



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

June 11, 2015

1. Call to Order

Brenda LaCombe called the meeting to order at 9:10 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. Ms. Blakely and Mr. Stahl 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

Susan E. Birch, MBA, BSN, RN, Executive Director; Jennifer Weaver, First Assistant Attorney General; Judi Carey, MSB Coordinator; and Dan Hutchinson, Staff Support

3. Announcements

Mr. Stahl participated in the meeting by telephone conference call. The bylaws allow for the vice-president to conduct the meeting when the president is not in attendance.



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, July 10th 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

Dr. Melinkovich moved for the approval of the May minutes. The motion was seconded by Ms. Riley. There were no comments and the minutes were approved as submitted. 9:0.

5. Rules

Dr. Melinkovich 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 9:0.

A. EMERGENCY ADOPTION AGENDA

1) Document 01 MSB 15-02-19-A

Revision to the Medical Assistance Long-Term Services and Supports Benefit Division Rule Concerning Home and Community Based Services for Persons with Spinal Cord Injury, Section 8.517.

Ms. Riley moved for the emergency adoption of Document 01. The motion was seconded by Ms. Roberts. Candace Bailey and Samantha Saxe, Community Living Home and Community Based Services Benefits Unit, presented the proposed rule and explained the reasoning for the emergency status of the rule: that it will expand the provider network to give clients better access, updates rule text to align with the waiver renewal and legislation, and provides increased access to services.

Board Discussion

Board discussion and questions included: that the program is still only available to clients in the Denver metro area; that the regional restriction is included in the new legislation; and that the statute can be changed sooner than five years.

Public Testimony

Sarah Hoerle, Chanda Plan Foundation

Public testimony included that they fully support this rule and program.

The Board voted for the emergency adoption of Document 01, 9:0.

2) Document 02 MSB 15-04-23-A

Revision to the Medical Assistance Pharmacy Rule Concerning Durable Medical Equipment and Disposable Medical Supplies Provider Rate Increase, Section 8.590.7.I

Ms. Roberts moved for the emergency adoption of Document 02. The motion was seconded by Ms. Hughes. Carrie Smith, Client and Clinical Care Office Pharmacy Unit, presented the proposed rule and explained it increases rates for manually priced durable medical equipment by .5% to comply with SB 15-234.

Dr. Young arrived during the presentation of the rule.

Board Discussion

Board discussion and questions included: that a separate increase has been passed that specifically addresses tablets; that the increase is currently in process to be entered in the system; and that all other codes can be found in the billing manual and fee schedule.

Public Testimony

There was no public testimony on Document 02.

The Board voted for the emergency adoption of Document 02, 10:0.

3) Document 03 MSB 15-05-04-A

Revision to the Medical Assistance Rates Section Rule Concerning Payments for Outpatient Hospital Services, Section 8.300.6

Dr. Melinkovich moved for the emergency adoption of Document 03. The motion was seconded by Ms. Riley. Kevin Martin and Andrew Abalos, Finance Office Payment Reform Section, presented the proposed rule and explained that the rule is being presented on an emergency basis in order to comply with SB 15-234 and that it increases, by .5%, the reimbursement rates for outpatient hospital services.

Dr. Givens stated that she is employed by an organization that provides outpatient hospital services.

Board Discussion

Board discussion and questions included: that the past years' information is in the rule for the historical record; that it is intended to account for claims

in those years; that the department is continuously reconciling past claims; that there is no reference to an actual percent in the Long Bill so it is written into rule; that department staff calculate a rate every year to include in the rule; that staff will review the possibility of taking the actual number out of rule so that they don't have to change it every year; and that, because of the oversight of the Centers for Medicare and Medicaid Services, it may need to remain as-is for transparency.

Public Testimony

There was no public testimony on Document 03.

The Board voted for the emergency adoption of Document 03, 10:0.

B. FINAL PERMANENT ADOPTION AGENDA

1) Document 04 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. Moorer moved for the final permanent adoption of Document 04. The motion was seconded by Dr. Givens. Matt Haynes, Finance Office Provider Fee Financing Unit, presented the proposed rule and explained that it updates the hospital provider fee and payment calculations to align with the recommendations of the Oversight and Advisory Board.

Board Discussion

Board discussion and questions included that there were no changes to the rule from the version presented in May.

Public Testimony

There was not public testimony on Document 04.

The board voted for the final permanent adoption of Document 04, 10:0.

2) Document 05 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. Riley moved for the final permanent adoption of Document 05. The motion was seconded by Ms. Roberts. Richard Delaney, Health Programs Benefits Management Section, and Amanda Forsythe, Health Programs Operations Section, presented the proposed rule and explained that it defines the amount, scope, and duration of the benefit and that there was one change in the wording to address stakeholder concerns.

Board Discussion

Board discussion and questions included that members appreciated the responses provided by department staff regarding opportunities for new moms to have parenting classes.

Public Testimony

There was no public testimony on Document 05.

The board voted for the final permanent adoption of Document 05, 10:0.

C. TABLED RULE FOR FINAL PERMANENT ADOPTION AGENDA

1) Document 06 MSB 14-09-09-A

Revision to the Medical Assistance Community Living Rule Concerning Colorado Choice Transitions (CCT), a Money Follows the Person Demonstration, Section 8.555

Ms. Roberts made a motion to remove Document 06 from the table for consideration for final permanent adoption. The motion was seconded by Ms. Moorer. Tim Cortez and Sam Murillo, Long-Term Services and Supports Division, presented the proposed rule and explained that it updates language to align with current processes and procedures, removes two services that have low utilization, and defined the changes made based on stakeholder engagement.

Board Discussion

Board discussion and questions included appreciation from members for the work that department staff have done with stakeholders:

Public Testimony

Lynne Parker Crooks, Guardian

Kelsey Meredith, Disability Law Colorado

Jeanne Weis, The Arc – JCCC

Dawn Russell, ADAPT

Veronica Roberts, Guardian

Linda Henry, Guardian

Mary Young, Guardian

Josh Winkler

Public testimony included: that there is concern that this would come between the client and guardian; that disputes in court will be a tremendous hardship for guardians; that the new language is an improvement; that providing guardians veto power violates laws and court cases; that it is a

violation of civil rights; that there have been cases where guardians could not be located; that in this case, the client has no options and is in a state of limbo; that a simple solution would be to allow the planning to proceed while waiting for guardian approval; that currently, during an appeal or dispute process, critical services are received; that there is support for the CCT program; that over 55 people have been transitioned from facilities to less restrictive locations; that there should be a transition process and a guardian can't just veto the request; that it is essential the planning process continue; that federal requirements are that a consent form must be signed before the process can begin; that the client's next step would be in probate court; that the fact that the process will not proceed with the current language is favorable; that legal guardians are appointed because of the deficiencies of the client; that the language, as it is currently written, honors both the client and the guardian; that the issues being discussed should be addressed in probate court; that the board counsel reiterated that guardians are appointed for a reason and that disputes between guardians and clients should be addressed in court; that CMS regulations don't allow for a two-step process for planning and transitioning; that it was not a good idea to complicate this rule by trying to figure out all the nuances; and that, in the next three years, determinations need to be made to address how to insert client protections and address the issues that are not in the best interest of clients.

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

D. Closing Motion

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

6. Open Comments

Josh Winkler

7. Department Updates

- Regulatory Efficiency Rule Review Update – Marivel Guadarrama, Health Information Eligibility Policy Section
- Health First Colorado Medicaid Rebrand Initiative Presentation – Debbie Fimple, Policy, Communications and Administration Office
- Department Updates/Questions – Susan E. Birch, MBA, BSN, RN, Executive Director

8. The meeting was adjourned at 11:30 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, July 10, 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.