



# HB 10-1332 Colorado Medical Clean Claims Transparency and Uniformity Act Task Force

## Meeting Agenda

<b>Meeting Date:</b>	February 25, 2015; noon – 2 PM MDT
<b>Call-In Number:</b>	1-866-740-1260; ID 8586318#
<b>Web-Link:</b>	<a href="https://cc.readytalk.com/r/74edocquq06l&amp;eom">https://cc.readytalk.com/r/74edocquq06l&amp;eom</a>

### I. Housekeeping Items:

- a. Approve January 2014 meeting minutes (**Attachment A**)
- b. 2015 Task Force meeting schedule (**Attachment B**)

### II. Committee Reports

- a. Specialty Society Outreach Committee – *Alice Bynum-Gardner and Terrence Cunningham*
- b. Edit Evaluation Team – *Beth Wright, Beth Kujawski, Nancy Steinke and Wendi Healy*
- c. Data Sustaining Repository (DSR) Committee – *Mark Painter and Barry Keene*

### III. Legislative Update

- a. **SB15\_057 (Attachment C)**

### IV. Other Business

1. McKesson Response Letter (**Attachment D**)

### V. Public Comment

## Approved

## HB10\_1332 MEDICAL CLEAN CLAIMS TRANSPARENCY AND UNIFORMITY ACT TASK FORCE

Meeting Minutes  
 January 28, 2014  
 Call-in Number: 1-866-740-1260  
 Conference ID: ID 8586318#

**Attendees:**

- Anita Shabaz
- Barry Keene
- Beth Wright
- Beth Kujawski
- Beth Provost
- Doug Moeller, MD
- Kathy McCreary
- Kim Davis
- Marianne Fink
- Marilyn Rissmiller, CC
- Mark Painter, CC
- Nancy Steinke

**Staff :**

- Connor Holzkamp, Admin

**Public:**

- David Kanter (AAP)
- Diane Hayek (ACR)
- David Hitzeman, DO (AOA)
- Harrison Peery
- Heather McComas (AMA)
- Kelly Macnee (GMCB)
- Ruth Aponte (Aponte Public Affairs)

**Meeting**

**Objective (s):**  
 See Agenda

**Key:**

-TF = Task Force  
 -TFM = Task  
 Force Member  
 -CC = Co-Chair

**December 17, 2014****WELCOMING REMARKS & ROLL CALL:****Housekeeping Items:**

- Minutes from the December Task Force meeting accepted with no changes.
- The Task Force reviewed the meeting schedule for 2015. [Please click here to view the 2015 meeting schedule.](#)

**SPECIALTY SOCIETY OUTREACH – Alice Bynum-Gardner and Terry Cunningham**

- The Specialty Society continues its charge to act as the “liaison between the task force and the AMA’s Federation of Medicine, which includes 122 national specialty societies and 50 state medical societies in order to assess if public code edit and payment policy libraries meet the needs of national medical societies and state medical associations by reaching out and obtaining feedback from these groups.” The committee reported that the medical specialty societies remain on alert for the forthcoming edit review process.
- The group reported that it continues to prepare for the edit set review process, and is interested in discussing the McKesson letter and how that might affect the process.

## **EDIT EVALUATION TEAM—Beth Wright, Nancy Steinke, Beth Kujawski and Wendi Healy**

- The co-chairs for the Edit Evaluation Team have been working to develop the on-going process that will be used to develop the database and construct the common edit set, and have begun to work through the variance reports from the supplier submitted data. There are no new updates at this time.

## **DATA SUSTAINING REPOSITORY COMMITTEE – Mark Painter and Barry Keene**

- The DSR Committee has been working to draft a budget for the permanent entity that will sustain the work of the Task Force in 2017 and beyond. The draft budget was circulated to the full Task Force for review and all comments that were received were discussed during the last DSR meeting. [To view the draft budget please click here.](#)
  - The comment was made that the Task Force will need to identify several unknown variables. One example of these is the royalty/licensing agreement with the AMA.

**Action Item:** Mark will follow-up with the AMA to discuss the royalty/licensing agreement that will need to be in place for the standardized set.

- The Committee reported that it has been looking at how this work might be done by a contractor rather than employees. The discussions are currently in the early stages of development and the group will report back to the Task Force as more information becomes available.
- The next steps for the DSR Committee will be to outline the functions of the professional staff in greater detail. This will provide a more accurate picture of total cost, as well as help advance the conversation around using a contractor.

**Action Item:** The Task Force will continue to review the draft budget for the permanent entity and send any comments to Mark and Barry so that they can be discussed within the DSR Committee.

## **LEGISLATIVE UPDATE – Barry Keene, Legislative Liaison**

- The Task Force was presented with the finalized CHI/HHS proposal to measure the performance of the standardized edit set. [To view this proposal click here.](#)
  - Barry reported that the proposal had been sent to the office that reviews unsolicited proposals at CMS, and will report back to the Task Force when more information becomes available. Barry told the group to send any comments or questions to him via email or phone.
- Barry also provided the Task Force with an update on the bill that is making its way through the legislative system. He reported that the bill had passed the Senate Business Committee by unanimous vote and will now be heard by the full floor. The bill is expected to pass and has good bipartisan support. Barry will update the Task Force as more information becomes available.

## **MCKESSON LETTER RE: PROPRIETARY EDITS**

- The Task Force received a formalized letter from McKesson that describes the company's concerns regarding the release of proprietary edits, and offers a first look at how these issues might be resolved in a manner that is acceptable to both McKesson and the Task Force. The letter suggest that there may be strategies that could be implemented to protect the intellectual property of McKesson without altering the scope and/or core mission of the Task Force. At this time, the letter was brought forth solely as an item for discussion, and the goal of this meeting was not to make any decisions. The group will eventually seek consensus vote on the proposal after all the details are thoroughly vetted/clarified.
- Doug Moeller of McKesson reiterated his company's full support for the work of the Task Force, is looking forward to diving into these issues in greater detail to find a concrete solution that works for both sides. He noted that the primary concern with McKesson lies with the public release of a complete edit set, but may be open to releasing certain groups of edits to specific specialty society organizations. While this is undoubtedly a different approach than

originally planned, McKesson firmly believes that it could be done in a way that maintains the spirit and integrity of the original legislation.

- Several Task Force members applauded McKesson for the company's willingness to work collaboratively with the Task Force, and shared the optimism that a common solution could be found.
- The primary concern that was raised by Task Force members is how the proposed model will affect the overall transparency of the project, specifically as it relates to providers. To this point, the only selling point for the use of a common edit set to providers is the administrative savings that will occur from being able to download the common edit set before submitting a claim in order to avoid unnecessary denials.
- In addition to potential transparency issues, the point was made that specialty societies are going to be interested in how the work of the task force might be adopted on a national scale, and the contents of the McKesson letter may affect the project's ability to do so.

**Action Items:** The Task Force was formally asked to submit any and all comments on the McKesson letter to Mark and Marilyn as soon as possible. Additionally, Mark and Marilyn will be reaching out individually to the Task Force members to discuss each concern at length, and ensure every viewpoint is considered. The comments/issues will then be brought to the Vendor Committee, where the subgroup will discuss each issue at length before bringing back recommendations to the full Task Force for discussion and/or consensus. McKesson will continue to work with the Task Force to understand the needs of the stakeholders and refine the proposed model to meet the overall goals of both groups (McKesson and the Task Force).

## **OTHER BUSINESS**

- The Task Force formally said goodbye to two of its staff members, Connor Holzkamp and Vatsala Pathy, who will no longer be working with the group after this meeting. Vatsala was appointed the SIM director by Governor John Hickenlooper and Connor will be working under the newly established SIM office at HCPF. The Task Force wishes the best to both Vatsala and Connor and thanks them for all the hard work. A news staff member will be hired asap to take over the admin duties with the Task Force.

## **PUBLIC COMMENT:**

- Several members of the expert public echoes the Task Force's primary concerns relating to the transparency of the project. It was generally agreed to that the *transparency* of the edit set as originally devised is a key component to the success of the Task Force and should be an immediate discussion point on the McKesson letter.

<Meeting Adjourned>

## Clean Claims Task Force Meeting Schedule 2015

\*All times are in MST

Date	Meeting Time
January 28	12:00 PM - 2:00 PM
February 25	12:00 PM - 2:00 PM
March 25	12:00 PM - 2:00 PM
<b>April 21 &amp; 22</b>	Tues: 12:00 PM - 6:00 PM Wed: 8:00 AM - 2:00 PM
May 27	12:00 PM - 2:00 PM
June 24	12:00 PM - 2:00 PM
<b>July 21 &amp; 22</b>	Tues: 12:00 PM - 6:00 PM Wed: 8:00 AM - 2:00 PM
August 26	12:00 PM - 2:00 PM
September 23	12:00 PM - 2:00 PM
<b>October 27 &amp; 28</b>	Tues: 12:00 PM - 6:00 PM Wed: 8:00 AM - 2:00 PM
November 18	12:00 PM - 2:00 PM
December 16	12:00 PM - 2:00 PM

\* Red font indicates in-person meeting

Call-in Information	
Call-in Number	1-866-740-1260
Code	8586318#

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

Attachment C

INTRODUCED

LLS NO. 15-0376.01 Kristen Forrestal x4217

SENATE BILL 15-057

---

SENATE SPONSORSHIP

**Balmer**, Aguilar, Crowder, Jahn, Newell, Roberts, Woods

HOUSE SPONSORSHIP

**Williams**, Becker K., Brown, Buck, Joshi, Lontine, Melton, Navarro, Nordberg, Pabon, Priola, Ransom, Rosenthal, Roupe, Szabo, Tate, Van Winkle

---

Senate Committees

Business, Labor, & Technology

House Committees

---

A BILL FOR AN ACT

101 CONCERNING THE REPORTING REQUIREMENTS OF THE COLORADO  
102 CLEAN CLAIMS TASK FORCE.

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Current law requires the Colorado medical clean claims task force to report to the executive director of the department of health care policy and financing, the health and human services committee of the senate, and the health, insurance, and environment and public health care and human services committees of the house of representatives. The bill directs that the reports instead be submitted to the commissioner of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

insurance and to the business, labor, and technology committee of the senate and the business, labor, economic, and workforce development committee of the house of representatives.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-37-106, **amend**  
3 (2) (d) (III) (C), (2) (d) (III) (D), and (8) as follows:

4 **25-37-106. Clean claims - development of standardized**  
5 **payment rules and code edits - task force to develop - legislative**  
6 **recommendations - short title - applicability.** (2) (d) (III) (C) By  
7 January 31, 2016, the task force shall submit a final report and  
8 recommendations regarding the complete set of uniform, standardized  
9 payment rules and claim edits to the ~~executive director of the department~~  
10 ~~of health care policy and financing, the health and human services~~  
11 ~~committee of the senate, and the health, insurance, and environment and~~  
12 ~~public health care and human services committees~~ COMMISSIONER OF  
13 INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES, THE  
14 BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, AND  
15 THE BUSINESS, LABOR, ECONOMIC, AND WORKFORCE DEVELOPMENT  
16 COMMITTEE of the house of representatives OR THEIR SUCCESSOR  
17 COMMITTEES.

18 (D) On and after January 1, 2017, the task force or its successor  
19 shall review and update the standardized set of payment rules and claim  
20 edits and the recommendations submitted pursuant to this paragraph (d)  
21 at least quarterly and by December 31, 2017, and by each December 31  
22 thereafter, shall submit an annual report to the ~~executive director of the~~  
23 ~~department of health care policy and financing~~ COMMISSIONER OF  
24 INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES or to the

1 agency responsible for overseeing the task force or its successor.

2 (8) The ~~executive director of the department of health care policy~~  
3 ~~and financing~~ COMMISSIONER OF INSURANCE IN THE DEPARTMENT OF  
4 REGULATORY AGENCIES shall work with the federal department of health  
5 and human services to encourage and facilitate the use of the uniform,  
6 standardized payment rules and claim edits adopted in this state as the  
7 model for use and implementation nationally.

8 **SECTION 2. Act subject to petition - effective date.** This act  
9 takes effect at 12:01 a.m. on the day following the expiration of the  
10 ninety-day period after final adjournment of the general assembly (August  
11 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a  
12 referendum petition is filed pursuant to section 1 (3) of article V of the  
13 state constitution against this act or an item, section, or part of this act  
14 within such period, then the act, item, section, or part will not take effect  
15 unless approved by the people at the general election to be held in  
16 November 2016 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor.

# Attachment D



## COLORADO HB10\_1332 MEDICAL CLEAN CLAIMS TRANSPARENCY AND UNIFORMITY ACT TASK FORCE

February 16, 2015

Carolyn Wukitch  
Senior Vice President & General Manager  
Network and Financial Management Solutions  
McKesson Health Solutions

Dear Ms Wukitch:

The Colorado Clean Claims Task Force co-chairs and our vendor sub-committee have given careful consideration to your letter to the Task Force, dated December 19, 2014, expressing concerns about McKesson's release of Intellectual Property to the Task Force process. We would like to continue this discussion, anticipating one or more face-to-face meetings, as follows:

- The Task Force appreciates the fact that "McKesson Health Solutions ("MHS") supports the goal of the Colorado Clean Claims Task Force ("Task Force"), as set forth in the Colorado Clean Claims Act (2010), to develop a base set of standardized payment rules and claim edits to be used by payers and health providers in Colorado for processing medical claims." We at the task force have always strived to develop standardized rules and claim edits in a collaborative approach addressing the need for a reasonable and clinically based set of rules and claim edits.
- The Task Force acknowledges and understands the desire of McKesson to protect its business investment and intellectual property 'IP' in the form of auditing logic content ('edits') that would be submitted for inclusion in the Common Edit Set. We wish to work toward a solution that will meet the goals of the Task Force and provide protection to the IP of McKesson and other entities. We will continue to meet with our task force members individually and in groups to explore the concerns for the members and their constituents. Please consider our responses here as an initial step in identifying talking points for our continued discussion.

The following is our understanding of the list of McKesson concerns:

### **McKesson Concern #1:**

- **"Protection of Intellectual Property.** The Task Force will protect the confidentiality of intellectual property, including not disclosing or publishing individual, subsets or complete lists of edits in the public domain or for any purpose other than confidential review of the edits for the purpose of establishing the common edits and the ongoing maintenance of those edits."

### CCCTF Response:

- The Task Force process, as currently defined, requires that each edit source referenced by the edit supplier (e.g. AAOS or ACR) will be asked to verify correct interpretation of the sourced information. The Task Force had anticipated the release or sharing of all edits from a single source in a list or batch format; provisions to ensure the privacy of this information can be explored. For example: if the source for an edit involving back surgery is listed as CPT or CPT Assistant, the edit would be reviewed by the CPT Panel or designee for validation that the edit was appropriately developed. Qualified specialties for this review would include Neurosurgery, Orthopedic Surgery, and, perhaps, the sub-specialty of Spine Surgeons. If more than one edit fits a similar protocol the edits would be sent as a group for review.
- In addition, several large provider groups and business entities requested that the complete Common Edit Set be made available for inclusion in provider-side claims processing. The Task Force believes that this request has substantive merit and would like to consider several options including purchase of the data set with a royalty to the developer of the Intellectual Property.

### McKesson Concern #2:

- **“Protocol for Edit Reviews.** The Task Force will institute suitable protocol(s) for confidential review of submitted edits by qualified personnel. This protocol will limit the review of edit subsets to specialty specific Edit Committees consisting of representatives of entities with demonstrated coding expertise, such as Specialty Medical Associations (e.g. American College of Radiologists, or the American Association of Orthopedic Surgeons). Each member of an Edit Committee will sign a confidentiality agreement to protect the confidentiality of the edits and agree to comply with specific restrictions on the disclosure of the edits. The representatives of an Edit Committee will be able to review only those edits relating to that entity’s domain.”

### CCCTF Response:

- The CCCTF intends to adopt a process that provides the maximum amount of secure, automated data management. Current processing would delegate the primary source of edits to the sourced entity for review. The sourced entity and the clinical specialty(ies) affected by the edit would be asked to review the edit. If edits are accepted by direct comment or lack of comment after a designated review period, the edit shall be included in the Common Edit Set (CES). Edits rejected by the clinical specialists would be subject to rejection and/or the edit challenge process. The Supplier (e.g. McKesson) would be notified of any specific edit rejections. If an edit sent to more than one specialty group returns without agreement among the groups, the edit will be subject to review by the Task Force. The Task Force reserves the right to change the process over time, as required. Provisions for making these adjustments must be considered by the parties.
- The Edit Challenge process permits an edit rejected during the review phase to be first circulated among payers in Colorado to determine if a challenged edit will be defended. In this process, individual edits or small groups of edits would be released to non-specialty entities and/or payer groups that are not current clients of any particular vendor. CCCTF will require the ability to release to more than specialty organizations under specified circumstances.

### McKesson Concern #3:

- **“Protocol for Rejected Edits.** The Task Force will establish and maintain a protocol for managing rejected edits by submitter. If during initial or subsequent reviews of edits, the Task Force or a successor entity

rejects an edit for inclusion in the Common Edit Set, the Task Force shall notify the submitting entity or entities of the rejection within the required period designated for removing that edit from a Colorado health plan’s auditing logic update. Each entity in Colorado employing auditing logic for medical claims shall be restricted to accessing the edits in their own edit set as approved by the Task Force.”

CCCTF Response:

- CCCTF is exploring both process and the cost related to developing a notification protocol for the initial acceptance and/or rejection of edits to the payers and providers of Colorado. All entities using edits, subject to the Colorado Clean Claims Act, have been asked to submit all edits to be considered for inclusion in the Common Edit Set following the described process. Each submitting entity will be provided with a list of those submitted edits that were rejected. These edits cannot be used in Colorado, unless otherwise allowed by Statute. This process will increase the cost of development and delivery of the CES. Is McKesson willing to assist in off setting this cost increase?

**McKesson Concern #4:**

**“Protocol for Providers to Access Single Edits:** The Task Force will adopt an online query tool (or comparable methodology) to allow Colorado providers to access single edits in a secure environment.”

CCCTF Response:

- The Task Force understands that McKesson has a commercially available product that provides this functionality. Is McKesson willing to provide this tool for use in Colorado?

We appreciate this opportunity and hope this initial set of issues will provide you with some further insight into our group and the task we have been assigned. We look forward to speaking with you and your team in the near future. As a next step we would like to begin the process of picking a time for these discussions, with a target for an initial discussion within the next month.

Sincerely,



Mark Painter, Co-Chair MCCTF

Mark Painter  
[markp@prsdata.com](mailto:markp@prsdata.com)  
cell (303) 618-0173  
fax (720) 863-2169  
[www.prsnetwork.com](http://www.prsnetwork.com)



Marilyn Rissmiller, Co-Chair MCCTF

Senior Director  
Colorado Medical Society  
7351 E. Lowery Blvd  
Denver, CO 80230  
720-858-6328  
[marilyn\\_rissmiller@cms.org](mailto:marilyn_rissmiller@cms.org)