



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

MINUTES OF THE MEETING OF THE MEDICAL SERVICES BOARD

The Capitol Center
303 East 17th Avenue, 7th Floor Conference Room

May 8, 2015

1. Call to Order

Mike Stahl called the meeting to order at 9:00 a.m.

2. Roll Call

The Board Coordinator called the roll. There were sufficient members for a quorum, with ten members participating and one vacant position. Dr. Givens and Dr. Young participated by telephone conference call.

A. Members Present

Christy Blakely, Patricia Givens, Bregitta Hughes, Brenda LaCombe, Paul Melinkovich, Amanda Moorer, Ginny Riley, Donna Roberts, Mike Stahl and Mary Trujillo-Young.

B. Members Excused

None

C. Staff Present

Gretchen Hammer, Deputy Executive Director/Director, Health Programs Office; Jennifer Weaver, First Assistant Attorney General; Judi Carey, MSB Coordinator; and Dan Hutchinson, Staff Support

3. Announcements

Mr. Stahl 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, June 12th 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 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

Ms. Blakely moved for the approval of the May minutes. The motion was seconded by Ms. Roberts. There were no comments and the minutes were approved as submitted, 10:0.

5. Rules

Ms. Blakely 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 Ms. Roberts and approved by a vote of 10:0.

A. EMERGENCY ADOPTION AGENDA

1) Document 01 MSB 15-04-03-A

Revision to the Medical Assistance Special Financing Division Rule Concerning the Hospital Provider Fee Collection and Disbursement, Sections 8.2003 and 8.2004.

Ms. Blakely moved for the emergency adoption of Document 01. The motion was seconded by Ms. Riley. Matt Hayes, Finance Office Provider Fee Financing Unit, presented the proposed rule and explained it updates the hospital provider fee and payment calculations based on recommendations from the Oversight and Advisory Board in order to correct prior calculations errors.

Board Discussion

Board discussion and questions included: that this rule is being presented on an emergency basis to ensure that the Department is in compliance with state statute and the State Plan Amendment so that health care coverage for the Medicaid and CHP+ expansions are sufficiently funded by the fees and access to discounted health care services is available for CICIP clients.

Public Testimony

There was no public testimony on Document 01.

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

B. FINAL PERMANENT ADOPTION by CONSENT AGENDA

- 1) Document 02 MSB 15-02-23-A

Revision to the Medical Assistance Eligibility Rules Concerning Section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), sections 8.100.1 and 8.100.4.G.2

- 2) Document 03 MSB 15-02-23-B

Revision to the Child Health Plan *Plus* Rule Concerning Section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Section 110

- 3) Document 04 MSB 14-11-19-D

Revision to the Medical Assistance Health Programs Office Benefits and Operations Division Rule Concerning Women's Health Services, Section 8.731

- 4) Document 05 MSB 14-09-16-B

Revision to the Medical Assistance Health Programs Benefits and Operations Division Rule Concerning Family Planning Services Section 8.730.4 and 8.770 Abortion Services

- 5) Document 06 MSB 15-01-26-A

Revision to the Medical Assistance Home and Community Based Services for Elderly, Blind and Disabled Rule Concerning Respite Care, Section 8.492

- 6) Document 07 MSB 15-02-18-C

Revision to the Medical Assistance Health Information Office Rule Concerning Enrollment Procedures, Section 8.013.1

Ms. LaCombe moved for the final permanent adoption by consent of Documents 02, 03, 04, 05, 06 and 07. The motion was seconded by Ms. Blakely.

The Board voted for the final permanent adoption by consent of Documents 02, 03, 04, 05, 06 and 07, 10:0.

C. FINAL PERMANENT ADOPTION AGENDA

- 1) Document 08 MSB 15-02-18-B

Revision to the Medical Assistance Health Information Office Rule Concerning Provider Screening Regulations, Section 8.125

Ms. Riley moved for the final permanent adoption of Document 08. The motion was seconded by Ms. Roberts. Nathan Culkin, Health Information Provider Payment Division and Kyle Brown, Governor's Office, presented the proposed rule and explained that it implements the Affordable Care Act provider screening requirement to lessen the incidences of fraud, waste, and abuse.

Board Discussion

Board discussion and questions included: that the Department has reached out to providers via the web site, provider bulletins, attending provider organizations, etc. to help educate providers on this requirement; and that the Department has been proactive in its outreach and will continue to do so.

Public Testimony

There was no public testimony on Document 08.

The board voted for the final permanent adoption of Document 08, 10:0 .

2) Document 09 MSB 14-10-15-B

Revision to the Medical Assistance Health Programs Benefits Management Rule Concerning Family Planning, Section 8.730

Ms. Blakely moved for the final permanent adoption of Document 09. The motion was seconded by Ms. Hughes. Melanie Reece, Health Programs Benefits Management Section, and Frank Herbst, Health Programs Operations Section, presented the proposed rule and explained that it removes individual rule sections that have been moved, and also reformats and cleans up the text. One minor change was made after the initial presentation, based on stakeholder feedback, to clarify language.

Board Discussion

Board discussion and questions included: that the definition for medical necessity in this rule has been developed by the Program Integrity Section in the Department; and that if the client is a pregnant woman under 21 years of age, the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) definition applies.

Public Testimony

There was no public testimony on Document 09.

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

D. INITIAL APPROVAL AGENDA

1) Document 10 MSB 15-02-26-A

Revision to the Medical Assistance Health Programs Benefits and Operations Rule Concerning Creation of Maternity Services, Section 8.732

Ms. Moorer moved for the initial approval of Document 10. The motion was seconded by Ms. Blakely. Melanie Reece, Health Programs Benefits Management Section, and Frank Herbst, Health Programs Operations Section, presented the proposed rule and explained that it defines the amount, scope and duration of a new maternity service benefit that was created in the Department's Benefits Collaborative process.

Board Discussion

Board discussion and questions included: that the wording, "in accordance with generally accepted prenatal care practice guidelines" refers to guidelines of specific practitioner societies for normal prenatal services; that this typically means guidelines set forth by the American Congress of Obstetricians and Gynecologists (ACOG) but is not specifically defined in the rule; that, in order to eliminate controversy, the Department would consider specifically defining this in the rule; that there is concern that parenting classes are a non-covered service in this rule; that the Department staff did not receive specific stakeholder feedback and was not aware of other states that cover parenting classes; that typically the mother is only covered for about 60 days after delivery; that parenting classes are not covered under EPSDT; that Department staff will investigate whether lactation services are available in some other part of the rule and report back; and that breast pumps are a requirement of the Affordable Care Act.

Public Testimony

There was no public testimony on Document 10.

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

E. Consent Agenda Motion

There were no documents placed on the consent agenda.

F. Closing Motion

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

6. Open Comments

No one signed up for public comment in the open forum.

7. Department Updates

- Budget and Legislative Update – Josh Block, Budget Division, and Zach Lynkiewicz, Legislative Liaison
- Customer Contact Center Overview – Christine Comer, Policy, Communications and Administration Client Services Division

- Project ECHO (Extension for Community Healthcare Outcomes)/E-Consult Presentation – Elizabeth Baskett, Health Programs Program Innovation Section
- Department Updates/Questions – Gretchen Hammer, Deputy Executive Director, Health Programs Office Director

8. The meeting was adjourned at 11:00 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, June 12, 2015 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.