Honea motioned to add Document 05 to the Consent Agenda.

The Board voted to add Document 05 to the Consent Agenda; 11:0.

#### **F. Closing Motion**

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

#### **Open Comments**

NA

## Department Updates

- Department Updates/Questions – Cristen Bates, Deputy-Medicaid Director

### **The meeting was adjourned at 11:15 a.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, February 9, 2024 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.