



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

DRAFT - MINUTES OF THE MEETING OF THE MEDICAL SERVICES BOARD

The Capitol Center
303 East 17th Avenue, 7th Floor Conference Room

January 9, 2015

1. Call to Order

President Stahl called the meeting to order at 9:05 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. Timothy Fox and Ginny Riley participated by telephone conference call.

A. Members Present

Timothy Fox, Patricia Givens, Bregitta Hughes, Brenda LaCombe (Vice-President) Paul Melinkovich, Amanda Moorer, Ginny Riley, Donna Roberts, Mike Stahl (President), and Mary Trujillo-Young.

B. Members Excused

Christy Blakely

C. Staff Present

Tom Massey, Deputy Executive Director, Chief Operating Officer; Jennifer Weaver, First Assistant Attorney General; Judi Carey, MSB Coordinator; and Dan Hutchinson, Staff Support

3. Announcements

Mr. Stahl announced that the next Medical Services Board Meeting will be held in the 7th floor conference room at 303 East 17th Avenue in Denver on Friday, February 13, 2015 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 80. 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

Dr. Givens moved for the approval of the December minutes. The motion was seconded by Dr. Melinkovich. There were no comments and the minutes were approved as submitted, 9:0:1. Ms. Roberts abstained from the vote.

5. Rules

Dr. Melinkovich 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 Ms. Roberts and approved by a vote of 10:0.

A. EMERGENCY ADOPTION AGENDA

1) Document 01 MSB 14-10-17-A

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

Ms. Roberts moved for the emergency adoption of Document 01. The motion was seconded by Dr. Givens. Nancy Dolson, Special Financing Division, presented the proposed rule and explained that it implements SB 14-180, providing for a new program to offer dental services to low income seniors.

Ms. Riley stated she is director of the agency that includes the Area Agency on Aging.

Board Discussion

Board discussion and questions on Document 01 included: that this rule is presented on an emergency basis so that grant applications can begin in preparation of services being offered on July 1; that concerns raised by the Dental Advisory Committee were able to be addressed; that this fee schedule is 70% higher than the Medicaid fee schedule; that the legislation specified that existing procedure codes and fee schedules, in place from the outgoing program at the Department of Public Health and Environment, be used; and that there is a yearly reporting requirement for this program and the Department will be monitoring and reporting on these fees.



Public Testimony

Pat Cook, Colorado Gerontological Society

Jennifer Goodman, Colorado Dental Association

Public testimony included: that the process of reimbursing providers based on invoice after the work is completed is more like a contract than a grant; a request that an amount equal to 1/12th of the grant award be paid up front to provide agencies working capital; that reimbursing on invoice amounts after the work is completed may serve as a disincentive to providers; that there be better communication and coordination for clients who participate in the Medicare Buy-In program; that, as dental care for seniors improves, there are improvements in social skills too; that consideration will be given to revising the rule to offer an upfront sum at the time the grant is awarded when it is presented for permanent adoption; that many providers of dental services for seniors are small non-profit organizations; that even though reimbursement rates are 70% higher than Medicare, they are still below 50% of market rates and are in the range of rates for the Child Health Plan *Plus* program; and a recommendation to get the program rolled out and then make needed adjustments.

The Board voted for the emergency adoption of Document 01, 10:0.

2) Document 02 MSB 14-11-04-A

Revision to the Medical Assistance Special Financing Division Rule Concerning Hospital Provider Fees Collection and Disbursement, Section 8.2000

Dr. Young moved for the emergency adoption of Document 02. The motion was seconded by Ms. Roberts. Matt Haynes, Special Financing Division, presented the proposed rule and explained that the changes update the provider fee and payment calculations and streamline the program and make it less complex.

Board Discussion

Board discussion and questions on Document 02 included: that all patients who present at an Emergency Department must be medically screened; how are the number of low acuity patients seen in the ED reconciled with this rule; that the measurement criteria used for EDs is process-based not outcome based; that the quality measures will be provided in writing for next month; that all hospitals are in agreement with this rule; and that Psychiatric hospitals are excluded from fees and reimbursements because they participate in the BHO process.

Public Testimony

There was no public testimony on Document 02.



The Board voted for the emergency adoption of Document 02, 10:0.

B. FINAL PERMANENT ADOPTION BY CONSENT AGENDA

1) Document 03 MSB 14-10-31-A

Revision to the Medical Assistance Eligibility Rule Concerning a Rule Citation Correction, Section 8.100.7.B.1.c and 8.100.7.B.2.c

2) Document 04 MSB 14-07-28-A

Revision to the Medical Assistance Health Programs Benefits and Operations Physician Services Rule Concerning Podiatry Services, Section 8.200.3.A.8 (8.200.3.D)

Ms. Roberts moved for the final permanent adoption by consent of Documents 03 and 04. The motion was seconded by Dr. Givens

The Board voted for the final permanent adoption by consent of Documents 03 and 04, 10:0.

C. FINAL PERMANENT ADOPTION AGENDA

1) Document 05 MSB 14-10-28-A

Revision to the Medical Assistance Eligibility Rule Concerning Allowable Deductions, Section 8.100.4.C.1.d

Ms. Hughes moved for the emergency adoption of Document 05. The motion was seconded by Ms. Roberts. Marivel Guadarrama and Ana Bordallo, Eligibility Determination Policy Section, presented the proposed rule and explained that it brings the rule in line with federal regulations.

Board Discussion

Board discussion and questions on Document 05 included: that this list of allowable deductions and the 5% income disregard are two different things; that the 5% income disregard is only for those who are not otherwise eligible; that the Department is using FAQ documents to communicate this; that CBMS is programmed for the common deductions; and that staff will work directly with clients who have less common deductions.

Dr. Melinkovich made a motion to revise text at Section 8.100.4.C.1.d to add "included but not limited to...".

Public Testimony

Bethany Pray, Colorado Center on Law and Policy



Public testimony on Document 05 included: that there needs to be some language stating that this list is not exhaustive; and that clients should review all deductions with a technician.

The Board voted for the final permanent adoption of Document 05 as amended, 10:0.

2) Document 06 MSB 14-07-15-B

Revision to the Medical Assistance Community Living Benefit Rule Concerning In-Home Support Services, Section 8.552

Ms. Moorer moved for the final permanent adoption of Document 06. The motion was seconded by Ms. Roberts. Candie Dalton, Long-Term Services and Supports Benefits Section, presented the proposed rule and explained that the changes implement HB 14-1357 passed last session.

An "R-page" was submitted with changes to align the rule to the legislation.

Dr. Melinkovich moved for the inclusion of the "R-page." Ms. Roberts seconded the motion. The motion was approved, 10:0

Board Discussion

There was no board discussion on Document 06.

Public Testimony

David Bolin, Accent on Independence

Public testimony on Document 06 included: that the changes made are supported by stakeholders and appreciation to Department staff.

The Board voted for the final permanent adoption of Document 06, 10:0.

D. TABLED RULE FOR FINAL PERMANENT ADOPTION AGENDA

1) Document 07 MSB 14-05-08-A

Revision to the Medical Assistance Rule Concerning Early & Periodic Screening, Diagnostic & Treatment (EPSDT) Personal Care, Section 8.535

Ms. Roberts made a motion to remove Document 07 from the table for consideration for final permanent adoption. The motion was seconded by Dr. Melinkovich. Valerie Baker-Easley, Health Programs Benefits Management Section, presented the proposed rule and explained the work with stakeholders and the changes that were made since the last presentation. Ms. Easley identified an error in the numbering of the rule and stated that a technical change would be requested to correct it.



Board Discussion

There was no board discussion on Document 07.

Public Testimony

Bethany Pray, Colorado Center on Law and Policy

Guin Blodgett

Sarah Engles, People Care Health Services

Public testimony on Document 07 included: discussion about EPSDT requirements; that there are multiple definitions for Medical Necessity and the one used in this rule is the State Plan definition; that the EPSDT definition for Medical Necessity should be referenced in this rule; that duplicative services cannot be provided as Personal Care services and School Based Health Services both; that an individualized review would be performed in extenuating circumstances; that the Department plans to form a Benefits Collaborative to determine one comprehensive definition of Medical Necessity; that Individualized Education Programs/Plans (IEP) are very different in different districts; that schools look at IEPs based on learning capability not personal needs; that the Department will review the issues around the Personal Care benefit and School Based Health Services and come back with answers; that trainings and FAQs will be developed and posted on the Department web site to help with understanding; that there have been numerous opportunities for stakeholder involvement and debates have been very productive; that it is understood that this is a tool and not an end all, be all; that agencies understand that additional documentation will be used in determining appropriate services; and that this rule should be passed and implemented so that services can be provided.

Board members stated that they were comfortable with adopting the rule as is, with clarification around the School Based services coming later.

The Board voted for the final permanent adoption of Document 07, 10:0

Dr. Givens moved to close the rules portion of the agenda. The motion was seconded by Ms. Roberts. The motion was approved, 10:0.

6. Open Forum for Public Comments

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

7. Department Updates

- MMIS Update - Parrish Steinbrecher, Health Information Office Provider
Payments Division



- Provider Recruitment and Participation - Gretchen Hammer, Medicaid Director, Health Programs Office Director
- Department Updates/Questions – Tom Massey, Deputy Executive Director, Policy, Communication and Administration Office Director

8. The meeting was adjourned at 12:15 p.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, February 13, 2015, in the 7th floor conference room at 303 East 17th Avenue, Denver, CO.

Reasonable accommodations will be provided upon request for persons with disabilities. Please notify the Medical Services 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.

