



## 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 9, 2020

#### Call to Order

Ms. Moorer called the meeting to order at 9:06 a.m.

#### Roll Call

The Board Coordinator called the roll. There were sufficient members for a quorum with nine members participating.

#### A. Members Present

Amanda Moorer, Patricia Givens, Simon Hambidge, Morgan Honea, Bregitta Hughes, Jessica Kuhns, Christina Mulkey, An Nguyen, and Vincent Scott.

#### B. Members Excused

Cecile Fraley and David Pump

#### C. Staff Present

Kim Bimestefer, Executive Director; Jennifer Weaver, Attorney General; and Chris Sykes, Board Coordinator

- **Welcome of new members and returning members** – Executive Director Kim Bimestefer

#### 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 13, 2020 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

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](http://www.colorado.gov/hcpf)



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

## **Rules**

### **A. Emergency Adoption**

Document 09, MSB 20-10-01-A, Revisions to Healthcare Affordability and Sustainability Fee Collection and Disbursement, Section 8.3000

Jeff Wittreich, Special Financing Division, presented the rule and explained revisions were made since the March presentation to account for the COVID-19 emergency. A change to the fee calculation is required, a limiting calculation to account for the fiscal shortfall. Additional language included to explain calculations for transparency in the rule.

Board Discussion – NA

Public Testimony – NA

Dr. Nguyen moved for the emergency adoption of Document 09. Dr. Hambidge seconded the motion.

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

Document 10, MSB 20-10-01-B, Revision to Medical Assistance Rule Concerning Nursing Facility Per Diem Rates, Section 8.443

Jeff Wittreich, Special Financing Division, presented the rule and explained revision to the rule lowers the per diem rate in rule for two years. Legislation was passed to reduce the rate to help with the Budget crisis.

Board Discussion – NA

Public Testimony – NA

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

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

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

Document 01, MSB 20-06-17-A, Revision to the Medical Assistance Act Rule concerning the Children's Habilitation Residential Program (CHRP) waiver service description and service provider updates, Section 8.500

Document 02, MSB 20-07-06-A, Revision to the Medical Assistance Rule concerning Long Term Oxygen Annual Review, Section 8.580.5.C

Document 03, MSB 20-08-19-B, Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation, Sections 8.014.4.A

Dr. Mulkey moved for the final adoption of Documents 01, 02 & 03.  
Ms. Kuhns seconded the motion.

The Board voted the final adoption of Document 01, 02 & 03, 9:0.

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

Document 04, MSB 19-05-06-A, Revision to the Medical Assistance Rule concerning Physician Services, Section 8.200

Richard Delaney and Morgan Anderson, Benefits Management, presented the rule and provided an overview of the program. The rule revisions allow for general supervision for certain services. Often services are provided in the home and this rule increases access. Technical corrections were also made to the rule language.

Board Discussion – NA

Public Testimony – NA

Dr. Hambidge moved for the initial approval of Document 04. Dr. Givens seconded the motion.

The Board voted the initial approval of Document 04, 9:0.

Document 05, MSB 20-03-31-A, Revision to the Medical Assistance Rule concerning Nursing Facility Minimum Wage Supplemental Payment, Section 8.443

Jeff Wittreich, Special Financing Division, presented the rule and explained revisions align the rule with HB 19-1210 and increases the minimum wage for workers.

Board Discussion – NA

Public Testimony – NA

Ms. Kuhns moved for the initial approval of Document 05. Ms. Hughes seconded the motion.

The Board voted the initial approval of Document 05, 9:0.

Document 06, MSB 20-08-19-A, Revision to the Medical Assistance Act Rule concerning the Durable Medical Equipment Exemption in Electronic Visit Verification, Section 8.001.2.A

Whitney McOwen, Operations Section and John Lentz, Benefits Management, presented the rule and explained Durable Medical Equipment was requested to be removed from Electronic Visit Verification by DME providers. The department reviewed the inclusion of DME and determined that it offers too little benefit to

members, Providers, and the department to justify the costs of maintaining the Program.

Board Discussion – Board discussion included the cost savings for not keeping records and how they are perceived savings in time unit of delivery.

Public Testimony – NA

Mr. Honea moved for the initial approval of Document 06. Dr. Givens seconded the motion.

The Board voted the initial approval of Document 06, 9:0.

Document 07, MSB 20-08-19-C, Revision to the Medical Assistance Rule Concerning Personal Care and Homemaker Services, 8.489 and 8.490

Erin Thatcher, Benefits and Services Management, presented the rule and explained rule impacts and waivers (4). Travel time removed, EVV and fed def. Rule revised to align with Fed.

Board Discussion – Board discussion included an appreciation of the work done by staff.

Public Testimony – NA

Ms. Hughes moved for the initial approval of Document 07. Ms. Kuhns seconded the motion.

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

Document 08, MSB 20-08-25-A, Revision to the Medical Assistance Act Rules concerning Technical Revisions to the Case Management, Sections 8.300, 8.400, 8.500, 8.600 and 8.700

Michelle Topkoff, Benefits and Services Management, presented the rule and explained revisions included technical cleanup – spelling and inflammatory language corrected. The proposed changes align with contract requirements and waiver amendment changes. Some stakeholder comments received were outside of the rulemaking scope and policy changes will come in the Spring.

Board Discussion – NA

Public Testimony – NA

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

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

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

Dr. Nguyen moved to add Documents 04, 05, 06, 07 & 08 to the Consent Agenda. Ms. Kuhns seconded the motion.

The Board voted to add the Documents, 9:0.

## **E. Closing Motion**

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

## **Open Comments**

NA

## **Department Updates**

- Department Updates/Questions – Kim Bimestefer, Executive Director

### **The meeting was adjourned at 10:23 a.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, November 13, 2020 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.