MINUTES OF THE MEETING OF THE

Medical Services Board
The Capitol Center
225 East 16th Avenue, 6th Floor Conference Room
July 9, 2010

The mission of the Department of Health Care Policy and Financing is to improve access to cost-effective, quality health care services for Coloradans.

Members present: Ginny Riley (President), Paul Melinkovich (Vice President), Linda Andre, Jeffrey Cain, Kathleen Chitty, Alan Eisenberg, Richard Markley, Wendell Phillips, and Mary Trujillo-Young.

Staff Present: Sue Williamson, Client and Community Relations Office Director; Sandeep Wadhwa, Medical and CHP+ Program Administration Office Director, Anne Baudino-Holton, First Assistant Attorney General; Judi Carey, MSB Coordinator; and Natalie Bishopp, Support Staff

1. Call to Order: President Riley called the meeting to order at 9:05 a.m.

2. Roll Call and Announcements: The Board Coordinator called the roll. There were sufficient members present for a quorum with nine members present and two vacant positions.

   Ms. Riley announced the next Medical Services Board Meeting will be held at the Capitol Center facility in Denver on Friday, August 13, 2010 at 9:00 a.m.

   Ms. Riley 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 and to please turn off ringers on cell phones.

   Ms. Riley announced that Ms. Henneberry was not in attendance at the meeting.

   Ms. Holton introduced Nancy Brookins to the Board. Ms. Brookins is a legal assistant at the Attorney General's Office.

   Department update:
   - Legislative Report – Ginny Brown, Legislative Liaison

   Mr. Phillips arrived during Ms. Brown's presentation

3. Approval of Minutes: Ms. Andre moved for the approval of the minutes of the June 11, 2010 meeting. The motion was seconded by. Ms. Chitty. The Board amended the minutes regarding discussion of requirements for filing with the Secretary of State's Office and announcement at the meeting of a conflict of interest. The Board also amended the rules to correct a typographical error in recording the vote on Document 04. The minutes were approved as amended, 9:0.

4. Rules:

A request was made to the Board to remove Document 05, MSB 10-05-20-A, from the consent agenda to hear further discussion. Dr. Young made a motion to remove Document 05 from the consent agenda. The motion was seconded by Dr. Cain and approved, 9:0.

FINAL PERMANENT ADOPTION BY CONSENT AGENDA

Document 01 MSB 10-05-18-A Revision to the Medical Assistance Rule Concerning Enforcement Remedies, §8.435

Document 02 Revision to the Medical Assistance Rule Concerning Ambulatory Surgery Centers, §8.570.6.B

Document 03 MSB 10-06-02-A Revision to the Medical Assistance Rule Concerning Durable Medical Equipment and Disposable Medical Supplies, §8.590.7.I

Document 04 MSB 10-05-25-A Revision to the Medical Assistance Rule for Outpatient Hospital Reimbursement, §8.300

Document 06 MSB 10-04-23-A Revision to the Medical Assistance Rule Concerning Medicaid Redeterminations, §8.100.3.Q

Document 07 MSB 10-04-08-A Revisions to the Medicaid Eligibility Rules Concerning the Increase in Resource Limit for Medicare Savings Programs, §8.100.5.M

Ms. Chitty moved for the final permanent adoption by consent of Documents 01, 02, 03, 04, 06 and 07. The motion was seconded by. Mr. Eisenberg.

Dr. Cain announced he is employed by the University of Colorado and serves on the board at Children's Hospital. Dr. Melinkovich announced that he is employed by Denver Health and Hospital. Ms. Chitty announced that she is employed by North Suburban Med Center.

The Board voted for the final permanent adoption by consent of Documents 01, 02, 03, 04, 06 and 07, 9:0.

FINAL PERMANENT ADOPTION AGENDA

Document 05 MSB 10-05-20-A Children's Basic Health Plan Rule Change to Allow for Ex Parte Re- determination, §140.1 A and B;

Mr. Markley moved for the final permanent adoption of Document 05. The motion was seconded by Ms. Chitty. Annie Lee, Child Health Plan *Plus* Division and Ann Clemens, Eligibility Section, presented the proposed rule and explained that it provides for clients and counties to participate in telephone and/or electronic redeterminations without the submission of additional documentation.

Testimony:

Mark Magnuson, Weld County Colorado Welfare Fraud Council
Karin Crandall, Weld County
John Kruse, Assistant Payments Administrator for Weld County

Testimony and discussion included: that life changes may result in clients not wanting to continue in the CHP+ program; that this rule may result in clients being re-enrolled automatically; that information submitted by clients up to three months prior to eligibility re-determination may not be accurate; that this is an optional program for counties; that the intent is to decrease burdens to counties and clients and to improve continuity of care for clients; that case workers document case files just as if a re-determination packet was received; that federal regulation does not allow the Department to require client signatures; that the Department does not anticipate any effect on the Medicaid or CHP+ population; that ex-parte re-determination has been identified nationally as a best practice and that this proposed rule mirrors the Medicaid rule; that automatically continuing client eligibility without contact could result in increased fraudulent activity; that CHIPRA strongly suggests that states use ex-parte redetermination for the CHP+ program; that the state pays to HMOs a per month per member premium and that there are mechanisms in place for providers to check for other insurance; that clients have an affirmative duty to report all information accurately and that Medicaid clients are required to report any and all changes timely; and that there is no mechanism for CHP+ clients to report changes throughout the year.

The Board voted for the final permanent adoption of Document 05, 9:0

Ms. Riley requested that Department staff work directly with Weld County staff to address their concerns.

Document 08 MSB 10-03-09-A Revision Eligibility Rule to Expand Income Eligibility for the Children's Basic Health Plan to 250% of the Federal Poverty Level, §110.1D

Dr. Young moved for the final adoption of Document 08. The motion was seconded by Dr. Cain. Annie Lee, Child Health Plan *Plus* Division, presented the proposed rule and explained that it expands eligibility for the Child Health Plan *Plus* program from 200% of

the Federal Poverty Level to 250%. This proposed rule is being presented again to correct a technical error.

The Board voted for the final permanent adoption of Document 08, 9:0.

INITIAL APPROVAL AGENDA

Document 09 MSB 10-06-09-A Revision to the Medical Assistance Rule Concerning Medicaid Income Verification §8.100.4.B. & 8.100.5.B. (Ann Clemens, Eligibility Section))

Dr. Cain moved for the initial approval of Document 09. The motion was seconded by Ms. Chitty. Ann Clemens, Eligibility Section, presented the proposed rule and explained that it simplifies the application process by not requiring applicants to provide income documentation.

Board Discussion
Board discussion included that all counties are required by HB 08-161 to allow for self declaration of income. Dr. Cain requested that the proposed rule be amended at §8.100.4.B.2.c to add a new paragraph.

Testimony
Mark Magnuson, Weld County Department of Human Services, Colorado Welfare Fraud Council
Karin Crandall, Weld County Department of Human Services

Testimony and discussion included: that information from the Department of Labor and Employment (DOLE) and from the Income Eligibility Verification System (IVES) has limitations; that unemployment insurance is not provided for contract workers or for self-employed individuals; that information available through DOLE and/or IVES can be as much as six to nine months after the fact; that the Department is not allowed to require clients to provide a social security number (ssn); that the proposed rule allows clients to either provide a ssn and self-declare income or submit income documentation at time of application/re-determination; that the proposed rule is to comply with legislation and that many of the concerns were vetted at that time; that the legislation specifically stated the Department “may” move forward with self-declaration of income for self-employed individuals but is not required to do so; and that due to the difficulty in verifying income, the Department did not pursue self-declaration for self-employed individuals.

The Board voted for the initial approval of Document 09 as amended, 9:0.

Document 10 MSB 10-06-15-A Children’s Basic Health Plan Rule Change to Allow Self-Declaration of Income, §130.1A and 150.2 (Annie Lee, Child Health Plan *Plus* Division))

Ms. Andre moved for the initial approval of Document 10. The motion was seconded by Mr. Phillips. Annie Lee, Child Health Plan *Plus* Division, presented the proposed rule and explained that it allows for self declaration of income for Child Health Plan *Plus* applicants and that it mirrors the Medicaid rule.

The Board voted for the initial approval of Document 10, 9:0.

Document 11 MSB 10-06-09-B Revision to the Medical Assistance Rule Concerning Medicaid Special Immigrants, §8.100.3.G. (Ann Clemens, Eligibility Section)

Ms. Andre moved for the initial approval of Document 11. The motion was seconded by Mr. Eisenberg. Ann Clemens, Eligibility Section, presented the proposed rule and explained that it revises policy to extend eligibility from eight months to seven years from date of entry in the United States.

The Board voted for the initial approval of Document 11, 9:0.

Document 12 MSB 10-06-15-B Children's Basic Health Plan Rule Change to Remove Time Limits for Eligibility for Iraqi and Afghan Special Immigrants, §110.1B (Annie Lee, Child Health Plan *Plus* Division)

Ms. Andre moved for the initial approval of Document 12. The motion was seconded by Dr. Cain. Annie Lee, Child Health Plan *Plus* Division, presented the proposed rule and explained that it eliminates the eight-month time limit for special immigrant status and applies refugee status to this population.

Board Discussion

Board discussion included that this proposed rule change is to comply with Federal law.

The Board voted for the initial approval of Document 12, 9:0.

Dr. Cain moved to place Documents 09, 10, 11 and 12 on the consent agenda. The motion was seconded by Mr. Eisenberg. . The motion was approved, 9:0.

Dr. Cain moved to close the rules portion of the agenda. The motion was seconded by Mr. Eisenberg. The motion was approved, 9:0.

5. Department Updates:

- HB 1293 Update – Chris Underwood, State Programs & Federal Financing Division

- CHP+ Update – Laura Gerard, Child Health Plan *Plus* DivisionColorado Health and Healthcare Profiles - Katie Brookler, Strategic Projects
- Unexplained Variation in Care - Sandeep Wadhwa, Medical & CHP+ Program Administration Office

6. Open Comments:

John Kruse, Weld County Department of Human Services addressed the Board.

Board members and staff discussed revision of the board bylaws:

7. The meeting was adjourned at 10:55 a.m.

The next scheduled meeting of the Medical Services Board will be held on Friday, August 13, 2010 in the 6th floor conference room at 225 East 16th Avenue, Denver, CO 80203.

Reasonable accommodations will be provided upon request for persons with disabilities. Please notify *the* Board Coordinator at 303-866-4416 or Judith.carey@state.co.us at least one week prior to a meeting if you need special accommodations in order to participate.