

COLORADO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
**MINUTES OF THE MEETING OF THE
MEDICAL SERVICES BOARD
JULY 11, 2008
9:00 A.M.**

Members present: Richard Markley (President), Jeffrey Cain (Vice President), Linda Andre, Kathleen Chitty, Byron Geer, Wendell Phillips, Ginny Riley, and Sally Schaefer.

Members Excused: Paul Melinkovich

Staff Present: Joan Henneberry, Executive Director; Sue Williamson, Client and Community Relations Office Director; Sandeep Wadhwa, Medical and CHP+ Program Administration Office Director, Robert Douglas, First Assistant Attorney General; Judi Carey, MSB Coordinator; and Jennifer Larsen, Support Staff

1. Call to Order: President Markley called the meeting to order at 9:10 a.m.
2. Roll Call and Announcements: The Board Coordinator called the roll. There were sufficient members present for a quorum with eight members participating in the meeting and one excused. Mr. Geer participated by telephone and there are currently two vacant positions.

Mr. Markley announced the next Medical Services Board Meeting will be held at the Capitol Center facility in Denver on Friday, August 8, 2008 at 9:00 a.m.

Mr. Markley reiterated that it is the policy of the Medical Services Board and the Department of Health Care Policy and Financing to remind everyone in attendance that this facility is private property and that sufficient chairs are available to accommodate the size of the room. If no chairs are available, please wait in the lobby until seating becomes available. Due to recording difficulties, it was requested that attendees turn cell phones off.

Mr. Markley introduced Linda Andre as the newly appointed member of the Board. Ms. Andre gave a short summary of her experience.

3. Approval of Minutes: Ms. Riley moved for the approval of the May 2008 minutes. The motion was seconded by Ms. Schaefer. The minutes were approved as submitted, 8:0.

Ms. Riley moved for the approval of the June 2008 minutes of the Open Forum meeting in Alamosa. The motion was seconded by Dr. Cain. The minutes were approved as submitted, 8:0.

4. Rules: Ms. Schaefer made a motion that all emergency rules that are adopted include a finding that their immediate adoption is imperatively necessary to comply with State or Federal law or Federal Regulation or for the preservation of public health, safety or

welfare and that compliance with CRS § 24-4-103 would be contrary to the public interest. The motion was seconded by Dr. Cain and approved by a vote of 8:0.

EMERGENCY ADOPTION AGENDA

Document 01 MSB 06-02-02-A Revisions to Immigrant Eligibility Rule, Section 8.100.53

Ms. Schaefer moved for the emergency adoption of Document 01. The motion was seconded by Mr. Geer. Ann Clemens, Eligibility Section, presented the rule and explained that it removes eligibility limitations for some immigrants and added groups previously excluded.

Testimony

Elizabeth Arenales, Colorado Center for Law and Policy (CCLP)

Ms. Arenales stated that CCLP was in complete support of this rule, but raised a concern that it took three and half years for the Department to bring the rule to the Board for consideration. Ms. Williamson stated it is a current priority for the Department to perform an extensive review and rewrite of the eligibility rules with a target completion in the fall.

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

Document 02 MSB 08-06-06-A Revisions to the Foster Care Eligibility Rules to Comply With Senate Bill 08-099, Section 8.101.2

Ms. Schaefer moved for the emergency adoption of Document 02. The motion was seconded by Mr. Phillips. Ann Clemens, Eligibility Section, presented the rule and explained that it revises the foster care rules to expand coverage for all foster care children up to the age of 21.

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

Document 03 MSB 08-06-17-B Colorado Indigent Care Program Allocation and Distribution of Colorado Health Care Services Payment, Section 8.903

Ms. Schaefer moved for the emergency adoption of Document 03. The motion was seconded by Ms. Chitty. Cindy Arcuri, Safety Net Programs Section, and Chris Underwood, State Programs and Federal Financing Division, presented the rule and explained that this rule establishes the allocation of the Health Care Services Fund (HCSF) and creates a new methodology for distribution of these funds to community health care clinics and primary care clinics.

Board Discussion

Board discussion and questions included: grant monies received by clinics and how it impacts uncompensated costs; that the Colorado Hospital Association represented the primary care clinics in stakeholder discussions; that uncompensated costs are determined by an historic utilization methodology; that in an attempt to obtain as

much stakeholder input as possible and still distribute payments to providers in July, the rule came to the Board members late and required an emergency presentation.

Mr. Geer stated that, as the CEO of a community health center, he would abstain from voting.

The Board voted for the emergency adoption of Document 03, 7:0:1 with Mr. Geer abstaining from the vote.

FINAL PERMANENT ADOPTION BY CONSENT AGENDA

Document 04 MSB 07-01-31-B SSI Medicaid Eligibility Effective Date Rules for Children Under 21, Section 8.110

Ms. Schaefer moved for the final permanent adoption of Document 04. The motion was seconded by Ms. Riley.

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

FINAL PERMANENT ADOPTION AGENDA

Document 05 MSB 08-04-01-A Changes to School health Services Program, Section 8.290

Ms. Schaefer moved for the final permanent adoption of Document 05. The motion was seconded by Dr. Cain. Cheryl Nelson, School Health Services Program and Chris Underwood, State Programs and Federal Financing Division, presented the rule and explained that this brings the School Health Services Program into compliance with federal regulations and that revisions were made and “R”¹ pages submitted, based on stakeholder input after initial presentation and approval.

Board Discussion

Board discussion and questions included how school districts will bill for services; and if the rule has solved the problems of potential duplication of reimbursement from Colorado Department of Education and the Department of Health Care Policy and Financing.

Testimony

Kimberley Erickson, Director of the Colorado School Medicaid Consortium

Ms. Erickson expressed concerns with the proposed rule and proposed State Plan Amendment (SPA) including: a reduction of health services to children by over \$3 million annually; the restriction of Targeted Case Management (TCM) services; that the proposed rule and SPA violate the recently passed one year moratorium on

¹ “R” pages are pages of the rule that contain revisions submitted to the Board for approval after the rule has been published or otherwise made available to the public.

Medicaid regulations; and the elimination of reimbursements for Early Periodic Screening Diagnosis and Treatment (EPSDT) services.

Explanation by the Department included: that reimbursements based on costs could increase overall payments to schools by \$6 million annually, that the Centers for Medicare and Medicaid Services (CMS) is denying payment for “free services” such as EPSDT; that the Department is in ongoing negotiations with CMS for the prior three years of reimbursed school services; and that CMS communications have specifically exempted this program from the moratorium.

Ms. Schaefer made a motion to approve the “R”¹ pages. The motion was seconded by Dr. Cain and approved, 8:0.

The Board voted by roll call for the final permanent adoption of Document 05, 7:1 with Ms. Andre casting the dissenting vote.

Dr. Cain moved to place Documents 01 and 02 on the consent agenda. The motion was seconded by Ms. Riley and approved; 8:0.

Ms. Schaefer moved to close the rules portion of the agenda. The motion was seconded by Dr. Cain. The motion was approved: 8:0.

5. Department Updates:

a. Preferred Drug List Update ~ Cathy Traugott, Pharmacy Section

b. CHP+ Quarterly Report ~ Bill Heller, CHP+ Division and Joanne Lindsay, Public Information Officer

6. Open Comments: No public comments were presented.

7. The meeting was adjourned at 12:00 noon.