



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

DRAFT MINUTES OF THE MEETING OF THE MEDICAL SERVICES BOARD

303 East 17th Avenue, 11th Floor Conference Room
Denver, CO

February 12, 2016

1. Call to Order

Brenda LaCombe called the meeting to order at 9:00 a.m.

2. Roll Call

The Board Coordinator called the roll. There were sufficient members for a quorum with ten members participating and one member excused. Dr. Melinkovich and Dr. Young participated by telephone conference call.

A. Members Present

Patricia Givens, Bregitta Hughes, Jessica Kuhns, Brenda LaCombe, Paul Melinkovich, Amanda Moorer, David Potts, Donna Roberts, Mike Stahl and Mary Trujillo-Young.

B. Members Excused

Christy Blakely

C. Staff Present

Gretchen Hammer, Deputy Executive Director/Director, Health Programs Office; Jennifer Weaver, First Assistant Attorney General; Judi Carey, MSB Coordinator; and Dan Hutchinson, Staff Support

3. Announcements

Ms. LaCombe announced that the next Medical Services Board Meeting will be held in the 11th floor conference room at 303 East 17th Avenue in Denver on Friday, March 11th 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 turn cell phones off while in the meeting room as they interfere with the recording equipment.

4. Approval of Minutes

Mr. Stahl moved for the approval of the December minutes. The motion was seconded Ms. Kuhns. There were no comments and the minutes were approved as submitted, 9:0.

5. Rules

Dr. Givens made a motion that all emergency rules that are adopted at this meeting 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 Mr. Stahl and approved by a vote of 9:0.

Dr. Young joined the meeting.

A. EMERGENCY ADOPTION AGENDA

1) Document 01 MSB 15-05-27-E

Revision to the Medical Assistance Health Programs Benefits Management Rule Concerning Supervision Requirements for Registered Nurses at Local Public Health Agencies, Section 8.200

Richard Delaney, Health Programs Benefits Management Section, and Amanda Forsythe, Health Programs Operations Section, presented the proposed rule and explained that the justification for the emergency status is the preservation of public health, safety and welfare. It revises the supervision requirements for vaccination administration services rendered by Registered Nurses at Local Public Health Agencies.

Board Discussion

Board discussion and questions included: that there is appreciation for allowing nurses to provide services based on their scope of practice; that these services are able to be provided at a much lower cost; an explanation of the term "general supervision"; and that this issue was not addressed earlier because it just recently came to the Department's attention during the new provider revalidation process.

Public Testimony

Lynn Trefren, Colorado Department of Public Health and Environment

Lisa N. VanRaemdonck, Colorado Association of Local Public Health Officials -
Written

Rachel K. Herlihy, Colorado Department of Public Health and Environment –
Written

N. Mark Richards, Larimer County Board of Health - Written

Public testimony included appreciation for the consideration of this rule on an emergency basis.

Ms. Roberts moved for the emergency adoption of Document 01. The motion was seconded by Ms. Hughes.

The Board voted for the emergency adoption of Document 01, 10:1.

Zach Lynkiewicz, Legislative Liaison, presented the Legislative Update.

B. FINAL PERMANENT ADOPTION by CONSENT AGENDA

1) Document 02 MSB 15-10-29-A

Revision to the Medical Assistance Home and Community Based Services for Elderly Blind and Disabled Rule Concerning Adult Day Section 8.491

2) Document 03 MSB 15-10-19-A

Revision to the Medical Assistance Health Programs Rule Concerning Rural Health Clinics, Reimbursement, Section 8.740.7

Mr. Stahl moved for the final permanent adoption by consent of Documents 02 and 03. The motion was seconded by Ms. Roberts.

The Board voted for the final permanent adoption by consent of Documents 02 and 03, 10:0.

C. FINAL PERMANENT ADOPTION AGENDA

1) Document 04 MSB 15-10-09-A

Revision to the Medical Assistance Long-Term Services and Supports Rule Concerning Consumer Directed Attendant Support Services, Section 8.510

Ryhann Lubitz and Bonnie Rouse, Long-Term Services and Supports Benefits Section, presented the proposed rule and explained that there were no changes made from emergency version presented in December. It removes the Agency with Choice (AwC) employment model, adds a requirement that clients maintain a relationship with at least two attendants, and adds a requirement that vendor portals include prompts to verify all that requirements and forms have been completed before a Prior Authorization Request is approved.

Board Discussion

Board discussion and questions included that the Department has been working with agencies since December and progress on this change is slow but steady.

Public Testimony

There was no public testimony on Document 04.

Ms. Moorer moved for the final permanent adoption of Document 04. The motion was seconded by Ms. Roberts.

The board voted for the final permanent adoption of Document 04, 10:0.

D. INITIAL APPROVAL AGENDA

1) Document 05 MSB 15-10-27-A

Revision to the Medical Assistance Special Financing Rule Concerning Colorado Dental Health Care Program for Low-Income Seniors, 10 CCR 2505-10, Section 8.960.

Nancy Dolson, Special Financing Division, presented the proposed rule and explained that it clarifies the descriptions of covered dental services for the Low-Income Senior Dental grant program to ensure the rule is in compliance with state statute.

Board Discussion

Board discussion and questions included: that if there are changes to the fee schedule, the board will have to adopt a new version of the rule; that there was no other practical way to publish the fee schedule; that this rule doesn't change the current program or policy, it addresses technical issues raised by the Office of Legislative Legal Services; and that department staff expect that changes to the rule will be infrequent.

Public Testimony

Eileen Doherty, Colorado Gerontological Society

Tastunga Moore, Colorado Gerontological Society

Theodis Moore, Colorado Gerontological Society

Miguel Andrade, Colorado Gerontological Society

Public testimony included: that grant recipients and stakeholders are requesting policy changes for how soon dentures can be placed after the teeth are extracted; that there are stakeholder concerns about how long it takes to have dentures placed after teeth have been pulled; the challenges clients are having due to the amount of time they have to wait to have dentures placed; that this discussion is outside the scope of this rule; that department staff are convening an advisory council meeting to discuss this issue; and that further information will be provided at the next meeting.

Mr. Stahl moved for the initial approval of Document 05. The motion was seconded by Dr. Givens.

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

Dr. Young left the meeting during the discussion of Document 05.

2) Document 06 MSB 15-11-20-A

Revision to the Medical Assistance Finance Office Payment Reform Section Hospital Services Rule Concerning Definition for Trim Point Day, Section 8.300.1

Diana Lambe and Shane Mofford, Payment Reform Section, presented the proposed rule and explained that the intent of the revision is to update the standard deviation amount to bring the rule into alignment with current practice.

Board Discussion

There was no board discussion on Document 06.

Public Testimony

There was no public testimony on Document 06.

Mr. Potts moved for the initial approval of Document 06. The motion was seconded by Ms. Roberts.

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

E. Consent Agenda Motion

Mr. Stahl moved to place Document 05 and 06 on the Final Permanent Adoption by Consent agenda. The motion was seconded by Ms. Moorer and approved, 9:0.

F. Closing Motion

Dr. Givens moved to close the rules portion of the agenda. The motion was seconded by Mr. Stahl and approved, 9:0.

6. Open Comments

No one signed up for public comment in the open forum.

7. Department Updates

- Legislative Update –Zach Lynkiewicz, Legislative Liaison
- Hospital Provider Fee, House Bill 1293 Update – Nancy Dolson, Special Financing Division
- Special Financing Division Overview – Nancy Dolson, Special Financing Division
- County Engagement Update, Crestina Martinez, Government Relations and Partner Outreach
- Department Updates/Questions – Gretchen Hammer, Medicaid Director, Deputy Executive Director

8. The meeting was adjourned at 11:45 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, March 11, 2016 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 judith.carey@state.co.us or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.