



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

April 14, 2017

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 eleven members participating.

A. Members Present

Christy Blakely, Patricia Givens, Bregitta Hughes, Jessica Kuhns, Charolette Lippolis, Paul Melinkovich, Amanda Moorer, An Nguyen, David Potts, Donna Roberts and Mike Stahl.

B. Members Excused

C. Staff Present

Susan E. Birch, Executive Director; Jennifer Weaver, First Assistant Attorney General; Chris Sykes, Board Coordinator; and Dan Hutchinson, Staff Support

Announcements

Ms. Blakely announced the next Medical Services Board Meeting will be held in the 11th floor conference room at 303 East 17th Avenue in Denver on Friday, May 12 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. The capacity of the meeting room is 105. Please do not block the doors or stand around the edges of the room. Please silence cell phones while in the meeting room as they interfere with the recording equipment.

Approval of Minutes

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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Mr. Potts moved for the approval of the minutes. The motion was seconded by Ms. Roberts. There were no comments and the minutes were approved as submitted, 10:0:1.

Rules

A. Final Permanent Adoption Agenda

DOCUMENT 01, MSB 16-11-08-A

Revision to the Medical Assistance Program Rules Concerning Durable Medical Equipment and Disposable Medical Supplies, Section 8.590

January Montano, Pharmacy Unit, Carrie Smith, presented the proposed rule and explained the main issues. The rule was revised to match industry terms, include references to the billing manual and also clarifying language in rule. It was discussed that therapeutic toys are currently in the benefits collaborative process.

Board Discussion

A discussion regarding what is included in incontinence supplies was held.

Public Testimony

None

Dr. Givens moved for the final adoption of Document 01. The motion was seconded by Ms. Roberts.

The Board voted for the initial approval of Document 01, 11:0.

B. Initial Agenda

DOCUMENT 02, MSB 16-04-12-A

Revision to the Medical Assistance Long Term Care Single Entry Point System Rule Concerning Regarding Sections 8.390, 8.391, 8.392, 8.393, and 8.394

Julie Reed, Community Options Section, and Tim Cortez presented the proposed rule and explained that the process began over two years ago as part of the Regulatory Efficiency Review. The purpose of the revision is to clean up outdated language, incorrect references, and provide new definitions where applicable. An overview of the revisions throughout the rule was provided.

Board Discussion

None

Public Testimony

None

Mr. Potts moved for the initial approval of Document 02. The motion was seconded by Ms. Roberts.

The Board voted for the initial approval of Document 02, 11:0.

DOCUMENT 03, MSB 16-08-01-A

Revision to the Medical Assistance Rule Concerning Community Mental Health Services Program Capitation Rate Setting, Section 8.215.6.C.3

Adam Schafer, Payment Reform Managed Care Section, presented the proposed rule and explained the revisions bring the department into alignment with federal regulations.

Board Discussion

None

Public Testimony

Bethany Pray, Colorado Center on Law & Policy, stated the federal rule language explains Medical Loss Ratio in greater detail and the state should include additional language.

Mr. Stahl moved for the initial approval of Document 03. The motion was seconded by Mr. Potts.

The Board voted for the initial approval of Document 03, 11:0.

DOCUMENT 04, MSB 16-11-22-A

Revision to the Colorado Indigent Care Program Rule Concerning Modernizing the CICIP, Section 8.900

Taryn Graf, Special Finance Division, and Cindi Arcuri presented the proposed rule and explained the background of program. There are about 50,000 participants across Colorado and participating clinics are located statewide. The rule was completely reorganized and new elements reviewed. Revisions were aimed at streamlining processes to ease the burden on providers and clients.

BOARD

A discussion regarding the quality metrics about payment was discussed.

Public Testimony

Pat Cook, Colorado Gerontological Society, stated mental health should be an included benefit in the future. Also a consumer tool was requested, to aid consumer in understanding what benefits they may be eligible for.

Alice Gibbs, Colorado Community Health Network, supports the rule revision.

Joshua Ewing, Colorado Hospital Association, supports the rule revision.

Brooke Powers, Community Safety Net Clinics, supports the rule revision. Additional licensure of clinics is onerous; but that is required in statute.

Dr. Melinkovich moved for the approval of the errata sheet, Dr. Lippolis seconded the motion. The Board voted 11:0 to adopt the errata sheet.

Dr. Melinkovich moved for the initial approval of Document 04. The motion was seconded by Ms. Roberts.

The Board voted for the initial approval of Document 04, 11:0.

DOCUMENT 05, MSB 16-12-19-A

Revision to the Medical Assistance Rule Concerning Supports Intensity Scale Assessment and Support Levels, Section 8.612.3

Michele Craig, Case Management Services, and Lori Darrington, presented the proposed rule and explained the background of the Supports Intensity Scale Assessment. The rule revisions align the algorithm with changes made to the assessment.

Board Discussion

A discussion regarding the location of the definitions was held.

Public Testimony

Geri Frohne is in opposition to the rule. The individual panel review revision should wait for current legislation to pass first. It is necessary to see the appendices to fully understand the assessment tool, more transparency is necessary. The department will review the request to share the appendices and the panel review request will also be reviewed.

Claire Dickson, Disability Law Colorado, asked if the questions were reordered or were three additional questions added. An explanation of levels and clarifications in the algorithm were requested.

Eileen Forlenza, advocate, read a statement provided by Kathy Powell. Is there a change or a perception of change in the rule revisions.

Eileen Forlenza, parent and advocate, stated the panel revision is for the convenience of the department only, external reviewers can sign confidentiality agreements and the reduction of the panel is against the state idea.

Christy Blakely, parent and advocate, stated the family is included in assessment and the department needs to do more training.

Elisabeth Arenales, Colorado Center on law & Policy, stated the level of detail should include the questions related.

Dr. Melinkovich moved to table for 60 days Document 05. The motion was seconded by Dr. Lippolis.

The Board voted to table for 60 days Document 05, 10:0:1.

DOCUMENT 06, MSB 17-01-17-B

Revision to the Medical Assistance Intellectual and Developmental Disabilities Rule Concerning the Inclusion of Consumer Directed Attendant Support Services (CDASS) in the Home and Community Based Services Supportive Living Services (HCBS-SLS) Waiver Program, Section 8.500.90

Adam Tucker, IDD Programs Services Section, Katherine McGuire, and Rhyann Lubitz presented the proposed rule and explained the purpose of the revisions are to include CDASS into the HCBS-SLS waiver. The proposed revisions were reviewed, health maintenance service was added and the future is to mirror CDASS services in other waivers. Stakeholder outreach was discussed.

Board Discussion

A discussion regarding waiver redesign was held. Language was suggested in health maintenance, making a change from broken to injured for skin care.

Public Testimony

Linda Skaflen, Arc of Adams County, supports including CDASS into the HCBS-SLS waiver. The definition of Authorized Representative is in statute.

Geri Frohne, advocate, stated the monetary limits are not good, it was clarified that personal care monetary limits are outside of the Service Plan Authorization Limit (SPAL).

Eileen Forlenza, parent and advocate, applauds the effort by the department.

Maureen Welch, parent and advocate, is in support of the expansion, including living wage for workers, cost savings for state. SPAL limits are a concern.

Lauri Phipps, parent and advocate, provided a written statement by Christy Blakely. SPAL has a medical need, health maintenance is outside of the SPAL. There is a 40hr limit of care on a family member.

Mary Jo Rymer, Arc of Colorado, supports the department in waiver redesign and supports the rule revision.

Katherine Carol, parent and advocate, supports the proposed revisions. It was requested the department look to the future of technology for

individuals. The HCBS-SLS waiver has limit of \$10k lifetime of waiver, which is renewed every 5 years and resets the pot.

Bob Lawhead, Colorado Developmental Disabilities Council, requested respite services be added and include the addition of homemaker, personal care and respite services to items covered under the SPAL.

Mr. Stahl moved for the approval of the errata sheet, Dr. Melinkovich seconded the motion. The Board voted 10:0:1 to adopt the errata sheet.

Ms. Moorer moved for the initial approval of Document 06. The motion was seconded by Dr. Givens.

The Board voted for the initial approval of Document 06, 10:0:1.

DOCUMENT 07, MSB 17-01-18-A

Revision to the Medical Assistance Rule Concerning Managed Care Grievance and Appeals, Section 8.209

Colleen McKinney, Behavioral Health and Managed Care Section, and Melissa Eddleman presented the proposed rule and explained the purpose is to align with new federal regulations. A review of revisions was provided and the stakeholder outreach process was explained.

Board Discussion

None

Public Testimony

Bethany Pray, Colorado Center on Law & Policy, requested the timeframes in the notice should be clear, as it is required in section 8.057.13. The notice should also clarify the appeals process, adverse costs. A standard appeals process for Medicaid was discussed, this rule is regarding the new Managed Care regulations only. In future revisions the process will be aligned with fee for service.

Joshua Ewing, Colorado Hospital Association, supports the rule and suggested that dually diagnosed individuals, the diagnosis and treatment recommended and reason of denial be expanded in data collection for further analysis. The department will review the request.

Dr. Sandra Fritsch, Children's Hospital, requested a robust data reporting system be available and transparent.

Dr. Melinkovich moved for the initial approval of Document 07. The motion was seconded by Mr. Stahl.

The Board voted for the initial approval of Document 07, 11:0.

DOCUMENT 08, MSB 17-01-30-A – was pulled

DOCUMENT 09, MSB 17-02-23-A

Revision to the Medical Assistance Rule Concerning the definition of a Caretaker Relative at Section 8.100.1

Ana Bordallo, Eligibility Policy Section, presented the proposed rule and explained rule revision is to align with the State Plan.

Board Discussion

None

Public Testimony

None

Dr. Lippolis moved for the initial approval of Document 09. The motion was seconded by Ms. Roberts.

The Board voted for the initial approval of Document 09, 11:0.

DOCUMENT 10, MSB 17-02-23-B

Revision to the Medical Assistance Rule Concerning Persons Requesting Long-Term Care through Home and Community Based Services (HCBS) or the Program of All-Inclusive Care for the Elderly (PACE), Section 8.100.7.B.1

Eric Stricca, Eligibility Policy Section, presented the proposed rule and explained rule revisions. The purpose is to bring the rule into alignment with state statute and the stakeholder outreach process was explained.

Board Discussion

None

Public Testimony

None

Ms. Moorer moved for the initial approval of Document 10. The motion was seconded by Mr. Stahl.

The Board voted for the initial approval of Document 10, 11:0.

C. Consent Agenda Motion

Dr. Melinkovich moved to place Document 02, 03, 04, 06, 09 and 10 on the Final Permanent Adoption by Consent agenda. The motion was seconded by Mr Stahl. The vote to include Document 06 on consent was approved, 6:4:1. A vote to include Documents 02, 03, 04, 09 and 10 was approved 7:4.

D. Closing Motion

Mr. Stahl moved to close the rules portion of the agenda. The motion was seconded by Mr. Potts. The Board voted to close the rules portion of the agenda, 11:0.

Open Comments

Department Updates

- Department Updates/Questions – Gretchen Hammer, Medicaid Director, Deputy Executive Director
- Legislative & Budget Update

The meeting was adjourned at 1:25 p.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, May 12, 2017 in the 11th floor conference room at 303 East 17th Avenue, Denver, CO.

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 or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.