



## 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

March 9, 2018

#### Call to Order

Ms. Blakely called the meeting to order at 9:02 a.m.

#### Roll Call

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

#### A. Members Present

Christy Blakely, Cecile Fraley, Patricia Givens, Simon Hambidge, Bregitta Hughes, Jessica Kuhns, Amanda Moorer, An Nguyen, Donna Roberts and David Potts.

#### B. Members Excused

Charolette Lippolis

#### C. Staff Present

Tom Massey, Chief Operating Officer, Deputy Executive Director; Jennifer Weaver, First Assistant Attorney General; Chris Sykes, Board Coordinator; and Dan Hutchinson, Staff Support

#### Announcements

Ms. Blakely announced the next Medical Services Board Meeting will be held at 303 East 17<sup>th</sup> Avenue, Denver, CO 80203, in the Eleventh Floor Conference Room on Friday, April 13, 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 as they interfere with the recording equipment.



## **Approval of Minutes**

Dr. Hambidge 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**

Document 05, MSB 18-02-12-D

Revision to the Medical Assistance Rule Concerning Updates to 340B Drug Discount in EAPG and EAPG Rate Maintenance Methodology, Section 8.300.6

Andrew Abalos, Payment Reform and Fee for Service Rates Section, and Kevin Martin presented the rule and explained this is a technical adjustment to the 340B program. Data was unavailable earlier, now data is available.

Board Discussion

Board discussion included retroactive payments to providers, it was determined that the rate is set in rule and cannot be retroactively applied.

Public Testimony

Ryan Westerman, Colorado Hospital Association, thanked the department for the work on the rule.

Mr. Potts moved for the emergency adoption of Document 05. Ms. Roberts seconded the motion.

The Board voted the emergency adoption of Document 05, 10:0.

### **B. Consent Agenda**

Document 01, MSB 17-10-17-A

Revision to the Medical Assistance Rule Concerning In-Home Support Services, Section 8.552

Document 02, MSB 17-10-05-A

Revision to the Medical Assistance Rule Concerning Nursing Facility Post Eligibility Treatment of Income – Incurred Medical Expenses, Section 8.482.33

Ms. Moorer moved for the final approval of Document 01 and 02. Ms. Roberts seconded the motion.

The Board voted for the final adoption of Document 01 and 02, 10:0.

## **C. Initial Approval Agenda**

### Document 03, MSB 18-01-05-A

Revision to the Medical Assistance Rule Concerning the Hospice Benefit, Section 8.550

Russell Zigler, Compliance and Stakeholder Relations Unit, and Alexandra Koloskus, Home Health, Private Duty Nursing, Hospice, Specialty, Chronic, Hospital Unit presented the rule and explained the department has been directed to place Benefit Coverage Standards into rule and not in the appendix.

Board Discussion

Board discussion included confusing text at 8.550.3.A. It was decided that a revision to the current text would be made for final adoption.

Public Testimony

NA

Dr. Nguyen moved for the initial approval of Document 03 with change discussed. Ms. Kuhns seconded the motion.

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

### Document 04, MSB 18-01-16-A

Revision to the Medical Assistance Rule Concerning Citizenship and Identity Documentation Requirements, Section 8.100.3.H

Jennifer VanCleave, Eligibility Policy Section, presented the rule and explained that no change to eligibility requirements were made. The revision is required to align with the federal rule, copies, scans and faxes are now acceptable.

Board Discussion

Board discussion included the robust list of eligible categories in rule and thanks to the department for making the rule customer friendly.

Public Testimony

Allison Neswood, The Colorado Center on Law and Policy, submitted a letter in support of the rule change.

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

The Board voted the initial approval of Document 04, 10:0.

## **D. Consent**

03 (with change discussed) and 04, Christy, Amanda – 10:0

## **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, 10:0.

## **Open Comments**

NA

## **Department Updates**

- Department Update – Tom Massey, Chief Operating Officer, Deputy Executive Director
- Legislative Update – Tom Massey for Zach Lynkiewicz, Legislative Liaison

## **Rule Previews**

### **The meeting was adjourned at 10:21 a.m.**

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, April 13, 2018 at 303 East 17<sup>th</sup> Avenue, 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](mailto:chris.sykes@state.co.us) or the 504/ADA Coordinator [hcpf504ada@state.co.us](mailto:hcpf504ada@state.co.us) at least one week prior to the meeting.