



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
November 12, 2021

Call to Order

Ms. 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 nine members participating.

A. Members Present

Simon Hambidge, Morgan Honea, William Kinnard, Barry Martin, Christina Mulkey, An Nguyen, David Pump and Vincent Scott

B. Members Excused

Amanda Moorer

C. Staff Present

Bill Heller, 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 303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203 on Friday, December 10, 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.

Budget Update – Josh Block, Budget Director

Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.
www.colorado.gov/hcpf



Approval of Minutes

Mr. Honea moved for the approval of the October minutes. The motion was seconded by Dr. Nguyen. The minutes were approved, 9:0.

Rules

A. Emergency Adoption

Document 10, MSB 21-11-03-A, Revision to the Medical Assistance Act Rule concerning Novel Corona Virus Disease (COVID-19) Rules, Section 8.6000

Cassandra Keller, Office of Community Living, presented the rule and explained this a continuation of the emergency rule. Rules are temporary, changes allow for flexibility to members and providers during the Public Health Emergency.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the emergency adoption of Document 10, 9:0.

Document 11, MSB 21-11-03-B, Revision to the Medical Assistance Rule concerning Provider Enrollment, Sections 8.125.11, 8.125.12, 8.125.13

Clint Eatmon, Fiscal Agent Operations Section, presented the rule and explained extension of emergency rule. The rule aligns with the 1135 waiver authorized by CMS.

Board Discussion – Board discussion included a review of the federal rules mandating the need for provider enrollment reviews. During the public health emergency a waiver allows us to waive state rules since the federal rules are suspended.

Public Testimony – NA

Mr. Honea moved for the emergency adoption of Document 11. Dr. Fraley seconded the motion.

The Board voted the emergency adoption of Document 11, 9:0.

Document 12, MSB 21-11-04-A, Revision to the Medical Assistance Act Rule concerning Emergency Medical Transportation, Sections 8.018.1.F. and 8.018.4.D.1

Ryan Dwyer, Benefits Section, presented the rule and explained this is an extension of emergency rule. Expands allowable transportation destinations during the PHE and allows for flexibility.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the emergency adoption of Document 12, 9:0.

Document 13, MSB 21-11-04-B, 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

Ryan Dwyer, Benefits Section, presented the rule and explained this is an extension of the emergency rule. Removes covered place of service, allows flexibility for PHE needs.

Board Discussion – NA

Public Testimony – NA

Dr. Mulkey moved for the emergency adoption of Document 13. Dr. Fraley seconded the motion.

The Board voted the emergency adoption of Document 13, 9:0.

Document 14, MSB 21-11-05-B, Revision to the Medical Assistance Act Rule concerning Nursing Facility Immunization Administration, Sections 8.443 and 8.815

Richard Clark, Office of Community Living, presented the rule and explained this is an extension of the emergency rule. Assists vaccine roll out for nursing facilities. Aligns with federal rules on vaccine access.

Board Discussion – Board discussion included an appreciation of the rule.

Public Testimony – NA

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

The Board voted the emergency adoption of Document 14, 9:0.

Document 15, MSB 21-11-07-A, Revision to the Medical Assistance Rule concerning Medical Assistance program rule updates, Sections 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6

Ana Bordallo, Eligibility Policy Section, presented the rule and explained the extension of the emergency rule. Revisions align with the federal rule. Minor changes from feedback from stakeholders are included in this rule but will not be made permanent.

Board Discussion – NA

Public Testimony – NA

Mr. Scott moved for the emergency adoption of Document 15. Dr. Mulkey seconded the motion.

The Board voted the emergency adoption of Document 15, 9:0.

Document 16, CHP 21-11-07-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 the emergency rule is being extended to align with federal policy.

Board Discussion – NA

Public Testimony – NA

Dr. Martin moved for the emergency adoption of Document 16. Dr. Fraley seconded the motion.

The Board voted the emergency adoption of Document 16, 9:0.

Document 17, MSB 21-10-28-A, Revision to the Medical Assistance Act Rule Concerning Preferred Drug List (PDL) and New Drug Determinations, Section 8.800.16.B

Kristina Gould, Pharmacy Office, presented the rule and explained the rule addresses classification that medications fall under. New medications will now be available to members sooner. The timeframe is now specified.

Board Discussion – NA

Public Testimony – NA

Dr. Fraley moved for the emergency adoption of Document 17. Dr. Hambidge seconded the motion.

The Board voted the emergency adoption of Document 17, 9:0.

Document 18, MSB 21-10-22-A, Revision to the Medical Assistance Eligibility Rules concerning General and Citizenship Eligibility Requirements, Section 8.100.3.G

Jennifer VanCleave, Eligibility Policy Section, presented the rule and provided background information regarding the need for the rule. Afghan refugees were added federally, state rules need to align. All other requirements still needed for Medicaid, just eliminates the 5-year ban requirement. Applications are in the process of being updated.

Board Discussion – Board discussion included an appreciation of doing the right thing for the community.

Public Testimony – NA

Dr. Hambidge moved for the emergency adoption of Document 18. Dr. Nguyen seconded the motion.

The Board voted the emergency adoption of Document 18, 9:0.

B. Final Adoption by Consent Agenda

Document 01, MSB 21-06-08-A, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Expanding Electronic Monitoring to Include Remote Supports, to revise Section 8.488

Mr. Scott moved for the final adoption of Document 01. Dr. Hambidge seconded the motion.

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

C. Final Adoption Agenda

Document 01, MSB 21-06-08-A, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Expanding Electronic Monitoring to Include Remote Supports, to revise Section 8.488

Courtney Montes, Office of Community Living, presented the rule and explained changes from last month are from a discussion with CMS.

Board Discussion – Board discussion included an appreciation of the changes to protect privacy.

Public Testimony – NA

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

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

Document 02, MSB 21-07-07-A, Revision to the Medical Assistance Act Rule concerning Adult Dental Annual Limit Maximum, Section 8.201.6

Russ Zigler, Operations Section, presented the rule and explained the rule revisions reinstate the maximum benefit amount of \$1500 for adult dental. The rule maintains the benefit amount going forward.

Board Discussion – Board discussion included an appreciation of the restoration of the benefit.

Public Testimony – NA

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

The Board voted the final adoption of Document 02, 9:0.

Document 03, MSB 21-07-20-B, Revision to the Medical Assistance Rule concerning Provider Participation, Section 8.130

Sarah Geduldig, Medicaid Operations, presented the rule and explained revisions to the provider participation agreement. Aligns the provider billing manual with rules.

Board Discussion – NA

Public Testimony – NA

Dr. Mulkey moved for the final adoption of Document 03. Dr. Hambidge seconded the motion.

The Board voted the emergency adoption of Document 03, 9:0.

Document 04, MSB 21-02-09-A, Revision to the Medical Assistance Rule concerning the Home and Community Based Services Final Settings Rule, Section 8.484

Cassandra Keller, Office of Community Living, presented the rule and explained the proposed rule codifies federal rule for the State. The rule promotes members being in a home setting. A review of stakeholder engagement and feedback received was provided.

Board Discussion – Board discussion included the section on rights modifications and labor shortages.

Public Testimony – NA

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

The Board voted the final adoption of Document 04, 8:0:1.

Document 05, MSB 21-08-10-C, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Non-Medical Transportation, Sections 8.494 and 8.611

Cassandra Keller, Office of Community Living, presented the rule and explained in the past oversight of providers went over to Colorado Public Utilities Commission. Statute now brings oversight back to the Department.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the final adoption of Document 05, 9:0.

Document 06, MSB 21-08-05-B, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Service Plan Authorization Limits (SPAL) and the Exception Review Process, Section 8.500.102

Lindsay Westlund, Community Options Benefits Section, presented the rule and explained the rule was approved in the Long Bill. Revisions expand access to care with added benefits. Changes from last month were determined after reaching out to stakeholders.

Board Discussion – Board discussion included an appreciation of the changes to the rule.

Public Testimony – NA

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

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

D. Initial Approval Agenda

Document 07, MSB 21-07-20-C, Revision to the Rural Health Center Rules Concerning Reimbursement, Section 8.740

Erin Johnson, Rates Division, presented the rule and explained revisions modifies rate changes for rural health clinics which are federally required. This is not rate setting policy, just clarifying language to the rule.

Board Discussion – Board discussion included rate adjustments and the need for clarifying language regarding rate setting in the rule.

Public Testimony – NA

Mr. Honea moved for the initial approval of Document 07. Dr. Fraley seconded the motion.

The Board voted the initial approval of Document 07, 9:0.

Document 08, MSB 21-08-04-B, Revision to the Medical Assistance Act Rule concerning Consumer Directed Attendant Support Services EVV Compliance, Section 8.510

Lana Eggers, Office of Community Living, Katherine McGuire and Erin Thatcher presented the rule and explained the rule is authorized through federal regulations. A review of the CDASS program was given and explained the reimbursement process under the CDASS program. Rule revisions define the EVV process and the responsibilities of the employer and compliance required.

Training is available and at times required. Stakeholder engagement was reviewed.

Board Discussion – Board discussion included a need for EVV3 information to be shared, how it must aid members and Department.

Public Testimony – NA

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

The Board voted the initial approval of Document 08, 9:0.

Document 09, MSB 21-06-09-A, Revision to the Medical Assistance Act Rule concerning In-Home Support Services, Section 8.552

Kristine Dos Santos, Benefits and Services Management Section, presented the rule and explained the rule updates to the Authorized Representative process. A review of the stakeholder engagement was provided.

Board Discussion – NA

Public Testimony – NA

Dr. Mulkey moved for the final adoption of Document 09. Dr. Hambidge seconded the motion.

The Board voted the final adoption of Document 09, 9:0.

Consent Agenda discussion – Dr. Hambidge moved to add Documents 07, 08, & 09 to the consent agenda. Mr. Honea seconded the motion.

The Board voted to add Documents 07, 08, & 09 to the consent agenda, 9:0

E. Closing Motion

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

Open Comments

Bethany Pray, Colorado Center on Law and Policy

Department Updates

- Department Updates/Questions – Bill Heller, Deputy Medicaid Director

Elections

A discussion was held. David Pump was elected President and Morgan Honea was elected Vice-President.

The meeting was adjourned at 11:30 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, December 10, 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.