



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

February 10, 2017

Call to Order

Ms. Blakely called the meeting to order at 9:05 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 Moorner, An Nguyen, David Potts, Donna Roberts and Mike Stahl.

B. Members Excused

C. Staff Present

Gretchen Hammer, Medicaid Director, Deputy 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, March 10th 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

Mr. Potts moved for the approval of the minutes with requested changes. The motion was seconded by Dr. Nguyen. There were no comments and the minutes were approved as submitted, 9:0:1.

Legislative & Budget Update

Rules

A. Emergency Adoption Agenda

Mr. Stahl moved to hear the emergency rule. The motion was seconded by Dr. Melinkovich. The Board voted to hear the emergency rule 10:0.

Document 01, MSB 17-01-29-A

Revision to the Medical Assistance Rule Concerning Physician Services, Section 8.200

Amanda Forsythe, Health Programs Operations Section, presented the proposed rule and explained purpose of the emergency rule was to comply with the one year agreement with CDPHE. The proposed rule aligns medicaid billing with the DORA scope of practice.

Board Discussion

A discussion regarding the legality and constitutional review performed by the AG office was held. The scope of practice is defined by DORA and the department has no authority to define scope of practice.

Public Testimony

Dr. Randall Clark, Colorado Society of Anesthesiologists – Respectfully reject the language proposed by the department. Incorrect statements can create ambiguity. There are no DORA rules on delegated nurse services.

Joshua Ewing, Colorado Hospital Association – In support of the rule. The clear reference to DORA is very helpful.

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

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

B. Final Permanent Adoption by Consent Agenda

DOCUMENT 02, MSB 16-09-21-A

Revision to the Medical Assistance Rule Concerning Federally Qualified Health Center Reimbursement, Section 8.700.6

DOCUMENT 03, MSB 16-08-16-A

Revision to the Medical Assistance Rule Concerning Medical Eligibility for Individuals Residing in Community Correction Facilities and Inmates of Correctional Institutions, Sections 8.100.3.B.1, 8.100.3.G.1.b and 8.100.5.C.5

DOCUMENT 04, MSB 16-10-24-A

Revision to the Medical Assistance Program Pharmacy Benefit Rules Concerning Pharmaceuticals, Section 8.800

Dr. Melinkovich moved for the final permanent adoption of Document 02, 03 and 04. The motion was seconded by Ms. Roberts.

The Board voted for the final approval of Document 02, 03 and 04 11:0.

C. Final Permanent Adoption Agenda

DOCUMENT 05, MSB 16-08-24-A

Revision to the Medical Assistance Rule Concerning Physician Services, Section 8.200

Amanda Forsythe, Health Programs Operations Section, presented the proposed rule and explained the purpose of the rule was to align the Medicaid billing practices for nurses with the scope of practice approved by DORA.

Board Discussion

A discussion about the rule not changing the scope of practice for nurses, only the billing practices of Medicaid was held. Also there was a discussion regarding the outreach the department performed over the last month.

Public Testimony

NA

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

The Board voted for the initial approval of Document 05, 11:0.

D. Initial Agenda

DOCUMENT 06, MSB 16-09-21-A

Revision to the Medical Assistance Rule Concerning the \$20 Unearned Income Disregard, Section 8.100.5.H.4.a

Eric Strica, Eligibility Policy Section, presented the proposed rule and explained the purpose of the rule is to correct how the disregard is applied to comply with CMS interpretation. Traditionally the department applied the \$20 disregard to unearned income only. The new guidance from CMS applies the disregard to both earned and unearned income.

Board Discussion

A discussion of possible state options to increase the limit of the disregard was held. Also it was determined that some individuals that previously did not qualify due to the old process may now qualify.

Public Testimony

NA

Ms. Moorer 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, 11:0.

E. Consent Agenda Motion

Mr. Stahl moved to place Document 06 on the Final Permanent Adoption by Consent agenda. The motion was seconded by Ms. Moorer and approved, 11:0.

F. Closing Motion

Ms. Roberts moved to close the rules portion of the agenda. The motion was seconded by Dr. Lippolis. The Board voted to close the rules portion of the agenda, 11:0.

Open Comments

NA

Department Updates

- Department Updates/Questions – Gretchen Hammer, Medicaid Director, Deputy Executive Director

The meeting was adjourned at 11:04 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, January 13, 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.