



## 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  
March 11, 2022

#### Call to Order

Mr. Pump called the meeting to order at 9:03 a.m.

#### Roll Call

The Board Coordinator called the roll. There were sufficient members for a quorum with seven members participating.

#### A. Members Present

Morgan Honea, Barry Martin, Amanda Moorer, Christina Mulkey, An Nguyen, David Pump and Vincent Scott

#### B. Members Excused

Simon Hambidge, William Kinnard and Cecile Fraley

#### C. Staff Present

Cristen Bates, Deputy 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 1570 Grant St Hibiscus Conference Room, Denver, CO 80203 on Friday, April 8, 2022 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.



Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.  
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## **Approval of Minutes**

Dr. Martin moved for the approval of the February minutes. The motion was seconded by Dr. Nguyen. The minutes were approved, 6:0.

## **Rules**

### **A. Emergency Adoption**

Document 12, MSB 21-11-05-A, Revision to the Special Financing Division Colorado Indigent Care Program rules concerning HB21-1198 Implementation and CICIP Alignment, Section 8.900

Taryn Graf, Special Financing Division, presented the rule and explained this is response to new legislation. Department responsibilities, the rates associated with the new program and provider responsibilities were discussed. Stakeholder engagement and recommendations were discussed.

Board Discussion – Board discussion included how systems can accept card but don't have to and how lawful presence is no longer necessary as SB 21-199 no longer requires. Provider responsibilities were also discussed.

Public Testimony – Julia Gilbert – Colorado Center on Law and Policy – supports rule. Appreciate working with the Department. Continue to work with Department.

Dr. Martin moved for the emergency adoption of Document 12. Mr. Scott seconded the motion.

The Board voted the emergency adoption of Document 12, 6:0.

Document 13, MSB 22-03-03-A, Revision to the Medical Assistance Act Rule concerning Qualified Residential Treatment Programs, Section 8.765

Russ Zigler, Operations Section, presented the rule and explained the revisions include a new provider type and that the proposed rule aligns the Department rules with the Colorado Department of Public Health and Environment.

Board Discussion – NA

Public Testimony – Ken Winn, Advanced Behavioral Resources, support the rule but would like Behavioral Analysts in provider type.

Mr. Scott moved for the emergency adoption of Document 13. Dr. Nguyen.

The Board voted the emergency adoption of Document 13, 6:0.

Morgan Honea joined – 9:40

Document 21, MSB 22-03-08-A, Revision to the Medical Assistance Act Rule concerning Long-Term Home Health Prior Authorization, Section 8.520.8

Russ Zigler, Operations Section, presented the rule and explained revisions remove prior authorization request.

Board Discussion – NA

Public Testimony – NA

Ms. Moorer moved for the emergency adoption of Document 21. Dr. Mulkey.

The Board voted the emergency adoption of Document 21, 7:0.

Document 14, MSB 22-02-29-A, Revision to the Medical Assistance Act Rule concerning Novel Corona Virus Disease (COVID-19) Rules, Section 8.6000

Janelle Poullier, Office of Community Living, presented the rule and explained temporary changes authorized. No changes to the rule.

Board Discussion – NA

Public Testimony – NA

Document 15, MSB 22-02-29-B, Revision to the Medical Assistance Rule concerning Provider Enrollment, Sections 8.125.11, 8.125.12, 8.125.13

Susie Thomas, Fiscal Agent Operations Section, presented the rule and explained temporarily removes visit requirements. No changes to the rule.

Board Discussion – NA

Public Testimony – NA

Document 16, MSB 22-02-29-C, Revision to the Medical Assistance Act Rule concerning Emergency Medical Transportation, Sections 8.018.1.F. and 8.018.4.D.1

Courtney Sedon, Benefits Section, presented the rule and explained temporarily expands sites for transportation. No changes to rule.

Board Discussion – NA

Public Testimony – NA

Document 17, MSB 22-02-29-D, Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation, Sections 8.014.1.N, 8.014.3.C.2, 8.014.3.D.1, 8.014.4.A, 8.014.6.A.3

Courtney Sedon, Benefits Section, presented the rule and explained expands list of allowable sites. No changes to rule language.

Board Discussion – NA

Public Testimony – NA

Document 18, MSB 22-02-29-E, 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 rule allows billing for vaccine administration. No changes to the rule.

Board Discussion – NA

Public Testimony – NA

Document 19, MSB 22-02-29-F, Revision to the Medical Assistance Rule concerning Medical Assistance program rule updates, Sections 8.100.1,8100.3, 8.100.4, 8.100.5 and 8.100.6

Ana Bordallo, Eligibility Policy Section, presented the rule and explained rules reviewed on federal requirements. Changes to previously passed language include testing update.

Board Discussion – NA

Public Testimony – NA

Document 20, CHP 22-02-29-G, Revision to the Medical Assistance Rule concerning Child Health Plan Plus program rule updates, Sections 110,140, 310 and 320

Ana Bordallo, Eligibility Policy Section, presented the rule and explained rules are unchanged. Based on federal requirements.

Board Discussion – NA

Public Testimony – NA

Mr. Honea moved for the emergency adoption of Document 14, 15, 16, 17, 18, 19 & 20. Dr. Mulkey.

The Board voted the emergency adoption of Document 14, 15, 16, 17, 18, 19 & 20, 7:0.

## **B. Final Adoption by Consent Agenda**

Document 01, MSB 21-06-04-A, Revision to the Medical Assistance Rule concerning CHCBS Cost Containment Rule Revision, Section 8.506

Ms. Moorer moved for the final adoption of Document 01. Dr. Nguyen seconded the motion.

The Board voted the final adoption of Document 01, 9:0.

## **C. Final Adoption Agenda**

Document 02, MSB 22-01-17-A, Revision to the Medical Assistance Act Rule concerning Hospice Room and Board, Section 8.550.9.C

Russ Zigler, Operations Section, presented the rule and explained rule implements legislation.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the final adoption of Document 02, 7:0.

Document 03, MSB 22-01-17-B, Revision to the Medical Assistance Act Rule concerning Qualified Residential Treatment Programs, Section 8.765

Russ Zigler, Operations Section, presented the rule and explained final adoption of emergency rule MSB 22-03-03-A.

Board Discussion – Board discussion included the need for an emergency rule and final adoption because of timing associated with the Administrative Procedures Act. Emergency rules last for 120 days and without an additional emergency rule passage, there would be a gap in coverage while the final adoption becomes effective.

Public Testimony – NA

Mr. Scott moved for the final adoption of Document 03. Dr. Martin seconded the motion.

The Board voted the final adoption of Document 03, 7:0.

Document 04, MSB 22-01-30-A, Revision to the DMEPOS Rule Concerning Pharmacists Prescribing COVID-19 at-home over-the-counter tests, Section 8.590

Haylee Rodgers, Benefits Section, presented the rule and explained final adoption of emergency rule. Rule revisions include over the counter rapid COVID tests.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the initial approval of Document 04, 7:0.

Document 05, MSB 22-01-30-B, Revision to the Medical Assistance Act Rule concerning HB21-1275 Pharmacy Implementation, Section 8.800.5

Kristina Gould, Pharmacy Office, presented the rule and explained this is a final adoption of emergency rule. Long acting injectables now reimbursed.

Board Discussion – NA

Public Testimony – NA

Dr. Mulkey moved for the final adoption of Document 05. Mr. Honea seconded the motion.

The Board voted the final adoption of Document 05, 6:0.

Document 06, MSB 22-01-30-C, Revision to the Medical Assistance Rule concerning Pharmacy Reimbursement, Section 8.200.2.B and C

Russ Zigler, Operations Section, presented the rule and explained implements legislation. Authorizes reimbursement to pharmacists listed in legislation.

Board Discussion – NA

Public Testimony – NA

Mr. Honea moved for the final adoption of Document 06. Dr. Nguyen seconded the motion.

The Board voted the final adoption of Document 06, 7:0.

Document 07, MSB 22-01-30-D, Revision to the FQHC Rule Concerning Reimbursement for Antiviral Medication for COVID-19, Section 8.700.6.B

Morgan Anderson, Program Innovation Section, presented the rule and explained final adoption of emergency rule. Antiviral medication reimbursement for Federally Qualified Healthcare Center's.

Board Discussion – NA

Public Testimony – NA

Mr. Honea moved for the final adoption of Document 07. Dr. Nguyen seconded the motion.

The Board voted the final adoption of Document 07, 7:0.

#### **D. Initial Approval Agenda**

Document 08, MSB 21-02-05-A, Revision to the Medical Assistance Act Rule concerning Services for Individuals with Intellectual and Developmental Disabilities Sections 8.609.5 and 8.609.7

Jeremy Branting, Benefits and Services Management Division, presented the rule and explained a brief background of the program. Reviewed the proposed changes to the rule language and how incremental steps are being taken purposely.

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

Public Testimony – Julie Rieskin – Colorado Cross Disability Coalition – support the rule but needs to go further. There are good host homes out there and still problems to be addressed. Reviewed rule for potential revising.

Mr. Scott moved for the initial approval of Document 08. Ms. Moorer seconded the motion.

The Board voted the initial approval of Document 08, 7:0.

Document 09, MSB 22-01-06-B, Revision to the Medical Assistance Rule concerning Update Inpatient Base Rates for fiscal year 22-23, Section 8.300.5

Diana Lambe, Rates Division, presented the rule and explained the revisions to the annual adjustment schedule for Inpatient Hospital Base Rates are modified using the State Budget Action as defined by the Legislature for State Fiscal Year 2022-23.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the initial approval of Document 09, 7:0

Document 10, MSB 22-01-10-A, Revisions to the Medical Assistance Rules concerning the Participant Directed Programs Rules, Sections 8.510 & 8.552

Erin Thatcher, Benefits & Management Section, presented the rule and explained revisions include lowering participation age to hire candidates.

Board Discussion – Board discussion included minors using or assisting lifting equipment.

Public Testimony – Kenneth Maestas – Colorado Cross Disability Coalition – support the rule. Many tasks minors can perform.

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

The Board voted the initial approval of Document 10, 7:0

Document 11, MSB 21-08-04-A, Medicaid Nursing Facilities Demonstration of Need with Technical Changes Revision to the Medical Assistance Program Requirements for Nursing Facilities, Section 8.400

Nancy Schwalm, Office of Community Living, presented the rule and explained revisions includes new nursing facilities and adding beds in situations. HB 21-1227 legislation authorized the revisions.

Board Discussion – NA

Public Testimony – NA

Dr. Martin moved for the initial approval of Document 11. Dr. Nguyen seconded the motion.

The Board voted the initial approval of Document 11, 7:0

## Consent Agenda Discussion

Mr. Scott moved to add Documents 09, 10, & 11 to the consent agenda.  
Ms. Moorer seconded the motion.

The Board voted the addition of Documents 09, 10 & 11 to the consent agenda, 7:0

## E. Closing Motion

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

**Legislative Update** – Jo Donlin and Iris Hentze, Legislative Team

## Open Comments

Kari Easterly – Arc of Adams County  
DeAnn Major - Arc of Adams County

## Department Updates

- Department Updates/Questions – Cristen Bates, Deputy Medicaid Director

## The meeting was adjourned at 11:40 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, April 8, 2022 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](mailto:chris.sykes@state.co.us) or the 504/ADA Coordinator [hcpf504ada@state.co.us](mailto:hcpf504ada@state.co.us) at least one week prior to the meeting.