



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

MINUTES OF THE MEETING OF THE MEDICAL SERVICES BOARD

303 East 17th Avenue, 7th Floor Conference Room
Denver, CO

December 11, 2015

1. Call to Order

Brenda LaCombe called the meeting to order at 9:00 a.m.

2. Roll Call

Barbara Prehmus, Federal Rules Officer, called the roll. There were sufficient members for a quorum with ten members participating and one member excused. Mr. Potts participated by telephone conference call.

A. Members Present

Christy Blakely, Patricia Givens, Bregitta Hughes, Jessica Kuhns, Brenda LaCombe, Paul Melinkovich, Amanda Moorer, David Potts, Donna Roberts, and Mike Stahl

B. Members Excused

Mary Trujillo-Young

C. Staff Present

Gretchen Hammer, Deputy Executive Director/Director, Health Programs Office; Justine Pierce, First Assistant Attorney General; Barbara Prehmus, Federal Rules Officer; and Dan Hutchinson, Staff Support

3. Announcements

Ms. LaCombe announced the next Medical Services Board Meeting will be held in the 7th floor conference room at 303 East 17th Avenue in Denver on Friday, January 8, 2016 at 9:00 a.m. Ms. LaCombe also announced that, beginning in February, the Medical Services Board will meet in the 11th floor conference room of this building.



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

Mr. Stahl moved for the approval of the November minutes. The motion was seconded by Dr. Melinkovich. There were no comments and the minutes were approved as submitted, 10:0.

5. Rules

Mr. Stahl made a motion that all emergency rules that are adopted at this meeting include a finding that their immediate adoption is imperatively necessary to comply with State or Federal law or Federal Regulation or for the preservation of public health, safety, or welfare and that compliance with CRS § 24-4-103 would be contrary to the public interest. The motion was seconded by Dr. Melinkovich and approved by a vote of 10:0.

A. EMERGENCY ADOPTION AGENDA

1) Document 01 MSB 1510-09-A

Revision to the Medical Assistance Long-Term Services and Supports Rule Concerning Consumer Directed Attendant Support Services, Section 8.510

Ryhann Lubitz and Bonnie Rouse, Long-Term Services and Supports Benefits Section, presented the proposed rule and explained that it removes the Agency with Choice (AwC) employment model; that new language clarifies the requirement that clients must maintain a relationship with at least two attendants at all times; and adds a requirement that vendor portals include prompts to verify all requirements and forms have been completed before completing a Prior Authorization Request for services.

Board Discussion

Board discussion and questions included: that this rule is presented on an emergency basis to provide protection to clients' allocation; that changes to the federal Fair Labor Standard Act were implemented on November 12, 2015 that require overtime and travel time cost be paid to attendants; that these charges would be out of the control of the client and could drastically reduce their allocation for services; that there are currently 2,716 participants using the AwC model; and that the department has implemented several methods of communication to ensure clients are informed.

Public Testimony

Julie Reiskin, Colorado Cross Disability Coalition

Public testimony included: that this program is very important; that stakeholders helped create the legislation and were very involved in the rule process; that the AwC model was consumer directed; that, to the client, there is no difference in the two different models; that it is likely the AwC will be phased out over time because it is not practical for clients; that the Department deserves credit for trying to give as much choice as possible; that the Participant Directed Programs Policy Collaborative (PDPPC) is a good model for client engagement; that this rule was discussed, voted on, and will help get the word out to clients in the PPDPC; that precautions have been taken to alleviate concerns about liability; that Colorado has only three fiscal agents and all have been thoroughly vetted; that with three agencies doing fiscal management, there is sufficient coverage thought out the state; and that the use of peer trainers and the requirement for a separate training vendor ensures statewide coverage.

Dr. Givens 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, 10:0.

B. FINAL PERMANENT ADOPTION by CONSENT AGENDA

1) Document 02 MSB 15-07-08-C

Revision to the Medical Assistance Health Programs Office Benefits Management Section Rule Concerning Pediatric Personal Care, Section 8.535 (Elizabeth Freudenthal, Health Programs Office Benefits Management Section, and Amanda Forsythe, Health Programs Office Operations Section)

Dr. Melinkovich moved for the final permanent adoption by consent of Document 02. The motion was seconded by Ms. Blakely.

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

C. INITIAL APPROVAL AGENDA

1) Document 03 MSB 15-10-29-A

Revision to the Medical Assistance Home and Community Based Services for Elderly Blind and Disabled Rule Concerning Adult Day, Section 8.491

Cassandra Keller, Long-Term Services and Supports Benefits Section, presented the proposed rule and explained that it adds a requirement for Adult Day Center providers to report a critical incident to a client's case manager within 24 hours; that it includes new requirements for the position of director to Adult Day Centers; that it revises language to reflect current reimbursement methodology; and that it cleans up outdated language and inaccurate legal citations.

Board Discussion

Board discussion and questions included: that the reporting requirements are for incidents during the time the client is in the care of the Adult Day Center; and that this requirement adds clarity to the Adult Day Centers' responsibilities, reducing unintended consequences.

Public Testimony

There was no public testimony on Document 03.

Ms. Roberts moved for the initial approval of Document 03. The motion was seconded by Ms. Blakely.

The Board voted for the initial approval of Document 03, 10:0.

2) Document 04 MSB 15-10-19-A

Revision to the Medical Assistance Health Programs Rule Concerning Rural Health Clinics, Reimbursement, Section 8.740.7

Richard Delaney, Health Programs Office Benefits Management Section, and Amanda Forsythe, Health Programs Office Operations Section, presented the proposed rule and explained that it provides a "carve out" from the per visit encounter rate paid Rule Health Clinics for placement of a Long Acting Reversible Contraceptive (LARC) that more appropriately compensates providers for this service and ensures adequate access for clients.

Ms. Hughes stated that she is currently employed by a Federally Qualified Health Center (FQHC).

Board Discussion

There was no board discussion on Document 04.

Public Testimony

There was no public testimony on Document 04.

Ms. Moorer 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, 10:0.

D. Consent Agenda Motion

Dr. Melinkovich moved to place Documents 03 and 04 on the Final Permanent Adoption by Consent agenda. The motion was seconded by Ms. Moorer and approved, 10:0.

E. Closing Motion

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

6. Open Forum for Public Comments

Diana Milne

7. Department Updates

- Hospital Provider Fee, House Bill 1293 Update - Written
- Legislative Update –Zach Lynkiewicz, Legislative Liaison
- Accountable Care Collaborative Phase II – Kathryn Jantz, Health Programs Office
- Department Updates/Questions – Gretchen Hammer, Medicaid Director, Deputy Executive Director

8. The meeting was adjourned at 10:35 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, January 8, 2016 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.