



## 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

January 13, 2017

#### **Call to Order**

Ms. Blakely called the meeting to order at 9:02 a.m.

#### **Roll Call**

The Board Coordinator called the roll. There were sufficient members for a quorum with ten members participating.

#### **A. Members Present**

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

#### **B. Members Excused**

Paul Melinkovich

#### **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, February 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

Dr. Lippolis moved for the approval of the minutes. The motion was seconded by Ms. Moorer. There were no comments and the minutes were approved as submitted, 9:0.

## Legislative & Budget update

Dr. Givens arrived at 9:09am

## Rules

### A. Final Permanent Adoption by Consent Agenda

1) DOCUMENT 01, MSB 16-10-24-B

Revision to the Child Health Plan Plus Eligibility Rules Concerning, Section 10 CCR 2505-3

Ms. Moorer moved for the final permanent adoption of Document 01. The motion was seconded by Ms. Kuhns.

The Board voted for the initial approval of Document 01, 10:0.

Ms. Blakely moved to place Document 02 on to the Final Agenda, for discussion. The motion was seconded by Dr. Lippolis.

The Board voted to place Document 02 on the Final Agenda for discussion, 10:0.

### B. Final Agenda

1) DOCUMENT 02, MSB 16-08-24-A

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

Amanda Forsythe requested Jennifer Weaver expound on the comments regarding statute citations received from Sherman and Howard. Ms. Forsythe clarified that the department is not attempting to circumvent DORA they are the agency that oversees the licensing. The revision is to align the rules with DORA.

### Board Discussion

Board discussion included the proposed rule is following state statute and regulations are more specific than statute. There is no change at the federal level, this rule revision is to align with DORA's rules.

### Testimony

Joseph Bronesky Sherman and Howard – recommended the rule refers to both statute and regulation and add clarifying language in the rule regarding unsupervised and supervised.

Dr. Randall Clark, Colorado Society of Anesthesiologists – available to answer questions from the Board.

It was decided that the rule will be tabled and a revised emergency rule will be presented in February based on the discussion.

Mr. Potts moved to table Document 02. The motion was seconded by Dr. Lippolis.

The Board approved tabling Document 02, 10:0.

## **C. Initial Agenda**

### 1) DOCUMENT 03, MSB 16-09-21-A

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

Erin Johnson, Fee for Service section, presented the proposed rule and explained the reimbursement methodology for Federally Qualified Health Care Centers. The department is proposing an alternative methodology, aligning with federal guidance.

### Board Discussion

None

### Public Testimony

None

Ms. Moorer moved for the initial approval of Document 03. The motion was seconded by Ms. Kuhns.

The Board voted for the initial approval of Document 03, 10:0.

2) DOCUMENT 04, 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

Eric Stricca, Eligibility Policy Section, presented the proposed rule and explained purpose of the rule revision is to come into alignment with federal policy and clarify the inmate rule regarding services.

Board Discussion

The discussion included the eligibility requirements for halfway houses, they are the same as the eligibility requirements for all members, and also a clarification regarding freedom of movement. The population impacted by this rule must have freedom of movement.

Public Testimony

None

Dr. Givens 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, 10:0.

3) DOCUMENT 05, MSB 16-10-24-A

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

January Montano, Pharmacy Unit, presented the proposed rule and explained the revisions are a technical cleanup of rule from the efficiency review performed in 2015.

Board Discussion

None

Public Testimony

Peter Komlos-Hrobsky, Colorado Legal Services – Requested that the department cover the drugs used to treat seizures beyond ESDT.

Raymond Huck, parent – Gave a personal story in support of expanding the drugs used to treat seizures beyond ESDT.

Todd Peterson, parent – Gave a personal story in support of expanding the drugs used to treat seizures beyond ESDT and also stated 1 other state does provide the drugs to adults.

The cost of the drug was determined to be \$38 per day and about \$14 thousand a year.

Dr. Nguyen moved for the initial approval of Document 05. The motion was seconded by Ms. Hughes.

The Board voted for the initial approval of Document 05, 10:0.

#### **D. Consent Agenda Motion**

Ms. Moorer moved to place Document 03, 04, 05 on the Final Permanent Adoption by Consent agenda. The motion was seconded by Ms. Kuhns and approved, 10:0.

#### **E. Closing Motion**

Dr. Lippolis moved to close the rules portion of the agenda. The motion was seconded by Ms. Moorer. The Board voted to close the rules portion of the agenda, 10:0.

#### **Open Comments**

None

#### **Department Updates**

- Medical Transportation – Elizabeth Reekers-Medina, Contract Compliance Specialist
- Durable Medical Equipment Upcoming Rule Revision - January Montano, Pharmacy Unit
- Update from Paul Ritzma
- Department Updates/Questions – Gretchen Hammer, Medicaid Director, Deputy Executive Director

#### **The meeting was adjourned at 11:15 a.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, February 10, 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](mailto:chris.sykes@state.co.us) or the 504/ADA Coordinator [hcpf504ada@state.co.us](mailto:hcpf504ada@state.co.us) at least one week prior to the meeting.