



# COLORADO

Department of Health Care  
Policy & Financing

Medical Services Board

## MINUTES OF THE MEETING OF THE MEDICAL SERVICES BOARD

303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203  
July 10, 2020

### Call to Order

Ms. Moorer called the meeting to order at 9:04 a.m.

### Roll Call

The Board Coordinator called the roll. There were sufficient members for a quorum with six members participating.

#### A. Members Present

Amanda Moorer, Cecile Fraley, Patricia Givens, Bregitta Hughes, Jessica Kuhns, and David Pump.

#### B. Members Excused

A. Simon Hambidge

#### C. Staff Present

Tracy Johnson, Medicaid Director; Jennifer Weaver, Attorney General; and Chris Sykes, Board Coordinator

### Announcements

Ms. Moorer announced the next Medical Services Board Meeting will be held at 303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203 on Friday, August 14, 2020 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

Ms. Hughes moved for the approval of the June minutes. The motion was seconded by Dr. Fraley. The minutes were approved, 6:0:.

Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.  
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## Rules

### B. Emergency Adoption

Document 06, MSB 20-06-29-A, Revisions to Healthcare Affordability and Sustainability fee Collection and Disbursement, Section 8.3000

Jeff Wittreich, Special Financing Division, presented the rule and explained revisions were made since the March presentation to account for the COVID-19 emergency. A change to the fee calculation is required, a limiting calculation to account for the fiscal shortfall. Additional language included to explain calculations for transparency in the rule.

Board Discussion – Board discussion included how legislation mandated the hospital fund will be used to offset the General Fund for the emergency.

Public Testimony – NA

Dr. Fraley moved for the emergency adoption of Document 06. Ms. Kuhns seconded the motion.

The Board voted the emergency adoption of Document 06, 6:0.

Document 07, MSB 20-06-19-A, Revision to Medical Assistance Rule Concerning Nursing Facility Per Diem Rates, Section 8.443

Jeff Wittreich, Special Financing Division, presented the rule and explained revision to the rule lowers the per diem rate in rule for two years. Legislation was passed to reduce the rate to help with the Budget crisis.

Board Discussion – NA.

Public Testimony – NA

Mr. Pump moved for the emergency adoption of Document 07. Dr. Givens seconded the motion.

The Board voted the emergency adoption of Document 07, 6:0.

Document 08, MSB 20-07-01-A, Revision to the Medical Assistance Rule concerning Telemedicine, Sections 8.520.4.B, 8.700.1, 8.730.3.B, 8.740.1, 8.750.3.B

Russ Zigler, Operations Section and Richard Delaney, Benefits Management Division, presented the rule and explained the emergency rule is requested for an extension of the March emergency filing to allow for expansion of Telemedicine.

Board Discussion – Board discussion included the duration of the emergency rule and the timing of the permanent rule. The stakeholder letter received was also discussed.

Public Testimony – NA

Ms. Kuhns moved for the emergency adoption of Document 08. Ms. Hughes seconded the motion.

The Board voted the emergency adoption of Document 08, 6:0.

### **C. Consent Final Adoption**

Document 01, MSB 20-02-04-A, Revision to the Medical Assistance Rule concerning the Primary Care Fund, Section 8.950.2.T

Document 02, MSB 20-03-11-A, Revision to Medical Assistance Rule concerning School Health Services Program Changes, Section 8.290

Document 03, MSB 20-04-21-B, Revision to the Medical Assistance Rule concerning Rx Review Program, Section 8.800.18

Mr. Pump moved for the final adoption of Documents 01, 02 & 03. Ms. Kuhns seconded the motion.

The Board voted the final adoption of Documents 01, 02 & 03; 6:0.

### **D. Initial Approval Agenda**

Document 04, MSB 20-04-24-A, Revision to the Medical Assistance Act Rule concerning the Pharmaceutical Rate Methodology, Section(s) 8.800.1 and 8.800.13

Kristina Gould and Jim Leonard, Pharmacy, presented the rule and explained the Long Bill mandates savings thru alternate drug pricing methodology. A review of the current drug pricing methodology was given. An explanation of the proposed methodology was provided. National Average drug acquisition cost rate was explained. A stakeholder comment received was reviewed regarding the drug acquisition rate.

Board Discussion – NA

Public Testimony – NA

Mr. Pump moved for the initial approval of Document 04. Dr. Fraley seconded the motion.

The Board voted the initial approval of Document 04, 6:0.

Document 05, MSB 20-05-21-A, Revision to the Medical Assistance Act Rule concerning Telemedicine Extension, Section 8.200.3.B, 8.520.4.B, 8.700.1, 8.730.3.B, 8.740.1, 8.750.3.B

Russ Zigler, Operations Section, and Richard Delaney, Benefits Management Division, presented the rule and explained that the rule revises telemedicine health under SB 20-212.

Board Discussion – NA.

Public Testimony – Jennifer Goodrum, Dental Assoc, telehealth very valuable – applaud the work done. One issue is with parity, FQHC/Rural v Private Practice. Request to revisit comprehensive dental reform. Dental is in policy but not in rule, the Department committed to working on the issue.

Ms. Kuhns moved for the initial approval of Document 05. Ms. Hughes seconded the motion.

The Board voted the initial approval of Document 05, 6:0.

#### **E. Consent Agenda Discussion**

Ms. Kuhns moved to add Documents 04 and 05 to the Consent Agenda. Mr. Pump seconded the motion.

The Board voted to add Documents 04 and 05 to the Consent Agenda, 6:0.

#### **F. Closing Motion**

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

#### **Open Comments**

Maureen Welch, Parent/Advocate

#### **Department Updates**

- Department Updates/Questions – Tracy Johnson, Medicaid Director

#### **The meeting was adjourned at 10:30 a.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, August 14, 2020 at 303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203.

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](mailto:chris.sykes@state.co.us) or the 504/ADA Coordinator [hcpf504ada@state.co.us](mailto:hcpf504ada@state.co.us) at least one week prior to the meeting.