



## 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  
May 12, 2023

#### Call to Order

Mr. Honea called the meeting to order at 9:02 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, Idalia Massa-Carroll, Barry Martin, Christina Mulkey, An Nguyen, David Pump and Vincent Scott

##### B. Members Excused

William Kinnard

##### C. Staff Present

Adela Flores-Brennan, 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 303 E 17<sup>th</sup> Ave 11<sup>th</sup> floor Conference Room, Denver, CO 80203 on Friday, June 9, 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.

## **Approval of Minutes**

Dr. Martin moved for the approval of the April minutes. The motion was seconded by Dr. Fraley. The minutes were approved, 9:0:1.

## **Rules**

### **A. Emergency Adoption**

Document 10, MSB 23-05-03-A, Revision to the Medical Assistance Rule concerning Provider Enrollment, Sections 8.125.11, 8.125.12, 8.125.13 & 8.126.1

Clint Eatmon, Fiscal Agent Operations Section, presented the rule and explained rule will reinstate provider requirements since the Public Health Emergency has concluded.

Board Discussion – NA

Public Testimony – NA

Dr. Hambidge moved for the emergency adoption of Document 10. Mr. Scott seconded the motion.

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

Document 11, MSB 23-05-03-B, 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 and Management, presented the rule and explained rule will reinstate requirements since the Public Health Emergency has concluded.

Board Discussion – NA

Public Testimony – NA

Ms. Carroll moved for the emergency adoption of Document 11. Dr. Nguyen seconded the motion.

The Board voted the emergency adoption of Document 11, 10:0.

Document 12, MSB 23-05-03-C, 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 and Management, presented the rule and explained rule returns to pre-pandemic language since the Public Health Emergency has concluded.

Board Discussion – NA

Public Testimony – NA

Dr. Fraley moved for the emergency adoption of Document 12. Mr. Honea seconded the motion.

The Board voted the emergency adoption of Document 12, 10:0.

Document 13, MSB 23-05-03-D, Revision to the Medical Assistance Act Rule concerning Subacute Care, Section 8.300

Russ Zigler, Operations Section, presented the rule and explained rule will reinstate requirements since the Public Health Emergency has concluded.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the emergency adoption of Document 13, 10:0.

Document 14, MSB 23-05-01-A, Revision to the Medical Assistance Rule concerning Dental Therapists, Section 8.201.1

Alex Lyons, Operations Section, presented the rule and explained rule adds dental therapists as provider type to align with recently passed legislation.

Board Discussion – Board discussion included that Dental Therapists are a mid-level provider in Dentistry and are critical in rural CO.

Public Testimony – NA

Dr. Nguyen moved for the emergency adoption of Document 14. Ms. Carroll seconded the motion.

The Board voted the emergency adoption of Document 14, 10:0.

Document 15, MSB 23-05-10-A, 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 to be made permanent. Clarification language for members who must renew with the Public Health Emergency ending. After May 2023 members will be determined to maintain eligibility.

Board Discussion – NA

Public Testimony – NA

Ms. Carroll moved for the emergency adoption of Document 15. Dr. Mulkey seconded the motion.

The Board voted the emergency adoption of Document 15, 10:0.

Document 16, CHP 23-05-10-B, 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 to be made permanent. Clarification language for members who must renew with the Public Health Emergency ending. After May 2023 members will be determined to maintain eligibility.

Board Discussion – NA

Public Testimony – NA

Mr. Honea moved for the emergency adoption of Document 16. Dr. Hambidge seconded the motion.

The Board voted the emergency adoption of Document 16, 10:0.

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

Document 01, MSB 22-12-16-A, Revision to the Medical Assistance Rule concerning Federally Qualified Health Centers, Women’s Health Services Reimbursement, Section 8.700.6.D

Document 02, MSB 22-12-20-A, Revision to the Medical Assistance Rule concerning Physician Services, Dental, Vision Services, Medicaid Managed Care Program Prospective Medical Payments to Primary Care Medical Providers, Section 8.700.7.A

Document 03, MSB 22-12-30-A, Revision to the Medical Assistance Rule concerning Supported Employment Services Expansion, Section 8.500

Document 04, MSB 22-11-22-A, Revision to the Medical Assistance Rule concerning FFY 2022-23 Healthcare Affordability & Sustainability (HAS) Fees & Supplemental Payments Amendment, Section 8.3000

Document 05, MSB 23-01-24-A, Revisions to the Medical Assistance Rule concerning the Creation of the Nursing Home Wage Enhancement Supplement Payment, Section 8.443.21

Document 06, MSB 22-12-14-A, Revision to the Medical Assistance Rule concerning Payment for Inpatient Hospital Services, Section 8.300

Document 07, MSB 22-12-13-C, Creation of the Medical Assistance Rule concerning Mobile Crisis Response, Section 8.020

Dr. Martin moved for the final adoption of Document 01, 02, 03, 04, 05, 06 & 07. Mr. Scott seconded the motion.

The Board voted the final adoption of Document 01, 02, 03, 04, 05, 06 & 07, 10:0.

### **C. Initial Approval**

Document 08, MSB 23-01-13-A, Revision to the Medical Assistance Act Rule concerning Care and Case Management System, Sections 8.390, 8.393, 8.400, 8.500 & 8.615

Michelle Topkoff, Office of Community Living, presented the rule and explained rule underwent significant stakeholder engagement. New rules regarding Care and Case Management and new Level of Care assessment tool. Stakeholder concerns addressed, wanted to see new tool in the system which took time. Person centered care plans in the works. Updated terminology and language.

Board Discussion – Board discussion included accommodation for adverse action changes left up to Case Manager or person directly. Requirements in rule that adverse action must accommodate for Intellectual Developmentally Disabled individuals and correspondence must be in plain language. Community Centered Board's sometimes struggle with new implementation and training and the Department has 9 weeks of training for line staff.

Public Testimony – Katie Wallat, Colorado Center on Law and Policy, support of the rule changes. Appreciate engagement.

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

The Board voted the initial approval of Document 08, 10:0.

Document 09, MSB 23-03-14-B, Revision to the Medical Assistance Rule concerning Adult Day Services Dementia Training, Section 8.491

Kyra Acuna, Community Options Benefits Section, presented the rule and explained new dementia trainings added. Recent legislation mandates addition. Working closely with Colorado Department of Public Health & Environment for providers and nursing staffing agencies. Training consists of an initial 4 hour block and required every 2 years.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the initial approval of Document 09, 10:0.

### **D. Consent Discussion**

Mr. Pump motioned to add Document 08 & 09 to the Consent Agenda.

The Board voted to add Document 08 & 09 to the Consent Agenda; 10:0.

### **E. Closing Motion**

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

### **Open Comments**

NA

### **Department Updates**

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

### **The meeting was adjourned at 10:15 a.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, June 09, 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.