



## 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 8, 2024

#### Call to Order

Mr. Honea called the meeting to order at 9:01 a.m.

#### Roll Call

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

##### A. Members Present

Laura Carroll, Cecile Fraley, Simon Hambidge, Morgan Honea, William Kinnard, James McLaughlin, Barry Martin, Christina Mulkey, An Nguyen and Vincent Scott.

##### B. Members Excused

##### 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 17<sup>th</sup> Ave, 11<sup>th</sup> Floor conference Room, Denver, CO 80203 on Friday, April 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. Nguyen moved for the approval of the November minutes. The motion was seconded by Dr. Martin. The minutes were approved, 10:0.

## **Rules**

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

Document 01, MSB 23-04-25-C, Revision to the Medical Assistance Act Rule concerning The HB23-1183 Implementation, Section 8.800.A and 8.800.7; Document 02, MSB 23-11-03-A, New High Utilizer Supplemental Payment, NF Parolees Supplemental Payment, Post Eligibility Treatment of Income (PETI) Dental Benefit Removal, Section 8.443 & 8.482 and Document 03, MSB 23-08-02-A, Revision to the Medical Assistance Rule concerning the Program of All-Inclusive Care for the Elderly (PACE), Section 8.497.

Dr. Martin moved for the final adoption of Document 01, 02 & 03. Dr. Hambidge seconded the motion.

The Board voted the final adoption of Document 01, 02 & 03, 10:0.

### **B. Final Adoption Agenda**

Document 04, MSB 24-01-29-A, Revision to the Medical Assistance Rule concerning Non Emergent Medical Transportation, Sections 8.014 & 8.125

Sarah Geduldig, Fraud Waste and Abuse Division, presented the rule and explained this is a final adoption of the emergency rule adopted in January. The fraud scheme needs to be addressed. The Department is working to update rule in the future.

Board Discussion – Board discussion included the future rule revision and the need for a specific provider type but also perhaps credentialing can be accepted through other means. Maybe a collaborative crossover with CDPHE and Secure Transport can be used. The 25 mile limit is not possible in certain circumstances. The rule shouldn't be restrictive. Exceptions exist in the rule, but not exhaustive on exceptions. The Department is committed to look at the Secure Transport rule.

Public Testimony – Julie Reiskin, Colorado Cross Disability Coalition, appreciate work on the rule. The 25 mile limit is difficult, sometimes there is no provider in 25 miles. More clarity in the rule needed and the Department will work on that.

Dr. Martin moved for the final adoption of Document 04 Mr. McLaughlin seconded the motion.

The Board voted the initial approval of Document 04, 10:0.

### **C. Initial Approval**

Document 05, MSB 23-08-29-A, Revision to the Medical Assistance Act Rule concerning Children's Dental Therapists, Section 8.202.1

Alex Lyons, Policy Development & Implementation Section, presented the rule and explained that the rule is the last piece of implementation. Dental therapists can work on children also.

Board Discussion – Board discussion included that the rule is appropriate and supported. The Dental Act requires dentist oversight and there are provisions for limited scope. This rule increases access to care.

Public Testimony – Molly Periare, Colorado Dental Association, billing guidance is needed. Dental Therapists operate under supervision and should be billed under the supervising dentist.

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

The Board voted the initial approval of Document 05, 10:0.

### **D. Consent Discussion**

Dr. Hambidge motioned to add Document 05 to the Consent Agenda.

The Board voted to add Document 05 to the Consent Agenda; 10:0.

### **E. Closing Motion**

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

### **Open Comments**

- Katie Wallat, Colorado Center on Law and Policy, appreciate having the Member Experience Advisory Council (MEAC) at the Medical Services Board meeting. One issue is that MEAC information is not shared, including recommendations not being shared. MEAC covers personal and confidential information.

### **Department Updates**

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

**The meeting was adjourned at 9:56 a.m.**

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