



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 9, 2023

Call to Order

Mr. Honea called the meeting to order at 9:08 a.m.

Roll Call

The Board Administrator called the roll. There were sufficient members for a quorum with seven members participating.

A. Members Present

Laura Carroll, Morgan Honea, William Kinnard, James McLaughlin, Barry Martin, Christina Mulkey and Vincent Scott.

B. Members Excused

Cecile Fraley, Simon Hambidge, Idalia Massa-Carroll and An Nguyen

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 1900 E. 3rd Ave Durango, CO 81301 on Friday, December 8, 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

Mr. Scott moved for the approval of the October minutes. The motion was seconded by Mr. McLaughlin. The minutes were approved, 7:0.

Rules

A. Emergency Adoption

Document 05, MSB 23-11-01-A, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule concerning Transition Services Setup Expenses, Section 8.553.6

Janelle Poullier, Office of Community Living, presented the rule and presented the background of transition services and who is eligible to receive the services. The revisions increase the amount to \$2500. This is an emergency rule to align with legislation and provide more access to care for members.

Board Discussion – Board discussion included how reimbursement happens and if the state purchasing programs can be used to reduce cost. The costs are fronted by the transition coordinating service and then reimbursed.

Public Testimony – NA

Mr. Scott moved for the emergency adoption of Document 05. Dr. Martin seconded the motion.

The Board voted the emergency adoption of Document 05, 7:0.

B. Final Adoption Agenda

Document 01, Revision to the Medical Assistance Act Rule concerning Durable Medical Equipment Complex Rehabilitation Technology Repair Metrics, Section 8.590

Haylee Rodgers, Benefits Management Division, presented the rule and explained the purpose of the rule to align with legislation. Repair metrics related to timeliness and quality are included in the revisions and the rule also establishes a process for providers to report their data to the Department.

Board Discussion – Board discussion included the types of customized seating and standing equipment for the member would be included in the new rules.

Public Testimony – NA

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

The Board voted the initial approval of Document 01, 7:0.

C. Initial Approval

Document 02, MSB 22-12-09-A, Revision to the Medical Assistance Rule concerning Resident Personal Needs Accounts, Section 8.400

Christine Bates, Office of Community Living, presented the rule and explained revisions clarify for nursing facility providers on how to separate personal needs funds and to have the Department audit those funds.

Board Discussion – NA

Public Testimony – NA

Ms. Carroll moved for the initial approval of Document 02. Mr. Scott seconded the motion.

The Board voted the initial approval of Document 02, 7:0.

Document 03, MSB 23-05-05-A, Revision to the Medical Assistance Act Rule concerning Unilateral Cochlear Implants, Section 8.200.3.D.1.2.e.iii-iv

Erica Schaler, Compliance Section, presented the rule and explained the rule adds unilateral implants and are now covered. Bilateral implants already in the rule, now unilateral included. This is for pediatrics under Early and Periodic Screening, Diagnostic and Treatment, (EPSDT).

Board Discussion – NA

Public Testimony – NA

Mr. McLaughlin moved for the initial approval of Document 03. Ms. Carroll seconded the motion.

The Board voted the initial approval of Document 03, 7:0.

Document 04, MSB 23-06-05-A, Revision to the Medical Assistance Rule concerning Rural Sustainability Payments, Section 8.8500

John Kennedy, Office of eHealth, presented the rule and explained the rule provides a \$1,000 to Rural providers and a Sustainability Payment of \$100,000 per Critical Access Hospital and \$20,000 per Rural Health Center will be issued March 1, 2024 and each subsequent year on August 1st annually for all qualified rural providers participating in the state's Rural Connectivity Program.

Board Discussion – Board discussion included how the amount of payment per year is associated with rural health centers with less than 25 beds more than specified miles from a hospital, aligned with CMS. The next budget request will address additional issues. Most critical access also in hospital transformation program.

Public Testimony – NA

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

The Board voted the initial approval of Document 04, 7:0.

D. Consent Discussion

Mr. Honea motioned to add Document 02, 03 & 04 to the Consent Agenda.

The Board voted to add Document 02, 03 & 04 to the Consent Agenda; 7:0.

E. Closing Motion

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

Open Comments

NA

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, December 8, 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 or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.