



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

June 9, 2017

Call to Order

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

Roll Call

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

A. Members Present

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

B. Members Excused

Mike Stahl and Christy Blakely

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. Moorer 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, July 14 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.



Additional announcements were made regarding motions to table and an upcoming rule.

Approval of Minutes

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

Rules

A. Emergency

Dr. Givens moved to hear the emergency rules, Ms. Roberts seconded the motion. The Board voted on the motion, 9:0.

DOCUMENT 01, 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 purpose of the emergency rule is to clarify payment methodology to Federally Qualified Health Centers. Inconsistent billing practices exist and the proposed revision fixes that. The rule must be implemented by July 1 to be compliant with federal regulations.

Board Discussion

Board discussion included how helpful the clarification will be to providers and outpatient services. More research is needed to be done and will be addressed at the next meeting.

Public Testimony

NA

Dr. Melinkovich moved for the emergency adoption of Document 01. The motion was seconded by Ms. Roberts.

The Board voted for the emergency adoption of Document 01, 9:0.

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 the two provisions

necessary to be compliant by July 1 with federal regulations, the service location restriction being removed and the face to face encounter.

Board Discussion

Board discussion included the home bound restriction and telemedicine. The home bound restriction was removed by CMS. Telemedicine is allowable, but cannot be reimbursed under the home health benefit. Telemedicine is reimbursable under other provisions in the Medicaid program.

Public Testimony

Elisabeth Arenales, Colorado Center on Law and Policy, is supportive of the rule revisions, and requested a slight tweak to address the kinds of providers and have them clearly delineated in rule. It was also requested that the department develop a billin code for providers, to make it easier on clients. Delineation of providers on page 14 In 35 will be included in filed version of the emergency rule.

Ellen Carruso, Home Care Association of Colorado, appreciated the stakeholder process. The federal level is in a mess and glad the state level is being clarified. It was requested that other appropriate practioners determining Home Health be included.

Mr. Potts moved for the emergency adoption of Document 02 with changes. The motion was seconded by Ms. Kuns.

The Board voted for the emergency adoption of Document 02 with changes, 9:0.

B. Tabled Motions

The Department requested to table MSB 17-01-26-A, Revision to the Medical Assistance Rule Concerning Recipient Appeals Rule, Section 8.057.

Dr. Lippolis moved to table MSB 17-01-26-A, the motion was seconded by Ms. Roberts.

The Board voted to table MSB 17-01-26-A, 9:0.

The Department requested to table MSB 17-01-30-A, Revision to the Medical Assistance Rule Concerning Vision Services, Section 8.203.

Dr. Lippolis moved to table MSB 17-01-30-A, the motion was seconded by Dr. Nguyen.

The Board voted to table MSB 17-01-30-A, 9:0.

C. Initial Agenda

DOCUMENT 03, MSB 17-03-21-B

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

Amanda Forsythe, Benefits and Operations Division and Jesse Durfee, Benefits Management Section, presented the proposed rule and explained that this is not a new benefit, just organized and placed into rule. The revision is proposed because originally services were excluded by Medicare rules, but now have been overturned. The stakeholder engagement process was explained.

Board Discussion

Board discussion included how thoughtful consideration was done in the revisions. Age was discussed and how if service is not covered under Medicaid, members can access through EPSDT if they are under 21 and have a medical need.

Public Testimony

NA

Ms. Hughes 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, 9:0.

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 department is investigating alternate tool and the interim need to update the current rule. From April to June, staff met with stakeholders to understand concerns and worked to clarify rule language. Reference to the website for additional information will be done and fact sheets will also be posted. Additionally, there are no proposed changes to the review panel. That portion of the rule will be addressed at a later date with additional stakeholder outreach.

Board Discussion

Board discussion included how the Statement of Basis and Purpose states the removal of the panel and how stakeholders requested that the review panel be left in.

Public Testimony

Claire Dickson, Disability Law Colorado, worked with staff and stated more to be done. Clarification of the process for members receiving the services is paramount and how to translate the raw score.

Gerri Frohne, family representative, supports some of the revisions. Ms. Dickson's proposal to make the process clearer are supported.

Dr. Nguyen 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, 9:0.

D. Consent Agenda Motion

Dr. Melinkovich moved to place Document 03 on the Final Permanent Adoption by Consent agenda. The motion was seconded by Dr. Lippolis and approved, 9:0.

E. Closing Motion

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

Open Comments

NA

Department Updates

- Department Updates/Questions – Gretchen Hammer, Medicaid Director, Deputy Executive Director
- Medical Services Board Vacancies announcement – Chris Sykes, Medical Services Board Coordinator

Rule Previews

- Appeals Cross-Examination Opportunity – Paul Ritzma, Legal Division

The meeting was adjourned at 10:36 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, July 14, 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 or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.