



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

MINUTES OF THE MEETING OF THE MEDICAL SERVICES BOARD

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

July 10, 2015

1. Call to Order

Mike 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. Dr. Young participated by telephone conference call.

A. Members Present

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

B. Members Excused

David Potts

C. Staff Present

Laurel Karabatsos, Deputy Director, Health Programs Office; 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, August 14th 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. Melinkovich moved for the approval of the June minutes. The motion was seconded by Ms. Blakely. There were no comments and the minutes were approved as submitted,9:0.

5. Rules

A. FINAL PERMANENT ADOPTION AGENDA

1) Document 01 MSB 15-02-19-A

Revision to the Medical Assistance Long-Term Services and Supports Benefit Division Rule Concerning Home and Community Based Services for Persons with Spinal Cord Injury, Section 8.517.

Ms. Blakely moved for the final permanent adoption of Document 01. The motion was seconded by Ms. Roberts. Candace Bailey and Samantha Saxe, Community Living Home and Community Based Services Benefits Unit, presented the proposed rule and explained that it updates terminology, allows for additional providers, includes a five year program extension, adds hospital level of care eligibility, and eliminates the wait list.

Board Discussion

Board discussion and questions included: that no determination has been made on changing the term "client" to "individual" in all of the waivers; that no changes were made to the rule from last month; and that clients who have private insurance can qualify for the waiver if they meet all other criteria.

Dr. Givens arrived during the board discussion.

Public Testimony

There was no public testimony on Document 01

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

2) Document 02 MSB 15-04-23-A

Revision to the Medical Assistance Pharmacy Rule Concerning Durable Medical Equipment and Disposable Medical Supplies Provider Rate Increase, Section 8.590.7.I

Ms. Roberts moved for the final permanent adoption of Document 02. The motion was seconded by Dr. Melinkovich. Carrie Smith, Client and Clinical Care Office Pharmacy Unit, presented the proposed rule and explained that it implements a rate increase of .5% that was authorized by the legislature.

Board Discussion

Board discussion and questions included that the reason this rate is in rule and must come before the board for changes is that it is manually priced.

Public Testimony

There was no public testimony on Document 02.

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

3) Document 03 MSB 15-05-04-A

Revision to the Medical Assistance Rates Section Rule Concerning Payments For Outpatient Hospital Services, Section 8.300.6

Dr. Melinkovich moved for the final permanent adoption of Document 03. The motion was seconded by Ms. Roberts. Andrew Abalos, Finance Office Payment Reform Section, presented the proposed rule and explained that it implements a .5% rate increase authorized by the legislature.

Board Discussion

There was no board discussion on Document 03

Public Testimony

There was no public testimony on Document 03.

The Board voted for the emergency adoption of Document 03, 10:0.

B. INITIAL APPROVAL AGENDA

1) Document 04 MSB 15-05-27-B

Revision to the Medical Assistance Eligibility Rule Concerning the Use of Private Disability Income, Section 8.100.4.C.

Ms. Moorer moved for the initial approval of Document 04. The motion was seconded by Ms. Roberts. Marivel Guadarrama and Geoffrey Oliver, Health Information Eligibility Policy Section, presented the proposed rule and explained that, for MAGI eligibility determination, some private disability income is not taxable and that the determination is dependent upon who pays the premium.

Board Discussion

Board discussion and questions included: that this is a very complicated issue; that the department has been working to untangle the provisions of the law; that, when a technician enters the information into the system, the system will make the determination; that the training will be on a basic level; that most applicants who have private disability insurance have claimed it on prior tax returns; and that general information on what is taxable and what is not is provided to applicants.

Public Testimony

Josh Winkler, ADAPT

Public testimony included: that this is complicated; that it further shows the difference between the expansion population and the persons with disabilities; that there is no asset requirement for the MAGI population but there is with Medicaid clients; that this is a federal requirement; and that Medicaid clients' assets should not count against them.

The board voted for the initial approval of Document 04, 10:0.

2) Document 05 MSB 15-05-27-D

Revision to the Medicaid Eligibility Rules pursuant to changes set forth in the Balanced Budget Act of 1997 to offer up to 12-months of continuous eligibility, affecting Section 8.100.3

Ms. Blakely moved for the initial approval of Document 05. The motion was seconded by Dr. Givens. Marivel Guadarrama and Ana Bordallo, Health Information Eligibility Policy Section, presented the proposed rule and explained that it provides up to 12 months of continuous eligibility for additional categories of Medicaid for children.

Board Discussion

Board discussion and questions included: that this provision includes children eligible for the buy-in program; that redeterminations would be completed at the end of a year; that the exception to this is that, if a required monthly premium is not paid, eligibility would be discontinued; that this provision is just now being added because there was a lack of clarity around federal rules; that some language will be revised for the second reading, based on Attorney General comments.

Public Testimony

Bethany Prey, Colorado Center on Law & Policy

Public testimony included: that some of the language in the proposed rule is confusing and needs clarification; that department staff acknowledged that some changes need to be made; and that the staff will work with stakeholders to improve the language.

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

3) Document 06 MSB 15-04-17-A

Revision to the Medical Assistance Home and Community Based Services Home Modification Rule for the Persons with Brain Injury Waiver, Community Mental Health Supports Waiver, Spinal Cord Injury Waiver, and Elderly, Blind, and Disabled Waiver, Section 8.493

Dr. Givens moved for the initial approval of Document 06. The motion was seconded by Ms. Roberts. Collin Laughlin and Diane Byrne presented the rule and explained that, in order to comply with SB 15-234, it raises the dollar threshold at which occupational therapist evaluations are required and case managers may approve services without a PAR and, with CMS approval, will raise the lifetime cap for home modifications.

Board Discussion

Board discussion and questions included: that the department did not receive approval from CMS for the previous increase in the lifetime cap for home modification to \$12,500; that the budget division added the additional amount appropriated by the legislature in 2015 to the previous appropriation to come up to the \$14,000 lifetime cap; that the intent of those advocating for the increase is to raise the cap to \$20,000; and that the two appropriations are not enough to get there.

Public Testimony

Public testimony included:

Patricia L Cook, Colorado Gerontological Society - Written

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

C. Consent Agenda Motion

Dr. Melinkovich moved to place Document 06 on the Final Permanent Adoption by Consent agenda. The motion was seconded by Ms. Roberts and approved, 10:0.

D. Closing Motion

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

6. Open Comments

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

7. Department Updates

- HB 1293 Hospital Provider Fee Update – Written
- Revised Rule Format for Benefit Coverage Standard Rules Update – Jami Gazerro and Amanda Forsythe, Health Programs Office Health Programs Benefits Operations Division
- Intellectual and Developmental Disabilities Division Update – Tyler Deines, Intellectual and Developmental Disabilities Administrative Services Section
- Department Updates/Questions – Laurel Karabatsos, Health Programs Delivery System & Payment Innovation Division Director, Deputy Office Director

8. The meeting was adjourned at 11:00 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, August 14, 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 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.