



## 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  
September 13, 2019

#### Call to Order

Ms. Blakely called the meeting to order at 9:03 a.m.

#### Roll Call

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

##### A. Members Present

Christy Blakely, Cecile Fraley, Simon Hambidge Jessica Kuhns, Bregitta Hughes, Charolette Lippolis, Amanda Moorer, An Nguyen and David Pump.

##### B. Members Excused

Patricia Givens and Donna Roberts

##### C. Introduction of new staff

Tracy Johnson, Rachel Entrican and Nina Schwartz

##### D. Staff Present

Tom Massey, Deputy Executive Director; Jennifer Weaver, Attorney General; and Chris Sykes, Board Coordinator

#### Announcements

Ms. Blakely announced the next Medical Services Board Meeting will be held at 303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203 on Friday, October 11, 2019 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 August minutes. The motion was seconded by Dr. Hambidge. The minutes were approved, 9:0.

## Rules

### A. Emergency Adoption

Document 09, MSB 19-02-05-A, Revision to the Medical Assistance Rule concerning Children's Habilitation Residential Program, Section 8.508

Michele Craig, Benefits and Services Division, presented the rule and explained the emergency adoption is necessary to avoid a gap in coverage from the June emergency adoption. Revisions to the rule are authorized by HB 18-1328. A review of stakeholders involved was done. The revised rule aligns with the newly adopted case management revisions. Highlighted changes in the rule indicate updated language from the June emergency to now.

Board Discussion – NA

Public Testimony – NA

Ms. Moorer moved for the emergency adoption of Document 09. Ms. Kuhns seconded the motion.

The Board voted the emergency adoption of Document 09, 9:0.

Document 10, MSB 19-05-29-A – Revision to the Medical Assistance Eligibility Rules Concerning Adult Dental Annual Limit Increase, Section 8.201.6

Russ Zigler, Operations Section, presented the rule and explained the Long Bill increased the annual limit regarding the Adult Dental Services. The updated rule complies with the legislation.

Board Discussion – NA

Public Testimony – Phyllis Hirschfield – Gerontological Society – support the rule

Dr. Nguyen moved for the emergency adoption of Document 10. Dr. Hambidge seconded the motion.

The Board voted the emergency adoption of Document 10, 9:0.

Document 11, MSB 19-07-03-A – Revision to the Child Health Plan Plus Rule concerning Prenatal Dental, Section 210w

Russ Zigler, Operations Section, presented the rule CHP prenatal dental rule and explained the revisions expands to pregnant women of any age. The Long Bill

authorized the changes and the rule is being brought into compliance.  
Orthodontics is not included to individuals over 19, it is not a covered service.

Board Discussion – 878 preg women, \$310 to set up, \$190 in benefit? Fiscal note assigned, leg determined amount.

Public Testimony – NA

Dr. Hambidge moved for the emergency adoption of Document 11. Dr. Nguyen seconded the motion.

The Board voted the emergency adoption of Document 11, 9:0.

## **B. Consent Adoption Agenda**

Document 01, MSB 19-07-17-A, Revision to the Medical Assistance Benefits Rule Concerning Pharmaceuticals, Section 8.800.4.C

Ms. Moorer moved for the final adoption of Document 01. Ms. Kuhns seconded the motion.

The Board voted the final adoption of Documents 01, 9:0.

## **C. Final Adoption Agenda**

Document 02, MSB 19-03-05-A, Revision to the Medical Assistance Rule concerning Durable Medical Equipment Reimbursement, Section 8.590.7.K

January Montano, Pharmacy Section, presented the rule and explained the rule implements a 1% across the board rate increase.

Board Discussion – NA

Public Testimony – NA

Mr. Pump moved for the final adoption of Document 02. Dr. Nguyen seconded the motion.

The Board voted the emergency adoption of Document 02, 9:0.

Document 03, MSB 18-02-05-A, Revision to the Medical Assistance Rule concerning Children's Habilitation Residential Program, Section 8.508

Michele Craig, Benefits and Services Division, presented the rule and explained the rule is back for final adoption.

Board Discussion – great change and great need, thank you

Public Testimony – NA

Dr. Nguyen moved for the final adoption of Document 03. Ms. Kuhns seconded the motion.

The Board voted the final adoption of Document 03, 9:0.

Document 04, MSB 19-05-29-A, Revision to the Medical Assistance Eligibility Rules Concerning Adult Dental Annual Limit Increase, Section 8.201.6

Russ Zigler, Operations Section, presented the rule and explained the rule is back for final adoption.

Board Discussion – NA

Public Testimony – NA

Ms. Blakely moved for the emergency adoption of Document 04. Ms. Moorer seconded the motion.

The Board voted the emergency adoption of Document 04, 9:0.

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

Document 05, MSB 19-07-10-B, Revision to the Medical Assistance Rule Concerning Colorado National Provider Identifier Number, Section 8.126

Chris Underwood, Deputy Chief of Staff, and Scott Lindblom, Health Information Office, presented the rule and explained newly enrolled providers must have a location unique identifier. Effective January 1, 2020 for new not enrolled providers and current providers effective January 1 2021. Off campus locations of enrolled providers must comply by January 1 2020, this aligns with Medicare. Stakeholder engagement was reviewed. Provider types in the rule are determined by the Department for flexibility. Review of examples distributed to Board members.

Board Discussion – Board discussion included a review of the example materials. School based/community locale – no NPI needed. PASA under waiver – 3 services provided 1 NPI needed. Consistency of language in rule FQHC/community clinic was requested to be updated for final adoption.

Public Testimony – Leslie R. from the webinar, providers that revalidated a few years ago would have already complied. This is depends on multiple locations of a provider or multiple provider types, maybe not.

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

The Board voted the initial approval of Document 05, 9:0.

Document 06, MSB 19-07-19-A, Revision to the Medical Assistance Rule Concerning Correction to Hospital Quality Incentive Payment (HQIP) Supplemental Payment Language, Section 8.3004.F

Jeff Wittreich, Special Financing Division, presented the rule and explained the rule revision reflects which hospital groups belong to the HQIP. The rule reflects the methodology in place, the rule changes, not the methodology.

Board Discussion – Board discussion included there is no change to the program, the revised language aligns with the program.

Public Testimony – NA

Mr. Pump moved for the initial approval of Document 06. Ms. Hughes seconded the motion.

The Board voted the initial approval of Document 06, 9:0.

Document 07, MSB 19-04-19-A, Revision to the Medical Assistance Benefits Rule Concerning Non-Emergent Medical Transportation, Section 8.014

Ryan Dwyer, Benefits Services Management, and Betsy Holt, Operations Section, presented the rule and explained NEMT services. Proposed regulations are statewide. The Department does not have NEMT at the state level, just 9 counties with contractor. Other counties are done by the County. A review of the stakeholder engagement was held. Minor revisions will be done between initial and final adoption. A statewide broker model is coming in 2020. Statewide rules can be considered then. Betsy Holt provided a Benefits Collaborative overview and explained the process used in NEMT and EMT rules.

Board Discussion – Board discussion included the 7/1/2020 statewide model – counties say NEMT is burdensome. HCPF has requested funding from the Legislature and now working on the statewide model. New statewide changes from current. Challenging benefit for members and there is a downside to

slowing down. Ambiguity in the current language and an 18 month process with stakeholders was done to clarify rule language.

Public Testimony – Paul Stein – People Centered Transportation Coalition – Accountability should not be outside of the purview of the rules. National research is a good framing. Slow down in rulemaking is requested.

Bethany Pray – Colorado Center on Law and Policy – NEMT is a difficult benefit, a Community Board could benefit in rule. Other member boards exist for accountability. Perhaps not in this rule revision, but in the next iterations.

Jordan Sanchez - Fresenius Medical Care – support the removal of ‘unplanned’ in the final adoption language.

Ms. Moorer moved for the initial approval of Document 07. Ms. Hughes seconded the motion.

The Board voted the initial approval of Document 07, 8:1:0.

### **10 min break**

Document 08, MSB 19-04-19-B, Revision to the Medical Assistance Benefits Rule Concerning Emergency Medical Transportation, Section 8.018

Ryan Dwyer, Benefits Services Management, presented the rule and explained revisions include provider eligibility and responsibility requirements, change terminology of critical care transportation to specialty care transportation to add critical definitions for clarification.

Board Discussion – NA

Public Testimony – Moses Gur – Colorado Behavioral Healthcare Council – provided an overview of emergency transportation for behavioral health and will work with the Department to continue improving the benefit.

Dr. Hambidge moved for the initial approval of Document 08. Ms. Hughes seconded the motion.

The Board voted the initial approval of Document 08, 9:0.

## **E. Consent**

Ms. Moorer moved to add Documents 06 and 08 to the Consent Agenda. Dr. Nguyen seconded the motion.

The Board voted approval, 9:0.

## **F. Closing Motion**

Ms. Blakely moved to close the rules portion of the agenda. The motion was seconded by Ms. Moorer. The Board voted to close the rules portion of the agenda, 9:0.

## **Rule Previews**

- Revisions to the Home Modification sections in the CES and SLS waivers – Cassandra Keller
- Hospital Expenditure Report – Rebecca Parrot
- Pooled Trusts – David Smith
- Increase of the reimbursement rate reserved for compensation of non-administrative employees providing personal care, homemaker, and in-home support services -- Erin Thatcher

## **Open Comments**

Megan Brand – Colorado Foundation for People with Disabilities -  
Kelsey Lesco – Disability Law Colorado

Peter Wall – True Link Financial

Tammy Conover – Colorado Fund for People with Disabilities

## **Department Updates**

- Department Updates/Questions – Tom Massey, Deputy Executive Director

## **Board Elections**

Ms. Moorer nominated to become President. Ms. Blakely motioned, seconded by Ms. Kuhns, 6:0.

Mr. Pump nominated to become Vice President. Ms. Kuhns motioned, seconded by Ms. Blakely, 6:0.

## **The meeting was adjourned at 12:30 p.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, October 11, 2019 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.