



MINUTES OF THE MEETING OF THE

Medical Services Board

The Capitol Center
225 East 16th Avenue, 6th Floor Conference Room
January 14, 2011

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: Alan Eisenberg (Vice President), Jeffrey Cain, Kathleen Chitty, Brenda LaCombe, Wendell Phillips, Ginny Riley, Mike Stahl and Mary Trujillo-Young.

Members Excused: Linda Andre, Richard Markley and Paul Melinkovich

Staff Present: Joan Henneberry, Executive Director; Sue Williamson, Client and Community Relations Office Director; Jennifer Weaver, Assistant Attorney General; Judi Carey, MSB Coordinator; and Natalie Bishopp, Rules Administrator

1. Call to Order: Vice President Eisenberg called the meeting to order at 9:00 a.m. Mr. Eisenberg declared his ineligibility to chair the meeting since he was participating by telephone conference. Ms. Weaver explained the process for selecting a member to chair the meeting. Ms. Riley moved to approve Dr. Cain to preside over the meeting. Ms. Chitty seconded the motion. The motion was approved, 8:0.

2. Roll Call and Announcements: The Board Coordinator called the roll. There were sufficient members for a quorum with eight members participating and three members excused. Mr. Eisenberg and Mr. Stahl participated by telephone conference call.

Dr. Cain announced the next Medical Services Board Meeting will be held at the Capitol Center facility in Denver on Friday, February 11, 2011 at 9:00 a.m.

Dr. Cain 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.

3. Approval of Minutes: Ms. Riley moved for the approval of the December minutes. The motion was seconded by Ms. LaCombe. There were no comments and the minutes were approved as submitted, 8:0.

4. Rules:

The Department requested that board members remove Document 01 from the consent agenda to provide for further discussion. Ms. Chitty moved to remove Document 01 from the consent agenda. The motion was seconded by Mr. Phillips and approved, 8:0.

FINAL PERMANENT ADOPTION AGENDA

Document 01 MSB 10-10-15-A Revision to the Medical Assistance Rules Concerning Provider Appeals, Section 8.505

Ms. Chitty moved for the final permanent adoption of Document 01. The motion was seconded by Ms. Riley. Challon Winer, Fiscal Agent Operations Section, presented the proposed rule and provided an “R” page¹ adding a stipulation requested at the initial presentation of the rule that the Department send e-mail notification to providers when information is posted on the internet.

Ms. Riley moved for approval and inclusion of the “R” page. The motion was seconded by Ms. Chitty. The motion was approved, 8:0.

Board Discussion

There was no Board discussion on Document 01.

Testimony

There was no public testimony on Document 01.

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

Document 02 MSB 10-09-21-A Revision to the Medical Assistance Rule Concerning Screening, Brief Intervention and Referral to Treatment Services, Section 8.747

Dr. Young moved for the final permanent adoption of Document 02. The motion was seconded by Ms. Chitty. Anna Davis, Benefit Management Section, presented the proposed rule and explained the changes that were made were based on board discussion at the initial presentation and clarified some qualifications and added categories that were unintentionally omitted from the initial rule.

Board Discussion

There was no Board discussion on Document 02

Testimony

There was no public testimony on Document 02

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.

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

Document 03 MSB 10-07-10-A Revision to the Medical Assistance Rule Concerning the Rewrite for the Consumer Directed Attendant Support Services Rule, Section 8.510

Ms. Chitty moved for the final permanent adoption of Document 03. The motion was seconded by Ms. Riley. Jenny Nickerson, Long Term Benefits Division, presented the proposed rule and explained that a few changes were made to the initial rule to provide more definition, clarification and consistency.

Board Discussion

Board discussion and questions included that; currently the rule does not include requirements for dispensing medications; discussions will continue about interpretation of legislative intent with regard to the waiver of the Nurse Practice Act provision in the rule; directives from the Centers for Medicare and Medicaid Services (CMS) allow family members to provide and be reimbursed for attendant services, but cannot be reimbursed for more than forty hours in a seven day period; and MSB members would like an update on decisions about medication dispensing if it does not come back in the form of a rule.

Testimony

There was no public testimony on Document 03

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

Document 04 MSB 10-07-15-B Revisions to the Medicaid Eligibility Citizenship Documentation Requirements, Section 8.100.3

Ms. Riley moved for the final adoption of Document 04. The motion was seconded by Mr. Phillips. Ann Clemens, Eligibility Section, presented the proposed rule and explained that it provides clients with the ability to receive a Colorado birth certificate free of charge with the submission of a letter from the county. This is the permanent version of the rule adopted on an emergency basis in December.

Board Discussion

There was no Board discussion on Document 04

Testimony

There was no public testimony on Document 04

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

INITIAL APPROVAL AGENDA

Document 05 MSB 10-04-30-A Revision to the Medical Assistance Rule Concerning Applications for Long Term Care Benefits, Section 8.100

Ms. Chitty moved for the initial approval of Document 05. The motion was seconded by Ms. Riley. Eric Stricca, and Ann Clemens, Eligibility Section, presented the proposed rule and explained it exempts certain eligible clients from the application requirement when they are transitioning to a long term care facility.

Board Discussion

Board discussion and questions included that: based on feedback received from three separate public meetings, the rule was reviewed and rewritten to include the suggestions received; the redetermination process will provide required income and resource information for clients already eligible for Supplemental Security Income (SSI); and the redetermination process will also provide resource information for individuals who are already eligible for Family Medicaid.

Testimony

There was no public testimony on Document 05

The Board voted for the initial approval of Document 05, 8:0.

Ms. Riley moved to place Document 05 on the consent agenda. The motion was seconded by Dr. Young and approved, 8:0.

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

5. Department Updates:

- a. HB 09-1293 Update – Chris Underwood, State Programs & Federal Financing Division (Handout)
- b. CHIPRA Bonus Update – Rachel Reiter, CHP+ Division, and Jen St. Peter, Budget Division
- c. Department Update - Joan Henneberry, Executive Director

6. Open Comments:

Shaun Cronin – In Home Health Service client

Board members briefly discussed whether to cancel the February meeting. Members agreed that if Ms. Birch would be able to attend in February that they would like to have the scheduled meeting.

7. The meeting was adjourned at 10:15.

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

bThe next meeting of the Medical Services Board is scheduled to be held on Friday, February 11, 2011 at 9:00 a.m. in the sixth floor conference room at The Capitol Center, 225 East 16th Avenue, Denver, CO.