



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

September 13, 2024

Call to Order

Ms. Carroll called the meeting to order at 9:08 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, Morgan Honea, Barry Martin, James McLaughlin, Christina Mulkey, and Vincent Scott.

B. Members Excused

Simon Hambidge, David Pump and William Kinnard

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 214 Grand Avenue, Paonia, CO 81428 on Friday, October 11, 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 June minutes. The motion was seconded by Mr. Honea. The minutes were approved, 7:0.

Rules

A. Final Adoption by Consent

Document 01, MSB 24-05-07-A, Revision to Medical Assistance Rule concerning the Addition of Procedures to Schedule A of the Dental Health Care Program for Low-Income Seniors, Section 8.960 and Document 02, MSB 24-06-05-A, Revision of the Medical Assistance Rule concerning Nursing Home Financial Transparency and Reporting, Section 8.450.

Dr. Mulkey moved for the final adoption of Documents 01 & 02. Dr. Fraley seconded the motion.

The Board voted on the final adoption of Documents 01 & 02, 7:0.

B. Initial Approval

Document 03, MSB 24-07-11-B, Revision to the Medical Assistance Rule Concerning Lactation Support Services, Sections 8.200.2.D & 8.732

Jessica Farnen, Policy Development & Implementation Section, presented the rule and explained that legislation necessitates revisions to the rule language. Access to lactation services for all members and comprehensive skilled care is now in the rule. Stakeholder engagement was reviewed.

Board Discussion – NA

Public Testimony – Maya Bunik, Colorado Children’s Hospital, support of the revisions.

Dr. Fraley moved for the initial approval of Document 03. Dr. Martin seconded the motion.

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

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 and explained the goal is to minimize repetitive language, understand roles and responsibilities and come into compliance in conflict-free case management. The new case management process was reviewed. Staff reviewed the larger rule revision process and stakeholder engagement was reviewed. Updated citations, corrected numbering and moved/repealed duplicative language.

Board Discussion – Board discussion included an appreciation of the work done with stakeholders. A request to state name of acronyms, difference between person centered plan and service plan – provider agency required to have a service plan – personal care plan, tasks. This is not a new requirement.

Public Testimony – Katie Wallat, Colorado Center on Law and Policy, appreciate perspectives of stakeholder groups involved in revisions. Appreciate staff work with stakeholders. Not separating rule sections to revisions is confusing. Simplify rule sections, definitions should be at the beginning of each section.

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

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

Document 05, MSB 24-04-18-A, Revision to Case Management Redesign (CMRD) Member Rights, Provider Agency, and Benefits and Services Regulations, Sections 8.400, 8.500 & 8.7000

Tiffany Domokos, Office of Community Living, presented the rule and explained updated definitions, stricken language and clarified some sections. Reviewed benefits and services changes. Clarified language for service plan, title may be confusing. Service plan has always been part of the rule.

Board Discussion – Board discussion included an appreciation of the stakeholder feedback log, and depth of engagement. An In-depth project cannot meet a one month timeline.

Public Testimony – Kristie Braaten, Braaten Enterprises, service plan vs personal care service plan. Some confusion. Individualized service and support plan, case management agency was removed and a new requirement appeared. Why was the Individualized Service and Support Plan removed? Multiple plans in the past were burdensome and now consolidated into one plan. Staff didn't provide stakeholders an opportunity to engage. There will be time to engage before final adoption.

Bryce Rafferty, Colorado Cross Disability Coalition, appreciate the extensive stakeholder engagement. Still some issues, regulations as of right now lack precise language to execute programs well. Looking forward to continued conversations with staff.

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

The Board voted the initial approval of Document 05, 7:0.

C. Consent Discussion

Ms. Pump motioned to add Document 03 to the Consent Agenda.

The Board voted to add Document 03 to the Consent Agenda; 7:0.

D. Closing Motion

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

Open Comments

Katie Wallat, Colorado Center on Law and Policy, regulatory efficiency review – not widespread to the community. Add a link to the Medical Services Board webpage – elevate efficiency review and get the word out. Kaiser Family Foundation publish unwind data. Net Medicaid enrollment decline post PHE ending. Colorado has the largest net disenrollment and is affecting providers.

Jose Torres-Vega, Colorado Cross Disability Coalition, aligned with previous comments regarding disenrollment numbers. Having a great impact on members and providers. Escalation process is not working and the problem is more complex. The Department is working on improvements, some slower than needed. There are nonresponsive counties and major problems with programs.

Board members, Can the Department look at states that did well in unwind and use the Public Health Emergency to assist in fixing. The biggest issue is the high uninsured rate now and those people are just not able to access medical care now. Those who no longer qualify for Medicaid but also cannot afford insurance any other way, what is the plan for them or any ideas on how we can help them. Community Health Centers provide primary care and can assist.

Department Update

- Adela Flores Brennan, Medicaid Director

The meeting was adjourned at 10:58 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, October 11, 2024 at 214 Grand Avenue, Paonia, CO 81428

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.