



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 14, 2022

Call to Order

Dr. Hambidge 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 seven members participating.

A. Members Present

Laura Carroll, Cecile Fraley, Simon Hambidge, William Kinnard, Barry Martin, Christina Mulkey An Nguyen and Vincent Scott

B. Members Excused

David Pump and Morgan Honea

C. Staff Present

Adela Flores-Brennan, Medicaid Director; Jennifer Weaver, Attorney General; and Chris Sykes, Board Coordinator

Announcements

Dr. Hambidge announced the next Medical Services Board Meeting will be held at 303 E 17th Ave 11th floor Conference Room, Denver, CO 80203 on Friday, November 18, 2022 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.



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

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Approval of Minutes

Dr. Martin moved for the approval of the September minutes. The motion was seconded by Dr. Nguyen. The minutes were approved, 8:0.

Rules

A. Emergency Adoption

Document 05, MSB 22-10-06-A, Revision to the Medical Assistance Act Rule concerning Novel Corona Virus Disease (COVID-19) Rules, Section 8.6000

Candace Bailey, Office of Community Living, presented the rule and explained temporary changes authorized. No changes to rule.

Board Discussion – Board discussion included flexibility and how the revisions align with Federal changes.

Public Testimony – NA

Document 06, MSB 22-10-06-B, Revision to the Medical Assistance Act 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 temporarily removes visit requirements. No changes to the rules.

Board Discussion – Board discussion included how flexibility is needed in case of resurgence. Emergency rules keep in the Department in alignment with the Federal waiver.

Public Testimony – NA

Document 07, MSB 22-10-06-C, Revision to the Medical Assistance Act Rule concerning Emergency Medical Transportation, Sections 8.018.1.F. and 8.018.4.D.1

Russ Zigler, Operations Section, presented the rule and explained temporarily expands sites for transportation. No changes to rule.

Board Discussion – Board discussion included the necessity of the rule and since the public health emergency is still in effect.

Public Testimony – NA

Document 08, MSB 22-10-06-D, 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

Russ Zigler, Operations Section, presented the rule and explained expands list of allowable sites temporarily. No changes to rule language.

Board Discussion – NA

Public Testimony – NA

Document 09, MSB 22-10-06-E, 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 rule allows billing for vaccine administration. No changes to the rule.

Board Discussion – NA

Public Testimony – NA

Document 10, MSB 22-10-06-F, Revision to the Medical Assistance Rule concerning Medical Assistance program rule updates, Sections 8.100.1,8100.3, 8.100.4, 8.100.5 and 8.100.6

Ana Bordallo, Eligibility Policy Section, presented the rule and explained rules revised to meet federal requirements.

Board Discussion – NA

Public Testimony – NA

Document 11, CHP 22-10-06-G, 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 rules are changed to match enrollment fees. Based on federal requirements.

Board Discussion – NA

Public Testimony – NA

Document 13, MSB 22-10-06-H, Revision to the Medical Assistance Act Rule concerning Subacute Care, Section 8.300

Russ Zigler, Operations Section, presented the rule and explained rules are unchanged. This is an extension of emergency rule. Provided a quick background of rule language.

Board Discussion – NA

Public Testimony – NA

Mr. Scott moved for the emergency adoption of Document 05, 06, 07, 08, 09, 10, 11, & 13. Dr. Fraley seconded the motion.

The Board voted the emergency adoption of Document 05, 06, 07, 08, 09, 10, 11, & 13, 8:0.

B. Final Adoption Agenda

Document 01, MSB 22-08-29-A, Revision to the Medical Assistance Act Rule concerning Private Duty Nursing Benefits, Section 8.540.2

Candace Bailey, Office of Community Living, presented the rule and explained revision pertains to the adult benefit only. Expands benefit from 16 hours to 23

hours. Stakeholders stated the 16 hr reference was confusing and the Department agreed and changed the language.

Board Discussion – Board discussion included how the rule applies to adult only. Children fall under Early and Periodic Screening, Diagnostic and Treatment (EPSDT) rule. Cost offset was discussed, expansion increases cost. The rule is necessary because under 16 hours care was sought elsewhere to fill in the gap.

Public Testimony – Katie Wallat, Colorado Center on Law and Policy, in support of the rule. Appreciate partnership with the Department.

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

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

Document 02, MSB 22-08-29-B, Revision to the Special Financing Division Colorado Dental Health Care Program for Low-Income Seniors Schedule A, Section 8.960

Chandra Vital, Special Finance Division, presented the rule and explained rates cannot be below Medicare rates, must raise to remain in compliance. The Dental Committee added two additional procedures.

Board Discussion – NA

Public Testimony – NA

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

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

Document 03, MSB 22-08-29-C, Revision to the Medical Assistance Act Rule concerning Long-Term Home Health Prior Authorization Correction, Section 8.520.8.C

Russ Zigler, Operations Section, presented the rule and explained restoring language. The rule language was accidentally removed during an emergency adoption. This revision restores the language.

Board Discussion – NA

Public Testimony – NA

Dr. Martin moved for the final adoption of Document 03. Dr. Nguyen seconded the motion.

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

Document 12, MSB 22-04-06-A, Revision to the Medical Assistance Act Rule concerning In-State Inpatient Hospital High Acuity Rate Negotiation, Section 8.300.5.G

Russ Zigler, Operations Section, presented the rule and explained background of rate negotiations. Must align with federal language. The Center for Medicare and Medicaid Services (CMS) required two changes to the rule.

Board Discussion – NA

Public Testimony – NA

Dr. Kinnard moved for the final adoption of Document 12. Dr. Fraley seconded the motion.

The Board voted the final adoption of Document 12, 8:0.

C. Initial Approval

Document 04, MSB 22-06-31-A, Revision to the Medical Assistance Eligibility Rule Concerning Allowing Medicaid Buy-In Program for Working Adults with Disabilities Members Access the HCBS-DD Waiver, Section 8.100.7.1.c.i

Beverly Hirsekorn, Eligibility Policy Section, presented the rule and explained changes by SB 22-039, legislatively driven. The Colorado Benefits Management System will be updated in early 2023.

Board Discussion – Board discussion included a thanks to Department for working on this and appreciation for the rule revision.

Public Testimony – NA

Dr. Martin moved for the initial approval of Document 04. Ms. Carroll seconded the motion.

The Board voted the initial approval of Document 04, 8:0.

D. Consent Discussion

Dr, Hambidge motioned to add Document 04 to the Consent Agenda.

The Board voted to add Document 04 to the Consent Agenda; 8:0.

E. Closing Motion

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

Presentation

- Private Duty Nursing/UM Presentation

Open Comments

Karen Leh – Provided personal story, hours cut in half. Professional care assists families.

Katerina Evers – Provided personal story, denied services recently.

Brad Evers – Frightened for children with the ongoing PAR issues.

Maureen P Welch – Issues with PAR's, ongoing. Provided background of Katie Beckett.

Katie Wallat – Tech dependency is not required for children, lack of clarity in criteria.

Christy S Blakely – Hope for changes to rule clarity. Provided personal story.

Jack Robinson – Represent families with cut or denied services. Notices are unclear and confusing.

Emmah Carroll – Provided personal story, hours cut and very stressful.

Pam Rogers – Provided personal story, hours cut in half. Confused and angry at decision.

Galia Spychalska – Provided personal story, data provided is false and inaccurate. Appreciate Board listening to this important issue.

Heather Roberts – Provided personal story, hours cut in half. Notices are confusing regarding partial approval.

Department response – excited to work on rule clarity, Notices to families need clarity. Recognize confusion on language currently used.

Board comments – Board discussion included questioning why the Department cannot pause the PAR during known issues. Department committed to talking internally on PAR issues and taking steps. Moral responsibility of the Board in this case, can the Board pause the PAR? Board has rulemaking authority, no specific rule to be addressed. The Department hears the stakeholders and Board members. Strongly urge Department to pause the PAR urgently. Board requests updates if possible. The Board appreciates individuals providing testimony.

Department Updates

- Department Updates/Questions – Adela Flores-Brennan, Medicaid Director

The meeting was adjourned at 12: 07 p.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, November 18, 2022 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.