



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 12, 2021

Call to Order

Ms. Moorer called the meeting to order at 9:04 a.m.

Roll Call

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

A. Members Present

Amanda Moorer, Cecile Fraley, Patricia Givens, Simon Hambidge, Bregitta Hughes, Christina Mulkey, An Nguyen, Jessica Kuhns, Vincent Scott and Morgan Honea

B. Members Excused

David Pump

C. Staff Present

Tracy Johnson, Medicaid Director; Jennifer Weaver, Attorney General; and Chris Sykes, Board Coordinator

Announcements

Ms. Moorer announced the next Medical Services Board Meeting will be held at 303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203 on Friday, April 9, 2021 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

Mr. Scott moved for the approval of the February minutes. The motion was seconded by Ms. Hughes. The minutes were approved, 9:0.

Rules

A. Emergency Rules

Document 06, MSB 21-02-24-A, Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960

Chandra Vital, Special Financing Division, presented the emergency rule and explained that recent changes to Medicare now include a dental plan that individuals can't opt out of. Current rule language does not allow individuals with other dental coverage to enroll in the Senior Dental Program. The changes to the rule corrects this issue and allows Seniors to keep utilizing benefits.

Board Discussion – NA.

Public Testimony – Jennifer Goodrum, Colorado Dental Association – support the rule change, important change in rule to benefit seniors.

Mr. Honea moved for the emergency adoption of Document 06. Dr. Givens seconded the motion.

The Board voted the emergency adoption of Document 06, 9:0.

Document 07, MSB 21-03-09-A, Revision to the RHC Rule Concerning Adding Provider Types to RHC Visit, Section 8.740

Erin Johnson, Rates Division, presented the emergency rule and explained the Rural Health Center definition changed to define additional behavioral health services. The work is being done, but provider types are not included in the system. This rule allows services to continue and be paid.

Board Discussion – NA

Public Testimony – NA

Dr. Fraley moved for the emergency adoption of Document 07. Mr. Honea seconded the motion.

The Board voted the emergency adoption of Document 07, 9:0.

B. Final Adoption by Consent Agenda

Document 01, MSB 20-09-30-A, Revision to Medical Assistance Act Rule Concerning the Pharmacy Regulatory Efficiency Review, Section 8.800

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

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

C. Final Adoption Agenda

Document 02, MSB 20-01-28-A, Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960

Chandra Vital, Special Financing Division, presented the rule and explained at the last meeting the Board requested to discuss an additional procedure to Dental Advisory Committee. A February 24th meeting was held and the committee decided to postpone a decision until the April 13 meeting to allow for further input.

Board Discussion – Board discussion included gratitude for the advisory committee’s willingness to work on the issue.

Public Testimony – Jennifer Goodrum, Colorado Dental Association – Support of the rule and understand the committee needs for a continuing dialogue.

Dr. Nguyen moved for the final adoption of Document 02. Dr. Givens seconded the motion.

The Board voted the initial approval of Document 02, 9:0.

D. Initial Approval Agenda

Document 03, MSB 20-10-27-A, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Adult Day Services, Section 8.491 and 8.515.70

Kyra Acuna, Office of Community Living, presented the rule and provided an overview of the services revised. A review of the stakeholders engaged and incorporated suggestions received was given. A 15 minute unit was created –

previously unable to bill for smaller than 3 hour blocks and the staffing ratio language requires additional revisions.

Board Discussion – Board discussion included an appreciation for the team working on this and including virtual services, such as book club and exercise. This allows individuals to remain safe at home but still interact with the community.

Public Testimony – NA

Ms. Kuhns moved for the initial approval of Document 03. Ms. Hughes seconded the motion.

The Board voted the initial approval of Document 03, 9:0.

Dr. Hambidge joined.

Document 04, MSB 20-10-12-A, Revision to the Special Financing Division Colorado Indigent Care Program Concerning CICP Regulatory Review Updates, Section 8.900

Chandra Vital, Special Financing Division, presented the rule and explained this is a mandatory review of the rules performed by the Department. A review of stakeholder feedback received, language changes made and technical movement for clarity was given. Some stakeholder feedback was not incorporated due to being outside of the review scope. The Department will continue to revise the rule in the future.

Board Discussion – NA

Public Testimony – Bethany Pray, Colorado Center on Law and Policy – Appreciative of the changes in rule. Some questions on the pieces left out and additional items remain. The definition of homelessness in rule, why does it exclude couch surfing? Department training addresses couch surfing in practice but currently as written the rule excludes that practice. A second look at the definition with a possible tweak would be appreciated. The Department committed to reviewing the rule.

Mr. Scott moved for the initial approval of Document 04. Dr. Hambidge seconded the motion.

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

Document 05, MSB 20-10-12-B, Revision to the Special Financing Division Old Age Pension Health Care Program Concerning OAP Regulatory Review Updates, Section 8.940

Chandra Vital, Special Financing Division, presented the rule and provided the background of Old Age Pension program. This is another mandatory review of the rules. No stakeholder comments were received. The rule was revised for clarity and aligns with Department policy.

Board Discussion – NA

Public Testimony – NA

Dr. Mulkey moved for the initial approval of Document 05. Dr. Givens seconded the motion.

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

E. Consent Agenda Discussion

Ms. Kuhns moved to add document 05 to the Consent Agenda, Dr. Hambidge seconded the motion.

The Board voted to add document 05 to the Consent Agenda, 10:0.

F. Closing Motion

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

Open Comments

NA

Department Updates

- Department Updates/Questions – Tracy Johnson, Medicaid Director

The meeting was adjourned at 10:35 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, April 9, 2021 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 or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.