

## HB 10-1332 Colorado Medical Clean Claims Transparency and Uniformity Act Task Force

### Agenda

January 23, 2013, noon – 2 PM MST  
Call-in number: 1-866-740-1260, ID 8586328#  
Web Login:  
<https://cc.readytalk.com/r/e4trg25x2p6f>

### **Agenda**

- 12:00 PM Roll call, welcoming remarks and housekeeping
- Introduce new MCCTF staff member
  - Approve December 2012 meeting minutes (Attachment A)
  - Next face to face meeting February 26th 12:00 to 6:00 PM MST & February 27<sup>th</sup> 7:30 AM to 3:00 PM MST

### **Committee Reports**

***Committee Reports: introduce committee members; committee principles (if applicable); committee scope of work; report of activities to date; recommendations (draft and final); issues to be resolved or investigated; questions for the full task force; next steps.***

- 12:10 PM Report to the Legislature Follow-Up – Barry Keene
- 12:20 PM Committee Reports
- Edit– Beth Wright/Mark Painter  
Updated modifier table to be sent prior to the meeting
  - Rules Committee – Lisa Lipinski
  - Specialty Society – Tammy Banks/Helen Campbell
  - Data Sustaining Repository – Mark Rieger/Val Clark
  - Project Management – Barry Keene
  - Finance – Barry Keene
- 1:20 PM DSR request to full task force (Attachment B) - Discussion
- 1:55 PM Public Comment
- 2:00 PM ADJOURNMENT

**HB10\_1332 MEDICAL CLEAN CLAIMS TRANSPARENCY AND UNIFORMITY ACT TASK FORCE**

Meeting Minutes

December 19, 2012, noon 2 PM, MST

Call-in Number: 1-866-740-1260

Conference ID: ID 8586314

**Attendees:**

- Amy Hodges
- Barry Keene, CC
- Beth Provost
- Beth Wright
- Dee Cole
- Doug Moeller, MD
- James Borgstede, MD
- Jill Roberson
- Kathy McCreary
- Kim Davis
- Lori Marden
- Marie Mindeman
- Mark Painter
- Mark Rieger
- Marilyn Rissmiller, CC
- Nancy Steinke
- Robin Weston
- Ryshell Schrader
- Tammy Banks
- Tom Darr, MD

**Staff :**

- Laura Powers
- Barbara Yondorf

**Public:**

Lisa Lipinski (AMA)  
 Diane Hayak (ACR)  
 Susan Crews (AUA –  
 American Urological  
 Association)

**Meeting Objective (s):**

**Key:**

- TF = Task Force
- TFM = Task Force Member
- CC = Co-Chair

**Parking Lot:**



**December 19, 2012**

**DISCUSSION**

**ROLL CALL & WELCOME:**

There were 20 Task force Members in attendance

Marilyn: First order to approve November minutes. Any changes? Hearing none do I have a motion to approve?

The minutes were approved as listed.

Barry: Want to note that October minutes were not approved simply because a quorum was not reached.

The October minutes were also approved. Motion to approve by Barry and seconded by Doug.

**Action item: October and November minutes were approved with no changes.**

It was noted that the next in person meeting is on February 27, 2013.

Lisa: Is this a 2 day meeting or a one day meeting.

Barry will decide later and notify the task force.

Beth W: If I come out there, I have no problem staying for an additional meeting if we get more done.

Several task force members stated the same.

**Action item: The task force will be notified regarding the final dates and times for the quarterly meeting.**

Barry: Marilyn can you please check in regarding availability of the COPIC board room and Kim can you check with University Physicians? Thank you

#### **REPORT TO THE LEGISLATURE FOLLOUP**

Barry: The report has been submitted with the changes as given. Also distributed to the health and human services committee. Heard from Senator Aguilar and commented positively on the report. They have offered their support to the Colorado Health Foundation. Heard from Sue Birch, she will send a letter to HHS regarding access to the NCCI contractor for our work in developing the edit set. She has asked that we draft the letter for her. Senator Aguilar also stated that she had written a letter to director Birch in support of our work.

Marilyn: the letter from Senator Aguilar is going to which foundation?

Barry: The Colorado Health Foundation because they did not grant us after our last report based on their policy to not overlap grant cycles. They also wanted to see how the legislature responded to our report. Though the Colorado Trust certainly is looking for this feedback as well. There is a meeting on the 10<sup>th</sup> of January for our testimony. I will send an email to the task force.

**Action item: Barry will notify the task force regarding the testimony invitation**

Marilyn: Do those have audio?

Barry: Yes you can call in and you will not know where you are going to be in the line of the testimony.

Marilyn: Any questions on the report? No, ok it looks quite good after the comments.

## COMMITTEE REPORTS

### Edit Committee – Mark Painter

Marilyn: Alright has been Beth joined?

Barry: I am a bit disappointed that we don't have someone from Anthem or from AMA aside from Lisa.

Mark: Have worked on all the modifiers but need to add the ones that are added for 2013. We have identified those modifiers we are in need of addressing. Need to coordinate with the rules committee. Need to start looking at the agenda for potential ways to address the edit database. We have agreed to take on a methodology for filling and updating data required for the edit set.

Marilyn: We will have completed table for next call but is informational only versus for consensus would you agree?

Mark: Yes this will be more informational.

Barry: In the report we included a lot of material from your committee. Is there a way to note what you have done prior to the report and then after?

Marilyn: Will have to look at what is in the report. I think we included some of the modifier table. Will have to look at the report and see.

Barry: Is this being filed periodically being updated somewhere like on the website?

Marilyn: No it is not; maybe we can include that for our next meeting.

**Action item: Add methodology for filling and updating edit set to next edit committee meeting agenda**

Also note that some of the modifiers need rules at this point. Any questions for Mark?

Barry: Thank you to you Mark and Beth in her absence on this work. It is tedious and we appreciate it.

### Rules Committee – Lisa Lipinski

Lisa: there will be a disclosure section so there is no room for miscommunication on that. It was requested that we look at the CMS status indicators for the bilateral modifiers and how that impacts and consider that for CPT so we are drafting that language. We also looked at global surgery and assistant at surgery. I have also reached out to various medical associations to see if there are any specialty associations that would like to contribute. Also working on 2013 schedule of calls. Anyone have any questions?

Barry: Wondered if we should have included output from one for the last calls but did not see it in the agenda. Should we include this in the packet even if there is no consensus packet.

Lisa: that is my error, I thought we didn't need to include if there was no consensus item but I'd be happy to send that out.

Barry: You have done a lot of work and I think it would be helpful for the committee to know what you are working on.

Helen: Is this the case for the other committees?

Barry: We used to but have gotten away from this but I think it would be helpful. I think it would be helpful for those who sit on committees but don't get to attend to see what is going on.

Helen: It is challenging when there is a big packet to go through that. Can they be sent to Laura for distribution more often?

Barry: So you would prefer more emails?

Helen: Yes I can work through a 5 page document more easily than through a really long document.

Marilyn: Ok so maybe we just distribute the minutes to the task force. Mark would that work for you?

Mark: Yes sometimes we have a small delay but we could do this.

Laura: Would that be the minutes from all committees for distribution to the whole committee?

Barry: Yes, to the committee and alternates list. I would like to get some input about how others feel about this.

Doug: I like this but don't like when people reply all.

Laura: I usually BCC so people shouldn't be able to reply all.

Kathy: Will these be large attachments?

Barry: They should be smaller than the agenda packet.

Helen: When these are posted – is there a link for more info?

Marilyn: That is what the committee pages are for.

Barry: Yes but they have just not been posted very often.

Marilyn: So we could send an email saying they are posted.

Lisa: Both would be good options, though I am happy to post.

Barry: I don't want to belabor this point any further. Let's at this point send the committee reports to Laura and we will work from there.

If you want to post on the committee page, please feel free to do that.

**Action item: Lisa to send Laura the Rules Committee minutes to share with the task force.**

### **Specialty Society – Helen Campbell**

Helen: Have nothing to report at this time.

Barry: Alright that is fine. I want to thank United Health Group for another generous donation. We are now fully funded for 2012 and now have some for 2013 as well.

## DSR Committee – Mark Rieger

Barry: I joined the DSR committee after an hour of the meeting and blew it up. We discussed how does the long term use of the DSR affect the business model. In the most recent meeting, we were wrestling with this again and realized two things. The governance model is going to have to lead the model and we also cannot have some other governance model after we have done the initial work to get to the initial set of edits. We need to address the governance model sooner than later.

Mark R: Current charge is to take our list of business models and choose two for final consideration. A central tenant of the model creation discussion has been the governance piece. I think it has become more apparent as the stakeholders have had more time to think through how this could or should be managed on a long-term basis. The timing is right now to first help the DSR committee to more succinctly develop its recommendations and have the task force find a specific rule that it can work through to completion. In a nutshell, what the DSR thought is to have the task force finish its work, end to end, of a specific rule so we can benefit from observing that process and get feedback on the conflict resolution, and to look at the mechanics of how the rule making process is finalized for implementation. Every committee is almost there but not all the way there. What could we learn from this process that could be embedded in an ongoing model? Here are the elements that we think this process should be comprised of in order to build the substance that we think would help this. The first is the rule complexity. The rule needs complexity to test the stakeholder interest. It has had a fair amount of work. We know it will be made of more than one source. That is an example. It did satisfy some of the dimensions we were looking for. In a perfect world where there will be disagreement from some of the stakeholders. It would be good to have a rule that has been worked on. Finally, a process that would transfer to a sustainable model; recognizing that the efficiency of it could be less but could be transferrable. We don't make decisions one way as a task force and then design a different way to make decisions moving from there. This is a sustainable model. One thing to be clear on is that the definition of success on this is that we have a rule that goes into production. This is not a recommendation – that this could go into production, it is not pretend. This would be the way payers would have to pay claims. The order of magnitude and brings attention that the stakeholders recognize that this is the real deal and the decision process is done in a way that we get a real outcome. We get the benefit of a successful implementation of at least one rule.

Barry: I am excited about kicking this process off and that is why I expressed disappointment that some of the key players are not here. We might as well get one that has some contention to it. One question is time, I'd like to look at this sooner than later and we need to make a determination about how much time we have to look at this. We need to pick a rule that doesn't break us in the first round. Let's pick one that is challenging but not the first one out there. I would like for movement on the January 23<sup>rd</sup> meeting. I think we can have those involved to come up with a template for that meeting. I think the DSR, the rules committee, and the edit committee works together on this and to think about the timing and process for feedback. Does anyone have thoughts and input on this?

Doug: I would suggest that one that we pick has some challenges. We can look at Assistant at Surgery and CCI. We want to understand the process for making adjustments in Colorado to the logic that has been used in Colorado. If there is a change in an existing source – if we take this all the way to the end. All the rest of the rules can be packaged behind that. Mark P do you have any suggestions on this one?

Mark P: The Assistant at Surgery process has gone far along and the CCI edits could both be code.

Barry: Would this mean with CCI that we would need to work with Correct Coding Solutions? Or would that lead us to have dialogue with them?

Doug: I know Mark had brought a couple of these to these. Another is that CCI pays a lower value of service and every commercial payer pays the higher and it is the same edit but the denied code is the opposite for CCI. This would be a nice illustration of the process to resolve challenges.

Marilyn: When you said CCI that is what I went to immediately. We can look at bilateral, that is pretty far along.

Lisa: The only thing we need to determine for Bilateral is the CMS service indicators.

Marilyn: My other question is figuring out how we worked together to come to a solution but who and why are we going to reach outside of the task force?

Barry: Would like a rule that is largely in the commercial side of things. How the DSR would process the rule is a good question. I'm not aware of a universal way to do that right now. How to you make people aware so you don't miss anyone.

James: I wonder if you want to go through the specialty society.

Barry: I think we want to include them but the payers as well. I think we need to find a way to communicate with all of them. This would be one item of how to we do a uniform notification of these rules. Once these are well established, this is an issue. They only have about 30% because they don't cover ERISA (Employee Retirement Income Security Act) payers.

Marilyn: Maybe since it is fractured, maybe we can have everyone think about this. It seems like we might want to have a discussion of existing communication vehicles that we might tap into.

Barry: I know on other rules bodies, there are statutory requirements on feedback timeline.

Joe Donlan is going to become the legislative liaison for DORA. I think I have seen things from Barb in the past on DORA. I think we can find information on certification requirements.

Mark do you want to wrap this up?

Mark: It was heartening that we have made progress today. I am hearing to get this on the agenda for January and try to leave the January meeting with a consensus on the rule. We can choose two as well. It may take a combination of two rules to cover the scope that we want to contain it. Probably begin to work through some of the hows. We should have most of the infrastructure already there.

Barry: One thing to come away with is to get specific task requirements to specific task force members.

Mark R: I think creating a different sense of urgency would be important. We are not just having an endless circular discussion about the future.

Marilyn: This will make the whole process real to those outside of the task force.

Barry: Is there anyone on the call that doesn't understand what we are proposing here and please be candid. Hearing none, Mark are you content that we have discussed this well enough?

Mark R: Yes thank you

Barry: Alright, I think what we came away with is productive.

If there is no other question of the DSR then we can move on. Has Val or Beth Wright joined the call?

Tom: Tom Darr has since about 10 after. I like Doug's CCI suggestion because it hits several issues at once. Most importantly how do we work out those differences in a public form.

### **Project Management – Barry Keene**

Barry: Alright moving onto the Project Management. This is mostly about the data analytics and heard back from Dee Cole and from Lisa from the AMA. In discussing the RFP, I didn't see anything controversial. I will contact those who contributed before I send the RFP back out. We should be in a position at the January meeting and if we have secured funding then we should be at the point of sending this out. All this info in the RFI cycle suggested it would take 6 months to get this tool to a functional level. I want to get that under way as soon as we can. Those who have not commented on the RFI. My biggest concern is that we achieve the essential functionality and that they are able to query the final information to adopt the edit sets. Those that should look at this, please send me edits no later than the 1<sup>st</sup> of the year so that I can work on this and get this to the person who has been working on us with procurement.

Lisa: Are you wanting specific language from us?

Barry: It is my plan to go to you and Dee to make sure and I will get back to you. I saw nothing contentious.

Lisa: Ok

Barry: I appreciate the thoroughness that you have gone through this with. I am more optimistic about getting funding for this than I had been.

**Action item: Barry to get back to Dee and Lisa regarding any specific language needed.**

### **Financial – Barry Keene**

Barry: We are not a separate entity and need a fiscal sponsor who is a 501 c3 who maintains a bank account, writes contracts, and then pays our consultants. Ww have been with Bell Policy, but they lost an internal person who was helping us, Mollie Cross Leone. Bell doesn't have the horsepower anymore. We have been looking for a new fiscal sponsor by the end of the year. Colorado Medical Society Foundation (CMSF) now has a signed contract and they are looking to make the transition in January. CMSF will be writing the staff contracts. I am pleased to have that put to bed. Dr. VanderArk the President of the Foundation Board is a staunch supporter of our work. I am pleased, I have heard him speak. Send money, we can take it again. This also settles issue with the Foundations since they were concerned that the money goes to a 501 c3. We are getting ready to reapply with our report in hand along with letters from Sue Birch and Senator Aguilar. I think we are looking at a bright year and are also looking at private donors. Are there any questions? Ok, I will be looking for a sponsor for our February catering and a number have done this in the past. NHXS has, Colorado Hospital Foundation has, Keene Research and Development has, and there have been several others who have as well.

Helen: That is around \$500?

Barry: Yes around \$500 for one and how much Laura for two days?

Laura: Around \$800 I believe for two.

Barry: We spent just about \$95,000 for our first two years of activity. Laura Powers has been our staff member for the better for part of the year. Laura has accepted a position with Project YES, a local non-profit in Lafayette as Executive Director. I have gotten a lot of great feedback about her but I am pleased that she is working with this non-profit. She has already been doing that work and it is too much of a commitment for her to continue with us. I have an ongoing interview with an individual and if he does well, we will hire him and will work with Laura for a smooth transition. Any other comments Marilyn?

Marilyn: No we will just see how he does.

James: I received a letter from Dr. Gerald D. Dodd III, president of the Colorado Radiological Society.

Marilyn: I received the letter but thought he just wanted his input noted.

Barry: The full task force has not received and therefore we have not discussed. If he wants to send to me any correspondence and we can distribute to the task force.

**Action item: Distribute Dr. Dodd's letter to the task force.**

## **OTHER BUSINESS**

### **Future Meeting Schedule**

Barry: We need to accomplish more and more as the task force moves forward. We have had a couple of multi-day meetings. I am always willing to support a two day meeting because I do feel that we get more accomplished. Is there anyone that would greatly resist the notion of a two day meeting?

Beth: This is a Beth and I am sorry I was late. Once I fly out I'd rather be there for as many days as you need me.

Helen: I second that.

Beth: I don't want to have come back two weeks later.

Lisa: I am also fine with the two day meeting.

Barry: Doug, Tom, and Mark R, how you with this?

Mark R: I am fine with it.

Doug: The time is the challenge as much as the location. As long as we are having productive meetings, I can make this work.

Mark P: What is the exact date in February?

Barry: Jill, Kim, are you ok with this though you are in town?

Kim: Yes that is fine.

Barry: It seemed to work well to start at lunch and go into early evening and then breakfast through lunch the following day. We would be looking at Tuesday the 26<sup>th</sup> and then the 27<sup>th</sup>.

Mark P: I think that would be ok, I may have something but can check.

Barry: What about the room at COPIC?

Marilyn: I will check.

Barry: Kim and Marilyn if you could check on availability that would be helpful.

**Action item: Kim and Marilyn to follow-up with Barry regarding room availability**

#### **PUBLIC COMMENT**

Barry: Is there any public comment?

Janet: This is Janet Stevens from the Colorado Hospital Association and thank you for being on the call.

Barry: thank you for joining, Janet sponsored our catering for the last meeting.

Janet: We support your work and are happy to support.

Barry: Any other thoughts or discussion items?

Barb: Happy holidays!

Barry: thank you to everyone and look forward to seeing you in the New Year!

#### **ADJOURNMENT**

The meeting was adjourned at 1:45 PM MST.

# Attachment B

December 13,2012

DSR request to full task force

Background: The DSR sub group is currently tasked with making recommendations for sustainable business models that will implement and perpetuate the final recommendations of the CCTF. A central component of any model is governance. Specifically, the manner in which contention is resolved is seen to be a critical part of the model's eventual charter. Further, the DSR sub group believes that observation of the process of finalizing at least one rule by CCTF can provide valuable feedback to DSR.

The ask: Have CCTF agree to move at least one meaningful rule all the way through to readiness for implementation. Considerations for this request:

A rule of sufficient complexity to insure that as many dimensions of the rule making process as possible are involved. These might include, table size, and multiple valid sources;

A rule with some contention between the stakeholders;

A rule that has already produced some work product that can be finalized;

A final approval process that can transfer to a sustainable model. (For instance, if the process requires a different timeline for the task force to complete, how would this be modified for sustainability?)

Expectations: 1) Final recommendation for the rule in a form that can be implemented now and sustained in the future. 2) Careful documentation of the process of approval including conflict resolution, appeal, notice, final approval.

Summary: The DSR subgroup would like the benefit of observing a successful end-to-end implementation of at least one rule. This would include documentation of a final approval process that can transfer to a sustainable model.