

# **MEDICAID PROVIDER RATE REVIEW ADVISORY COMMITTEE (MPRRAC)**

## **RULES OF GOVERNANCE**

### **Article I – Creation**

The Medicaid Provider Rate Review Advisory Committee in the Department of Health Care Policy and Financing, hereinafter referred to as the MPRRAC, was created in 2015 by [SB15-228](#), and revised in 2022 by [SB22-236](#). Its members are appointed pursuant thereto.

### **Article II – Appointment**

- A. The MPRRAC consists of the following seven members, per SB22-236 25.5-4-401.5 (3)(b)(II). Each member appointed must have proven expertise related to the Medical Assistance Program in one or more of the following areas:
- Service Delivery or Case Management services provided to one or more eligible populations
  - Provider finance or budget
  - Service capacity analysis
  - Business processes
  - Claims filing or processing OR
  - Implementation of State and Federal Medicaid rules, regulations, and guidance.
- B. The State Department may make recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives concerning the qualifications of members appointed to the committee.
- Two members appointed by the President of the Senate
  - Two members appointed by the President of the Senate or the President's Designee
  - Three members appointed by the Governor
- C. Each member of the MPRRAC serves at the pleasure of the official who appointed the member, per SB22-236 25.5-4-401.5 (3)(d). Additionally, each member of the MPRRAC serves a four-year term and may be reappointed.

### **Article III – Compensation**

- A. The members of the MPRRAC serve without compensation and without reimbursement for expenses, per SB22-236 25.5-4-401.5 (3)(e).

### **Article IV – Leadership**

- A. The MPRRAC shall elect a Chair and Vice-Chair from among the members at the first meeting to be held on or after March 1st, per SB22-236 25.5-4-401.5 (3)(f).

### **Article V – Purpose**

- A. The MPRRAC is established to assist the Department of Health Care Policy and Financing (the Department) in the review of the provider rate reimbursements under the Colorado Medical Assistance Act, per 25.5-4-401.5(3)(a), C.R.S.
- B. The MPRRAC shall:
- Review the schedule for annual review of provider rates established by the Department and recommend any changes to the schedule, per SB22-236 25.5-4-401.5 (3)(a)(I).
  - Review the comments received from providers, recipients, and other interested parties and the State Department's response to the comments required pursuant to SB22-236 25.5-4-401.5 (3)(a)(III).

- Review proposals and petitions received by the MPRRAC for provider rates to be reviewed or adjusted.
- Determine whether any provider rates not scheduled for review during the next calendar year should be reviewed during that calendar year;
- Recommend to the state department and to the joint budget committee any changes to the process of reviewing provider rates, including measures to increase access to the process, such as by providing for electronic comments by providers and the public; and
- Provide other assistance to the State Department and the Joint Budget Committee as requested by the State Department or the Joint Budget Committee.

#### **Article VI – Meeting Scheduling and Materials**

- A. The MPRRAC shall meet at least once every quarter, per 25.5-4-401.5(3)(g), C.R.S.
- B. The MPRRAC Chair or the Department may call additional meetings as necessary for the MPRRAC to complete its duties.

#### **Article VII – MPRRAC Member Participation**

- A. MPRRAC members must participate in 75% of scheduled MPRRAC meetings each year.
- B. MPRRAC members must respond to Department meeting invitations indicating if the member is unable to attend, or if able to attend, whether the member intends to attend in person, or via video or telephone conference methods.
- C. MPRRAC members who are unable to attend in person, must participate via the Department’s video conference technology. If video conference technology is unavailable, members may participate by phone.
- D. MPRRAC member participation is tracked by the Department. Member participation may be addressed individually by the Department.
- E. The Department will report MPRRAC member participation to the appointing authorities prior to members’ terms ending, or as needed.

#### **Article VIII –Meeting Recording**

- A. MPRRAC meetings are public and recorded.
- B. The Department shall publicly post MPRRAC meeting recordings.
- C. The Department cannot publicly post MPRRAC meeting recordings in which protected health information (PHI) is shared, unless provided a release of information by the appropriate individual. As such, MPRRAC members and stakeholders shall not share PHI during MPRRAC meetings.

#### **Article IX –Meeting Facilitation and Department Participation**

- A. MPRRAC meetings will be jointly facilitated by the Department’s Rate Review Stakeholder Relations Specialist (RRSRS), or another Department representative if the RRSRS is

unavailable, and the MPRRAC Chair, or the Vice Chair if the Chair is unavailable.

- B. The Department will lead meetings with the MPRRAC Chair or Vice Chair in preparation for public meeting co-facilitation.
- C. Department staff and contracted actuaries with expertise in relevant analyses, services, and processes, will present, answer questions, and lead or participate in discussions during MPRRAC meetings.

#### **Article X – Conflicts of Interest**

- A. An actual conflict of interest includes discussions and votes which may have a direct economic benefit to the MPRRAC member or to a business or other undertaking in which the MPRRAC member has a direct or substantial financial interest.
- B. An apparent or perceived conflict of interest may occur when a MPRRAC member does not have an actual conflict of interest, but may be perceived as having an interest in the outcome of a vote which could be viewed by the public as a conflict of interest.
- C. If an actual, apparent, or perceived conflict of interest exists, the MPRRAC member must disclose the basis of the conflict of interest to the MPRRAC and others in attendance before the discussion begins or as soon thereafter as the MPRRAC member identifies the actual, apparent, or perceived conflict of interest.
- D. Any potential actual, apparent, or perceived conflict of interest may also be raised by other MPRRAC members, the Department, and any stakeholder.
- E. No member of the MPRRAC may be an employee or contractor of the Department. Upon accepting employment with the Department, a member must resign his or her seat on the MPRRAC. This rule shall not apply to employees of other state agencies.

#### **Article XI – Public Participation and Comment**

- A. MPRRAC members must adhere to the Open Meeting Requirements of the Colorado Sunshine Law, per 24-6-401 and 24-6-402, C.R.S.
- B. MPRRAC meetings must be open to the public, per 25.5-4-401.5(2)(e), C.R.S.
- C. At MPRRAC meetings, time shall be allocated for public comment related to services and reports in the current year of review that are on the meeting agenda. Public comment related to services and reports in the current year of review that are not on the meeting agenda shall be heard when time permits.
- D. Stakeholder comments related to services outside of the current year of review must be directed to the Department for evaluation and resolution.
- E. The Department must track stakeholder requests and comments related to any services included within the three-year review cycle, to include the concerns, evaluation, and actions taken.
- F. The Department must share stakeholder requests related to services included in other years of review with the MPRRAC annually to inform MPRRAC schedule discussions, and as needed, in alignment with 25.5-4-401.5(1)(a), C.R.S.

### **Article XII – Decision Making Process**

- A. The quorum of members necessary for the MPRRAC to vote must be a majority of the entire membership of the MPRRAC, based on the total filled position membership of the MPRRAC.
- B. All rate review schedules, and procedural and administrative, MPRRAC decisions must be made by a majority vote, and require a formal motion, a second to the motion, and MPRRAC discussion prior to the vote.
- C. Public comment shall be taken, in accordance with Article XI.C. prior to each vote of the MPRRAC.
- D. MPRRAC members must disclose actual, apparent, or perceived conflicts of interest, in accordance with Article X.C. but shall be permitted to participate in discussions and votes.
- E. Minutes of the MPRRAC meetings, to include MPRRAC votes and public comments, shall be taken by the Department and posted publicly following MPRRAC meetings.

### **Article XIII – MPRRAC Representation**

- A. Official MPRRAC business must only be conducted at a duly called MPRRAC meeting, per 24-6-401 and 24-6-402, C.R.S.
- B. No individual MPRRAC member may make a statement of policy or position which purports to be that of the MPRRAC unless the MPRRAC adopted such a policy or position.
- C. No one MPRRAC member shall be prohibited from stating his or her personal opinions, provided they are clearly identified as such.

### **Article XV – Rules of Governance**

- A. These Rules of Governance may be amended or repealed, and new Rules of Governance adopted, by a two-thirds vote of the total filled position membership of the MPRRAC at any regular MPRRAC meeting.
- B. The MPRRAC and the Department must be provided written notice of the proposed revision at least 10 days in advance of the scheduled vote.
- C. These Rules of Governance must be posted on the Department's website.