



## COLORADO

Department of Health Care  
Policy & Financing

Medical Services Board

### **MINUTES OF THE MEETING OF THE MEDICAL SERVICES BOARD**

303 E. 17th Avenue, 11th Floor Conference Room, Denver, CO 80203

November 8, 2024

#### **Call to Order**

Ms. Carroll 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 eight members participating.

##### **A. Members Present**

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

##### **B. Members Excused**

Barry Martin and David Pump

##### **C. Staff Present**

Adela flores-Brennan, Medicaid Director; Jennifer Weaver, Attorney General; and Chris Sykes, Board Administrator

#### **Announcements**

Ms. Carroll announced the next Medical Services Board Meeting will be held at 303 E 17<sup>th</sup> Ave, Suite 1100, Denver, CO 80203 on Friday, December 13, 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**

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

## **Rules**

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

Document 02, MSB 24-06-25-A, Revision of the Medical Assistance Rule Concerning Changes to expand the exception criteria for Citizenship for New Population for Section Definitions, 8.100.3.G.1.g.viii, and 8.100.3.H.1.b.vii and Document 03, CHP 24-07-18-A, Revision of CHP Rule concerning changes to expand the exception criteria for citizenship under Colorado House Bill 22-1289 Cover All Coloradans, Sections 110.1.B and 110.1.C

Mr. Honea moved for the final adoption of Documents 02 and 03. Dr. Hambidge seconded the motion.

The Board voted on the final adoption of Documents 02 and 03, 1:0.

### **B. Final Adoption**

Document 01, MSB 24-08-21-A, Revision to the Medical Assistance Rule Concerning Hippotherapy, Section 8.7523

Maria Klickna and Cassandra Keller, Office of Community Living, presented the rule revisions and explained administrative updates to the rule. The benefit is renamed to align with other benefits per Federal authority.

Board Discussion – NA

Public Testimony - NA

Mr. McLaughlin moved for the final adoption of Documents 01. Dr. Hambidge seconded the motion.

The Board voted on the final adoption of Documents 01, 7:0.

### **William Kinnard joined – 9:18**

Document 04, MSB 24-05-30-A, Revision to Case Management Redesign (CMRD) Case Management Agency and Waiver rules, Sections 8.400, 8.500 & 8.7000

Tiffany Domokos, Office of Community Living, presented the rule revisions and reviewed changes from last month to this month, specifically regarding service plan. No new policy, just updates. Updates to definitions of member and waiver, removal of definitions not used and were confusing.

Board Discussion – NA

Public Testimony – NA

Mr. Scott moved for the final adoption of Documents 04. Dr. Fraley seconded the motion.

The Board voted on the final adoption of Documents 04, 8:0.

### **C. Initial Approval**

Document 05, MSB 24-09-09-A, Revision to the Medical Assistance Act Rule Concerning Provider Screening and Colorado NPI Updates, Sections 8.125 & 8.126

Rachel Larson, Policy Development and Implementation Section, presented the rule and explained additional provider types definitions are being included to catch up with additional provider types in other Department rules.

Board Discussion – Board discussion included a discussion regarding that the rule change will not increase burden on providers. Best practice is to keep abbreviations out of rule language, identify first and then use. The Department will review rules for acronyms and correct. Moderate and high-risk provider types were discussed and how those designations come from Federal guidelines. The State may elevate but not lower the Federal designation. The regulatory burden is high. A request to State departments is to develop a single unified process for licensing.

Public Testimony – NA

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

The Board voted the initial approval of Document 05, 8:0.

Document 06, MSB 23-12-14-A, Revision to the Medical Assistance Act Rule concerning Qualified Residential Treatment Program (QRTP) Reporting Requirements, 8.765.14

Rachel Larson, Policy Development and Implementation Section, presented the rule and provided an overview of the proposed changes. Adding critical incident reporting requirements to providers. Stakeholder engagement was reviewed.

Board Discussion – Board discussion included how the new priority creates additional burden on provider staff to file two reports to two separate agencies. The Attorney General will review the data sharing prohibition.

Public Testimony – Meighen Lovelace, Colorado Cross Disability Coalition, appreciate the regulatory oversight as a parent. Proposed revisions create a safe environment.

Ms. Carroll moved to table Document 06.

Document 07, MSB 23-12-19-A, Revision to the Medical Assistance Act Psychiatric Residential Treatment Facility (PRTF) Reporting Requirements, Section 8.765

Rachel Larson, Policy Development and Implementation Section, presented the rule expanding reporting requirements and aligns with the Colorado Department of Human Services requirements. Revisions include Cleaning up typographical errors, remove a definition and updates a new section. Provider must comply with Federal reporting requirements. Stakeholder engagement was reviewed.

Board Discussion – Board discussion included how not sharing data between agencies is problematic.

Public Testimony – NA

Mr. Scott moved to table Document 07.

Document 08, MSB 24-08-22-A, Revision to the Medical Assistance Rule Concerning the Children's Habilitation Residential Program Waiver Eligibility Expansion, Section 8.7101

Nancy Harris, Office of Community Living, presented the rule and explained HB 1238 authorizes the Children's Habilitation Residential Program waiver to expand. Individuals must meet Nursing Facility or Psychiatric Hospital level of care. There are no changes to the benefit, only expansion of eligibility. Stakeholders are concerned about provider availability.

Board Discussion – NA

Public Testimony – Meighen Lovelace, Colorado Cross Disability Coalition, applaud expansion of the waiver. Worry about narrowing of what fits into expansion versus not.

Megan Bowser, Family Voices Colorado, an expansion is needed. There is concern about a workforce shortage for children on the waiver.

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

The Board voted the initial approval of Document 08, 8:0.

Document 09, MSB 24-07-08-A

Revision to the Medical Assistance Eligibility Rules Concerning the Qualified Medicare Beneficiaries (QMB), Section 8.100.6.L.2

Nancy Brenes, Eligibility Policy Unit, presented the rule and explained it must be updated to align with Federal rules. Additional eligibility opportunities from Federal partners and eliminates barriers with auto enrollment.

Board Discussion – Board discussion included an explanation of what SSI mandatory, supplemental security income, is and if an individual is eligible at the

Federal level States must auto enroll for Medicaid. This rule only speaks to SSI mandatory qualifying individuals, other requirements for other populations.

Public Testimony – NA

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

The Board voted the initial approval of Document 09, 8:0.

Document 10, MSB 24-06-03-A, Revision to the Medical Assistance Act Rule concerning At-Risk Diversion for Case Management Agencies, Section 8.7200

Victoria Lewis, Office of Community Living, presented the rule and explained revisions align with best practices. This rule revision is necessary to ensure compliance and consistency while ensuring that Medicaid Members that have been identified as At-Risk for institutionalization are connected to support, resources, and services. This is essential to ensure that these individuals have the services they may need to remain safely in the community setting of their choice.. A review of the stakeholder engagement performed was given. A request to revise language to make more person centered was provided.

Board Discussion –Board discussion included a discussion on additional housing vouchers being issued. Additional educational materials for the public about the vouchers is needed. A review of the Department of Justice findings that led to the At Risk population.

Public Testimony – Katie Wallat, Colorado Center on Law and Policy, questions on rule and request that it not be placed on consent.

Bryce Rafferty, Colorado Cross Disability Coalition, echoes the comment form Katie.

Mr. Honea moved for the initial approval of Document 10. Dr. Fraley seconded the motion.

The Board voted the initial approval of Document 10, 8:0.

#### **D. Consent Discussion**

Mr. Honea motioned to add Document 05, 08 & 09 to the Consent Agenda. Mr. MacLaughlin seconded the motion.

The Board voted to add Document 05, 08 & 09 to the Consent Agenda; 8:0.

#### **E. Closing Motion**

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

## **Open Comments**

NA

## **Department Update**

- Adela Flores-Brennan, Deputy Medicaid Director

## **The meeting was adjourned at 12:12 p.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, December 13, 2024 at 303 E 17<sup>th</sup> Ave, 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.