



## 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 10, 2023

#### 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 eight members participating.

#### A. Members Present

Laura Carroll, Cecile Fraley, Morgan Honea, Idalia Massa-Carroll, Barry Martin, Christina Mulkey, An Nguyen and Vincent Scott

#### B. Members Excused

Simon Hambidge, William Kinnard, David Pump

#### C. Staff Present

Adela Flores-Brennan, Medicaid Director; Jennifer Weaver, Attorney General; and Chris Sykes, Board Coordinator

#### Announcements

Mr. Honea announced the next Medical Services Board Meeting will be held at 303 E 17<sup>th</sup> Ave 11<sup>th</sup> floor Conference Room, Denver, CO 80203 on Friday, April 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.



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**

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

## **Rules**

### **A. Emergency Adoption**

Document 10, MSB 23-02-27-C, Revision to the Medical Assistance Act Rule Concerning Inpatient Payment Rates for Opioid Antagonist, Section 8.300.5.D

Andrew Abalos, Rates Division, presented the rule and explained that House Bill 22-1326 appropriates funding allowing the Department to reimburse opioid antagonist drugs outside of its current reimbursement methodology. Currently, there is not distinct reimbursement for the opioid antagonist drug Naloxone in the payment bundles used for outpatient hospital payment calculation. This rule change will allow the Department to make payment outside of the payment bundles, creating greater incentive to inpatient hospitals to provide take-home Naloxone to patients at-risk for opioid overdoses.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the emergency adoption of Document 10, 8:0.

Document 11, MSB 23-03-01-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 rule is back for emergency adoption to include Attorney General revisions. Purpose of legislation, stakeholder outreach. Advisory committee reviews applications.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the emergency adoption of Document 11, 8:0.

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

Document 01, MSB 22-11-03-A, Revision to the Medical Assistance Act Rule concerning Medicaid Eligibility Quality Control, Section 8.080

Document 02, MSB 22-09-19-A, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule concerning Life Skills Training, Home Delivered Meals, Peer Mentorship, & Transition Setup Services, Section 8.553

Dr. Martin moved for the final adoption of Document 01 & 02. Dr. Mulkey seconded the motion.

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

### **C. Final Adoption Agenda**

Document 03, MSB 22-12-28-B, Revision to the Medical Assistance Rule Concerning Medicare-Only Provider Types, Section 8.125 & 8.126

Alex Lyons, Compliance Section, presented the rule and explained rule language clarifies Medicare only provider types.

Board Discussion – Board discussion included clarifying the definition of whom is eligible to provide behavioral health, switch clinical to a licensed individual.

Public Testimony – NA

Mr. Scott moved for the final adoption of Document 03. Ms. Carroll seconded the motion.

The Board voted the final adoption of Document 03, 8:0.

Document 04, MSB 22-12-28-C, Revision to the Medical Assistance Act Rule Concerning Inpatient Payment Rates for Opioid Antagonist, Section 8.300.5.D

Andrew Abalos, Rates Division, presented the rule and purpose to reimburse providers for naloxone. Aligns reimbursement with legislation.

Board Discussion – Board discussion included a question about the timing of the emergency rule earlier to the final adoption and how a gap in coverage would occur without the emergency adoption.

Public Testimony – NA

Dr. Fraley moved for the final adoption of Document 04. Dr. Mulkey seconded the motion.

The Board voted the final adoption of Document 04, 8:0.

Document 05, MSB 23-01-31-A, Revision to the Medical Assistance Rule concerning Verified Information at Renewal, Section 8.100.3.P

Ana Bordallo, Eligibility Policy Section, presented the rule and states must complete renewals in line with federal guidance, now 6 months look back. The system has been updated.

Board Discussion – NA

Public Testimony – NA

Ms. Carroll moved for the final adoption of Document 05. Dr. Nguyen seconded the motion.

The Board voted the final adoption of Document 05, 8:0.

Document 06, CHP 23-01-31-B, Revision to the Child Health Plan Plus Program Rule concerning Verified Information at Renewal, Section 140

Ana Bordallo, Eligibility Policy Section, presented the rule and states must complete renewals in line with federal guidance, now 6 months look back. The system has been updated.

Board Discussion – NA

Public Testimony – NA

Dr. Martin moved for the final adoption of Document 06. Ms. Carroll seconded the motion.

The Board voted the final adoption of Document 06, 8:0.

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

Document 07, MSB 22-12-02-A, Revision to the Medical Assistance Act Rule concerning Durable Medical Equipment Prescribing Providers, Section 8.590

Russ Zigler, Operations Section, and Haylee Rodgers, Benefits Section, presented the rule and explained revisions adding providers to authorized individuals ordering Durable Medical Equipment.

Board Discussion – Board discussion included support of the rule.

Public Testimony – NA

Ms. Carroll moved for the initial approval of Document 07. Dr. Nguyen seconded the motion.

The Board voted the initial approval of Document 07, 8:0.

Document 08, MSB 23-01-26-A, Revision to the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960 Schedule A

Chandra Vital, Special Financing Division, presented the rule and explained revisions including two procedures recommended by the Dental Advisory Committee.

Board Discussion – Board discussion included support of the changes and if the funding allocation will be going up. The Committee oversees copay and benefit cost and the funding comes from the Legislature.

Public Testimony – Phyliss Hirschfeld, Colorado Gerontological Society, grantee under LIS program. Support addition of partial denture codes.

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

The Board voted the initial approval of Document 08, 8:0.

Document 09, MSB 22-12-13-B, Creation of the Medical Assistance Rule concerning the Secure Transport Benefit, Section 8.019

Alex Lyons, Operations Section, and John Lentz, Behavioral Health Initiatives and Coverage, presented the rule and explained legislation creates a new benefit, secure transportation for individuals to a facility.

Board Discussion – Board discussion included the definition of a mental health crisis in the rule. Discussion also included no limit on distance to a facility, including the ability to be transported to additional facilities if the original facility does not have capacity. The return trip was discussed with stakeholders and now not in crisis and Non-Emergency Medical Transportation should be used. The communication plan was discussed.

Public Testimony – NA

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

The Board voted the initial approval of Document 09, 8:0

## **E. Consent Discussion**

Mr. Honea motioned to add Document 07, 08 & 09 to the Consent Agenda.

The Board voted to add Document 07, 08 & 09 to the Consent Agenda; 8:0.

## **F. Closing Motion**

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

## **Open Comments**

Galia Spychalska – PDN updates, lack of communication, hours authorized but still required to submit PARs with no guidance on info required. Stakeholder outreach has begun and the Member Experience Advisory Committee is working hard to get letters out the door.

Katie Wallet – Colorado Center on Law and Policy – the end of continuous coverage requires States to perform ex-parte renewals. Colorado’s ex-parte rate is 34% and the optics of 34% is misleading.

Karen Leh – Still very concerned with PDN issues, unclear on PAR requirements.

## **Department Updates**

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

### **The meeting was adjourned at 10:58 a.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, April 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](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.