



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
June 9, 2023

Call to Order

Mr. Pump 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, Morgan Honea, Idalia Massa-Carroll, Barry Martin, Christina Mulkey, An Nguyen, David Pump and Vincent Scott

B. Members Excused

Cecile Fraley, William Kinnard and 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 17th Ave 11th floor Conference Room, Denver, CO 80203 on Friday, July 14, 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.

Approval of Minutes

Dr. Martin moved for the approval of the April minutes. The motion was seconded by Ms. Carroll. The minutes were approved, 8:0.

Rules

A. Emergency Adoption

Document 07, MSB 23-06-01-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 the rule provides funds for rural hospital from ARPA funds to be used to modernize infrastructure. 50 applications have been received so far in the process. The rule follows legislative and federal requirements.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the emergency adoption of Document 07, 8:0.

Document 08, MSB 23-04-26-A

Revision to the Medical Assistance Act Rule concerning Cost Sharing, Section 8.754.1

Russ Zigler, Operations Section, presented the rule and explained removes member copayments for the following services in accordance with the 2023 Colorado Long Bill (Senate Bill 23-214), effective July 1, 2023: outpatient hospital visits; physician (M.D. or D.O.) office or home visits; rural health clinic visits; brief, individual, group and partial care community mental health center visits (except services which fall under Home and Community Based Service programs); pharmacy prescription or refill; optometrist visits; podiatrist visits; psychiatric services; durable medical equipment/disposable supply services; laboratory services; and radiology services.

Board Discussion – Board discussion included what services still require a copay such as non-emergency services to the emergency department and non-emergent is determined in the emergency room following federal regulations.

Public Testimony – NA

Ms. Carroll moved for the emergency adoption of Document 08. Dr. Martin seconded the motion.

The Board voted the emergency adoption of Document 08, 08:0.

Document 09, MSB 23-04-11-A, Revision to the Medical Assistance Rule regarding the Base Wage for Direct Care Workers, Sections 8.511 & 8.535

Erin Thatcher, Home and Community Based Services Division, presented the rule and explained the rule revises base wages due to legislation passed. Provider rate reimbursement increase is coming July 1 and provider compliance will be monitored, including reporting requirements. Stakeholder feedback received was reviewed.

Board Discussion – Board discussion included an appreciation of the work done and how increase from the legislature can be updated without revising the rule language. Legislative approval is still needed. A question about what happens if rates drops and how does that impact the rule was asked. Staff will follow-up with that information at the final adoption of the rule.

Public Testimony – NA

Dr. Martin moved for the emergency adoption of Document 09. Dr. Nguyen seconded the motion.

The Board voted the emergency adoption of Document 09, 08:0.

Document 10, MSB 23-06-01-B, Revision to the Medical Assistance Act Rule concerning Novel Corona Virus Disease (COVID-19) Rules, Section 8.6000

Kyra Acuna, Community Options Benefits Section, presented the rule and explained this is a continuation of the emergency rule. It allows for enhanced flexibility and alignment with federal guidance. The rule continues until to November 2023.

Board Discussion – NA

Public Testimony – NA

Mr. Scott moved for the emergency adoption of Document 10. Mr. Honea seconded the motion.

The Board voted the emergency adoption of Document 10, 08:0.

Document 11, MSB 23-06-01-C, Revision to the Medical Assistance Act Rule concerning Nursing Facility Immunization Administration, Sections 8.443 and 8.815

Christina Winship, Health Programs Office, and Richard Clark, Office of Community Living, presented the rule and explained no changes to the emergency rule and that federal authority has extend the rule for 1 year.

Board Discussion – NA

Public Testimony – NA

Mr. Honea moved for the emergency adoption of Document 11. Ms. Carroll seconded the motion.

The Board voted the emergency adoption of Document 11, 08:0.

Document 12, MSB 23-05-18-A, Revision to the Medical Assistance Act Rule concerning Dental Health Care Program for Low-Income Seniors Procedure Increase, Section 8.960

Chandra Vital, Special Financing Division, presented the rule and explained Current rule states the max program fees of the Dental Health Program for Low-Income Seniors must not fall below Medicaid dental rates. Medicaid received a 3% increase for the dental rates for FY2023-24. This made some of the program rates in Schedule A fall below the Medicaid rate. This change is necessary to stay in compliance with rule.

Board Discussion – Board discussion included that Colorado statute requires the Board to review and approve changes to the program rate changes. Specific procedures changes were reviewed for clarity. A discussion regarding emergent procedures vs non emergent was held and each grantee gets an individual allocation that can be moved around between grantees at state level.

Public Testimony – NA

Dr. Nguyen moved for the emergency adoption of Document 12. Mr. Honea seconded the motion.

The Board voted the emergency adoption of Document 12, 08:0.

Document 13, MSB 23-03-20-A, Revisions to the Medical Assistance Act Rule Concerning Nursing Home Reimbursement, Sections 8.440 & 8.443

Jeff Wittreich, Special Financing Division, presented the rule and explained the rule is compliant with recent legislation. Revisions increase allowable reimbursement to 10% that assists Nursing Homes cover costs. Increases to Cognitive Progressive Scale payments.

Board Discussion – NA

Public Testimony – NA

Dr. Martin moved for the emergency adoption of Document 13. Ms. Carroll seconded the motion.

The Board voted the emergency adoption of Document 13, 08:0.

B. Final Adoption by Consent Agenda

Document 01, MSB 23-01-13-A, Revision to the Medical Assistance Act Rule concerning Care and Case Management System, Sections 8.390, 8.393, 8.400, 8.500 & 8.615

Document 02, MSB 23-03-14-B, Revision to the Medical Assistance Rule concerning Adult Day Services Dementia Training, Section 8.491

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

The Board voted the final adoption of Document 01 & 02, 8:0.

C. Final Adoption Agenda

Document 03, MSB 23-04-24-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 the rule provides funds for rural hospital from ARPA funds to be used to modernize infrastructure. 50 applications have been received so far in the process. The rule follows legislative and federal requirements.

Board Discussion – Board discussion included a review of stakeholder engagement.

Public Testimony – NA

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

The Board voted the initial approval of Document 03, 08:0.

D. Initial Approval

Document 04, MSB 22-12-13-A, Revision to the Medical Assistance Act Rule Concerning Gender-Affirming Care, Section 8.735

Christopher Lane, Health Policy Office, presented the rule and explained revisions incorporate stakeholder feedback, adding clarifying language. Language was updated to be more inclusive.

Board Discussion – Board discussion included an appreciation comments and the work of the Department.

Public Testimony – Skylar Patron, One Colorado, support the rule and thank the Department for all the great work. The rule increases access to care.

Ms. Carroll moved for the initial approval of Document 04. Dr. Nguyen seconded the motion.

The Board voted the initial approval of Document 04, 8:0.

Document 05, MSB 23-03-20-A, Revision to the Medical Assistance Act Rule concerning updates to the Transitional Medical Assistance for section 8.100.4.I.3.b

Melissa Torres-Murillo, Eligibility Policy Section, presented the rule and explained revisions remove requirements for the employer to employee health insurance availability requirements for members who are enrolled in Transitional Medical Assistance. The updates to amend the requirements for Transitional Medical Assistance members to enroll in health insurance available to the employee at no cost from the employer will eliminate barriers and keep members enrolled in Transitional Medical Assistance. Although this policy was in Department rules, this policy is a state option per 1925 (a)(4)(B) that the Department has not selected or implemented within our State Plan Amendment or applied any processes or procedures that would allow us to enforce this policy through our Third-Party Liability (TPL) and or CBMS. Because the Department does not have systematic functionality for this rule, there will be no need to update the Colorado Benefits Management System (CBMS) to reflect these changes.

Board Discussion – NA

Public Testimony – NA

Dr. Mulkey moved for the initial approval of Document 05. Mr. Scott seconded the motion.

The Board voted the initial approval of Document 05, 08:0.

Document 06, MSB 23-03-09-A, Revision to the Medical Assistance Act Rule concerning the Coverage of OTC Opioid Antagonists, Section 8.800.4.D

Korri Conilogue, Pharmacy Office, presented the rule and explained the rule approves certain over the counter medication. Clarifying questions received were reviewed.

Board Discussion – Board discussion included how over the counter options are good for members and affordable. An appreciation of the rule was shared.

Public Testimony – NA

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

The Board voted the initial approval of Document 06, 08:0.

E. Consent Discussion

Mr. Honea motioned to add Document 04, 05 & 06 to the Consent Agenda.

The Board voted to add Document 04, 05 & 06 to the Consent Agenda; 08:0.

F. Closing Motion

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

Open Comments

NA

Legislative Update

- Legislative Update – Jo Donlin, Legislative Liaison

Department Updates

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

The meeting was adjourned at 10:15 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, July 14, 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 or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.