MINUTES OF THE MEETING OF THE

Medical Services Board
The Capitol Center
225 East 16th Avenue, 6th Floor Conference Room
March 9, 2012

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: Mary Trujillo-Young (Vice President), Kathleen Chitty, Brenda LaCombe, Richard Markley, Wendell Phillips, Ginny Riley, Mike Stahl, Linda Andre

Members Excused: Jeffrey Cain, Paul Melinkovich

Staff Present: Sue Birch, Executive Director; Jennifer Weaver, First Assistant Attorney General; Judi Carey, MSB Coordinator; and Natalie Bishopp, Rules Administrator

1. Call to Order: Vice-President Young called the meeting to order at 9:00 a.m.

2. Roll Call and Announcements: The Board Coordinator called the roll. There were sufficient members for a quorum with eight members participating, two members excused, and one vacant position. Mr. Stahl, Ms. Andre and Mr. Phillips participated by telephone conference call.

   Dr. Young announced the next Medical Services Board Meeting will be held at the Capitol Center facility in Denver on Friday, April 13, 2012 at 9:00 a.m.

   Dr. Young stated that it is the policy of this Board and the Department to remind everyone in attendance that this facility is private property. The capacity of the meeting room is 38. Please do not block the doors or stand around the edges of the room. When necessary, the Department will provide overflow space with listening capabilities via audio streaming and staff support. Board members and the Department will make certain that all attendees who want to testify on a proposed rule or in the open forum are given the opportunity to do so. Please turn cell phones off while in the meeting room as they interfere with the recording equipment.

   Dr. Young stated that audio stream capabilities have been restored and, for anyone listening on-line, if the connection is lost, please just reconnect. Sign in sheets are provided for each individual rule and for the Open Forum portion of the meeting. There is a five minute limit on all testimony.

3. Legislative and Long Term Support Services Update– Carrie Cortiglio, Legislative Liaison; and Joscelyn Gay, Long Term Support Service Strategy Division Director for Department of Human Services (DHS)

4. Approval of Minutes: Mr. Markley moved for the approval of the February minutes. The motion was seconded by Ms. LaCombe. There were no other comments and the minutes were approved as amended 7:0.

5. Rules: Ms. Riley 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 Ms. Chitty and approved, 7:0.

EMERGENCY ADOPTION AGENDA

Document 03 MSB 12-03-02-A Revision to the Medical Assistance Rule Concerning Premium Amounts for the Medicaid Buy-In Program, Section 8.100.6.O.

Mr. Markley moved for the emergency adoption of Document 03. The motion was seconded by Ms. Riley. Marivel Guadarrama, Eligibility Operations Section, presented the proposed rule and explained that in order to comply with the Centers for Medicare and Medicaid (CMS) requirements for State Plan Amendment (SPA) approval, premium amounts were revised on certain income tiers decreasing premium amounts to be commiserate with clients income and increase affordability with the Medicaid buy-in program for working adults with disabilities.

Board Discussion

Board discussion and questions included: it is estimated there will be fifty-seven participants in the program; that because the income levels of the applicants is unknown, it is difficult to determine the fiscal impact of this change; and that costs associated with this program will be paid with provider fee funds and not state general funds.

Testimony

There was no public testimony on Document 03.

The Board voted for the emergency adoption of Document 03, 7:0.

INITIAL APPROVAL AGENDA

Document 01 MSB 12-01-20-A Revision to the Medical Assistance Rule Concerning Hospice Benefit, Section 8.550.1.

Ms. Chitty moved for the initial approval of Document 01. The motion was seconded by Ms. LaCombe. Guinevere Blodgett, Benefit Policy Section, presented the proposed rule and explained that in order to comply with HB 10-1027 the department received approval from CMS to extend the definition of terminal illness from a medical prognosis from six

months or less to end of life to nine months or less to end of life. The State Plan Amendment is awaiting approval from CMS.

Board Discussion
Board discussion and questions included: that this was a great idea and a nice addition to the benefit.

Testimony
There was no public testimony on Document 01.

The Board voted for the initial approval of Document 01, 7:0

Document 02 MSB 11-11-03-A Revision to the Medical Assistance Rule Concerning Medical Assistance Benefit Policy Manuals, Section 8.010.

Ms. LaCombe moved for the initial approval of Document 02. The motion was seconded by Ms. Riley. Sheeba Ibidunni, Benefit Policy Section, explained that the intent is to codify in rule the amount, duration and scope of Medicaid covered services as defined in the Department's Benefit's Collaborative policy statements. This proposed rule states the Department may incorporate by reference the benefit policy statements developed through the Benefits Collaborative process.

Ms. Andre joined the meeting.

Board Discussion
Board discussion and questions included: there appeared to be an inaccuracy in the OP pages of the proposed rule; that stakeholders had interpreted that the intent of the rule was not transparent and sounded like it would undermine the rule making process; and the Department will revise the OP pages to explain that the incorporation by reference of all policy statements will come before the Board and will not undermine rule making.

Testimony
Adela Flores-Brennan, Colorado Center on Law and Policy

Public testimony included: that based on the Department's explanation regarding the changes to the OP pages, the questions were answered and testimony was not necessary; the Department is being as inclusive and transparent as possible, is listening and trying to balance defining benefits and ensuring rules are in sync with policies; that benefits are confusing: and that it is important to make the process as simple as possible.

The Board voted for the initial approval of Document 02, 8:0.

Mr. Markley moved to place Document 01on the consent agenda. The motion was seconded by Ms. Riley and approved, 8:0.

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

6. Open Forum:
   No one signed up for the public comment portion of the meeting.

7. Department Updates:

   a. HB 09-1293 Update - Chris Underwood, Provider Operations Division Deputy Director Finance & Administrative Service Office

   b. Personal Assistance Services Monthly Update – Martha Beavers, Primary Care Case Management Systems Section.

   c. Department Update/Questions, Sue Birch, Executive Director

8. The meeting was adjourned at 10:08 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, April 13, 2012 in the 6th floor conference room at 225 East 16th Avenue, Denver, CO.

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