



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

July 13, 2018

Call to Order

Ms. Blakely called the meeting to order at 9:31 a.m.

Roll Call

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

A. Members Present

Christy Blakely, Cecile Fraley, Patricia Givens, Charlie Lippolis, Bregitta Hughes, Jessica Kuhns, Amanda Moorer, An Nguyen.

B. Members Excused

Simon Hambidge, David Potts, Donna Roberts

C. Staff Present

Kim Bimestefer, Executive Director; Jennifer Weaver, Attorney General; and Chris Sykes, Board Coordinator

Announcements

Ms. Blakely announced the next Medical Services Board Meeting will be held at 303 East 17th Avenue, Denver, CO 80203, in the Eleventh Floor Conference Room on Friday, August 10, 2018 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.



Approval of Minutes

Ms. Moorer moved for the approval of the minutes. The motion was seconded by Ms. Hughes. There were no comments and the minutes were approved as submitted, 8:0.

County Admin Update

Rules

A. Consent Agenda

Document 01, MSB 18-03-01-B

Revision to the Medical Assistance Rule concerning the Pharmacy Prior Authorization Timeline, Section 8.800.7.B

Document 02, MSB 18-04-04-A

Revision to the Medical Assistance Rule concerning CICP State Administered Audits, Section 8.902.D (Taryn Graf, Special Financing Division) – pat cook in support

Document 03, MSB 18-04-05-B

Revision to the Medical Assistance Rule concerning the Family Support Services Loan Fund - Rescind, Section 8.613.1 (Candace Bailey, Community Options Benefits Section)

Dr. Givens moved for the final adoption of Document 01, 02 and 03. Ms. Moorer seconded the motion.

The Board voted the final adoption of Documents 01, 02 and 03 8:0.

B. Final Adoption Agenda

Document 04, MSB 18-05-15-A

Revision to the Medical Assistance Rule concerning Durable Medical Equipment Reimbursement, Section 8.590.7

Kristina Gould, Pharmacy Unit, presented the rule and explained revisions include technical updates and a mandated rate increase.

Board Discussion

NA

Public Testimony

NA

Dr. Fraley moved for the final adoption of Document 04. Ms. Moorer seconded the motion.

The Board voted the final adoption of Document 04, 8:0.

C. Initial Approval Agenda

Document 05, MSB 18-04-05-A

Revision to the Medical Assistance Rule concerning Children with Autism - Rescind, Section 8.519

Candace Bailey, Community Options Benefits Section, presented the rule and explained CMS required services open to all medically necessary children. The waiver was ended and services are now offered under EPSDT.

Board Discussion

A discussion about the children on the waiver and how they will receive care was held.

Appreciate covering children, many challenges.

Public Testimony

Maureen Welch, parent, thanked HCPF for all the work on services included in the State Plan.

Dr. Lippolis moved for the initial approval of Document 05. Ms. Hughes seconded the motion.

The Board voted the initial approval of Document 05, 8:0.

Document 06, MSB 18-05-25-A

Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Adult Day Services, Section 8.491

Cassandra Keller, Community Options Benefits Section, presented the rule and explained extensive stakeholder outreach was done. Explained revision language changes. Some stakeholder feedback can't be included at this time. The plan is to re-open the rule after CMS provides clarification. Staffing requirements are not part of the rule.

Board Discussion

A discussion about not using a staffing service and the impact on rural communities was held. Clarification of Adult Day Services and Alternative Care Facilities services occurred.

Public Testimony

Deborah Lively, LeadingAge Colorado, and Janice Brennar, LeadingAge Colorado, support updating the rule to comply with federal regulations. The direct care definition needs more discussion, along with staffing.

Gerrie Frohne, read testimony from an email. Agreement with suggested language change and again in Document 07, ACF rule.

Maureen Welch, supports the proposed language change.

Tia Saucedo, Adult Day and Respite, the use of "must" in staffing language is concerning. It is hard to find eligible employees currently.

Lori Sanchez, Morning Star Adult Day Program, coming from a small program the proposed changes to auxilliray staff impacts the program greatly.

Ms. Moorer moved to table for the initial approval of Document 06 for one month. Ms. Hughes seconded the motion.

The Board voted to table Document 06, 8:0.

5-minute break

Document 07, MSB 18-05-25-B

Revision to the Medical Assistance Home and Community Based Services for Elderly Blind and Disabled Rule Concerning Alternative Care Facilities Section 8.495

Cassandra Keller, Community Options Benefits Section, presented the rule and explained revisions included updating language, alignment with the HCBS final rule and CDPHE.

Board Discussion

Discussion included clarifying the 12 hour shift requirement.

Public Testimony

Pat Cook, Colorado Gerontological Society, requested clarification regarding discharge language. More time is better, 45 days proposed.

Deborah Lively, LeadingAge Colorado, and Terry Smelling, LeadingAge Colorado, had concerns about auxiliary staff, can agree to the proposed changes presented in Document 06. Discharge language is in the CDPHE rules and will require coordination.

Gerrie Frohne, similar concerns as in Document 06.

Ms. Moorer moved for the initial approval of Document 07 with changes discussed. Dr. Givens seconded the motion.

The Board voted the initial approval of Document 07, 8:0.

D. Consent

Dr. Lippolis moved to place Document 05 on the consent agenda. Ms. Kuhns seconded the motion.

The Board voted the consent agenda, 8:0

E. Closing Motion

Dr. Givens 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, 8:0.

Open Comments

Maureen Welch, parent

Department Updates

- Department Updates/Questions – Kim Bimestefer, Executive Director

Rule Previews

- Revision to the Pharmacy Rule concerning Over the Counter Prescriptive Authority – Kristina Gould
- Revision to the Physician Services Rule concerning Adding Pharmacist as a Provider Type – Richard Delaney
- Revision to the Pharmacy Rule concerning Immunization Benefits - Whitney McOwen
- Revision to the Federally Qualified Health Centers Rule concerning Adding the Definition of a Visit – Richard Delaney

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, August 10, 2018 at 303 East 17th Avenue, Denver, CO 80203, in the Eleventh Floor Conference Room.

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.