



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

September 09, 2016

Call to Order

Ms. Blakely called the meeting to order at 9:00 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, Bregitta Hughes, Jessica Kuhns, Charolette Lippolis, An Nguyen, David Potts, Donna Roberts and Mike Stahl.

Amanda Moorer and Patricia Givens were present over the telephone.

B. Members Excused

Paul Melinkovich

C. Staff Present

Tom Massey, Deputy Executive Director/Director, Policy, Communications & Administration; 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 in the 11th floor conference room at 303 East 17th Avenue in Denver on Friday, October 14th 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 turn cell



phones off while in the meeting room as they interfere with the recording equipment.

Approval of Minutes

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

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 Mr. Potts and approved by a vote of 10:0.

A. Emergency Adoption AGENDA

- 1) Document 01, MSB 16-07-18-A

Revision to the Special Financing Division Colorado Indigent Care Program Rule Concerning Halfway House Residents, Section 8.904F

Cindi Arcuri, Special Financing Division, presented the proposed rule and explained the Safety Net program and how it works. Requesting to revise rule to allow CICP for Residents of halfway houses to align with new CMS policy.

Board Discussion

Board discussion and questions included:

A discussion regarding freedom of movement and how individuals wearing monitoring devices and a facility in Colorado Springs fit into the definition was held. Information will be provided by the Department to answer these questions.

Public Testimony

There was no public testimony on Document 01.

Ms. Roberts moved for the emergency adoption of Document 01. The motion was seconded by Ms. Kuhns. The Board voted for the emergency approval of Document 01, 10:0.

2) Document 02, MSB 16-01-20-A

Revision to the Special Financing Division Colorado Indigent Care Program Rule Concerning Establishing Lawful Presence, Section 8.904.C

Cindi Arcuri, Special Financing Division, presented the proposed rule and explained that Department of Revenue has updated lawful presence and now follows federal guidance for valid verification. Incorporation by reference will be made in the rule.

Board Discussion

Board discussion and questions included:

A clarification of incorporation by reference was needed and provided.

Public Testimony

There was no public testimony on Document 02.

Ms. Nguyen moved for the emergency adoption of Document 02. The motion was seconded by Ms. Roberts. The Board voted for the emergency approval of Document 02, 10:0.

B. Final Permanent Adoption by Consent Agenda

1) Document 03, MSB 16-06-28-B

Revision to the Medical Assistance Program Rule Concerning Outpatient Fee-For-Service Substance Use Disorder Treatment Services, Section 8.746

Amanda Forsythe, Health Programs Operations Section, presented the proposed rule and explained that

2) Document 04, MSB 16-04-28-A

Revision to the Medical Assistance Nursing Facility Rule Concerning Fair Rental Allowance for Capital-Related Assets, Section 8.443.9

Bryan Fife, Supportive Living Options Section, presented the proposed rule and explained that

Mr. Stahl moved for the final permanent adoption by consent of Documents 03 and 04. The motion was seconded by Ms. Roberts.



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

C. Final Permanent Adoption Agenda

1) Document 05, MSB 16-07-14-A

Revision to the Medical Assistance Home and Community Based Services for Elderly Blind and Disabled Rule Concerning Non-Medical Transportation, Section 8.494

Cassandra Keller, HCBS Benefits Section, presented the proposed rule and explained that counseling sessions are included in NMT and should be reinserted with clarification.

Board Discussion

None

Public Testimony

There was no public testimony on Document 05.

Mr. Potts moved for the final permanent adoption of Document 05. The motion was seconded by Ms. Roberts.

The Board voted for the final permanent adoption of Documents 05, 10:0.

2) Document 06, MSB 16-05-31-A

Revision to the Medical Assistance Pharmacy Rule Concerning Medicaid Option for Prescribed Drugs by Mail, Section 8.800

January Montano, Pharmacy Policy Specialist, presented the proposed rule and explained that there are no changes from the initial hearing. A document was given to the Board members and any questions were addressed.

Board Discussion

Board discussion and questions included:

A discussion regarding the timeline, how individuals and providers can access the list of maintenance medications and physical hardship in the definitions was held. The timeline is set upon the Board's approval of the rule and the list can be accessed by the call center for members. A review of the provider portal and definitions is required.

Public Testimony

There was no public testimony on Document 06.

Dr. Lippolis moved for the final permanent adoption of Document 06. The motion was seconded by Ms. Roberts.

The Board voted for the final permanent adoption of Document 06, 10:0.

3) Document 07, MSB 16-06-20-A

Revision to the Medical Assistance Rates Section Rule Concerning the Adding Definitions of Hospital Services, Section 8.300.1; and Payments for Outpatient Hospital Services, Section 8.300.6

Andrew Abalos, Payment Reform Section, presented the proposed rule and explained that the statewide base rate was split into peer groups consisting of rural, urban, and pediatrics. The Medical Necessity definition was also updated from the initial hearing to reflect the newly adopted definition by the Board.

Board Discussion

None

Public Testimony

There was no public testimony on Document 07.

Mr. Stahl moved for the final permanent adoption of Documents 07. The motion was seconded by Ms. Roberts.

The Board voted for the final permanent adoption of Documents 07, 10:0.

D. Initial Agenda

Dr. Givens left the meeting at 10:15

1) DOCUMENT 08, MSB 16-05-19-A

Revision to the Medical Assistance Special Financing Rule Concerning Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960

Chandra Vital, Special Financing Division, and Nancy Dolson, Special Financing Division, presented the proposed rule and explained the Low Income Senior Dental Program and the proposed revisions to the rule. Rule language changes were reviewed and the stakeholder engagement process

was explained. The Dental Advisory Committee will meet September 13th and more feedback will be provided.

Board Discussion

Board discussion and questions included:

The discussion held was on adding definitions to the rule, the different denture available under the program and their failure rates. The consent form was also discussed and the benefit of having a dentist, the individual providing care, required to also sign. Additional outreach is needed and will continue.

Public Testimony

Eileen Doherty, director of the Colorado Gerontological Society. Funding is limited, a client is eligible for one denture procedure per 5 years. A provider does not know if the client has received a benefit and is not eligible. Waivers are important, perhaps exceptions. Include risk based language to exceptions. Also, restorative codes regarding composites should be referenced to ADA CDT coding. Periodontal codes need scaling. New procedures for removal of tori are also needed.

Dr. Bloom – Resin based v cast based, cast not for immediate. In 5 years the resin breaks – realignment warrants a 3 year cap, not 5 year. For Periodontal services, the bone is important and language is ambiguous. Additional work on the definitions is required, need to be tighter.

Jennifer Goodrum – Colorado Dental Association. Changes are patient driven and dentists are in support. Medicare lacks dental benefit and is very limited. There is a tele-health potential and is in use in some areas.

Administrative funds are lacking and verifying if the benefit used by clients is hard to track.

Mr. Potts moved for the initial approval of Document 08. The motion was seconded by Ms. Roberts.

The Board voted for the initial approval of Document 08, 9:0.

2) Document 09, MSB 16-06-21-A

Revision to the Medical Assistance Rates Section Rule Concerning Definitions, Section 8.500.1 Provider Reimbursement and Section 8.500.14

Randie DeHerrera, Payment Reform Section, presented the proposed rule and explained that the rule concerns regional centers. CMS requires regional centers be paid differently, paid actual costs for services.

Board Discussion

Board discussion and questions included:

A discussion regarding what the structure of actual costs looks like was held and cost shifting on the aggregate was discussed and how that can no longer occur.

Public Testimony

There was no public testimony on Document 09.

Ms. Roberts moved for the initial approval of Document 09. The motion was seconded by Ms. Hughes.

The Board voted for the initial approval of Document 09, 9:0.

3) Document 10, MSB 16-08-19-A

Revision to the Medical Assistance Rule Concerning Home and Community Based Services for Persons with Spinal Cord Injury, Section 8.517

Samantha Saxe, HCBS Benefits Section, presented the proposed rule and explained that revision to provider quals. Pilot expired in 2015, some quals changed for providers – svcs provided. Now CMS eliminated the waiver list and relaxed provider quals. Changes to allow greater participation by providers.

Board Discussion

Board discussion and questions included:

Mike – geo limited pilot, look to expand statewide? Current waiver ltd to 5 counties. Encourage open region.

Charlie – change under 1 roof is good change, reasonable reqs changes – providers in support of changes.

Public Testimony

There was no public testimony on Document 10.

Dr. Lippolis moved for the initial approval of Document 10. The motion was seconded by Ms. Hughes.

The Board voted for the initial approval of Document 10, 9:0.

E. Consent Agenda Motion

Mr. Stahl moved to place Documents 09 and 10 on the Final Permanent Adoption by Consent agenda. The motion was seconded by Mr. Potts and approved, 9:0.

F. Closing Motion

Ms. Hughes 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

Mark Simon provided comments with Caitlin Brady.

Department Updates

- Department Updates/Questions – Tom Massey, Chief Operating Officer, Deputy Executive Director
- Medicaid Learning Community– James Davis, Workforce Development Section

Dr. Nguyen left the meeting at 11:40

Election of Officers

Ms. Blakely was elected to President and Ms. Moorer was elected to Vice President.

The meeting was adjourned at 12:14 p.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, October 14, 2016 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.