

# 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, is created by statute in section [25.5-4-401.5, C.R.S.](#), and its members are appointed pursuant thereto.

### Article II – Appointment

A. The MPRRAC consists of the following twenty-four members, per [25.5-4-401.5\(3\)\(b\), C.R.S.](#):

Appointed by the President of the Senate
A recipient with a disability or a representative of recipients with a disability;
A representative of hospitals providing services to recipients recommended by a statewide association of hospitals;
A representative of providers of transportation;
A representative of rural health centers;
A representative of home health providers recommended by a statewide organization of home health providers; and
A representative of providers of durable medical equipment recommended by a statewide association of durable medical equipment providers.
Appointed by the Minority Leader of the Senate
A representative of providers of behavioral health care services;
A representative of primary care physicians who see recipients recommended by a statewide association of primary care physicians;
A representative of dentists providing services to recipients recommended by a statewide association of dentists;
A representative of federally qualified health centers;
A representative of nonmedical home- and community-based service providers; and
A representative of providers serving recipients with intellectual and developmental disabilities.
Appointed by the Speaker of the House of Representatives
A representative of child recipients with a disability;
A representative of specialty care physicians not employed by a hospital who see recipients recommended by a statewide association whose members include at least one-third of the doctors of medicine or osteopathy licensed by the state;
A representative of providers of alternative care facilities recommended by a statewide association of alternative care facilities;
A representative of single entry point agencies;
A representative of ambulatory surgical centers; and
A representative of hospice providers recommended by a statewide association of hospice and palliative care providers.
Appointed by the Minority Leader of the House of Representatives
A representative of substance use disorder providers recommended by a statewide association of substance use disorder providers;
A representative of facility-based physicians who see recipients. Facility-based physicians include anesthesiologists, emergency room physicians, neonatologists, pathologists, and radiologists;

A representative of pharmacists providing services to recipients;
A representative of managed care health plans;
A representative of advanced practice nurses recommended by a statewide association of nurses; and
A representative of physical therapists or occupational therapists recommended by a statewide association representing occupational or physical therapists.

B. Each member of the MPRRAC serves at the pleasure of the official who appointed the member, per [25.5-4-401.5\(3\)\(d\), C.R.S.](#)

C. Each member of the MPRRAC serves a four-year term and may be reappointed, per [25.5-4-401.5\(3\)\(d\), C.R.S.](#)

### **Article III – Compensation**

The members of the MPRRAC serve without compensation and without reimbursement for expenses, per [25.5-4-401.5\(3\)\(e\), C.R.S.](#)

### **Article IV – Leadership**

A. The MPRRAC shall elect a Chair and Vice-Chair from among the members, per [25.5-4-401.5\(3\)\(f\), C.R.S.](#), each September, or at such other time as determined by the MPRRAC.

B. If requested by any MPRRAC member, election of the Chair and Vice-Chair shall take place by secret ballot.

### **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:

- i. Review the schedule for annual review of provider rates established by the Department and recommend any changes to the schedule, per [25.5-4-401.5\(3\)\(a\)\(I\), C.R.S.](#) and Article XI.F. below;
- ii. Review the annual May 1 Rate Review Analysis Report prepared by the Department on its analysis of provider rates and provide comments and feedback to the Department on the report, per [25.5-4-401.5\(3\)\(a\)\(II\), C.R.S.](#);
- iii. With the Department, conduct public meetings to allow stakeholders an opportunity to comment on the Rate Review Analysis Report, per [25.5-4-401.5\(3\)\(a\)\(III\), C.R.S.](#);
- iv. Review proposals and petitions received by the MPRRAC or the Department for provider rates to be reviewed or adjusted, in alignment with [25.5-4-401.5\(3\)\(a\)\(IV\), C.R.S.](#), and Article XI.F. below;
- v. Determine by majority vote by December 1 each year, whether any provider rates not scheduled for review during the next calendar year should be reviewed during that calendar

year, per [25.5-4-401.5\(3\)\(a\)\(V\)](#) and [25.5-4-401.5\(1\)\(b\), C.R.S.](#), and Article XI.F. below;

- vi. By majority vote, direct the Department to review rates that have been proposed to be excluded from the rate review schedule per [25.5-4-401.5\(1\)\(c\)\(II\), C.R.S.](#);
- vii. Recommend to the Department and to the Joint Budget Committee any changes to the process of reviewing provider rates, including measures to increase access to the process, per [25.5-4-401.5\(3\)\(a\)\(VI\), C.R.S.](#);
- viii. Provide other assistance to the Department as requested by the Department or the Joint Budget Committee, per [25.5-4-401.5\(3\)\(a\)\(VII\), C.R.S.](#); and
- ix. Aid the Department in developing strategies in response to the Rate Review Analysis Report findings, including fiscal (e.g., rates rebalancing) and non-fiscal approaches, per [25.5-4-401.5\(2\)\(b\), C.R.S.](#)

#### **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, in alignment with [25.5-4-401.5\(3\)\(g\), C.R.S.](#)
- C. The Department will determine the MPRRAC meeting schedule in collaboration with the MPRRAC. The Department will publicly post the meetings once scheduled, per [24-6-402, C.R.S.](#), with a minimum of one week’s notice prior to the MPRRAC meetings.
- D. The Department will publicly post meeting agendas prior to MPRRAC meetings, per [24-6-402, C.R.S.](#), and publicly post meeting presentations, handouts, minutes, and written stakeholder feedback received upon availability.

#### **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\(3\)\(a\)\(III\), 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 comment 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 five-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 schedule, 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. above, 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. above, 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 XIV – Training**

- A. Newly appointed MPRRAC members must complete the MPRRAC Annual Training prior to attending an MPRRAC meeting, unless the MPRRAC Annual Training is scheduled for the next MPRRAC meeting.
- B. All MPRRAC members must complete the MPRRAC Annual Training each year, per [24-3.7-102\(1\), C.R.S.](#)

- C. The Department must track and oversee the MPRRAC Annual Training, per [24-3.7-102\(2\), C.R.S.](#)

**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.