



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

January 10, 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 nine members participating.

A. Members Present

Laura Carroll, Simon Hambidge, Morgan Honea, William Kinnard, Barry Martin, James McLaughlin, Christina Mulkey, David Pump and Vincent Scott.

B. Members Excused

Cecile Fraley

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, February 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. Hambidge moved for the approval of the December minutes. The motion was seconded by Mr. Scott. The minutes were approved, 9:0.

Rules

A. Final Adoption by Consent

Document 01, 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; Document 02, MSB 24-09-24-A, Revision to the Hospital Discounted Care Rule Concerning Hospital Discounted Care Updates Per 24-116 Section 8.920; Document 03, 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; Document 04, 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 and Document 05, 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

Mr. Scott moved for the final adoption of Documents 01, 02, 03, 04 and 05. Mr. Pump seconded the motion.

The Board voted on the final adoption of Documents 01, 02, 03, 04 and 05, 9:0.

B. Initial Approval

Document 06, MSB 24-10-15-A, Revision to the Medical Assistance Act Rule concerning Removal of Obsolete Section 8.212

Russ Zigler, Policy Development and Implementation Section, presented the rule and explained the rule was discontinued in 2022. The section was inadvertently reinserted at a later date and the language needs to be removed as the benefit was removed.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the initial approval of Document 06, 9:0.

Document 07, MSB 24-10-28-A, Revision to the Medical Assistance Eligibility Rules Concerning Return of Buy-in Monthly Premiums Collection, Section 8.100.6

Nancy Brenes, Eligibility Policy Unit, presented the rule and explained premiums were waived during the Public Health Emergency. Premiums will be reinstated beginning in May 2025.

Board Discussion – Board discussion included that the premiums impact individuals, working and disabled, and children with a disability. The cost is low because the Department is restarting after the premiums. The highest premium paid is \$200 if 400% above the Federal Poverty Level. Our federal parties requested to restart the premiums and the revisions align with the State Plan. It was stated that the program forces disabled individuals to work to pay premiums.

Public Testimony – Bryce Rafferty, Colorado Cross Disability Coalition – various elements to this program. There is a ceiling and a floor and places limits on individuals earnings and healthcare.

Dr. Kinnard moved for the initial approval of Document 07. Mr. Pump seconded the motion.

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

Document 08, MSB 24-06-05-B, Revision to the Medical Assistance Act Rule concerning the Wellness Education Benefit Section 8.7556

Rachel MacLeish, Office of Community Living, presented the rule and explained revisions expand the benefit to all Home and Community Based Services waivers. Revisions update the language around the personal support plan. Reviewed articles for the Wellness Education benefit. This benefit fulfills federal requirements to remain on a waiver. Stakeholder engagement was reviewed.

Board Discussion – Board discussion included the overall cost of program being \$2 million all waivers. There isn't any Colorado data yet, but Washington data demonstrates success. Federal requirements includes if a member is receiving waiver services they must participate monthly. This keeps folks on a waiver. The Department sends out yearly surveys to get feedback from members. The first communication explains how to use a QR code.

Public Testimony – Megan Bowser, Family Voices, in support of the benefit. Many children this is how they are enrolled without the family. Explained how the benefit works for individuals receiving Medicaid.

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

The Board voted the initial approval of Document 08, 9:0.

Document 10, MSB 23-12-19-A, Revision to the Medical Assistance Act Psychiatric Residential Treatment Facility (PRTF) Reporting Requirements, Section 8.765

Rachel Larson, Policy Development and Implementation Section, presented the rule and explained the rule is back for initial approval from tabling in November. A review of the discussion between the Colorado Department of Human Services and the Department. There is no shared system within the Trails system. The most efficient way to get the reports is to collect them from the provider. The Department already receives serious occurrences (federal requirement), rule revisions expand for critical incidence. A review stakeholder engagement was provided.

Board Discussion – Board discussion included an appreciation for closing the loop with the Colorado Department of Human Services. There isn't a roadmap for reducing the burden in the future, just an agreement to keep talking. The burden can be enormous on an agency in certain situations and the Department is working to automate the report to lessen the burden.

Public Testimony – NA

Dr. Martin moved for the initial approval of Document 10. Mr. Pump seconded the motion.

The Board voted the initial approval of Document 10, 8:1.

Document 09, MSB 23-12-14-A, Revision to the Medical Assistance Act Rule concerning Qualified Residential Treatment Program (QRTP) Reporting Requirements, 8.765.14

Rachel Larson, Policy Development and Implementation Section, presented the rule and explained the rule is back from being tabled. Rule revisions align with Colorado Department of Human Services rules. Proposing providers to report critical incidents to the Department. A review of the stakeholder engagement was provided.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the initial approval of Document 09, 9:0.

C. Consent Discussion

Mr. Pump motioned to add Document 06, 08, 09 & 10 to the Consent Agenda. Dr. Hambidge seconded the motion.

The Board voted to add Document 06, 08, 09 & 10 to the Consent Agenda; 9:0.

D. Closing Motion

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

Open Comments

Elizabeth Snow, the Department grievance process is burdensome and not easy to follow. Original issue from July 2024, closed 2 times with no response. There are serious issues with the process.

Megan Bowser, Family Voices Colorado, Private Duty Nursing issues. Request the Board ensure the rule passed works for all. Vendor issues, guidance was not updated to the new rule. The Department is reviewing all negative impacts since June 28, 2024. Some families, particularly new families, are denied and not receiving benefits. Speaking about medically fragile children.

Katie Wallet, Colorado Center on Law and Policy, Private Duty Nursing issues. People are being denied inappropriately and not by language in the rule. Denial language goes beyond the rule. Vendor must be trained by the Department.

Dr. Kristina Malik, Children's Hospital Colorado, Special Care Clinic, Private Duty Nursing issues. Individual provider that works with children and sees denials that are not correct.

Department Update

- Adela Flores-Brennan, Medicaid Director

The meeting was adjourned at 11:59 a.m.

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