



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

MINUTES OF THE MEETING OF THE MEDICAL SERVICES BOARD

1735 S Public Rd 2nd Floor, Lafayette, CO 80026
June 14, 2024

Call to Order

Mr. Honea called the meeting to order at 9:22 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, Simon Hambidge, Morgan Honea, James McLaughlin, Christina Mulkey, Barry Martin, An Nguyen and Vincent Scott.

B. Members Excused

William Kinnard

C. Staff Present

Adela Flores-Brennan, 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. 17th Avenue, 11th Floor Conference Room, Denver, CO 80203 on Friday, July 12, 2024 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 November minutes. The motion was seconded by Dr. Hambidge. The minutes were approved, 9:0.

Rules

A. Emergency Adoption Agenda

Document 10, MSB 24-02-29-A, Revision to the Medical Assistance Act Rule concerning Healthcare Affordability and Sustainability Provider Fees and Supplemental Payments, Section 8.3000

Nancy Dolson, Special Financing Division, presented the rule and provided a brief background of the CHASE Board, the Provider Fee, Disproportionate Share Hospital Payments and Upper Payment Limit. The rule revisions amend fees to account for the CHASE Board recommendations. An explanation of Supplemental Payments was also provided.

Board Discussion – Board discussion included the makeup of the CHASE Board members and how unfamiliar this Board is with the subject matter. The CHASE Board is an advisory Board and cannot promulgate rules. The possibility of having a MSB member attend CHASE Board meetings was discussed. Fees and payments are reviewed annually, a hospital's designation is reviewed as necessary.

Public Testimony – Jacki Cooper, UC Health, appreciate the review of the materials sent to the Board members. The classification of two hospitals are incorrect. Currently classified as Non-State Government but believe they should be designated as Private.

Mannat Singh, Colorado Consumer Health Initiative, thank the Department for stewardship. Appreciate the Board working with the CHASE Board, good idea to have a MSB member in the CHASE Board meeting.

Dr. Hambidge moved for the emergency adoption of Document 10. Dr. Nguyen seconded the motion.

The Board voted the emergency adoption of Document 10, 9:0.

Document 11, MSB 24-06-04-A, Revision to the Medical Assistance Rule concerning Dental Health Care Program for Low-Income Seniors, Procedure Rate Increase on Schedule A for Fiscal Year 2024-25, Section 8.960

Chandra Vital, Special Financing Division, presented the rule and explained that Medicaid rates received an increase. In statute payments cannot go below Medicaid rates and the rule must be revised.

Board Discussion – Board discussion included an appreciation having a dental rule on final meeting. Fees go up but the allocation doesn't, need to account for that in allocation.

Public Testimony – NA

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

The Board voted the emergency adoption of Document 11, 9:0.

B. Final Adoption

Document 01, MSB 24-02-29-A, Revision to the Medical Assistance Eligibility Rules concerning Redetermination of Eligibility, Section 8.100.3.P

Ana Bordallo, Medicaid Operations Office, presented the rule and explained presented the rule and explained the rule revisions incorporate the 30 days renewal ex parte process in rule. Checklist going out with renewal request allows for individuals to return information when needed.

Board Discussion – Board discussion included a review of the rule language. It was determined that the Attorney General Office suggested language was not included and the rule was corrected to reflect those changes.

Public Testimony – NA

Mr. McLaughlin moved for the final adoption of Document 01. Ms. Carroll seconded the motion.

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

Document 02, MSB 24-05-13-A, Revision to the Medical Assistance Act Rule concerning Modifying Language for Inpatient Hospital Opioid Antagonist Drugs, Section 8.300.5.D

Andrew Abalos, Rates Section, presented the rule and explained hospital shall receive payment for opiate antagonist in legislation. The rule revises text to reflect state statute.

Board Discussion – NA

Public Testimony – NA

Mr. McLaughlin moved for the final adoption of Document 02. Dr. Martin seconded the motion.

The Board vot/ed the final adoption of Document 02, 9:0.

Document 03, MSB 24-01-03-C, Revision to the Medical Assistance Rule Concerning the Hospital Community Benefit Accountability, 8.5000

James Johnston, Special Financing Division, presented the rule and explained HB 23-1243 expanded on previous legislation. More comprehensive community involvement was sought. Public meetings will be held and the Department is

required to report to the Legislature on the highest priority areas and new investment categories. Legislation enacts corrective plans issued by the Department. Time is built in for the reporting lag.

Board Discussion – NA

Public Testimony – Adeline Ewing, Colorado Hospital Association, appreciate the partnership with the Department.

Mannat Singh, Colorado Consumer Health Initiative, appreciate working with Department staff.

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

The Board voted the final adoption of Document 03, 9:0.

C. Initial Approval

Document 04, MSB 23-11-29-A, Revision to the Medical Assistance Act Rule concerning Member Appeals, Sections 8.057.1 and 8.057.3-.5

Russ Zigler & Jami Gazerro, Policy Development and Implementation Section, and Rachel Entrican, Legal Division, presented the rule and explained review of last month. Reviewed statute and the confusion in the statute, the purpose of rule is to clarify. Reviewed changes from May to June from stakeholder engagement. A review of the stakeholder engagement performed was given. Over last year 69 benefit appeals summarily decided to members without medical necessity being considered. The purpose of rule is to clarify.

Board Discussion – Board discussion included the importance of ensuring Service Agency Providers are held accountable.

Public Testimony – NA

Dr. Mulkey moved for the initial approval of Document 04. Dr. Martin seconded the motion.

The Board voted the initial approval of Document 04, 9:0.

Document 05, MSB 23-12-13-A, Case Management Redesign (CMRD) Outdated Language Repeal, Sections 8.300, 8.400, 8.500, & 8.600

Tiffani Domokos, Office of Community Living, presented the rule and explained the rule is mostly about repealing duplicative language, Provided an overview of the new Case Management Redesign program.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the initial approval of Document 05, 9:0.

Document 06, MSB 24-03-19-A, Revision to the Medical Assistance Eligibility Rules concerning Buy-in Monthly Premium Waiver Extension, 8.100.6.Q.1.f.vii and 8.100.6.P.1.f.vi

Nancy Brenes, Eligibility Policy Section, presented the rule and explained the proposed rule revisions will incorporate changes to the duration of the extension period for the Working Adults with Disabilities (WAWD) and the Children's Buy-In with Disabilities (CBWD) programs. The current rule provides that the Department will waive premiums until the last day of the twelfth month following the end of the COVID-19 Public Health Emergency. The change will reflect that the Department will continue to waive premiums until further notice. The rule must be updated to reflect the fact that the Department will continue to waive the collection of monthly premiums. No Colorado Benefits Management System changes are needed.

Board Discussion - NA

Public Testimony – NA

Mr. McLaughlin moved for the initial approval of Document 06. Ms. Carroll seconded the motion.

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

Document 07, MSB 24-01-03-A, Creation of the Medical Assistance Act Rule concerning the Money Follows the Person Demonstration, Section 8.555

Matthew Bohannon, Office of Community Living, presented the rule and explained the new program is a federal demonstration grant. Discussed the continuity of care in the demonstration. Reviewed supplemental services in the demonstration.

Board Discussion – Board discussion included a clarifying question regarding how a variety of individuals, depending on the services needed, work with the members.

Public Testimony – Robin Buldoc, Colorado Cross Disability Coalition, transition can be challenging and appreciate the work of the Department. There are issues in the housing modification program. Environmental adaptations are beyond just structure and access to wheel chairs in the community needed.

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

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

Document 08, MSB 23-11-29-A, Revision to the Medical assistance Rule concerning Transition Coordination Services & Targeted Case Management – Transition Coordination (TCM-TC), Section 8.519.27 & 8.763

Matthew Bohannon, Office of Community Living, presented the rule and explained this revision to Targeted Case Management (TCM-TC) Transition Coordination rules will expand the eligibility to individuals who are at-risk of being placed in an institutional setting. Transition Coordination Services in the Department was established April 30, 2018, by House Bill 18-1326, Support for Transitions from Institutional Settings. Passed with unanimous support, this enactment directs the Department to provide community transition services and supports to people who are in institutional settings, are eligible for Medicaid, and desire to transition to a home and community-based setting. Targeted Case Management-Transition Coordination (TCM-TC) officially began providing transition services to Medicaid members on January 1, 2019.

Implementation of TCM-TC is based on the success of the Money Follows the Person (MFP) grant program, which Colorado implemented as the Colorado Choice Transitions (CCT) demonstration in 2013. Concluding December 31, 2018, the CCT program helped 702 people transition from institutional settings to the community. TCM-TC is a permanent Medicaid benefit that works in combination with the State Plan and waiver services to reduce barriers to community access, while supporting a variety of lifechanging events for members living in the community. The purpose of the proposed TCM-TC rule revision is to expand eligibility for the benefit to individuals who are at-risk of admission to institutions or institution-like settings. Informed choice is central to person-centered philosophy and members' potential to thrive in a less restrictive setting. Helping individuals who desire to live and receive services in a community-based setting supports informed choice. TCM-TC provides this assistance as well as acting as a bridge from institutional settings to community-based supports and services.

The need for the rule revision is further justified by Federally required assessments that indicate that more people living in institutional settings expressed an interest in living in home or community-based settings than current services can support. A change in service eligibility will likely decrease the number of individuals who are placed in institutional settings.

Board Discussion – Board discussion included an appreciation of the great work done by Department staff.

Public Testimony – NA

Dr. Nguyen moved for the initial approval of Document 08. Dr. Fraley seconded the motion.

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

Document 09, MSB 23-08-23-A, Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation for Children and Siblings, Section 8.014

Russ Zigler, Health Policy Office, presented the rule and explained the rule allows minors to accompany the member to appointments. Access to Non-Emergent Medical Transportation(NEMT) when childcare is not available will increase access to care. The transportation provider may not be reimbursed separately for minors accompanying the member. Reviewed stakeholder engagement and comments. Discussed eligible minors and additional individuals eligible, will continue to talk with stakeholders before the final adoption.

Board Discussion – Board discussion included how this is great work for rural communities. An increase in documentation requirements could have a human cost, on the administration overseeing services. Align requirements for NEMT to the Secure Benefit Transport benefit. Department staff is working internally and working with CDPHE staff to achieve less administrative burden. If a minor requires wheelchair accessible vehicle additional compensation will be given.

Public Testimony – NA

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

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

D. Consent Discussion

Mr. Honea motioned to add Document 04, 05, 06, 07 & 08 to the Consent Agenda.

The Board voted to add Document 04, 05, 06, 07 & 08 to the Consent Agenda; 9:0.

E. Closing Motion

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

Open Comments

NA

Department Update

- Adela Flores Brennan, Medicaid Director

The meeting was adjourned at 1:37 p.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, July 12, 2024 at 303 E. 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.