



## 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  
October 8, 2021

#### Call to Order

Ms. Moorer 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, Amanda Moorer, Christina Mulkey, David Pump and Vincent Scott

#### B. Members Excused

Cecile Fraley and An Nguyen

#### 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, November 12, 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. Pump moved for the approval of the September minutes. The motion was seconded by Dr. Martin. The minutes were approved, 7:0.

## **Rules**

### **A. Emergency Adoption**

Document 01, MSB 21-08-10-D, Revision to the Medical Assistance Rule concerning Qualifications of Case Managers, Sections 8.393.1.J.; 8.519.5. and 8.603.9

Victor Robertson, Office of Community Living, presented the rule and explained the need to revise to make certain hiring staff. There is a shortage of workers in the field and CMS approved the revisions. Stakeholder engagement was reviewed.

Board Discussion – Board discussion included appreciation of the changes. Additional discussion included how to measure the effectiveness of the changes by communication with case management agencies and developing a new training platform.

Public Testimony – Maureen Welch, Parent Advocate, changes are insubstantial. A history of case management was given. Not opposed to the rule but want better training moving forward.

Dr. Hambidge moved for the emergency adoption of Document 01. Dr. Martin seconded the motion.

The Board voted the emergency adoption of Document 01, 7:0.

### **Dr. Mulkey joined at 9:30**

Document 02, MSB 21-09-15-A, Revision to the Medical Assistance Act Rule concerning Long-Term Home Health and Private Duty Nursing Prior Authorization Requirements, Sections 8.520.8, 8.540.2 and 8.540.7

Russ Zigler, Operations Section, presented the rule and explained the rule removed prior authorization request requirements for the duration of the pandemic. To comply with the State Plan requirements are reinstated, through a tiered system. A review of the PAR process was given.

Board Discussion – Board discussion included how a PAR goes through a 3<sup>rd</sup> party vendor and does not impact single entry point agencies.

Public Testimony – NA

Dr. Martin moved for the emergency adoption of Document 02. Dr. Hambidge seconded the motion.

The Board voted the emergency adoption of Document 02, 8:0.

## **B. Final Adoption Agenda**

Document 03, MSB 21-08-26-A, Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960

Chandra Vital, Operations Section, presented the rule and explained a background of the LIS dental program. This adjusts the rates on 43 procedural codes.

Board Discussion – NA

Public Testimony – NA

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

The Board voted the final adoption of Document 03, 8:0.

Document 04, MSB 21-08-27-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 explained the rule is a final adoption of an emergency rule. COFA individuals are exempt from the 5 year waiting period. This aligns with CMS regulations. CBMS is updated, no systems changes needed and there is no changes to applications.

Board Discussion – NA

Public Testimony – NA

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

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

Document 05, MSB 21-08-28-A, Revision to the Medical Assistance Act Rule concerning Immunization Services, Section 8.815

Russ Zigler, Operations Section, presented the rule and explained this is a final adoption of an emergency rule. Required to comply with the CARES act. Requires the Department to reimburse for vaccines.

Board Discussion – NA

Public Testimony – NA

Dr. Hambidge moved for the final adoption of Document 05. Mr. Pump seconded the motion.

The Board voted the final adoption of Document 05, 8:0.

### **C. Initial Approval Agenda**

Document 06, 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 reinstates the adult dental benefit to \$1500. A history of the reduction was provided.

Board Discussion – NA

Public Testimony – NA

Mr. Pump moved for the initial approval of Document 06. Dr. Hambidge seconded the motion.

The Board voted the initial approval of Document 06, 8:0.

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

Sarah Geduldig, Provider Integrity Unit, 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. Martin moved for the initial approval of Document 07. Dr. Mulkey seconded the motion.

The Board voted the initial approval of Document 07, 8:0.

Document 08, 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, Operations Section, and Leah Pogoriler, Operations Section, presented the rule and explained this aligns Department rules with federal regulations. Revisions include criteria for settings where HCBS are provided; promotes home based services and community based services, not institutionalized; and integrated into the community with individual choice. Reviewed the timeline of rule development and reviewed stakeholder engagement. Working with the Public Health Department to align with their department rules.

Board Discussion – Board discussion included an appreciation regarding the stakeholder process and how the Department is looking at outcomes of dignity of risk for individuals.

Public Testimony – Maureen Welch, parent advocate, support the rule changes with a concern about compliance. Concern about case managers role, without extended family, how do individuals get all services covered? CDPHE survey for provider compliance. These regs assist in those surveys. Case Manager is heavily relied upon, but group effort – providers, case managers, individual, and advocate.

Dr. Hambidge moved for the final adoption of Document 08. Dr. Marin seconded the motion.

The Board voted the final adoption of Document 08, 8:0.

Document 09, 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, Operations Section, 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. Developed a new oversight process which was reviewed along with stakeholder engagement.

Board Discussion – NA

Public Testimony – NA

Mr. Pump moved for the initial approval of Document 09. Mr. Scott seconded the motion.

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

- Rules portion concluded due to technical difficulties

#### **D. Closing Motion**

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

- Meeting concluded due to technical difficulties

#### **The meeting was adjourned at 11:05 a.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, November 12, 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](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.