



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 14, 2017

Call to Order

Ms. Blakely called the meeting to order at 9:06 a.m.

Roll Call

The Board Coordinator called the roll. A quorum was present.

A. Members Present

Cecile Fraley, Patricia Givens, Bregitta Hughes, Jessica Kuhns, Charolette Lippolis, Amanda Moorer, An Nguyen, David Potts, and Donna Roberts.

B. Members Excused

Simon Hambidge

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 that the Medical Services Board will hold its next meeting in the 11th floor conference room at 303 East 17th Avenue in Denver on Friday, August 11 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. The motion was seconded by Dr. Nguyen. There were no comments and the minutes were approved as submitted, 10:0.

Rules

A. Emergency Adoption Agenda

Ms. Moorer moved for the adoption of Emergency rules. The motion was seconded by Mr. Potts.

The Board voted to hear the emergency rule, 10:0.

Document 09, MSB 17-06-29-A

Revision to the Medical Assistance Rule Concerning the Hospital Provider Fee, Section 8.2000

Nancy Dolson, Special Financing Division, presented the proposed rule and explained the rule complies with recently passed Colorado legislation. She provided background on the Enterprise legislation and how it is not subject to the TABOR revenue cap. The rule revision repeals the Hospital Provider Fee rules and replaces them with the proposed rules. Ms. Dolson explained the difference between the AG version provided and the posted version. The revisions at 8.3000 added new language that included: data reporting requirements, the fee assessment process, notification process to hospitals, payments to hospitals and quality incentive payments.

Board Discussion

The Board discussed the oversight of the new board, and how it is similar to the previous board.

Public Testimony

N/A

Mr. Potts moved for the emergency approval of Document 09. Ms. Roberts seconded the motion.

The Board voted for the final adoption of Document 09, 10:0.

B. Consent Agenda

Document 01, MSB 17-03-21-B

Revision to the Medical Assistance Benefits Rule Concerning Transgender Services, Section 8.735

Public Testimony was requested and Ms. Blakely took the rule off of consent for discussion.

Amanda Forsythe, Benefits and Operations Division and Jesse Durfee, Benefits Management Section, presented the rule and explained there were no revisions made to the rule from the initial approval.

Board Discussion

N/A

Public Testimony

Laura Reinsch – One Colorado – offered support for the rule.

Dr. Nguyen moved for the final approval of Document 01. Ms. Roberts seconded the motion.

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

C. Final Agenda

DOCUMENT 02, MSB 17-04-21-A

Revision to the Medical Assistance Benefits Rule Concerning Home Health Services, Section 8.520

Amanda Forsythe, Benefits and Operations Division and Alex Koloskus, Home Health, Private Duty Nursing, Hospice, Specialty, Chronic, Hospital Unit, presented the proposed rule and explained that this version finalizes the emergency provisions and the reorganization of the rule as a result of the regulatory efficiency review completed last year.

Board Discussion

The Board discussed labeling consistency.

Public Testimony

N/A

Mr. Potts moved for the final approval of Document 02. Ms. Roberts seconded the motion.

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

DOCUMENT 03, MSB 16-12-19-A

Revision to the Medical Assistance Rule Concerning Supports Intensity Scale Assessment and Support Levels, Section 8.612.3

Brittani Trujillo, Case Management Services, presented the proposed rule and explained the changes from the initial version. The Board reviewed the changes made in response to public testimony at the initial hearing.

Board Discussion

The Board discussed the safety risk designation performed by staff at Community Centered Boards (CCBs).

Public Testimony

Gerri Frohne – family advocate – read a prepared parent statement. She said the SIS did not capture the change in an individual and kept them at same level assessment after changes were reported and expressed concerns with the definitions. Ms. Trujillo said the Department has other processes to assist individuals if they do not receive the level of assessment they believe to be applicable – individuals can request a reassessment or a review of the assessment. Ms. Trujillo said the rule will undergo an efficiency review, and the Department will look at the definitions.

Bethany Pray – Colorado Center on Law and Policy – said she was following up on previous comments submitted at the initial hearing and requested greater transparency in the next rendition of tool.

Ms. Moorer moved for the initial approval of Document 03. Dr. Nguyen seconded the motion.

The Board voted for the final adoption of Document 03, 8:0:1.

Dr. Givens out at 10:24

DOCUMENT 04, MSB 17-03-23-B

Revision to the Federally Qualified Health Center Rule, Section 8.700

Erin Johnson, Payment Reform Section, presented the proposed rule and explained the revisions from initial meeting document.

Board Discussion

The Board discussed the Department's work with the Colorado Community Health Network on the rule.

Public Testimony

N/A

Ms. Hughes moved for the initial approval of Document 04. Ms. Roberts seconded the motion.

The Board voted for the final adoption of Document 04, 9:0.

D. Initial Agenda

DOCUMENT 05, MSB 17-03-03-A

Revision to the Medical Assistance Services for Individuals with Intellectual and Developmental Disabilities Rule Concerning CCB Transparency, Section 8.603.17

Amanda Allen, Quality and Risk Management Unit, and Yasmin Gardner, Administrative Services, presented the proposed rule and explained revisions were necessary to comply with SB 16-038 adopted by the Colorado Legislature. Revisions include, posting requirements for Community Centered Boards and added some enforcement tools for HCPF.

Board Discussion

N/A

Public Testimony

Maureen Welch – parent advocate – requested more transparency regarding CCB financial documents and that CCBS allow more time for public comment and board meetings. She provided a handout to the Board.

Geri Frohne – family advocate – said the rule places the responsibility for compliance on families. She requested the ability to submit comments anonymously. Ms. Allen said the Department will remove the text at page 7, line 1-5, and will look at options for submitting complaints anonymously.

Ms. Roberts moved for the initial approval of Document 05. Ms. Moorer seconded the motion.

The Board voted for the initial approval of Document 05, 9:0.

DOCUMENT 06, MSB 17-05-22-B

Revision to the Medical Assistance Rule Concerning Achieving Better Life Experience (ABLE) Accounts added to Definitions and Resource Requirements as an exempt resource, Section 8.100 & 8.500.M.2

Eric Stricca, Eligibility Policy Section, presented the proposed rule and explained what ABLE accounts are and how they are not counted as resources.

Board Discussion

The Board discussed the history of ABLE accounts and the income limits.

Public Testimony

Maureen Welch – parent advocate – stated that Medicaid can recoup funds from when the individual is no longer eligible for Medical Assistance. Mr. Stricca said that federal law and the Department of Higher Education have oversight of ABLE accounts, not the Department.

Mr. Potts moved for the initial approval of Document 06. Ms. Roberts seconded the motion.

The Board voted for the initial approval of Document 06, 9:0.

DOCUMENT 07, MSB 17-05-22-A

Revision to the Medical Assistance Eligibility Rule Concerning the General and Citizenship Eligibility, Section 8.100.3.G

Jennifer VanCleave, Eligibility Policy Section, and Ana Bordallo, Eligibility Policy Section, presented the proposed rule and explained that the rule aligns state regulations with federal regulations. Ms. VanCleave said the Department revised the rule after receiving clarification from the federal Centers for Medicare and Medicaid Services.

Board Discussion

The Board discussed eligibility for emergency Medicaid services.

Public Testimony

N/A

Dr. Nguyen moved for the initial approval of Document 07. Ms. Roberts seconded the motion.

The Board voted for the initial approval of Document 07, 9:0.

Revision to the Child Health Plan Plus Rules Concerning Eligibility, Section 110

Jennifer VanCleave, Eligibility Policy Section, and Ana Bordallo, Eligibility Policy Section, presented the proposed rule and explained that the rule aligns state regulations with federal regulations. Ms. VanCleave said the Department revised the rule after receiving clarification from the federal Centers for Medicare and Medicaid Services.

Board Discussion

N/A

Public Testimony

N/A

Ms. Hughes moved for the initial approval of Document 08. Ms. Roberts seconded the motion.

The Board voted for the initial approval of Document 08, 9:0.

E. Consent Agenda Motion

Ms. Moorer moved to place Document 06, 07, 08 on the Final Permanent Adoption by Consent agenda. Mr. Potts seconded the motion and the Board approved, 9:0.

F. Closing Motion

Mr. Potts moved to close the rules portion of the agenda. Ms. Kuhns seconded the motion. The Board voted to close the rules portion of the agenda, 9:0.

Open Comments

Maureen Welch – parent advocate

Department Updates

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

Rule Previews

- Revision to certain Children’s Waiver Programs – Dennis Roy, HCBS Benefits Section

The Board adjourned the meeting at 11:54 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, August 11, 2017 in the 11th floor conference room at 303 East 17th Avenue, Denver, CO.

Reasonable accommodations for persons with disabilities will be provided upon request. 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.